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DEFENSE NUCLEAR FACILITIES SAFETY BOARD

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June 5, 1998

The Honorable Federico Peña
Secretary of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585-1000

Dear Secretary Peña:

On May 26, 1994, the Defense Nuclear Facilities Safety Board (Board) issued its Recommendation 94-1, *Improved Schedule for Remediation in the Defense Nuclear Complex*, to the Secretary of Energy. This recommendation called for the Department of Energy (DOE) to take urgent measures as to the plutonium-bearing compounds left in the production pipeline when production of new nuclear weapons was ended, to place these materials into forms suitable for safe interim storage pending ultimate disposition. Among these materials were plutonium-bearing residues at the Rocky Flats Environmental Technology Site (RFETS), and among these were materials classified as sand, slag, and crucible; scrub alloy; and certain fluorides that were generated through operations at the site.

As part of the activity responding to the recommendation, DOE has been planning to treat the specific materials in question chemically in the F-Canyon at the Savannah River Site (SRS). Specifically, two dissolvers in the F-Canyon have been scheduled to treat these materials at various times in the next few years, beginning in early July of this year. Thus the time window for this treatment opens relatively soon, and if present plans are to be consummated, the material will need to be shipped to SRS quite soon. The Board has been informed that the first materials scheduled for processing have been packed and are ready for shipment.

However, the Board also understands that complications have been generated by an unrelated question associated with the draft Environmental Impact Statement (EIS) for disposal of the residues at RFETS, which deals with shipment of material both to SRS and to the Waste Isolation Pilot Plant (WIPP). This complication is the result of uncertainty at DOE as to whether the draft EIS has specifically evaluated safeguards termination limits as applicable to the "pipe-and-go" alternative for shipment of some material to WIPP. That question, which does not affect shipment of material to SRS, has apparently been holding up issuance of the Record of Decision (ROD) pursuant to the EIS, and thus preventing any start of shipment to SRS.

An additional complication is that some consideration is being given to packaging all or part of the material in question for shipment directly to WIPP without treatment. That course of action would be compatible with a letter that the Board sent to the Secretary of Energy on January 29, 1998, suggesting that such an option would be acceptable for material of less immediate hazard at RFETS. If that path for disposal were chosen, the material in question would probably be repacked for the pipe-and-go process, and any steps to ship it would be subject to the resolution of further discussions on whether further steps are needed to amend the EIS prior to the ROD on disposition of residues from the RFETS.

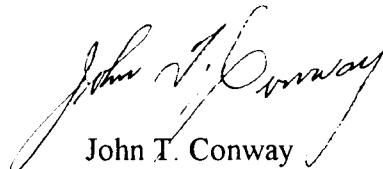
Early disposal of these residues is an essential component of the plan for early closure of the RFETS. The current schedule for use of the dissolvers in the F-Canyon at SRS requires an early decision as to whether that facility is to be used in disposal of the material in question.

The Board finds that either alternative (treatment at SRS or direct disposal at WIPP) is on the surface acceptable from the standpoint of safe remediation of the material in question, but points out that the former course (treatment at SRS) is likely to have a distinct advantage because it ensures movement toward early disposal. If the latter alternative (direct disposal at WIPP) were to be selected, steps would still be necessary to resolve the issue of use of the pipe-and-go system, and uncertainty would still remain as to the long-awaited opening of WIPP, where pending and potential law suits could result in further delay. The Board suggests that the best course of action would be to initiate shipments to SRS for treatment, with the intent of reconsidering continuation of this process if the problems of shipments to WIPP are resolved later.

The Board wishes to point out that the pipe-and-go concept offers improved safety in shipping of the residues, because of the sturdiness of the proposed container. This possible delay introduced by reconsideration of the EIS is an excellent example of a procedural system that permits an apparent improvement in analysis to cause delays that actually reduce safety.

The Board urges that, in the interest of reducing risk at the RFETS, no time be lost in resolving this matter. The Board would also like to be informed of the outcome, inasmuch as it will constitute partial implementation of actions pursuant to Recommendation 94-1.

Sincerely,



John T. Conway
Chairman

c: Mr. Mark B. Whitaker, Jr.