

## Letter/Attachment for GTCC EIS Scoping Comment #112

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP 19 2007

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Mr. James L. Joyce  
Document Manager  
Office of Regulatory Compliance (EM-10)  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585-0119

Dear Mr. Joyce:

In accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act, the Environmental Protection Agency (EPA) has reviewed the Department of Energy's Notice of Intent (NOI) for the Disposal of Greater-Than-Class C Low-Level Radioactive Waste (GTCC LLW).

GTCC waste is commercial LLW generated from activities conducted by Nuclear Regulatory Commission licensees and stored at the site where it is generated. The Low-Level Radioactive Waste Policy Act assigned the responsibility for the disposal of GTCC LLW to the Federal Government; the Energy Policy Act of 2005 further assigned this responsibility to the Department of Energy (DOE). GTCC LLW is grouped into three general waste types: 1) activated metals, which come from the maintenance and decommissioning of nuclear power plants; 2) radioactive sealed sources that are no longer used, including those used for irradiation of food and medical purposes; and 3) miscellaneous waste, such as contaminated equipment from industrial research and development. In addition to the GTCC LLW, DOE proposes to evaluate certain LLW and transuranic waste that is generated by DOE activities.

DOE proposes to evaluate a range of disposal methods and locations that include: 1) geologic disposal at the Waste Isolation Pilot Plant; 2) geologic disposal at the proposed Yucca Mountain Repository; 3) enhanced near-surface disposal at the Hanford Site-Washington, Idaho National Laboratory, Los Alamos National Laboratory-New Mexico, Nevada Test Site, Oak Ridge Reservation-Tennessee, Savannah River Site-South Carolina, Waste Isolation Pilot Plant vicinity-New Mexico, or a generic commercial location should such a facility be identified in the future; and 4) intermediate depth borehole disposal at the same locations identified in alternative 3. These alternatives will be considered both individually and in combination.

The NOI identifies a preliminary list of issues and environmental resources to be addressed which include, but are not limited to: endangered species, transportation, accidents, water, air, and cultural resources. In general, EPA agrees that the list of issues is appropriate for the proposed action. However, with regard to water quality, we recommend that the EIS discuss how water quality standards will be met for the life of the project. This is a particular concern in areas that have a shallow ground water table such as the Savannah River Site. Additionally, where appropriate, the EIS should evaluate the geologic conditions of the project area(s) and how they will be impacted by the project.

In addition, the EIS should quantify the projected volume of "mixed waste" that will be regulated under the Resource Conservation and Recovery Act (RCRA). Towards this end, we recommend that the EIS clearly document the process by which DOE will work with both EPA and the respective state entities to meet RCRA permitting requirements.

Finally, while the NOI indicates that EPA has agreed to participate as a cooperating agency in the preparation of the EIS, it would be beneficial for the EIS to clearly identify all federal and non-federal cooperating agencies. This discussion should include any jurisdictional authorities by law and/or special expertise.

We appreciate the opportunity to review the NOI. The staff contact for the review is Marthea Rountree and she can be reached at (202) 564-7141.

Sincerely,



Anne Norton Miller  
Director  
Office of Federal Activities

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