# SECTION 1
# OVERVIEW OF THE PUBLIC COMMENT PROCESS

# 1.0 OVERVIEW OF THE PUBLIC COMMENT PROCESS

This section of this Comment Response Document (CRD) describes the public comment process for the *Draft Surplus Plutonium Disposition Supplemental Environmental Impact Statement (Draft SPD Supplemental EIS)*, as well as the procedures used to respond to those comments. Section 1.1 describes the public comment process and the means through which comments on the *Draft SPD Supplemental EIS* were received. It also identifies the comment period and the locations and dates of the public hearings on the *Draft SPD Supplemental EIS*. Section 1.2 addresses the public hearing format. Section 1.3 describes the organization of this document, including how the comments were categorized, addressed, and documented. Section 1.4 summarizes the changes made to the supplemental environmental impact statement (SEIS) that resulted from the public comment process. Section 1.5 summarizes the next steps the U.S. Department of Energy (DOE) will take after publication of this *Final Surplus Plutonium Disposition Supplemental Environmental Impact Statement (Final SPD Supplemental EIS)*.

*Comment Document* – A communication in the form of a transcript from a public hearing, a letter, an electronic communication (email, fax), or a transcription of a recorded phone message that contains comments from a sovereign nation, government agency, organization, or member of the public regarding the *Draft SPD Supplemental EIS*.

*Comment* – A statement or question regarding the draft SEIS content that conveys approval or disapproval of proposed actions, recommends changes, or seeks additional information.

## 1.1 Public Comment Process

DOE prepared the *Draft SPD Supplemental EIS* in accordance with the National Environmental Policy Act of 1969 (NEPA) and Council on Environmental Quality (CEQ) and DOE NEPA regulations (Title 40 of the *Code of Federal Regulations* [CFR] Parts 1500 – 1508 and 10 CFR Part 1021, respectively). An important part of the NEPA process is solicitation of public comments on a draft environmental impact statement (EIS) and consideration of those comments in preparing a final EIS. DOE distributed copies of the *Draft SPD Supplemental EIS* to those Federal agencies, state and local governmental entities, American Indian tribal governments, and members of the public most likely to be interested in or affected by the EIS alternatives, as well as those organizations and individuals who requested a copy. Copies also were made available on the Internet and in regional DOE public document reading rooms and public libraries.

On July 27, 2012, the U.S. Environmental Protection Agency (EPA) and DOE published notices in the *Federal Register* (FR), announcing the availability of the *Draft SPD Supplemental EIS* (77 FR 44234 and 77 FR 44222, respectively). A 60-day comment period, from July 27 to September 25, 2012, was announced to provide time for interested parties to review and comment on the *Draft SPD Supplemental EIS*. In response to public requests, DOE extended the public comment period by 15 days, through October 10, 2012, and held an additional public hearing (77 FR 54908). During the public comment period, DOE held seven public hearings to provide interested members of the public with opportunities to learn more about the content of the *Draft SPD Supplemental EIS* from exhibits, factsheets, and other materials; to hear DOE representatives present the results of the *Draft SPD Supplemental EIS* analyses; to ask questions; and to provide oral or written comments. Tennessee Valley Authority (TVA) representatives attended the public hearings in Chattanooga, Tennessee, and Tanner, Alabama. The dates and locations of the public hearings are listed below.

**Table 1–1** lists the location of each hearing, as well as the numbers of attendees and commentors. The attendance estimates are based on the number of registration forms completed and returned, as well as a rough "head count" of the audience.

**Table 1–1 Public Hearing Locations, Attendance, and Numbers of Commentors**

| *Location* | *Date* | *Attendance* | *Number of Oral Commentors* |
|---|---|---|---|
| Los Alamos, New Mexico | August 21, 2012 | 34 | 6 |
| Santa Fe, New Mexico | August 23, 2012 | 56 | 32 |
| Carlsbad, New Mexico | August 28, 2012 | 41 | 21 |
| North Augusta, South Carolina | September 4, 2012 | 47 | 21 |
| Chattanooga, Tennessee | September 11, 2012 | 57 | 24 |
| Tanner, Alabama | September 13, 2012 | 43 | 20 |
| Española, New Mexico | September 18, 2012 | 22 | 18 |
| Total | | 300 | 142 |

In addition, Federal agencies, state and local governmental entities, American Indian tribal governments, and members of the public were encouraged to submit comments via the U.S. mail, email, a toll-free telephone number, and a toll-free fax line. **Table 1–2** lists the number of comment documents received by each method of submission.

**Table 1–2 Numbers of Comment Documents Received by Method of Submission**

| *Method of Submission* | *Number of Comment Documents* |
|---|---|
| Toll-free telephone number | 0 |
| Email (including 109 submittals from campaigns) | 211 |
| Toll-free fax line | 1 |
| U.S. mail | 38 |
| Petition 1 (signed by 75 individuals) and Petition 2 (signed by 230 individuals) | 2 |
| Public hearings (oral and written) | 180 |
| Total | 432 |

Upon receipt, all written comment documents were assigned a document number for tracking during the comment response process. The transcript from each public hearing also was assigned a document number. All comment documents were then processed through the comment analysis and response sequence for inclusion in this document, and the originally submitted documentation was maintained. The text of each comment document was analyzed to identify individual comments, which were numbered sequentially. DOE considered all comments received through October 10, 2012, as well as comments received after October 10, 2012, in preparing this *Final SPD Supplemental EIS*. Comments that DOE determined to be outside the scope of the *SPD Supplemental EIS* are acknowledged as such in this CRD. The remaining comments were then reviewed and responded to by policy experts, subject matter experts, and NEPA specialists, as appropriate. This CRD presents the comment letters, including the campaign letters,[1] as well as the public hearing transcripts and DOE's responses to the comments. **Figure 1–1** illustrates the process used for collecting, tracking, and responding to the comments.

The comments and DOE responses were compiled in a side-by-side format, with each identified comment receiving a separate response. All comments and responses are numbered with a comment identification number to facilitate matching a comment with its response.

[1] *A letter was considered to be part of a campaign if a significant number of letters were received with the same text in the body of the letter.*

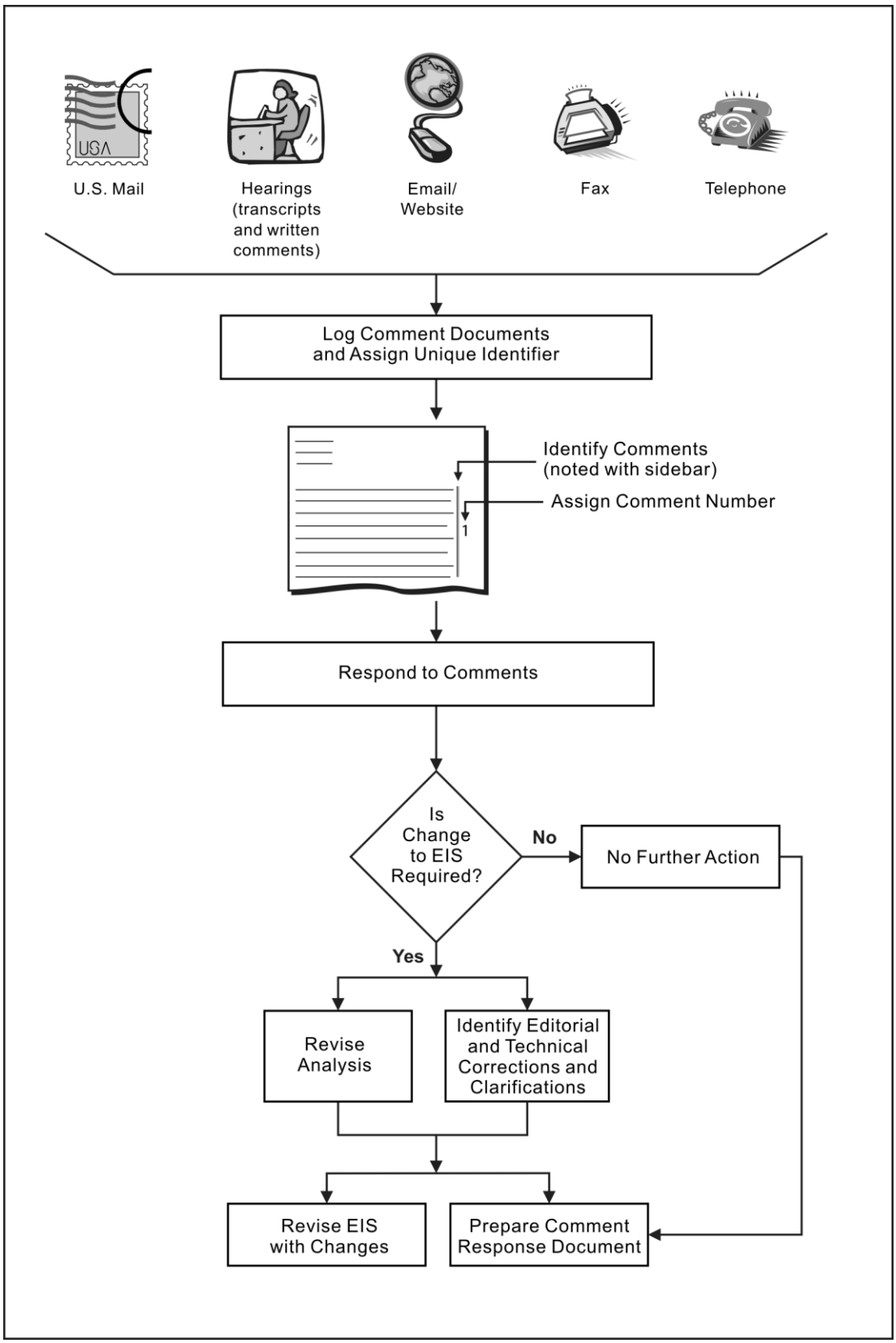


**Figure 1–1** ***Surplus Plutonium Disposition Supplemental Environmental Impact Statement*** **Comment Response Process**

Integration of the comment response process into preparation of this *Final SPD Supplemental EIS* served to focus revision efforts and ensure consistency throughout the final document. The comments assisted in determining whether the alternatives and analyses presented in the *Draft SPD Supplemental EIS* should be modified or augmented; whether information presented in the *Draft SPD Supplemental EIS* needed to be corrected or updated; and whether additional clarification was necessary to facilitate better understanding of certain issues. Change bars are presented alongside the text in Volumes 1 and 2 of this *Final SPD Supplemental EIS* to indicate where substantive changes were made and where text was added or deleted. Editorial changes are not marked.

## 1.2 Public Hearing Format

The public hearings were organized to encourage public comments on the *Draft SPD Supplemental EIS* and to provide members of the public with information about the NEPA process and the proposed actions. A court reporter was present at each hearing to record and prepare a transcript of the comments spoken publicly at the hearing. These transcripts are included in Section 3 of this CRD. Written comments were also collected at the hearings. Comment forms were available at the hearings for anyone wishing to use them.

At each of the public hearings, there were poster displays staffed by DOE subject matter experts. Members of the public were invited to view the displays and ask questions of the subject matter experts either before or after the formal hearings were conducted. The displays addressed the NEPA process and the facilities and alternatives included in the *Draft SPD Supplemental EIS*. TVA representatives attended the public hearings in Chattanooga, Tennessee, and Tanner, Alabama.

Management representatives from DOE opened the hearings with welcoming remarks. The DOE Document Manager then provided an overview of the *Draft SPD Supplemental EIS* and the NEPA process. Following the overview presentation, a meeting facilitator opened the public comment session. To ensure that everyone interested in speaking had the opportunity, a time limit was established based on the number of people who had indicated a desire to speak. As part of the comment response process, the transcripts and written comments collected at the hearings were reviewed for comments on the *Draft SPD Supplemental EIS*, as described in Section 1.1 of this CRD.

## 1.3 Organization of this Comment Response Document

This CRD is organized into the following sections:

- Section 1 describes the public comment process for the *Draft Supplemental EIS*; the format used in the public hearings on the *Draft SPD Supplemental EIS*; the organization of this document and how to use this document; and the changes made by DOE to this *Final SPD Supplemental EIS* in response to the public comments.

- Section 2 presents topics of interest from the public comments received on the *Draft SPD Supplemental EIS* that required a detailed response or appeared frequently in the comments, as well as DOE's response to each topic of interest.

- Section 3 presents transcripts of the oral comments and scanned copies of the comment documents received during the seven public hearings, as well as additional comments received via U.S. mail, email, toll-free telephone number, and toll-free fax line, side-by-side with DOE's comment-specific responses.

- Section 4 lists the references cited in this volume.

## 1.4 Changes from the *Draft Surplus Plutonium Disposition Supplemental Environmental Impact Statement*

In preparing this *Final SPD Supplemental EIS*, DOE made revisions to the *Draft SPD Supplemental EIS* in response to comments received from other Federal agencies, state and local government entities, American Indian tribes, and the public. DOE also changed this *Final SPD Supplemental EIS* to provide more environmental baseline information, including additional analyses, as well as to correct inaccuracies, make editorial corrections, and clarify text. In addition, DOE updated information due to events or notifications made in other documents since the *Draft SPD Supplemental EIS* was provided for public comment in July 2012. Vertical change bars appear alongside such changes in Volumes 1 and 2 of this *Final SPD Supplemental EIS*. Editorial changes are not marked. The following summarizes the more important changes made to the *Final SPD Supplemental EIS*.

### Public Comment Period and Comments Received on the *Draft Surplus Plutonium Disposition Supplemental Environmental Impact Statement*

A new Section 1.6.2 was added to Chapter 1, and a new Section S.5.2 was added to the Summary, to describe the public comment period on the *Draft SPD Supplemental EIS*. As described in Section 1.1 of this CRD, the CRD presents the comment letters, including the campaign letters, as well as public hearing transcripts and DOE's responses to the comments.

### Changes Made for this *Final Surplus Plutonium Disposition Supplemental Environmental Impact Statement*

A new Section 1.8 was added to Chapter 1, and a new Section S.6 was added to the Summary to list the changes made to the *Draft SPD Supplemental EIS* in preparing this *Final SPD Supplemental EIS*.

### WIPP Alternative

In the *Draft SPD Supplemental EIS*, the Waste Isolation Pilot Plant (WIPP) Alternative evaluated disposition of 6 metric tons (6.6 tons) of surplus non-pit plutonium as contact-handled transuranic (CH-TRU) waste at WIPP and disposition of 7.1 metric tons (7.8 tons) of surplus pit plutonium as mixed oxide (MOX) fuel. Based on public comments on the *Draft SPD Supplemental EIS*, updated estimates of unsubscribed CH-TRU waste capacity at WIPP (DOE 2012c), and the availability of a higher capacity disposal container (i.e., criticality control overpack [CCO]), the WIPP Alternative was revised to include analysis of the potential disposal of all 13.1 metric tons (14.4 tons) of surplus pit and non-pit plutonium as CH-TRU waste at WIPP. All of this surplus plutonium could be prepared at H-Canyon/HB-Line and the K-Area Complex at the Savannah River Site (SRS) for potential disposal at WIPP or 7.1 metric tons (7.8 tons) of pit plutonium could be prepared at the Los Alamos National Laboratory (LANL) for potential disposal at WIPP should higher levels of pit disassembly and conversion take place at LANL as proposed under the Plutonium Facility (PF-4) and Mixed Oxide Fuel Fabrication Facility (MFFF); and PF-4, H-Canyon/HB-Line, and MFFF pit disassembly and conversion options. Changes to the *Final SPD Supplemental EIS* include a description of the revised WIPP Alternative in Chapter 2 and the Summary, and analyses of the impacts of the revised alternative in Chapter 4 and Appendices E and G.

### Alternatives Considered but Dismissed from Detailed Study

Chapter 2, Section 2.4, of this *Final SPD Supplemental EIS* was revised to discuss additional options and alternatives, including some recommended by the public that were considered but dismissed from detailed study.

**Preferred Alternative**

Chapter 2, Section 2.5, was revised to change the Preferred Alternative. In the *Draft SPD Supplemental EIS*, the MOX Fuel Alternative was DOE's Preferred Alternative for surplus plutonium disposition. DOE's preferred option for disposition of surplus non-pit plutonium that is not suitable for MOX fuel fabrication was disposal at WIPP. DOE's preferred option for pit disassembly and conversion of surplus plutonium metal, regardless of its origins, was to use some combination of facilities at TA-55 at LANL and K-Area, H-Canyon/HB-Line, and MFFF at SRS, rather than to construct a new stand-alone facility.

In this *Final SPD Supplemental EIS*, DOE has no Preferred Alternative for the disposition of the 13.1 metric tons (14.4 tons) of surplus plutonium that is the subject of *this SPD Supplemental EIS*. Also, DOE has no Preferred Alternative regarding the sites or facilities to be used to prepare surplus plutonium metal for disposition (i.e., pit disassembly and conversion capability). Consistent with the requirements of NEPA, once a Preferred Alternative is identified, DOE will announce its preference in a *Federal Register* notice. DOE would publish a Record of Decision (ROD) no sooner than 30 days after its announcement of a Preferred Alternative.

TVA does not have a Preferred Alternative at this time regarding whether to pursue irradiation of MOX fuel in TVA reactors and which reactors might be used for this purpose.

**Secure Transportation Asset Program**

Chapter 2, Section 2.1, and Appendix E were revised to clarify transportation activities that would be conducted under the National Nuclear Security Administration's (NNSA's) Secure Transportation Asset Program. Under this program, NNSA would transport plutonium material between DOE sites and MOX fuel from SRS to domestic commercial nuclear power reactors.

**Incorporation of Updated Environmental Information**

Chapter 3, Sections 3.1 and 3.2, were revised to reflect updated environmental data from the *Savannah River Site Environmental Report for 2011* (SRNS 2012) and the *Los Alamos National Laboratory Environmental Report 2011* (LANL 2012).

**Transuranic Waste**

Chapter 4, Section 4.1.4, and Appendix E, Section E.5.1, were revised to clarify that all transuranic (TRU) waste generated under the alternatives for surplus plutonium disposition would be CH-TRU and mixed CH-TRU waste (analyzed collectively).

**WIPP Unsubscribed Waste Quantity**

Chapter 4, Sections 4.1.4 and 4.5.3.6.3, were updated to include revised CH-TRU waste projections for SRS and LANL and unsubscribed CH-TRU waste capacity data that were presented in the *Annual Transuranic Waste Inventory Report – 2012* (DOE 2012a).

**Environmental Justice**

The environmental justice analysis in Chapter 4, Section 4.1.6, was revised to include a dose assessment similar to that for the maximally exposed individual (MEI)[2] member of the public. Radiological impacts were calculated for hypothetical individuals living at the Pueblo de San Ildefonso and Santa Clara Pueblo boundaries who would be most affected by emissions from PF-4 at LANL. In addition, the discussion of impacts from a special pathways dose analysis (impacts on a subsistence consumer) that was performed for the *Site-Wide Environmental Impact Statement for Continued Operation of the Los Alamos National Laboratory, Los Alamos, New Mexico* (DOE 2008) was expanded and moved to the cumulative impacts section of Chapter 4 (Section 4.5.3.8.2).

**Climate Change in the Southwest**

Chapter 4, Section 4.5.4.2, was revised to include a summary of the possible impacts of climate change in the southwestern United States.

**Human Health Impact Measures and Assessment Methods**

Appendix C, Section C.1, was revised to include a more detailed discussion of human health impact measurement and assessment methods. Additional information was provided regarding the basis for the risk factor of 0.0006 latent cancer fatalities (LCFs) per person-rem (for the population) or rem (for an individual) and the scientific basis for its use.

**Elimination of MFFF Accident**

The ion exchange exotherm accident (explosion) was removed from the range of accidents evaluated for the MFFF. The accident was included in the *Draft SPD Supplemental EIS* as it had been in the original *SPD EIS*. It was deleted from this *Final SPD Supplemental EIS* because the design for MFFF, as evaluated in the EIS supporting licensing (NRC 2005) and as described in Chapter 2 and Appendix B, does not include an ion exchange column as was envisioned for this accident. The analysis in this *SPD Supplemental EIS* continues to include an explosion accident in a sintering furnace at the MFFF. This is considered the limiting design-basis accident[3] associated with this facility.

**Seismic Safety Analysis of PF-4**

Appendix D, Section D.1.5.2.11, was updated to discuss additional concerns regarding the seismic analysis of PF-4 at LANL raised by the Defense Nuclear Facilities Safety Board (DNFSB) after the *Draft SPD Supplemental EIS* was completed in the summer of 2012. The letters from DNFSB and DOE's responses through the end of August 2014 are discussed in this *Final SPD Supplemental EIS*. The analyses in this *Final SPD Supplemental EIS* were also revised to include scenarios consistent with the 2013 addendum to the documented safety analysis for PF-4 (LANL 2013) and the *SPD Supplemental EIS* scenarios that take credit for factors that would normally help lessen the impacts of such accidents should they occur (see Appendix D for further information on these scenarios).

[2] *The MEI is a hypothetical member of the public at a location of public access that would result in the highest exposure; for purposes of evaluation in this* SPD Supplemental EIS*, the offsite MEI was considered to be at the site boundary, or in the case of reactor accidents, at the exclusion area boundary.*

[3] *As used here, the limiting design-basis accident means the individual facility accident analyzed in this* SPD Supplemental EIS *that would have the largest potential impact on the surrounding population, with the exception of accidents involving earthquakes. Accidents involving earthquakes are addressed separately (see Appendix D).*

**Emergency Response Actions in the Event of a Transportation Accident**

Section E.4 was added to Appendix E to describe the emergency response actions that would occur in the event of a transportation accident. First responders and/or state and Federal responders would initiate actions in accordance with the U.S. Department of Transportation *Emergency Response Guidebook* (DOT 2012) to isolate the incident and perform any actions necessary to protect human health and the environment (e.g., evacuations, sheltering, or other measures to reduce or prevent impacts to the public).

**Dunnage as a Contributor to Uncertainty in Determining Waste Shipments to WIPP**

Appendix E, Section E.14.2, was revised to include dunnage (secured space not occupied by waste or waste containers) as a contributor to uncertainty when determining the number of waste shipments to WIPP. Dunnage is only used to complete a payload assembly (e.g., a 7-pack of 55-gallon drums, a second standard waste box) when a limit is reached (e.g., fissile gram equivalent, weight, wattage). There is no "typical" dunnage usage for shipments to WIPP, even within a single waste stream.

**U.S. MOX Fuel Use Experience and Testing**

Appendix J, Section J.2, was revised to provide additional information on U.S. MOX fuel use and testing in pressurized water reactors and boiling water reactors.

## 1.5 Next Steps

Based on this *Final SPD Supplemental EIS* and consistent with the requirements of NEPA, DOE may announce a decision regarding future actions in a ROD to be issued no sooner than 30 days after its announcement of a Preferred Alternative in the *Federal Register*. The ROD will describe the alternative selected for implementation and explain how environmental impacts will be avoided, minimized, or mitigated. TVA, as a cooperating agency, may adopt this *SPD Supplemental EIS* after independently reviewing the EIS and determining its comments and suggestions have been satisfied (40 CFR 1506.3(c)).