SECTION

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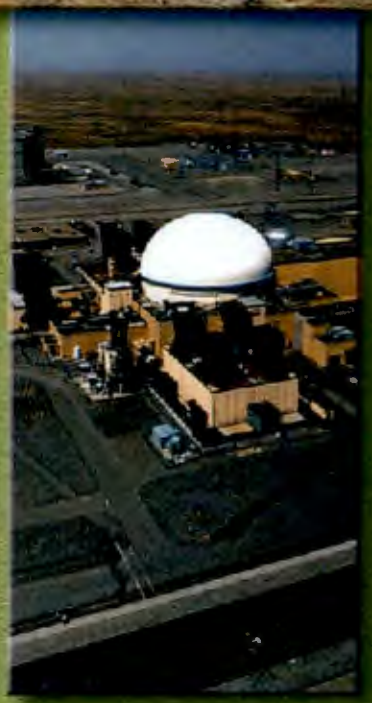

Volume 2

Appendices A–V

Draft Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, Washington

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Cover photograph identification, beginning at top center and going clockwise:

- The Columbia River near the Hanford Site and Richland, Washington
- The Integrated Disposal Facility at the Hanford Site 200-East Area near Richland, Washington
- The Fast Flux Test Facility complex at the Hanford Site 400 Area near Richland, Washington
- The Hanford Site 200-East Area Waste Treatment Plant construction site near Richland, Washington

AVAILABILITY OF THE
DRAFT TANK CLOSURE AND WASTE MANAGEMENT ENVIRONMENTAL IMPACT STATEMENT FOR THE HANFORD SITE, RICHLAND, WASHINGTON
(*DRAFT TC & WM EIS*)

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DOE/EIS-0391

Draft Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, Washington

Volume 2
Appendices A–V

U.S. Department of Energy

October 2009

Cover Sheet

Responsible Agency: U.S. Department of Energy (DOE)

Cooperating Agency: Washington State Department of Ecology (Ecology)

Title: *Draft Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, Washington* (*TC & WM EIS*) (DOE/EIS-0391)

Location: Benton County, Washington

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Abstract: The Hanford Site (Hanford), located in southeastern Washington State and situated along the Columbia River, is approximately 1,518 square kilometers (586 square miles) in size. Hanford's mission from the early 1940s to approximately 1989 included defense-related nuclear research, development, and weapons production activities. These activities created a wide variety of chemical and radioactive wastes. Hanford's mission now is focused on the cleanup of those wastes and ultimate closure of Hanford. To this end, several types of radioactive waste are being managed at Hanford: (1) high-level radioactive waste (HLW) as defined in DOE Manual 435.1-1; (2) transuranic (TRU) waste, which is waste containing alpha-particle-emitting radionuclides with atomic numbers greater than uranium (92) and half-lives greater than 20 years in concentrations greater than 100 nanocuries per gram of waste; (3) low-level radioactive waste (LLW), which is radioactive waste that is neither HLW nor TRU waste; and (4) mixed low-level radioactive waste (MLLW), which is LLW containing hazardous constituents as defined under the Resource Conservation and Recovery Act of 1976 (42 U.S.C 6901 et seq.). Thus, this *TC & WM EIS* analyzes the following three key areas:

1. **Retrieval, treatment, and disposal of waste from 149 single-shell tanks (SSTs) and 28 double-shell tanks (DSTs) and closure of the SST system.** In this *TC & WM EIS,* DOE proposes to retrieve and treat waste from 177 underground tanks and ancillary equipment and dispose of this waste in compliance with applicable regulatory requirements. At present, DOE is constructing a Waste Treatment Plant (WTP) in the 200-East Area of Hanford. The WTP would separate waste stored in Hanford's underground tanks into HLW and low-activity waste (LAW) fractions. HLW would be treated in the WTP and stored at Hanford until disposition decisions are made and implemented. (The analyses in this EIS are not affected by recent DOE plans to study alternatives for the disposition of the Nation's spent nuclear fuel and HLW because the EIS analysis shows that vitrified HLW can be stored safely at Hanford for many years.) LAW would

be treated in the WTP and disposed of at Hanford as decided in DOE's Record of Decision (ROD) issued in 1997 (62 FR 8693), pursuant to the *Tank Waste Remediation System, Hanford Site, Richland, Washington, Final Environmental Impact Statement* (DOE/EIS-0189, August 1996). DOE proposes to provide additional treatment capacity for the tank LAW that can supplement the planned WTP capacity in fulfillment of DOE's obligations under the Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) as soon as possible. DOE would dispose of immobilized LAW and Hanford's (and other DOE sites') LLW and MLLW in lined trenches on site. These trenches would be closed in accordance with applicable regulatory requirements.

2. **Final decontamination and decommissioning of the Fast Flux Test Facility, a nuclear test reactor.** DOE proposes to determine the final end state for the aboveground, belowground, and ancillary support structures.

3. **Disposal of Hanford's waste and other DOE sites' LLW and MLLW.** DOE needs to decide where to locate onsite disposal facilities for Hanford's waste and other DOE sites' LLW and MLLW. DOE committed in the ROD (69 FR 39449) for the *Final Hanford Site Solid (Radioactive and Hazardous) Waste Program Environmental Impact Statement, Richland, Washington* (DOE/EIS-0286F, January 2004) that henceforth LLW would be disposed of in lined trenches. Specifically, DOE proposes to dispose of the waste in either the existing 200-East Area Integrated Disposal Facility (IDF) or the proposed 200-West Area IDF.

DOE has identified Preferred Alternatives for two of the three program areas and a range for the three key activities, as presented in this *TC & WM EIS*.

Public Comments: Comments on this draft EIS may be submitted during the 140-day comment period, which will begin when the U.S. Environmental Protection Agency publishes a Notice of Availability in the *Federal Register*. Public meetings on this EIS will be held during the comment period. The dates, times, and locations of these meetings will be published in a DOE *Federal Register* notice, and will also be announced by other means.

Draft Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, Washington (Draft TC & WM EIS)

Washington State Department of Ecology (Ecology) Foreword

Note: Ecology, as a cooperating agency, reviewed, provided comments on, and participated in the comment resolution process for the "preliminary draft" of this *Draft TC & WM EIS*. However, this foreword should be considered draft and subject to revision until Ecology has reviewed this *Draft TC & WM EIS* and, if necessary, supporting information.

Summary

Ecology believes that the U.S. Department of Energy (DOE) and its contractors have prepared a *Draft TC & WM EIS* that presents many important issues for discussion. Ecology's involvement to date shows that this document has benefitted from quality reviews and quality assurance procedures. The information in this document will help shed light on many key decisions that remain to be made about the Hanford Site (Hanford) cleanup.

Ecology expects DOE to consider our input through this foreword, as well as through any further comments made during the public comment process. We expect DOE to provide written responses to the major issues and comments prior to completion of the *Final TC & WM EIS*. Ecology will continue to work with DOE with the intent of helping to produce a final environmental impact statement (EIS) that fully informs future decisionmaking.

I. Introduction

Ecology has been a cooperating agency with DOE in the production of this *Draft TC & WM EIS*. DOE prepared this EIS to meet the requirements of the National Environmental Policy Act. In addition, Ecology will review this EIS to determine if it can be adopted in whole or in part to satisfy the requirements of the State Environmental Policy Act (SEPA). The information in this EIS will help inform Ecology and others about critical future cleanup decisions impacting Hanford's closure.

Ecology provides the following comments regarding this *Draft TC & WM EIS* to document areas of agreement or concern with this EIS and to assist the public in their review. Public and regulator input on this *Draft TC & WM EIS* are critical for the completion of an acceptable *Final TC & WM EIS*. Ecology encourages tribal nations, stakeholder groups, and the public to participate in the public comment process for this draft document.

When the *Final TC & WM EIS* is issued, Ecology will include a revised foreword to comment on the EIS conclusions. The foreword will also include the disposition of the comments we provided during the *Draft TC & WM EIS* review process.

II. Ecology's Role as a Cooperating Agency

Ecology is a cooperating agency in the preparation of this EIS. A state agency may be a cooperating agency on a Federal EIS when the agency has jurisdiction by law over, or specialized expertise concerning, a major Federal action under evaluation in the EIS.

As a cooperating agency, Ecology does not coauthor or direct the production of this EIS. Ecology does have access to certain data and information as this document is being prepared by DOE and its contractors. Our roles and responsibilities in this process are defined in a Memorandum of Understanding (MOU) between Ecology and DOE.

DOE retains responsibility for making final decisions in the preparation of the *Final TC & WM EIS*, as well as for determining the preferred alternative(s) presented in the EIS. However, Ecology's participation as a cooperating agency enables us to help formulate the alternatives presented in this *TC & WM EIS*.

Ecology's involvement as a cooperating agency—and the current scope of the *Draft TC & WM EIS*—is grounded in a series of events.

In February 2002, DOE initiated the "Environmental Impact Statement for Retrieval, Treatment, and Disposal of Tank Waste and Closure of Single-Shell Tanks at the Hanford Site, Richland, Washington," known as the "Tank Closure EIS." On March 25, 2003, Ecology became a cooperating agency for the "Tank Closure EIS." DOE and Ecology developed an MOU outlining respective agency roles and responsibilities.

While the "Tank Closure EIS" was being developed, another DOE EIS, the *Draft Hanford Site Solid (Radioactive and Hazardous) Waste Program Environmental Impact Statement, Richland, Washington (HSW EIS)*, was in the review stage. Among other matters, the HSW EIS examined the impacts of disposal at Hanford of certain volumes of radioactive waste and mixed radioactive and hazardous waste, including waste generated from beyond Hanford.

In March 2003, Ecology filed a lawsuit in the U.S. District Court seeking to prevent the importation and storage of certain offsite transuranic (TRU) and mixed TRU wastes that DOE had decided to send to Hanford prior to issuance of the *Final HSW EIS*. Ecology and intervening plaintiffs obtained a preliminary injunction against these shipments.

In January 2004, DOE issued the *Final HSW EIS*. Based on the *Final HSW EIS*, DOE amended a Record of Decision that directed offsite radioactive and hazardous wastes to Hanford (within certain volume limits) for disposal and/or storage. In response, Ecology amended its lawsuit to challenge the adequacy of the *HSW EIS* analysis.

In May 2005, the U.S. District Court expanded the existing preliminary injunction to enjoin a broader class of waste and to grant Ecology a discovery period to further explore issues with the *HSW EIS*.

In January 2006, DOE and Ecology signed a Settlement Agreement, ending litigation on the *HSW EIS* and addressing concerns found in the *HSW EIS* quality assurance review during the discovery period. The Settlement Agreement called for expanding the scope of the "Tank Closure EIS" to provide a single, integrated set of analyses of (1) tank closure impacts considered in the "Tank Closure EIS" and (2) the disposal of all waste types considered in the *Final HSW EIS*. The Settlement Agreement also called for an integrated cumulative impacts analysis.

Under the Settlement Agreement, the "Tank Closure EIS" was renamed the *TC & WM EIS*. Ecology's existing MOU with DOE was revised along with the Settlement Agreement so that Ecology remained a cooperating agency on the expanded *TC & WM EIS*.

The Settlement Agreement defined specific tasks to address concerns Ecology had with the *HSW EIS*. DOE has now revised information and implemented quality assurance measures used in this *TC & WM EIS* related to the solid waste portion of the analysis. Ecology has performed discrete quality

assurance reviews of that information to help confirm that the quality assurance processes of DOE's EIS contractor have been followed.

Based on Ecology's involvement to date, we believe that positive changes have been made to address data quality shortcomings in the *HSW EIS*. These specifically relate to the following:

- The data used in analyzing impacts on groundwater
- The integration of analyses of all waste types that DOE may dispose of at Hanford
- The adequacy of the cumulative impact analysis

Ecology will review this *Draft TC & WM EIS* to confirm that the terms of the Settlement Agreement have been addressed to our satisfaction.

III. Regulatory Relationships and SEPA

After this *TC & WM EIS* is finalized, Ecology will proceed with approving regulatory actions required to complete the Hanford cleanup. These include actions under the Hanford Federal Facility Agreement and Consent Order (HFFACO, or Tri-Party Agreement) and actions that require state permits or modifications to existing permits, such as the Hanford Sitewide Permit. This permit regulates hazardous waste treatment, storage, and disposal activity at Hanford, including actions such as tank closure and supplemental treatment for tank waste.

Ecology must comply with SEPA when undertaking permitting actions. It is Ecology's hope that the *Final TC & WM EIS* will be suitable for adoption in whole or in part to satisfy SEPA.

In addition, Ecology will have a substantial role in establishing standards and methods for the cleanup of contaminated soil and groundwater at Hanford. These include areas that are regulated under hazardous waste corrective action authority and/or under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) through a CERCLA Record of Decision. Information developed in this EIS will thus be useful in other applications for the cleanup of Hanford.

IV. Ecology Insights and Alternatives Considered

This *Draft TC & WM EIS* considers 17 alternatives. DOE has not identified a specific preferred alternative. However, for the many decisions that are addressed in this EIS, DOE has selected a set of preferred alternatives. Ecology understands that the selection of a smaller number of preferred alternatives, or of a specific preferred alternative from that set, will be considered by DOE throughout public review of the *Draft TC & WM EIS*. When the final EIS is prepared, a preferred alternative will be identified by DOE.

The alternatives and tank closure options considered in this draft EIS include the following key decision areas:

- Additional tank waste treatment options (in addition to the Hanford Waste Treatment Plant [WTP] as provided in the *Tank Waste Remediation System, Hanford Site, Richland, Washington, Final Environmental Impact Statement)*
- Tank farm closure options
- Waste management options for the Central Plateau (including disposal of offsite defense wastes)
- Fast Flux Test Facility (FFTF) decommissioning

Ecology will update this foreword in the *Final TC & WM EIS* and will express its agreement or disagreement with DOE's preferred alternative for specific decisions in the foreword. In the interim, Ecology's insights, technical perspectives, and legal and policy perspectives are provided below. Areas of agreement with DOE and points of concern are noted.

Single-Shell Tank Retrieval Options

Ecology believes that DOE has presented an appropriate range of alternatives for evaluating tank waste retrieval and tank closure impacts. However, based on the hazardous waste tank closure standards of the "Dangerous Waste Regulations" (WAC 173-303-610[2]) and the HFFACO requirements, Ecology supports only alternatives that involve the retrieval of 99 percent or more of the waste from each of the 149 single-shell tanks (SSTs).

High-Level Radioactive Waste Disposal

High-level radioactive waste (HLW) associated with the tank waste includes, but may not be limited to, immobilized high-level radioactive waste (IHLW) and HLW melters (both spent and failed). It has been DOE's longstanding plan to store these wastes at Hanford and then ship and dispose of them in a deep geologic repository. The idea was that the nature of the geology would isolate the waste and protect humans from exposure to these very long-lived, lethal radionuclides. The Nuclear Waste Policy Act indicates that these waste streams require permanent isolation. By contrast, the immobilized low-activity waste (ILAW) glass, and perhaps other waste streams, may not require deep geologic disposal due to the level of pretreatment resulting in radionuclide removal and the degree of immobilization provided for in the ILAW glass.

However, the final decision on HLW disposal has recently become an issue with significant uncertainty. The *Draft TC & WM EIS* contains the following statement:

> As indicated in the Administration's fiscal year 2010 budget request, the Administration intends to terminate the Yucca Mountain program while developing nuclear waste disposal alternatives. Notwithstanding the decision to terminate the Yucca Mountain program, DOE remains committed to meeting its obligations to manage and ultimately dispose of HLW and SNF. The Administration intends to convene a blue ribbon commission to evaluate alternative approaches for meeting these obligations. The commission will provide the opportunity for a meaningful dialogue on how best to address this challenging issue and will provide recommendations that will form the basis for working with Congress to revise the statutory framework for managing and disposing of HLW and SNF.

Ecology reminds the readers that the Nuclear Waste Policy Act requires permanent isolation of these most difficult waste streams. Leaving these wastes stored at Hanford indefinitely is not a legal option, nor an acceptable option to the State of Washington.

Ecology is concerned about the glass standards and canister requirements for the IHLW. These standards were developed based on what was acceptable to Yucca Mountain. Now that Yucca Mountain is no longer the assumed disposal location, Ecology is concerned about what standards for glass and canisters will be utilized by the WTP. Ecology insists that DOE implement the most conservative approach in these two areas to guarantee that the glass and canister configurations adopted at the WTP will be acceptable at the future deep geologic repository.

In addition, Ecology maintains that DOE should build and operate adequate interim storage capacity for the IHLW and the HLW melters in a manner that does not slow down the treatment of tank waste.

This *Draft TC & WM EIS* assumes that the used (both spent and failed) HLW melters are HLW and, therefore, should be disposed of in a deep geologic repository. This EIS also assumes that the used HLW melters will stay on site before shipment to such a repository. DOE has not requested, and Ecology has not accepted, long-term interim storage of failed or spent HLW melters at Hanford.

Ecology does not agree that the HLW melters will or should stay on site. We do agree with the final disposal in a deep geologic repository. The disposal pathway for both the failed and the spent melters will require further evaluation than is presented in this *Draft TC & WM EIS*. Ecology and DOE will need to reach a mutual understanding and agreement on the regulatory framework for disposal.

Pretreatment of Tank Waste

This *Draft TC & WM EIS* includes numerous alternatives that pretreat tank waste to separate the high-activity components and direct them to a HLW stream. The HLW stream will be vitrified, resulting in a glass waste product that will be sent to a deep geologic repository. However, this draft EIS has one alternative that provides no pretreatment for some portion of the waste in the 200-West Area.

As a legal and policy issue, Ecology does not agree with alternatives that do not require pretreatment of the tank waste. Such alternatives do not meet the intent of the Nuclear Waste Policy Act to remove as many of the fission products and radionuclides as possible to concentrate them in the HLW stream. For this reason, Ecology requests that DOE rule out any alternative that does not pretreat tank waste.

TRU Tank Waste

This *Draft TC & WM EIS* considers the option of treating and sending waste from specific tanks to the Waste Isolation Pilot Plant (WIPP) as mixed TRU waste. This draft EIS also considers WTP processing of the waste from these specific tanks.

Ecology has legal and technical concerns with any tank waste being classified as mixed TRU waste at this time. DOE must provide peer-reviewed data and a strong, defensible, technically and legally detailed justification for the designation of any tank waste as mixed TRU waste, rather than as HLW. DOE must also complete the WIPP certification process and assure Ecology that there is a viable disposal pathway (i.e., permit approval from the State of New Mexico) before Ecology will modify the Hanford Sitewide Permit to allow tank waste to be treated as mixed TRU waste.

Supplemental Treatment

In this *Draft TC & WM EIS*, DOE considers changes to the treatment processes that the WTP would use. Specifically, this draft EIS considers technologies to supplement the WTP's treatment of low-activity waste (LAW). The WTP as it is currently designed does not have the capacity to treat the entire volume of LAW in a reasonable timeframe.

Ecology agrees on the need to evaluate supplemental LAW treatment. An additional supplemental LAW treatment system is necessary to treat all the tank waste in a reasonable amount of time. Ecology fully supports the *Draft TC & WM EIS* alternative that assumes a second LAW Vitrification Facility would provide additional waste processing. Building a second LAW Vitrification Facility has consistently been Ecology's baseline approach. We would prefer a second LAW Vitrification Facility as the preferred alternative for the following reasons:

- LAW vitrification is a mature technology that is ready to be implemented with no further testing.
- LAW vitrification produces a well-understood waste form that is extremely protective of the environment (the bulk vitrification waste form is not as protective).

- Negative data from the last bulk vitrification experimental testing indicate waste form performance and technology implementation issues.
- There has been a lack of significant progress on advancing a bulk vitrification test facility for actual waste.
- The environmental results from the waste performance presented in this *Draft TC & WM EIS* indicate that LAW vitrification is superior to bulk vitrification.
- A recently published DOE report indicates that a second LAW Vitrification Facility would be preferable.

Consistent with the standard of HFFACO Milestone M-62-08, Ecology will analyze the information from the bulk vitrification alternative. From this analysis, Ecology will determine if the performance of the waste forms is comparable with WTP borosilicate glass. Ecology's measuring stick for a successful supplemental treatment technology has always been whether it is "as good as glass" (from the WTP).

As a technical issue, Ecology does not think that the waste treatment processes of steam reforming and cast stone would provide adequate primary waste forms for disposal of tank waste in onsite landfills. This has already been the subject of a previous DOE down-select process, in which Ecology and other participants rated these treatment technologies as low. This draft EIS shows that the waste form performance would be inadequate for both cast stone and steam reforming. These alternatives do not merit any further review.

Specifically related to the steam reforming alternative, Ecology has technical concerns about the *Draft TC & WM EIS's* assumptions for contaminant partitioning and its effects on waste form performance. It is inappropriate to assign the same assumptions to steam reforming as those used for bulk vitrification, given the different maturities of the two technologies.

Secondary Waste from Tank Waste Treatment

This *Draft TC & WM EIS* evaluates the impacts of disposing of secondary waste that results from tank waste treatment. Ecology agrees with DOE that secondary waste from the WTP and supplemental treatment operations would need additional mitigation before disposal. This assumption is not reflected in (and, in fact, is contradicted by) the current DOE baseline, which does not assume such additional mitigation. DOE has not determined what the secondary waste treatment would be, but DOE and its contractor are evaluating various treatment options.

Tank Waste Treatment Flowsheet

In preparing this *Draft TC & WM EIS*, some assumptions were made about highly technical issues such as the tank waste treatment flowsheet, which is a representation of how much of which constituent ends up in which waste form and in what amount.

Certain constituents such as technetium-99 and iodine-129 are significant risk drivers because they are mobile in the environment and have long half-lives. This draft EIS assumes that 20 percent of the iodine-129 from the tank waste would end up in vitrified glass and 80 percent in the grouted secondary waste. The same assumption is made for bulk vitrification and the WTP LAW Vitrification Facility.

Based on its review of the *Draft TC & WM EIS's* contaminant flowsheets for the WTP and bulk vitrification, Ecology has technical concerns with this approach. The design configuration for the WTP indicates that iodine-129 recycles past the melter multiple times, which leads to a higher retention in the glass and less in the secondary waste. Therefore, Ecology believes the retention rate of iodine-129 in the

ILAW glass may be higher than that in bulk vitrification glass. However, Ecology is aware that there is uncertainty in the actual glass retention results.

Through our cooperating agency interactions, DOE has agreed to run a sensitivity analysis to show the information under a different approach. The sensitivity analysis in this *Draft TC & WM EIS* shows that if recycling of iodine-129 is as effective as the WTP flowsheets indicate, then the WTP with a Bulk Vitrification Facility alternative would place 80 percent of iodine-129 in secondary waste (a less-robust waste form). This compares to an alternative that includes a second LAW Vitrification Facility in addition to the WTP, which would place 30 percent of the iodine-129 in secondary waste. This 50 percent difference in capture reinforces Ecology's opinion that choosing Tank Closure Alternative 2B, which would use the WTP and a second LAW Vitrification Facility, would be best from a tank waste treatment perspective.

Waste Release

This *Draft TC & WM EIS* models waste releases from several different types of final waste forms, including the following:

- ILAW glass
- Failed and spent LAW melters
- Waste in bulk vitrification boxes
- Steam reformed waste
- Grouted LAW from tank waste
- Grouted secondary waste
- Waste left in waste sites
- Grouted waste in the bottom of tanks
- Direct buried waste in landfills
- Waste that has been macroencapsulated

Ecology understands the methods and formulas used for the waste form release calculations (for all waste types). However, we will need to see the modeling results and complete our technical review before we can validate this portion of this EIS.

Offsite Waste

DOE is decades behind its legal schedule in retrieving tank waste from SSTs and years behind its legal schedule in completing construction of the WTP. DOE has not even begun treating Hanford's 200 million liters (53 million gallons) of tank waste.

At its current pace, DOE is in danger of falling years behind its legal schedule in processing contact-handled TRU waste for disposal at WIPP. DOE has not yet even completed planning for a facility to process remote-handled TRU waste for such disposal. Massive areas of Hanford's soil and groundwater are contaminated, and many of these areas will likely remain contaminated for generations to come, even after final cleanup remedies have been instituted.

The State of Washington is aware that under DOE's plans, more curies of radioactivity would leave Hanford (in the form of vitrified HLW and processed TRU waste) than would be added to Hanford through proposed offsite waste disposal. However, based on the current state of Hanford's cleanup and the analysis in this *Draft TC & WM EIS*, the State of Washington objects to the disposal at Hanford of additional wastes that have been generated from beyond Hanford.

As this *Draft TC & WM EIS* shows, disposal of the proposed offsite waste would significantly increase groundwater impacts to beyond acceptable levels. Such disposal would add to the risk term at Hanford today, at a time when progress on reducing the bulk of Hanford's existing risk term has yet to be realized. DOE should take a conservative approach to ensure that the impact of proposed offsite waste disposal,

when added to other existing Hanford risks, does not result in exceeding the "reasonable expectation" standard of DOE's own performance objectives (see DOE Manual 435.1-1, Section IV.P[1]) and of other environmental standards (e.g., drinking water standards).

The State of Washington supports a "no offsite waste disposal" alternative as its preferred alternative in the *Final TC & WM EIS*, to be adopted in a Record of Decision. DOE should forgo offsite waste disposal at Hanford (subject to the exceptions in the current *State of Washington v. Bodman* Settlement Agreement), at least until such time as it has made significant progress on SST waste retrieval and the tank waste treatment process. If DOE wishes to use Hanford as an offsite waste repository after that point, DOE should then re-evaluate the potential impacts of any proposed offsite waste disposal in light of the then-existing Hanford risk term.

Waste Disposal Location Alternatives

Ecology agrees with DOE that a preferred alternative locating the Integrated Disposal Facility in the 200-East Area appears better for long-term disposal of waste than in the 200-West Area because of the faster rate of groundwater flow in the 200-East Area.

Black Rock Reservoir

This *Draft TC & WM EIS* considers the groundwater impacts of locating Black Rock Reservoir upgradient of Hanford. This is noteworthy because leakage associated with the reservoir could have impacts on Hanford groundwater contamination. Ecology has reviewed the evaluation basis assumed in this draft EIS. On a technical basis, Ecology accepts that potential groundwater impacts of the proposed reservoir could (or likely would) adversely impact human health and the environment at Hanford.

Vadose Zone Modeling

This *Draft TC & WM EIS* uses the STOMP [Subsurface Transport Over Multiple Phases] modeling code for vadose zone modeling. Based on its current review, Ecology believes that the Hanford parameters used with this code are adequate for the purposes served by this EIS. Ecology notes that the *TC & WM EIS* STOMP modeling code parameters are based on a regional scale and may not be appropriate for site-specific closure decisions or other Hanford assessments. Use of STOMP in other assessments requires careful technical review and consideration of site-specific parameters. Further revisions of these STOMP parameters may be necessary.

Risk Assessment and Cumulative Impacts

This *Draft TC & WM EIS* evaluates risk under the alternatives and in the cumulative impact analyses. The risk assessment modeling presented in this draft EIS should not be interpreted as a Hanford sitewide comprehensive human health and ecological risk assessment, applied to the river corridor or other specific Hanford areas. Specific Hanford areas will require unique site parameters that are applicable to that area's specific use.

This *Draft TC & WM EIS* presents an evaluation of the cumulative environmental impacts of treatment and disposal of wastes at Hanford. The cumulative impact analyses allow DOE to consider the impacts of all cleanup actions it has taken or plans to take at Hanford.

V. Noteworthy Areas of Agreement

Ecology and DOE have discussed and reached agreement on the following significant issues and parameters for the purposes of this *Draft TC & WM EIS*:

- The manner in which DOE presents groundwater data and information (i.e. with pictures).

- The quality assurance requirements that DOE and Ecology identified in the *HSW EIS* (*State of Washington v. Bodman*) Settlement Agreement
- The Technical Guidance Document for *Tank Closure Environmental Impact Statement Vadose Zone and Groundwater Revised Analyses* Agreement, which focused on parameters shown to be important in groundwater analysis
- The location of calculation points for contaminant concentrations in groundwater
- The use of tank farm closure descriptions and alternative analysis
- The use of tank waste treatment descriptions and alternative analysis
- Inclusion of the US Ecology site and the cocooned reactors transported to the Central Plateau in the comprehensive cumulative impacts assessment
- Overall modeling approaches for vadose zone and groundwater
- The use of modeling assumptions for the double-shell tanks
- Alternative assumptions about how processes would treat existing wastes and generate other wastes during treatment processes, and how DOE would dispose of all of the wastes.
- The methods for evaluating and using waste inventory data
- Release mechanisms for contaminants from various waste forms
- An alternative in this *Draft TC & WM EIS* that evaluates impacts of treating and disposal of all tank waste and residue to meet the Resource Conservation and Recovery Act / Hazardous Waste Management Act HLW treatment standard of vitrification
- The inventory assumptions used for the pre-1970 burial grounds

Ecology's agreement on these issues and parameters is specifically for the purposes of this *Draft TC & WM EIS* and is based on Ecology's current knowledge and best professional judgment. Ecology's agreement should not be construed as applicable to any future documents, evaluations, or decisions at Hanford.

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List of Acronyms and Abbreviations

°C	degree(s) Celsius
°F	degree(s) Fahrenheit
AB	nuclear safety Authorization Basis
ACGIH	American Conference of Governmental Industrial Hygienists
ADD	average daily dose
AEA	Atomic Energy Act of 1954
AEGL	Acute Exposure Guideline Level
AERMET	American Meteorological Society/EPA Regulatory Meteorological Preprocessor
AERMOD	American Meteorological Society/Environmental Protection Agency Regulatory Model
AMS	articulated-mast system
amsl	above mean sea level
APL	accelerated process line
ARF	airborne release fraction
AS/RS	Automated Stacker/Retrieval System
ASCII	American Standard Code for Information Interchange
AVA	American Viticultural Area
BAF	bioaccumulation factor
BBI	Best-Basis Inventory
BCF	bioconcentration factor
BDX	Blue Dot X computer modeling code
BEIR	Biological Effects of Ionizing Radiation
BOF	balance of facilities
BOR	U.S. Bureau of Reclamation
BRR	Black Rock Reservoir
Btu	British thermal unit
BUSS	Beneficial Uses Shipping System
C3T	Cleanup Challenge and Constraints Team
CAIRS	Computerized Accident/Incident Reporting System
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	*Code of Federal Regulations*
CH	contact-handled
COPC	constituent of potential concern
CRCIA	*Screening Assessment and Requirements for a Comprehensive Assessment, Columbia River Comprehensive Impact Assessment*
CSB	Canister Storage Building
CTE	critical technology elements

CWC	Central Waste Complex
CWCE	Central Waste Complex expansion
D&D	decontamination and decommissioning
dB	Decibels
dBA	decibels A-weighted
DBVS	Demonstration Bulk Vitrification System
DCF	dose conversion factor
DG	disposal group
DHS	U.S. Department of Homeland Security
DNAPL	dense, non-aqueous-phase liquid
DoD	U.S. Department of Defense
DOE	U.S. Department of Energy
DOT	U.S. Department of Transportation
DR	damage ratio
DSASW	documented safety analysis for solid waste operations
DST	double-shell tank
DUF_6	depleted uranium hexafluoride
EA	environmental assessment
EBR-II	Experimental Breeder Reactor II
ECEM	Ecological Contaminant Exposure Model
ECF	elevation correction factor
Ecology	Washington State Department of Ecology
EIS	environmental impact statement
EM	Office of Environmental Management
EPA	U.S. Environmental Protection Agency
EPIcode	Emergency Prediction Information Code
ERDF	Environmental Restoration Disposal Facility
ERPG	Emergency Response Planning Guideline
ETF	Effluent Treatment Facility
ETTP	East Tennessee Technology Park
FBSR	fluidized-bed steam reforming
FCM	food chain multiplier
Fermi	Enrico Fermi Nuclear Generating Station
FFTF	Fast Flux Test Facility
FFTF Deactivation EA	*Environmental Assessment – Sodium Residuals Reaction/Removal and Other Deactivation Work Activities, Fast Flux Test Facility (FFTF) Project, Hanford Site, Richland, Washington*
"FFTF Decommissioning EIS"	"Environmental Impact Statement for the Decommissioning of the Fast Flux Test Facility at the Hanford Site, Richland, Washington" (rescoped in 2006 to the *TC & WM EIS*)

FIR	field investigation report
FONSI	Finding of No Significant Impact
FR	*Federal Register*
FRR SNF EIS	*Final Environmental Impact Statement on a Proposed Nuclear Weapons Nonproliferation Policy Concerning Foreign Research Reactor Spent Nuclear Fuel*
FTE	full-time equivalent
Gable Gap	Gable Mountain–Gable Butte Gap
GAO	U.S. General Accounting Office
GAP	Government Accountability Project
GENII	Hanford Environmental Radiation Dosimetry Software System (Generation II)
GHB	Generalized Head Boundary
GIS	geographic information system
GTCC	greater-than-Class C
GTCC EIS	*Environmental Impact Statement for the Disposal of Greater-Than-Class C Low-Level Radioactive Waste*
HAB	Hanford Advisory Board
Hanford	Hanford Site
Hanford Comprehensive Land-Use Plan EIS	*Final Hanford Comprehensive Land-Use Plan Environmental Impact Statement*
HDW	Hanford Defined Waste
HEAST	Health Effects Assessment Summary Table
HEME	high-efficiency mist eliminator
HEPA	high-efficiency particulate air
HEU	highly enriched uranium
HFEF	Hot Fuel Examination Facility
HI	Hazard Index
HIHTL	hose-in-hose transfer line
HLW	high-level radioactive waste
HMS	Hanford Meteorological Station
HQ	Hazard Quotient
HRR	high-resolution resistivity
HSGS	headspace gas sampling
HSRAM	*Hanford Site Risk Assessment Methodology*
HSSWAC	*Hanford Site Solid Waste Acceptance Criteria*
HSW EIS	*Final Hanford Site Solid (Radioactive and Hazardous) Waste Program Environmental Impact Statement, Richland, Washington*
HTWOS	Hanford Tank Waste Operation Simulator

ICRP	International Commission on Radiological Protection
ICV™	In-Container Vitrification™
IDA	intentional destructive act
IDF	Integrated Disposal Facility
IDF-East	200-East Area Integrated Disposal Facility
IDF-West	200-West Area Integrated Disposal Facility
IEM	interim examination and maintenance
IHLW	immobilized high-level radioactive waste
ILAW	immobilized low-activity waste
INEEL	Idaho National Engineering and Environmental Laboratory
INL	Idaho National Laboratory
IRIS	Integrated Risk Information System
ISCORS	Interagency Steering Committee on Radiation Standards
ISO	International Standards Organization
ITV	in-tank vehicle
Kd	standard distribution coefficient
LANL	Los Alamos National Laboratory
LAW	low-activity waste
LCF	latent cancer fatality
LDC	large-diameter container
LERF	Liquid Effluent Retention Facility
LLBG	low-level radioactive waste burial ground
LLW	low-level radioactive waste
LOAEL	lowest-observed adverse effect level
LPF	leak path factor
LUG	Local Users' Group
LWPF	Liquid Waste Processing Facility
MACCS	MELCOR Accident Consequences Code System
MAI	Mission Acceleration Initiative
MAR	material at risk
MCL	maximum contaminant level
MDSA	*Master Documented Safety Analysis (MDSA) for the Solid Waste Operations Complex*
MEDE	melt-drain-evaporator
MEI	maximally exposed individual
MeV	million electron volts
MFC	Materials and Fuels Complex
MLLW	mixed low-level radioactive waste
Modal Study	*Shipping Container Response to Severe Highway and Railway Accident Conditions*

MODFLOW	modular three-dimensional finite-difference groundwater flow model
MODPATH	MODFLOW particle-tracking postprocessing package
MOX	mixed oxide
MRS	mobile retrieval system
MTRG	MODFLOW Technical Review Group
MUST	miscellaneous underground storage tank
NAAQS	National Ambient Air Quality Standards
NAD	North American Datum
NASA	National Aeronautics and Space Administration
NDA	nondestructive assay
NDE	nondestructive examination
NEHRP	National Earthquake Hazards Reduction Program
NEPA	National Environmental Policy Act
NFPA	National Fire Protection Association
NI PEIS	*Final Programmatic Environmental Impact Statement for Accomplishing Expanded Civilian Nuclear Energy Research and Development and Isotope Production Missions in the United States, Including the Role of the Fast Flux Test Facility (Nuclear Infrastructure PEIS)*
NPL	National Priorities List
NRC	U.S. Nuclear Regulatory Commission
NRDWL	Nonradioactive Dangerous Waste Landfill
NRF	National Response Framework
NRIA	Nuclear/Radiological Incident Annex
NTS	Nevada Test Site
NWS	National Weather Service
OA	Office of Independent Oversight and Performance Assurance
ORIGEN2	Oak Ridge Isotope Generation and Depletion Code
ORNL	Oak Ridge National Laboratory
ORP	Office of River Protection
OSHA	Occupational Safety and Health Administration
PCB	polychlorinated biphenyl
PEIS	programmatic environmental impact statement
PEST	parameter estimation module
PFP	Plutonium Finishing Plant
PM_n	particulate matter with an aerodynamic diameter less than or equal to *n* micrometers
PNNL	Pacific Northwest National Laboratory
PP	Plio-Pleistocene
PPA	Property Protected Area
PPF	Preprocessing Facility

ppm	part(s) per million
PT	pretreatment
Pu-239 DE-curies	plutonium-239 dose-equivalent curies
PUREX	Plutonium-Uranium Extraction
PVC	polyvinyl chloride
R	standard retardation factor
R&D	research and development
Radioactive Material Transport Study	*Final Environmental Impact Statement on the Transportation of Radioactive Materials by Air and Other Modes*
RADTRAN 5	Radioactive Material Transportation risk assessment computer code
RCA	radiologically controlled area
RCB	Reactor Containment Building
RCRA	Resource Conservation and Recovery Act
REDOX	Reduction-Oxidation
Reexamination Study	*Reexamination of Spent Fuel Shipping Risk Estimates*
rem	roentgen equivalent man
RF	respirable fraction
RH	remote-handled
RH-SC	remote-handled special component
RISKIND	Risks and Consequences of Radioactive Material Transport computer code
RL	Richland Operations Office
RMS	root mean square
ROD	Record of Decision
ROI	region of influence
RPP	River Protection Project
RPPDF	River Protection Project Disposal Facility
RQ	reportable quantity
RSD	relative standard deviation
RSE	rubble, soil, and equipment
RSWF	Radioactive Scrap and Waste Facility
RTP	Remote Treatment Project
RWM	restricted waste management
SAIC	Science Applications International Corporation
SALDS	State-Approved Land Disposal Site
S&M	surveillance and maintenance
SC	special component
SCBA	self-contained breathing apparatus
SEIS	supplemental environmental impact statement

SIM	Soil Inventory Model
SNF	spent nuclear fuel
SNL	Sandia National Laboratories
SPF	Sodium Processing Facility
SRE	Sodium Reactor Experiment
SRF	Sodium Reaction Facility
SRS	Savannah River Site
SSF	Sodium Storage Facility
SST	single-shell tank
STAR	Science and Technology Applications Research
STOMP	Subsurface Transport Over Multiple Phases
STORM	Subsurface Transport Over Reactive Multiphase
STP	supplemental treatment process
STTS	Supplemental Treatment Technology Site
SSTS-East	200-East Area Supplemental Treatment Technology Site
STTS-West	200-West Area Supplemental Treatment Technology Site
SWB	solid-waste box
SWIFT	*Solid Waste Integrated Forecast Technical (SWIFT) Report*
SWOC	Solid Waste Operations Complex
"Tank Closure EIS"	"Environmental Impact Statement for Retrieval, Treatment, and Disposal of Tank Waste and Closure of Single-Shell Tanks at the Hanford Site, Richland, Washington" (rescoped in 2006 to the *TC & WM EIS*)
TBR	technical baseline review
TC & WM EIS	*Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, Washington*
Technical Guidance Document	*Technical Guidance Document for "Tank Closure Environmental Impact Statement" Vadose Zone and Groundwater Revised Analyses*
TEDF	Treated Effluent Disposal Facility
TEEL	Temporary Emergency Exposure Limit
The Green Book	*Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements*
TMC	theoretical maximum capacity
TOB	top of basalt
TOE	total operating efficiency
TPA	Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement)
TPQ	threshold planning quantity
TQ	threshold quantity
TRA	Technology Readiness Assessment
TRAGIS	Transportation Routing Analysis Geographic Information System

TRC	total recordable cases
TRL	technology readiness level
TRU	transuranic
TRUPACT-II	transuranic waste package transporter II
TRV	toxicity reference value
TSP	total suspended particulates
TWRS EIS	*Tank Waste Remediation System, Hanford Site, Richland, Washington, Final Environmental Impact Statement*
UGA	urban growth area
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
UTM	Universal Transverse Mercator
VBR	vacuum-based retrieval
VOC	volatile organic compound
WESF	Waste Encapsulation Storage Facility
WIDS	Waste Information Data System
WIPP	Waste Isolation Pilot Plant
WIPP SEIS-II	*Waste Isolation Pilot Plant Disposal Phase Final Supplemental Environmental Impact Statement*
WM PEIS	*Waste Management Programmatic Environmental Impact Statement for Managing Treatment, Storage, and Disposal of Radioactive and Hazardous Waste*
WRAP	Waste Receiving and Processing Facility
WRF	waste receiver facility
WSU Tri-Cities	Washington State University Tri-Cities campus
WTP	Waste Treatment Plant
Yucca Mountain EIS	*Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada*
HAB	Hanford Advisory Board
MTRG	Model Technical Review Group
SAIC	Science Applications International Corporation
Yucca Mountain FEIS	*Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada*

Measurement Units

The principal measurement units used in this *Draft Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, Washington* (*TC & WM EIS*) are SI units (the abbreviation for the Système International d'Unites). The SI system is an expanded version of the metric system that was accepted in 1966 in Elsinore, Denmark, as the legal standard by the International Organization of Standardization. In this system, most units are made up of combinations of seven basic units, of which length in meters, mass in kilograms, and volume in liters are of most importance in this *TC & WM EIS*. Exceptions are radiological units that use the English system (e.g., rem, millirem).

SCIENTIFIC (EXPONENTIAL) NOTATION

Numbers that are very small or very large are often expressed in scientific, or exponential, notation as a matter of convenience. For example, the number 0.000034 may be expressed as 3.4×10^{-5} or 3.4E-05, and 65,000 may be expressed as 6.5×10^{4} or 6.5E+04. In this *TC & WM EIS*, numerical values that are less than 0.001 or greater than 9,999 are generally expressed in scientific notation, i.e., 1.0×10^{-3} and 9.9×10^{3}, respectively.

Multiples or submultiples of the basic units are also used. A partial list of prefixes that denote multiples and submultiples follows, with the equivalent multiplier values expressed in scientific notation.

Prefix	Symbol	Multiplier	
atto	a	0.000 000 000 000 000 001	1×10^{-18}
femto	f	0.000 000 000 000 001	1×10^{-15}
pico	p	0.000 000 000 001	1×10^{-12}
nano	n	0.000 000 001	1×10^{-9}
micro	μ	0.000 001	1×10^{-6}
milli	m	0.001	1×10^{-3}
centi	c	0.01	1×10^{-2}
deci	d	0.1	1×10^{-1}
deka	da	10	1×10^{1}
hecto	h	100	1×10^{2}
kilo	k	1,000	1×10^{3}
mega	M	1,000,000	1×10^{6}
giga	G	1,000,000,000	1×10^{9}
tera	T	1,000,000,000,000	1×10^{12}
peta	P	1,000,000,000,000,000	1×10^{15}
exa	E	1,000,000,000,000,000,000	1×10^{18}

The following symbols are occasionally used in conjunction with numerical expressions:

$<$ less than
$\leq$ less than or equal to
$>$ greater than
$\geq$ greater than or equal to

Conversions

English to Metric			Metric to English		
Multiply	**by**	**To get**	**Multiply**	**by**	**To get**
Area			**Area**		
square inches	6.4516	square centimeters	square centimeters	0.155	square inches
square feet	0.092903	square meters	square meters	10.7639	square feet
square yards	0.8361	square meters	square meters	1.196	square yards
acres	0.40469	hectares	hectares	2.471	acres
square miles	2.58999	square kilometers	square kilometers	0.3861	square miles
Length			**Length**		
inches	2.54	centimeters	centimeters	0.3937	inches
feet	30.48	centimeters	centimeters	0.0328	feet
feet	0.3048	meters	meters	3.281	feet
yards	0.9144	meters	meters	1.0936	yards
miles	1.60934	kilometers	kilometers	0.6214	miles
Temperature			**Temperature**		
degrees Fahrenheit	Subtract 32, then multiply by 0.55556	degrees Celsius	degrees Celsius	Multiply by 1.8, then add 32	degrees Fahrenheit
Volume			**Volume**		
fluid ounces	29.574	milliliters	milliliters	0.0338	fluid ounces
gallons	3.7854	liters	liters	0.26417	gallons
cubic feet	0.028317	cubic meters	cubic meters	35.315	cubic feet
cubic yards	0.76455	cubic meters	cubic meters	1.308	cubic yards
Weight			**Weight**		
ounces	28.3495	grams	grams	0.03527	ounces
pounds	0.45360	kilograms	kilograms	2.2046	pounds
short tons	0.90718	metric tons	metric tons	1.1023	short tons

APPENDIX A
FEDERAL REGISTER AND OTHER PUBLIC NOTICES

A.1 Record of Decision for the Tank Waste Remediation System, Hanford Site, Richland, WA

Federal Register / Vol. 62, No. 38 / Wednesday, February 26, 1997 / Notices 8693

National Educational Research Policy and Priorities Board; Meeting

AGENCY: National Educational Research Policy and Priorities Board; Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Educational Research Policy and Priorities Board. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the public of their opportunity to attend.

DATE: March 21, 1997.

TIME: 8:30 a.m. to 5 p.m.

LOCATION: Room 100, 80 F St., N.W., Washington, D.C. 20208-7564.

FOR FURTHER INFORMATION CONTACT: Thelma Leenhouts, Designated Federal Official, National Educational Research Policy and Priorities Board, 80 F St., N.W., Washington, D.C. 20208 7564. Telephone: (202) 219-2065; fax: (202) 219-1528; e-mail: Thelma_Leenhouts@ed.gov.

SUPPLEMENTARY INFORMATION: The National Educational Research Policy and Priorities Board is authorized by Section 921 of the Educational Research, Development, Dissemination, and Improvement Act of 1994. The Board works collaboratively with the Assistant Secretary for the Office of Educational Research and Improvement to forge a national consensus with respect to a long-term agenda for educational research, development, and dissemination, and to provide advice and assistance to the Assistant Secretary in administering the duties of the Office.

The agenda for March 21 will cover the adoption of proposed by-laws and a proposed workplan; election of officers for 1997 99; the approval of standards for the conduct and evaluation of research, and for assessing performance on contracts, grants, and cooperative agreements, as well as standards for reviewing and designating exemplary and promising programs. A final agenda will be available from the Board's office on March 14.

Records are kept of all Board proceedings and are available for public inspection at the office of the National Educational Research Policy and Priorities Board, 555 New Jersey Ave., N.W., Washington, D.C. 20208-7564.

Dated: February 20, 1997.

Eve M. Bither,

Executive Director.

[FR Doc. 97 4765 Filed 2-25 97; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Record of Decision for the Tank Waste Remediation System, Hanford Site, Richland, WA

AGENCY: Department of Energy.

ACTION: Record of decision.

SUMMARY: This Record of Decision addresses actions by the U.S. Department of Energy (DOE) to manage and dispose of radioactive, hazardous, and mixed waste within the Tank Waste Remediation System (TWRS) program at the Hanford Site in southeastern Washington State. DOE, in cooperation with the Washington State Department of Ecology (Ecology), issued a Final Environmental Impact Statement (EIS) entitled "Tank Waste Remediation System, Hanford Site, Richland, Washington, Final Environmental Impact Statement" (TWRS EIS) (DOE/EIS 0189, August 1996). The Final EIS evaluates alternatives for the management and disposal of mixed, radioactive, and hazardous waste currently stored or projected to be stored in 177 underground storage tanks and approximately 60 active and inactive miscellaneous underground storage tanks associated with the Hanford Site's tank farm operations, as well as the management and disposal of approximately 1,930 cesium and strontium capsules currently stored at the Hanford Site.

Based on the environmental impact analysis of the Final EIS and after evaluating costs, regulatory compliance requirements, technical uncertainties, worker and public health and safety, and public, agency, National Research Council, and Tribal Nation comments, DOE has decided to implement the preferred alternative identified in the Final EIS for retrieval, treatment, and disposal of tank waste the, "Phased Implementation alternative" and to defer the decision on disposition of cesium and strontium capsules.

The Phased Implementation alternative was selected because it provides a balance among short-and long-term environmental impacts, meets all regulatory requirements, addresses the technical uncertainties associated with remediation, and provides the flexibility necessary to accommodate future changes in the remediation plans in response to new information and technology development.

While carrying out this decision, DOE will continually evaluate new information relative to the tank waste remediation program. DOE will also conduct periodic independent scientific and technical expert reviews, which DOE believes are essential to the success of the TWRS program. Further, DOE intends to conduct formal evaluations of new information relevant to the tank waste remediation program at three key points over the next eight years under its National Environmental Policy Act (NEPA) regulations (10 CFR 1021.314), with an appropriate level of public involvement, to ensure that DOE stays on a correct course for managing and remediating the tank waste. Various informal reviews also will be conducted during this period.

DOE has decided to defer action on the cesium and strontium capsules to further evaluate potential beneficial uses of the capsules and study potential long-term environmental impacts. The capsules will continue to be managed in the Hanford Site Waste Encapsulation and Storage Facility. DOE will complete an evaluation for potential future uses of the capsules within two years and will issue a Cesium and Strontium Management Plan that will address alternatives for beneficial uses. If no future uses are found and DOE determines that the capsules should be disposed of, DOE will select an alternative for disposal of the capsules and supplement this Record of Decision.

ADDRESSES: Addresses of DOE Public Reading Rooms and Information Repositories where the Final EIS, Record of Decision, and other relevant information are available for public review are listed at the end of this Record of Decision. The Final EIS and Record of Decision are also available for review on the Internet at www.hanford.gov/eis/twrseis.htm and on the DOE NEPA Web page (http://tis-nt.eh.doe.gov/nepa).

FOR FURTHER INFORMATION: Requests for copies of the Record of Decision or further information on the Final EIS or Record of Decision should be directed to Carolyn Haass, DOE Tank Waste Remediation System EIS NEPA Document Manager, U.S. Department of Energy, Richland Operations Office, P.O. Box 1249, Richland, WA 99352. Ms. Haass may be contacted by telephone at (509) 372-2731. Information on the DOE NEPA process may be requested from Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH-42), U.S. Department of Energy, 1000 Independence Avenue S.W., Washington, D.C. 20585. Ms. Borgstrom may be contacted by telephone at (202) 586-4600, or by leaving a message at (800) 472-2756.

SUPPLEMENTARY AGENCY INFORMATION:

Purpose and Need for Action

This Record of Decision addresses actions by DOE to manage and dispose of radioactive, hazardous, and mixed waste within the Tank Waste Remediation System (TWRS) program at the Hanford Site in southeastern Washington State. The waste includes approximately 212 million liters (56 million gallons) of waste stored or to be stored in underground storage tanks at the Hanford Site. DOE also will manage the cesium and strontium salts contained in approximately 1,930 capsules currently stored at the Site and, if they are determined to be waste, will dispose of the capsules. The tank waste and cesium and strontium capsules currently pose a low short-term risk to human health and the environment; however, storage costs are high, and the potential for an accident resulting in large releases of radioactive and chemical contaminants will increase as the facilities age.

DOE must implement long-term actions to safely manage and dispose of the tank waste, associated miscellaneous underground storage tanks, and the cesium and strontium capsules (if the cesium and strontium are determined to be waste) to permanently reduce potential risk to human health and the environment. These actions also are needed to ensure compliance with all applicable Federal and Washington State requirements regarding the management and disposal of radioactive, hazardous, and mixed waste.

Alternatives Considered in the Final EIS

The following describes the alternatives considered in the Final EIS and a discussion of their advantages and disadvantages.

In order to compare the alternatives for both the high- and low-activity fractions of the waste, vitrification was used as a representative technology to conduct the EIS analysis. DOE currently plans to implement parts of the Phased Implementation alternative through a privatization initiative whereby private companies will perform certain aspects of the remediation in an effort to use competition within the marketplace to bring new ideas and concepts to waste remediation and reduce project costs. Under current plans, the selected private companies will have the responsibility to treat the high-level waste using vitrification, and will have the option to immobilize the low-activity waste by either vitrification or other similar immobilization methods provided that the final waste form meets regulatory requirements. (DOE has issued contracts to two companies to design tank waste treatment facilities—both companies had proposed vitrifying low-activity waste.)

Tank Waste Alternatives Considered

Phased Implementation (Preferred Alternative)

The Phased Implementation alternative was identified in the Final EIS as the Preferred Alternative. Under the Phased Implementation alternative, the tank waste would continue to be safely stored until the waste is retrieved from the tanks for treatment and disposal by implementing a demonstration phase (Phase I) to verify that the treatment processes will function effectively and then by implementing a full-scale production phase (Phase II).

During Phases I and II, continued operations of the tank farm system and actions to address safety and regulatory compliance issues would be performed and would include:

- Upgrading tank farm infrastructure, including waste transfer, instrumentation, ventilation, and electrical systems;
- Monitoring tanks and equipment to support waste management and regulatory compliance requirements;
- Combining compatible waste types, interim stabilization of single-shell tank waste, continuing waste characterization, removing pumpable liquid from single-shell tanks, transferring newly generated waste from ongoing Site activities to double-shell tanks, operating the 242–A Evaporator and the Effluent Treatment Facility, and performing mitigative actions to resolve tank safety issues;
- Using rail or tanker truck systems to transport waste to the tank farms;
- Completing construction of and operating the new replacement cross-site transfer system to facilitate regulatory compliant waste transfers from 200 West to 200 East Area and continue operating the existing transfer pipeline system until the replacement system is operational; and
- Installing and operating an initial tank waste retrieval system to improve the capacity to consolidate double-shell tank waste and support mitigation of safety issues.

Phase I activities (Part A, development activities; Part B demonstration) activities would last for approximately 10 years and would include:

- Constructing demonstration-scale facilities to produce vitrified low-activity waste and vitrified high-level waste for future disposal;
- Installing and operating tank retrieval systems to retrieve selected waste (primarily liquid waste) for separations and immobilization, and selected tank waste for high-level waste vitrification;
- Transferring liquid waste to receiver tanks and transferring selected waste for high-level waste processing directly to the high-level waste facility;
- Performing separations to remove selected radionuclides (e.g., cesium) from the low-activity waste stream;
- Storing separated high-level waste at the treatment facilities or in the Canister Storage Building pending future high-level waste treatment;
- Returning a portion of the sludge, strontium, and transuranic waste from separations processes to the double-shell tanks for future retrieval and treatment during Phase II;
- Vitrifying the low-activity waste and high-level waste; and
- Transporting the low and high activity wastes to onsite interim storage facilities.

Phase II (full-scale production) activities would begin after completion of Phase I, last for approximately 30 years and would include:

- Constructing full-scale facilities to vitrify low-activity waste and vitrify high-level waste;
- Installing and operating tank retrieval systems to retrieve waste from all single-shell tanks, double-shell tanks, and miscellaneous underground storage tanks;
- Pretreating the waste by sludge washing and enhanced sludge washing followed by separations of the liquid and solids;
- Performing separations to remove selected radionuclides from the low-activity waste feed stream and transferring the waste to the high-level waste vitrification facility;
- Vitrifying the high-level waste stream and the low-activity waste stream;
- Packaging the high-level waste in canisters for onsite interim storage and future shipment to a national geologic repository; and
- Placing the immobilized low-activity waste in containers and placing the containers in onsite near-surface disposal facilities.

DOE also would continue to characterize the tank waste and perform technology development activities to reduce uncertainties associated with remediation, evaluate emerging technologies, and resolve regulatory compliance issues.

The principal advantages of the Phased Implementation alternative are

that it provides for retrieval of the waste, separation of the high- and low-activity waste constituents and immobilization of the waste. Separations processes would reduce the volume of high-level waste and eliminate the bulk of the contaminants in the low-activity waste stream. This alternative would permanently isolate the wastes from humans and the environment to the greatest extent practicable and provide for protection of public health and the environment by disposing of the bulk of the radionuclides offsite in a national geologic repository and isolating the low-activity waste through immobilization and disposal in onsite facilities. By using a phased approach, DOE will obtain additional information concerning the uncertainties associated with waste characteristics and the effectiveness of the retrieval, separations, and treatment technologies prior to constructing and operating full-scale facilities. Lessons learned from the demonstration phase, ongoing waste characterization, and technology development activities would be applied to Phase II, which may substantially improve the operating efficiency of the second phase and reduce construction and operating costs.

The principal disadvantage of this alternative is that it would involve slightly higher short-term impacts than the in situ and combination alternatives, though lower than the continued management alternatives. Short-term impacts include potential health impacts during Phases I and II from occupational, operational, and transportation accidents and radiation exposures to workers during normal operations. In addition, this alternative would disturb shrub-steppe habitat and may cause a short-term strain on public services during construction activities. This alternative would also cost more than the in situ alternatives.

Other Tank Waste Alternatives Considered

The Final EIS analyzed nine other alternatives for the tank waste. All of the alternatives considered include continuing the current tank farm operations to maintain the tanks and associated facilities until they are no longer needed for waste management. All of the alternatives (except No Action) include upgrading tank farm systems as identified for the Phased Implementation alternative. The following are the other alternatives addressed.

1. No Action

Perform minimum activities required for safe and secure management of the Hanford Site's tank waste with the current tank farm configuration during a 100-year period. This alternative would provide for continued storage and monitoring of tank waste. No construction or remediation activities would be performed under the No Action alternative.

The principal advantage of this alternative is that the short term environmental impacts would be lower than other alternatives analyzed (except operational accidents which would be high due to the assumed 100-year operating period). The cost estimated for this alternative would be lower than most other alternatives. The degree of technical uncertainty associated with this alternative is low because it is a continuation of ongoing activities. Selection of this alternative would also allow time to develop new waste remediation technologies.

The principal disadvantage of this alternative is that it would result in the highest long term environmental impacts. Because no action would be taken to immobilize or isolate the waste, the contaminants in the waste would migrate to the groundwater in a relatively short period of time, resulting in contamination of the groundwater far above accepted safe levels and drinking water standards. Persons consuming this contaminated groundwater would have a significant risk of contracting cancer. In addition, this alternative would not meet waste disposal laws, regulations, and policies. This alternative eventually would result in continued deterioration of the structural integrity of the tanks and an increased risk that an earthquake would cause a catastrophic release of tank contents to the environment and the potential for a large number of fatalities. Because all of the waste would remain in the tanks in an unstabilized form, there would be a significant human health risk to inadvertent intruders into the waste after any loss of administrative control of the Site.

2. Long-Term Management

Perform minimum activities required for safe and secure management of the Hanford Site's tank waste during the 100-year administrative control period. This alternative is similar to the No Action alternative, except that the waste transfer system would be upgraded and the double-shell tanks would be replaced twice during the assumed 100-year administrative control period to prevent the potential leakage of large volumes of liquid to the environment from the double-shell tanks. No waste remediation would be performed under this alternative.

The principal advantage of this alternative is the same as for the No Action alternative except that leaching of contaminants into the groundwater from the double-shell tanks would be delayed by 100 years due to the tank replacement program.

The principal disadvantages of this alternative are the same as for the No Action alternative except that the long-term impacts to the groundwater would be slightly lower than the No Action alternative.

3. In Situ Fill and Cap

Retrieve and evaporate liquid waste from the double-shell tanks, fill single- and double-shell tanks with gravel, fill miscellaneous tanks and ancillary equipment with grout, and cover the tank farms with a low permeability earthen surface barrier, disposing of all tank waste onsite.

The principal advantages of this alternative are that the short-term environmental impacts (accident fatalities, radiation exposures, and shrub-steppe habitat disturbance) would be low and the estimated cost would be lower than for all other alternatives. The degree of technical uncertainty associated with this alternative is low because it involves applying common technology, which has a high probability of achieving its projected level of effectiveness for most tanks.

The principal disadvantages of this alternative are that it would have relatively high long-term environmental impacts due to contaminants leaching into the groundwater where they could expose persons who might consume the groundwater, and it would not meet waste disposal laws, regulations, or policies. Because the actions taken for this alternative involve isolation but not immobilization of the waste, the contaminants would migrate to the groundwater over a long period of time and result in significant long-term impacts on public health and the environment. In addition, this alternative may not be feasible for those tanks that generate high levels of flammable gases because of the potential for sparks causing a fire in the tanks while filling with gravel. Other types of fill material may be necessary for these tanks. Because all of the waste except the liquid waste in the double-shell tanks would remain in the tanks in an unstabilized form, there would be a significant human health risk to inadvertent intruders into the waste

after any loss of administrative control of the Site.

4. In Situ Vitrification

Retrieve and evaporate liquid waste from the double-shell tanks, fill the tanks with sand, vitrify (melt to form glass) all of the tanks in place, and cover all of the tank farms with an earthen surface barrier to dispose of all tank waste onsite. This alternative would involve constructing tank farm confinement facilities to contain and collect the off-gasses generated during the vitrification process. The waste, tanks, and soil surrounding the tanks (including miscellaneous underground storage tanks) would be vitrified by using electricity to melt the soil and waste, which would solidify into a glass when cooled.

The principal advantages of this alternative are that the short- and long-term impacts would be relatively low. The short-term impacts such as occupational, operational, and transportation accidents would be lower because fewer personnel would be required to construct and operate the in situ vitrification systems. The long-term impacts would be low because the contaminants would be immobilized in glass, which would limit the leaching of contaminants to the groundwater.

The principal disadvantages of this alternative are that there is a high degree of technical uncertainty that the alternative would function as intended, and that, even if technically successful, would not produce a final waste form that would meet waste disposal laws, regulations, or policies. In situ vitrification has been performed on contaminated soil, but has not been used on the tank waste or at the scale needed to vitrify the large tanks.

5. Ex Situ No Separations

Retrieve waste from the single-shell, double-shell, and miscellaneous underground storage tanks, either vitrify or calcine (heat to temperatures below the melting point) the waste, and package the treated waste for interim onsite storage and eventual offsite disposal at a national geologic repository.

The principal advantages of this alternative are that the vitrification option would meet all regulatory requirements and both the vitrification and calcination options would result in disposal of all retrieved waste offsite at a national geologic repository. Because this alternative does not involve separations, the technical uncertainties are fewer than those associated with other ex situ alternatives that involve intermediate or extensive separations.

The principal disadvantages of this alternative are that the waste form (either soda-lime glass for vitrification or compacted powder for calcination) may not meet the current waste acceptance criteria at a national geologic repository and the volume of waste to be disposed of at a national geologic repository would be very large and would likely exceed the capacity of the first repository. The costs associated with disposing of all the waste at a national geologic repository make this the most expensive alternative.

6. Ex Situ Intermediate Separations

Retrieve waste from the single-shell, double-shell, and miscellaneous underground storage tanks and separate the waste into high-level and low-activity waste streams using sludge washing, enhanced sludge washing, and ion exchange, then vitrify the waste streams in separate facilities. Dispose of the low-activity waste onsite and the high-level waste offsite at a national geologic repository.

The principal advantages of this alternative are that it would meet all regulatory requirements and result in relatively low long-term impacts because the high-level waste would be disposed of offsite in a national geologic repository and the low-activity waste onsite would be immobilized and isolated in onsite disposal facilities covered with an earthen barrier.

The principal disadvantage of this alternative is that it involves a moderate level of technical uncertainty because the alternative would involve construction and operation of treatment facilities where some of the proposed technologies are first-of-a-kind or have not been demonstrated on Hanford Site tank waste. This alternative would involve a potential for higher short-term impacts than the in situ alternatives because of the nature and extent of the activities required for construction and operation of the full-scale waste treatment facilities. These impacts would include potential health impacts from occupational, operational, and transportation accidents and radiation exposures during normal operations.

7. Ex Situ Extensive Separations

Retrieve waste from the single-shell, double-shell, and miscellaneous underground storage tank waste and use a large number of complex chemical separations processes to separate the high-level waste components from the recovered tank waste. Vitrify the waste streams in separate facilities and dispose of the low-activity waste onsite and the high-level waste offsite at a national geologic repository.

The principal advantages of this alternative are that it would meet all regulatory requirements and, due to the extensive separations processes, would result in the smallest volume of high-level waste for offsite disposal. Due to the extent of the separations processes, the low-activity waste that would remain onsite would have lower radioactive contaminant concentrations than the other ex situ alternatives.

The principal disadvantages of this alternative are that it involves the highest degree of technical uncertainty and highest treatment cost among the ex situ alternatives because of the numerous complex separations processes. This alternative would involve slightly higher short-term impacts than the in situ and combination alternatives, though lower short-term impacts than the continued management alternatives. These impacts include potential health impacts from occupational, operational, and transportation accidents and radiation exposures during normal operations.

8. and 9. Ex Situ/In Situ Combination 1 (Alternative 8) Ex Situ/In Situ Combination 2 (Alternative 9)

Retrieve tank waste (approximately 50 percent of the waste volume for the Combination 1 alternative and 30 percent for the Combination 2 alternative based on long-term risks the contents of the various tanks pose to human health and the environment); separate the retrieved waste into high-level and low-activity waste streams using an intermediate level of separations; then vitrify the waste streams in separate facilities. Dispose of the low-activity waste onsite and the high-level waste at an offsite national geologic repository. Waste in tanks not selected for retrieval would be remediated identical to the In Situ Fill and Cap alternative.

The principal advantage of these alternatives is that they offer the opportunity to lower the remediation cost by remediating the waste in selected tanks based on waste characteristics and contribution to post-remediation risk. The waste that provides the greatest long-term potential human health risks would be remediated. The Combination 2 alternative would have lower remediation costs than the Combination 1 alternative because a smaller volume of waste would be processed. These alternatives would result in short-term impacts (occupational, operational, and transportation accidents and shrub-steppe habitat disturbance) that are generally lower than those for the ex situ alternatives because smaller

facilities and fewer personnel would be required to process a smaller volume of waste.

The principal disadvantages of these alternatives are that they would not meet waste disposal laws, regulations, and policies. The ex situ portion of these alternatives would have the same technical uncertainties as the Ex Situ Intermediate Separations alternative. The in situ portion of these alternatives would result in higher long-term impacts than the ex situ alternatives because the waste disposed of in situ would leach contaminants into the groundwater over a long period of time and expose persons who might consume the groundwater. The Combination 2 alternative would leave more waste disposed of in situ and result in higher long-term impacts than the Combination 1 alternative.

Environmentally Preferable Alternative—Tank Waste

Identifying environmental preferences among alternatives for the tank waste remediation program requires consideration of the short-term human health and environmental impacts, long-term human health and environmental impacts, and the associated uncertainties in the impact assessment process, including technology performance. There are alternatives that would result in low short-term impacts but relatively high long-term impacts, and identifying the environmentally preferable alternative(s) requires judgment concerning these impacts. Comparing short-term human health impacts with long-term human health impacts is complicated by the fact that short-term impacts can be estimated with a greater degree of certainty than long-term human health risks.

In making these comparisons, DOE considered that most estimated short-term impacts involve risks to workers during remediation that are voluntary and can be reduced by applying appropriate worker protection measures. In contrast, the estimated long-term impacts are involuntary in nature because they would result from inadvertent exposure of future populations to contaminant releases.

The In Situ Vitrification alternative would have lower human health and environmental impacts than the other alternatives, if this technology functioned adequately. This alternative would result in the lowest potential short-term human health impacts, other than the In Situ Fill and Cap alternative, and the lowest long-term human health and environmental impacts. However, in situ vitrification has never been performed at the scale necessary to remediate the Hanford tank waste and there is a high degree of technical uncertainty associated with this alternative. Even with extensive technology research and testing, it may not be feasible to develop this technology to the extent that it would function adequately. If this alternative did not function as designed, the long-term impacts on groundwater and future users of the groundwater would be higher. While the In Situ Fill and Cap alternative would result in the lowest short-term impacts, it also would have significant long-term impacts on the groundwater and future users of the groundwater.

On balance, the ex situ alternatives are environmentally preferable to in situ alternatives because they provide for the permanent isolation of contaminants from the human environment. Among the ex situ alternatives, Phased Implementation is environmentally preferable because it offers the best potential to reduce technology risks and uncertainties relevant to both short-term and long-term impacts, while also providing for treatment and disposal of tank wastes to the greatest extent technically and economically practicable.

Cesium and Strontium Capsules Alternatives Considered

For the purposes of analyzing impacts in the TWRS EIS, it was assumed that the cesium and strontium capsules will remain in the Waste Encapsulation and Storage Facility at the Hanford Site until ready for final disposition. The Waste Encapsulation and Storage Facility is being isolated from B Plant, which previously provided waste handling and utility support. B Plant is scheduled for deactivation.

No Action

No Action was identified in the Final EIS as the preferred alternative and includes the continued storage of the capsules in the Hanford Site Waste Encapsulation and Storage Facility for 10 years. The cesium and strontium capsules are currently classified as byproduct material and are therefore available for beneficial uses. If beneficial uses cannot be found, the capsules may be subject to management and disposal actions as high-level waste.

The principal advantage of the No Action alternative is that it allows DOE to evaluate potential commercial and medical uses for the cesium and strontium capsules rather than foreclosing these options by implementing a disposal alternative. This alternative also provides an opportunity for further study of long-term environmental impacts. DOE would reevaluate the preferred alternative after a determination is made on the potential for future use of cesium and strontium capsules.

The principal disadvantage of this alternative is that it would not result in the near-term disposal of the capsules. The high costs of storing the capsules would continue. The cost and impacts of disposal would be delayed until some time in the future, if appropriate uses for the capsules are not developed.

Onsite Disposal

Overpack the cesium and strontium capsules in canisters and dispose of them onsite in a newly constructed shallow drywell disposal facility.

The principal advantage of this alternative is that it is the only alternative that would allow near-term disposal of the capsules because it would not rely on the construction of a national geologic high-level waste repository, which may not be available until after the year 2015.

The principal disadvantage of this alternative is that it would not meet the requirements of the Resource Conservation and Recovery Act for hazardous waste or DOE policy for disposal of readily retrievable high-level waste. The capsules would be disposed of in a near-surface facility where they would be more accessible to inadvertent human intrusion until the cesium and strontium decayed to non-radioactive elements.

Overpack and Ship

Overpack the cesium and strontium capsules into canisters, place the canisters into Hanford Multi-Purpose Canisters for interim storage, and store the packaged capsules onsite pending offsite disposal at a national geologic repository.

The principal advantage of this alternative is that it would provide for offsite disposal of the capsules in compliance with all regulatory requirements.

The principal disadvantage of this alternative is that the capsules may not meet waste acceptance criteria at a national geologic repository.

Vitrify With Tank Waste

Remove capsule contents, vitrify with the high-level tank waste, and dispose of offsite at a national geologic repository.

The principal advantages of this alternative are that it would meet all regulatory requirements and the currently planned waste acceptance requirements for a national geologic repository. This alternative is dependent

on selecting one of the tank waste alternatives that includes a high-level waste vitrification facility, which would be used to vitrify the cesium and strontium.

Environmentally Preferable Alternative Cesium and Strontium Capsules

All of the alternatives for remediation of the cesium and strontium capsules are estimated to result in low environmental impacts. There would be no occupational fatalities or increased incidences of cancer or fatal chemical exposures associated with normal operations. There would be no or low adverse impacts on surface waters or groundwater, soils, air quality, transportation networks, noise levels, visual resources, socioeconomic conditions, resource availability, or land use. The No Action, Overpack and Ship, and Vitrify with Tank Waste alternatives would have slightly lower impacts on shrub-steppe habitats than the Onsite Disposal alternative and a slightly lower risk of a fatal accident. Assuming that the capsules would meet waste acceptance criteria at a national geologic repository the Overpack and Ship alternative would result in slightly lower impacts than the other alternatives and is therefore the environmentally preferable alternative.

Decision

Tank Waste

Description of Alternative Selected

DOE has decided to implement the Phased Implementation alternative for the tank waste. The Phased Implementation alternative strikes an appropriate balance among potential short- and long-term environmental impacts, stakeholder interests, regulatory requirements and agreements, costs, managing technical uncertainties, and the recommendations received from other interested parties.

While carrying out this decision, DOE will continually evaluate new information relative to the tank waste remediation program. DOE also intends to conduct formal evaluations of new information relative to the tank waste remediation program at three key points over the next eight years under its NEPA regulations (10 CFR 1021.314), with an appropriate level of public involvement, to ensure that DOE stays on a correct course for managing and remediating the waste.

As remediation proceeds in the coming years, DOE will learn more about management and remediation of the tank waste and ways to protect public and worker health and the environment. Within this time frame, DOE will obtain additional information on the effectiveness of retrieval technologies, characteristics of the tank wastes, effectiveness of waste separation and immobilization techniques, and more definitive data on the costs of retrieval, separations, and immobilization of the waste. Formal reevaluations will incorporate the latest information on these topics. DOE will conduct these formal evaluations of the entire TWRS program at the following stages: (1) before proceeding into Privatization Phase I Part B (scheduled for May 1998); (2) prior to the start of hot operations of Privatization Phase I Part B (scheduled for December 2002/December 2003); and (3) before deciding to proceed with Privatization Phase II (scheduled for December 2005). In conducting these reviews, DOE will seek the advice of independent experts from the scientific and financial community, such as the National Academy of Sciences which will focus on the expected performance and the costs of waste treatment. DOE has established a TWRS Privatization Review Board consisting of Senior DOE representatives to provide on-going assistance and interactive oversight of the review of Part A deliverables and discussions with the contractors.

Informal evaluations also will be conducted as the information warrants. These formal and informal evaluations will help DOE to determine whether previous decisions need to be changed.

The Phased Implementation approach allows DOE to start remediating waste earlier than previously planned. With this approach, retrieval and processing of waste will begin on a small scale so that systems can be improved as knowledge is gained. This approach also permits DOE to continue research and development in critical areas, such as improved robotic retrieval systems, that may result in improved methods to reduce tank leaks during retrieval, and methods to remove residual waste that is difficult to retrieve.

The components of the demonstration phase (Phase I) will include: (1) continuing to safely manage the tank waste; (2) constructing and operating demonstration facilities; (3) collecting additional information through tank waste and vadose zone characterization; and (4) performing demonstrations of technologies that have the potential to reduce uncertainties associated with the TWRS program.

Continuing to safely manage the tank farms includes replacement of certain waste transfer piping and routine maintenance activities for tank farm instrumentation, ventilation, and electrical systems. Ongoing activities will include conducting environmental and safety related monitoring, removing pumpable liquids from the single-shell tanks, mitigating flammable gas safety hazards, and transferring currently stored waste and newly generated waste using the replacement cross-site transfer system, rail cars, and tanker trucks. DOE also plans to upgrade certain instrumentation, tank ventilation, and electrical system to upgrade the regulatory compliance status of the current facilities. The environmental impacts of these actions were not assessed in the TWRS EIS because the activities to be performed had not been sufficiently defined. DOE will evaluate the impacts of these actions in future NEPA analyses.

The demonstration phase, which will last approximately 10 years, includes the retrieval and treatment of a portion of the waste from the double-shell and single-shell tanks. The waste will be separated into low-activity waste and high-level waste through physical and chemical processes and then treated in demonstration-scale facilities. Vitrified high-level waste will be placed in interim storage at the Canister Storage Building pending future disposal at a national geologic repository. Immobilized low-activity waste will be prepared for future onsite disposal in existing grout vaults and similarly designed disposal facilities.

During the demonstration phase, DOE will conduct many activities to reduce the uncertainties associated with certain aspects of the project. For example, DOE will obtain extensive operational and cost data on a variety of issues by retrieving waste for treatment and constructing and operating the demonstration-scale facilities. DOE also will obtain more detailed information on the characteristics of the tank waste and potential impacts on groundwater by continuing to collect data through the existing tank waste and vadose zone characterization programs. Further, DOE will conduct a project known as the Hanford Tanks Initiative that will provide data on single-shell tank residual characteristics, single-shell tank retrieval technologies, tank residual removal technologies, and tank closure technologies. In addition, DOE will further investigate technologies that have the potential to reduce the uncertainties of the TWRS project, including evaluating alternative tank fill material for use during closure, demonstrating the effectiveness and efficiency of waste retrieval with sluicing technology, and evaluating a variety of other technologies through DOE's complex-wide technology

development programs. DOE also will prepare appropriate further NEPA documentation before making decisions on closure of the tank farms. This documentation will address the final disposition of the tanks, associated equipment, soils, and groundwater, and will integrate tank farm closure with tank waste remediation and other remedial action activities.

Phase II of the Phased Implementation alternative will begin after Phase I and will last approximately 30 years. Phase II will consist of continuing to safely manage the tank waste and constructing and operating full-scale facilities to treat the remainder of the tank waste. The tank waste will be retrieved and separated into low-activity waste and high-level waste. The low-activity waste will be immobilized and disposed of onsite in near-surface disposal facilities. The high-level waste will be vitrified, temporarily stored onsite, and transported offsite for disposal in a national geologic repository. DOE will use the lessons learned from the demonstration phase and the information obtained from further characterization and technology development activities to optimize operating efficiencies during Phase II and reduce construction and operating costs. DOE will continue to evaluate the path forward for the tank waste remediation program as additional data and technology development activities provide information relative to key technical and regulatory issues.

DOE currently plans to implement parts of this alternative through a privatization initiative whereby private companies will perform certain aspects of the remediation in an effort to use competition within the marketplace to bring new ideas and concepts to waste remediation and reduce project costs. The goal of privatization is to streamline the TWRS mission, transfer a share of the responsibility, accountability, and liability for successful performance to industry, improve performance, and reduce costs without sacrificing worker and public safety or environmental protection. On September 25, 1996, DOE issued contracts to two companies to initiate the design process for Phase I, Part A. Any of the contractors authorized to proceed to start Part B is anticipated to follow the same general approach described in the EIS for Phase I, Part B of the Phased Implementation alternative, including separating the waste into low-activity waste and high-level waste streams, vitrifying the high-level waste, and using high-temperature processes to immobilize low-activity waste. Both contractors' current plans include vitrifying low-activity waste upon approval to proceed with Phase I, Part B.

Before issuing these contracts DOE independently evaluated the environmental data and analyses submitted by the contractors and prepared a confidential environmental critique of the potential environmental impacts in accordance with DOE NEPA regulation 10 CFR 1021.216. After issuing the contracts, DOE prepared a publicly available environmental synopsis, based on the critique, to document the consideration given to environmental factors and to record that the relevant environmental consequences of reasonable alternatives have been evaluated in the selection process. This evaluation showed that the two proposals would have similar overall environmental impacts and that the impacts would be less than or approximately the same as the impacts described for Phase I of the Phased Implementation alternative. The environmental synopsis has been filed with the Environmental Protection Agency and is available at the DOE Public Reading Rooms and Information Repositories listed at the end of this Record of Decision. DOE will require the selected contractors to submit further environmental information and analysis and will use the additional information, as appropriate, to assist in the NEPA compliance process, including a determination under 10 CFR 1021.314 of the potential need for future NEPA analysis.

Basis for Selection

DOE has determined that through the many years of research and development throughout the DOE complex and specific studies on Hanford Site tank waste remediation, the technical uncertainties have been reduced to a manageable level. DOE has determined that the risks associated with proceeding with remediation are less than the risks of future releases of contaminants to the groundwater and of accidents in unremediated tanks that are deteriorating structurally. The cost of continuing to manage the unremediated tank waste facilities is high.

DOE has determined that it is necessary to retrieve the waste from the tanks to meet regulatory requirements, avoid future long-term releases to the groundwater that would threaten human health and the environment, and reduce health impacts to potential inadvertent intruders into the waste if administrative control of the Site were lost. An intermediate level of separating the waste into low-activity waste and high-level waste was selected because of the high disposal costs of alternatives with low levels of separation and the high degree of technical uncertainty associated with alternatives with extensive levels of separations. To address the remaining technical uncertainties that exist with the tank waste remediation program, the phased implementation approach was selected to provide the flexibility necessary to make midcourse adjustments to the remediation plans based on future characterization data, technology development, and technical and cost data developed during Phase I.

The Phased Implementation alternative provides for the permanent isolation of the waste from humans and the environment to the greatest extent practicable and protection of public health and the environment. A high percentage of the radionuclides will be disposed of offsite in a national geologic repository, which provides a high degree of permanent isolation of the most hazardous waste. Releases of contaminants to the groundwater at the Hanford Site will be reduced to the greatest extent practicable. The waste disposed of onsite will be isolated from humans and the environment by immobilizing the low-activity waste and placing it in near-surface disposal facilities covered with an earthen surface barrier.

The Phased Implementation alternative provides a balance among key factors that influenced the evaluation of the alternatives; short-term impacts to human health and the environment, long-term impacts to human health and the environment, managing the uncertainties associated with the waste characteristics and treatment technologies, costs, and compliance with regulatory requirements. It also provides a balance between the need to proceed with remediation and the potential advantages of delaying remediation to incorporate future technology developments. This alternative allows DOE to meet all regulatory requirements and reflects the values and concerns of many stakeholders.

Mitigation Measures

This decision adopts all practicable measures to avoid or minimize adverse environmental impacts that may result from the Phased Implementation alternative. These measures many of which are routine, include the following.

- All DOE nuclear facilities will be designed, constructed, and operated in compliance with the comprehensive set of DOE or commercial requirements that have been established to protect public health and the environment. These

requirements encompass a wide variety of areas, including radiation protection, facility design criteria, fire protection, emergency preparedness and response, and operational safety requirements;

• Measures will be taken to protect construction and operations personnel from occupational hazards and minimize occupational exposures to radioactive and chemical hazards;

• Emergency response plans will be developed to allow rapid response to potentially dangerous unplanned events;

• Water and other surface sprays will be used to control dust emissions, especially at borrow sites, gravel or dirt haul roads, and during construction earthwork;

• Areas for new facilities will be selected to minimize environmental impacts to the extent practicable;

• Pollution control or treatment will be used to reduce or eliminate releases of contaminants to the environment and meet regulatory standards;

• Extensive environmental monitoring systems will be implemented to continually monitor potential releases to the environment;

• All newly disturbed areas will be recontoured to conform with the surrounding terrain and revegetated with locally derived native plant species consistent with Sitewide biological mitigation plans;

• Historic, prehistoric, and cultural resource surveys will be performed for any undisturbed areas to be impacted;

• Potential impacts to shrub-steppe habitat and cultural resources will be among the factors considered in a NEPA analysis to support the site selection process for facilities and earthen borrow sites; and

• Consultation with Tribal Nations and government agencies will be performed throughout the planning process to address potential impacts to shrub-steppe habitat, religious sites, natural resources, and medicinal plants.

Mitigation measures will be refined and presented in the Tank Waste Remediation Mitigation Action Plan. Tribal Nations and agencies will be consulted, as appropriate, during preparation of the Mitigation Action Plan.

Cesium and Strontium Capsules

DOE has decided to defer the decision on the disposition of the cesium and strontium capsules for up to two years. In effect, DOE will implement the No Action alternative until a final disposition decision is made and implemented. The encapsulated cesium and strontium have potential value as commercial and medical irradiation or heat sources, and implementing disposal alternatives would foreclose options for these applications. DOE is evaluating the potential for commercial and medical uses. In addition, DOE is considering mixing the cesium with surplus plutonium; the cesium would serve as a radiation barrier and be immobilized with the plutonium. Mixing the cesium with the plutonium would enhance nuclear materials security by making future use of the plutonium by unauthorized persons very hazardous and difficult. DOE will reevaluate the decision on the disposition of the capsules after determinations are made on the potential for future use of cesium and strontium. DOE is preparing a Cesium and Strontium Management Plan that will address alternatives for beneficial uses of the capsules prior to final disposition. If DOE decides not to use the cesium and strontium for any of these purposes, one of the alternatives for permanent disposal of the capsules will be selected and DOE will supplement this Record of Decision. Before making such a decision, DOE intends to further study disposal alternatives to resolve uncertainties and better understand long-term impacts, as recommended by the National Research Council (see Appendix).

Comments on the Draft EIS and Agency Responses

DOE and Ecology received comments on the Draft EIS from 102 individuals, organizations, agencies, or Tribal Nations including the Washington State Department of Wildlife, Oregon State Department of Energy, Nez Perce Tribe, Yakama Indian Nation, and the Confederated Tribes of the Umatilla Indian Reservation. All comments received were addressed in the Final EIS, Volume Six, Appendix L, and revisions to the Final EIS were made, as appropriate, to address applicable comments. A complete copy of all comments received on the Draft EIS is available in each of the DOE Public Reading Rooms and Information Repositories at the locations listed at the end of this Record of Decision.

Comments Received After Publication of the Final EIS and DOE Responses

DOE received comments from the Washington State Department of Fish and Wildlife on the Final EIS and comments from the National Research Council on the Draft EIS after publication of the Final EIS. A summary of these comments and DOE's responses is attached as an appendix to this Record of Decision. These comments were considered in the preparation of this Record of Decision.

DOE Public Reading Rooms and Information Repositories

• University of Washington, Suzzallo Library, Government Publications Room, Seattle, WA 98185, (206) 685-9855, Monday–Thursday, 9 a.m. to 8 p.m.; Friday and Saturday, 9 a.m. to 5 p.m.

• Gonzaga University, Foley Center, E. 502 Boone, Spokane, WA 99258, (509) 328 4220 ext. 3829, Monday Thursday, 8 a.m. to midnight, Friday, 8 a.m. to 9 p.m.; Saturday, 9 a.m. to 9 p.m.; Sunday, 11 a.m. to midnight.

• U.S. Department of Energy Reading Room, Washington State University, Tri-Cities Campus, 100 Sprout Road, Room 130W, Richland, WA 99352, (509) 376 8583, Monday Friday, 10 a.m. to 4 p.m.

• Portland State University, Bradford Price Millar Library, Science and Engineering Floor, SW Harrison and Park, Portland, OR 97207, (503) 725-3690, Monday–Friday, 8 a.m. to 10 p.m.; Saturday, 10 a.m. to 10 p.m.; Sunday, 11 a.m. to 10 p.m.

• U.S. Department of Energy, Headquarters, Freedom of Information Public Reading Room, 1E 190 Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6020, Monday–Friday, 9 a.m. to 4 p.m.

A copy of the Record of Decision is also available via the Internet at www.hanford.gov/eis/twrseis.htm and http://tis-nt.eh.doe.gov/nepa.

Issued in Washington, DC, this day, February 20, 1997.

Alvin Alm,

Assistant Secretary for Environmental Management.

Appendix—Comments Received After Publication of the Final EIS

The U.S. Department of Energy (DOE) received comments and recommendations from the National Research Council and the Washington State Department of Fish and Wildlife after publication of the Final Environmental Impact Statement (EIS). The following is a summary of these comments and DOE's responses.

National Research Council Comments

On March 4, 1996, DOE requested that the National Research Council (Council), Committee on Remediation of Buried and Tank Waste, review the Tank Waste Remediation System (TWRS) Draft EIS. DOE received the Council's comments and recommendations regarding the Draft EIS on September 6, 1996 (after the Final EIS had been published) in a report entitled "The Hanford Tanks:

Environmental Impacts and Policy Choices". Although this report was issued too late to be considered in the Final EIS, DOE did consider the Council's comments in the preparation of this Record of Decision.

DOE generally agrees with the comments and recommendations made by the Council. Because several other commentors on the Draft EIS identified similar concerns, many of the Council's comments and recommendations were incorporated in the Final EIS prior to receipt of the Council's report. DOE believes the Record of Decision reflects stakeholder values regarding the need for action, provides a balance among short- and long-term environmental impacts, meets regulatory requirements and agreements, and addresses technical uncertainties, while also accommodating, to the extent possible, the underlying concern of the Council regarding the need for phased decision making.

The following is a summary of the National Research Council's comments and DOE's responses.

Comment 1: Uncertainties, both stated and unstated, concerning the Hanford wastes, the environment, and the remediation processes are found throughout the DEIS. Significant uncertainties exist in the areas of technology, costs, performance, regulatory environment, future land use, and health and environmental risks. Among the issues that remain uncertain are:

- Effectiveness in practice of technologies to remove and treat waste from tanks,
- Costs of operations and offsite waste disposal,
- Future policy and regulatory environment,
- Characterization of tank wastes,
- Relation between tank waste removal, remediation of the surrounding environment, and ultimate land use at the site, and
- Long-term risks associated with various alternatives for treating and processing the tank wastes, both in relation to residues left on site and risks transferred offsite when processed wastes are moved to a national geologic repository.

The preferred Phased Implementation alternative presented in the DEIS does not adequately address all of the uncertainties that make it difficult to decide how to complete remediation of the tanks. During Phase I, cesium and technetium, the most troublesome elements in a vitrifier, are to be removed from the high-level waste that is sent to the pilot vitrification plant, potentially limiting the value of information obtained from the pilot plant operations. This may also delay a decision on the final waste form for these elements.

Plans for building a pilot plant should proceed, but in the context of a phased decision strategy that does not preclude processing of wastes other than the double-shell tank supernatant or producing waste forms other than the glass currently planned.

Response 1: DOE agrees with the Council that there are substantial uncertainties associated with the tank waste remediation program. In response to similar comments, DOE revised the EIS to enhance the discussion of uncertainties, including the relevance of the uncertainties in the evaluation of alternatives. The Final EIS provides an extensive discussion on uncertainties in Appendix K, which includes DOE's detailed evaluation of the uncertainties and impacts associated with the tank waste remediation program alternatives. In light of the uncertainties related to the remediation of tank waste, DOE has committed to reevaluate the program as DOE continues to learn from these activities to ensure that DOE will stay on a correct course for managing the tank wastes.

The Council placed particular emphasis on recommending the use of a "phased decision strategy" because of the technical uncertainties in tank waste management. DOE has decided to implement the Phased Implementation alternative, which DOE believes will achieve many of the goals of the phased decision strategy recommended by the Council. DOE believes that the many years of technology evaluations throughout the DOE Complex have reduced the uncertainties to a manageable level, and the risks of proceeding with remediation are less than the risks of further releases of contaminants from the tanks and the potential for accidents in unremediated tanks. In addition, the cost of continuing to manage the tank waste in facilities that have exceeded their design life are high. DOE believes the Phased Implementation alternative provides adequate flexibility to accommodate changes in the tank waste remediation program as additional information is developed. Responses to the Council's other comments, below, provide additional detail on how DOE intends to reduce the technical uncertainties while proceeding with the Phased Implementation alternative.

Phase I of the Phased Implementation alternative includes both low-activity and high-level waste treatment and immobilization. Any radionuclides separated from the low-activity waste feed stream, including cesium and technetium, will be vitrified in the high-level waste facility. This will provide important information on the performance of the separations process and of vitrification of troublesome elements like cesium and technetium.

By performing Phase I of the Phased Implementation alternative and proceeding with other technology development projects and tank waste characterization, the uncertainties associated with the tank waste program will be reduced further. Initiatives that DOE is pursuing to reduce uncertainties in support of the TWRS program include:

- The Hanford Tanks Initiative, which will provide data on characterization of tank residuals, technologies for waste retrieval, technologies for removing tank residuals, and criteria for closing tanks;
- Completion of the tank waste characterization program, which will provide data relative to tank waste safety issues and the contents of the tanks;
- Determination of the level of contamination in the vadose zone;
- Development of a comprehensive plan to integrate tank waste remediation with tank farm closure and other remediation activities related with the TWRS program;
- Integration of TWRS program implementation with the plans for developing a national geologic repository for high-level waste;
- Demonstrations of the efficiency and effectiveness of retrieval sluicing technology to support the tank waste remediation activities; and
- Demonstrations of various tank waste separations and treatment processes.

Comment 2: The DEIS surveyed a wide range of remediation options, including strategies in which tanks with varying contents are treated differently. However, the committee believes that additional alternatives for management of the tank wastes need to be explored in parallel, using a phased decision strategy like the one outlined in this report. Such a strategy would provide flexibility in the event that specific, preferred technologies or management approaches do not perform as anticipated or that innovative waste management and remediation technologies emerge. Among additional options that should be analyzed are (1) in-tank waste stabilization methods that are intermediate between in situ vitrification and filling of the tanks with gravel, (2) subsurface barriers that could contain leakage from tanks, and (3) selective partial removal of wastes from tanks, with subsequent stabilization of

residues, using the same range of treatment technologies as in the alternatives involving complete removal of wastes.

When funding is constrained, it is more difficult to devote resources to the continued development of backup options. However, considering the uncertainty in the cost and performances of the technologies required for the preferred alternative, a time period during which funding is constrained is precisely the wrong time to drop work on alternatives that might achieve satisfactory results at a significantly lower cost. Having such alternatives available could allow remediation to proceed expeditiously, even if funding constraints prevent timely implementation of the currently preferred alternative.

Response 2: As discussed in the response to comment 1, DOE agrees that significant uncertainties exist in the tank waste remediation program and that the strategy selected needs to be flexible to respond to new information and the results of research and development efforts. Additional alternatives and refinements of alternatives need to be developed and evaluated.

The Council's report recommends a "phased decision strategy," while DOE's preferred alternative is the "Phased Implementation alternative." There are important similarities and differences between these two approaches. Under the Council's phased decision strategy, the first phase would identify and develop alternative approaches to remediate the tank waste. Decisions on alternatives for subsequent phases would be deferred until information from the first phase is evaluated. This approach has the advantage of not prematurely foreclosing options enabling DOE to further study and develop technologies and that might reduce cost and/or risk. It has the disadvantage of leaving the total cost, schedule, and final outcome highly uncertain. Under DOE's Phased Implementation alternative, the complete path forward for tank waste remediation has been determined, while recognizing that the path can be modified as new information becomes available. However, DOE has committed to conduct formal and informal reviews with the intent to mitigate the concern of making long-term decisions in the near-term.

The DOE Phased Implementation decision addresses current regulatory requirements and cleanup commitments while maintaining the flexibility necessary to modify the TWRS program if emerging information (e.g., new characterization data, technology breakthroughs, etc.) indicates there is a need to change the direction of the program. At the same time, technology development activities, such as the Hanford Tanks Initiative, will continue, in order to provide alternative paths if preferred technologies do not perform as anticipated. In addition to current programs, the Conference Report for the Energy and Water Development Appropriations Act, 1997 recommends up to $15 million in technology development activities to support the tank waste program.

Other activities, which are critical to the overall TWRS program, will be conducted by DOE throughout Phase I. These activities include single-shell tank waste retrieval, developing methods for quantifying and characterizing the waste residuals left in the tanks following retrieval, and studying the leakage rate of tank wastes during the retrieval process. Contractors will have access to technologies being developed by other DOE programs and will be able to use these technologies if appropriate.

The Final EIS evaluated possible alternatives for remediating the tank waste. There are, as the Council noted, a great number of variations or combinations of alternatives; DOE could not evaluate all such combinations in the EIS. Rather, DOE evaluated a complete range of reasonable tank waste management options, and thereby obtained adequate information for the strategic choice of direction made in this ROD. The use of alternate fill material for tank closure was not evaluated directly, but such alternatives are qualitatively within the range of alternatives analyzed in detail, and DOE was adequately informed about them for the purposes of this EIS. These alternatives will be addressed more directly in future NEPA analysis on tank closure. In this EIS, DOE considered the use of subsurface barriers as a potential mitigation measure during tank waste retrieval. Subsurface barriers were also evaluated in a Feasibility Study completed in 1995. Additional development work is being performed by DOE, and if promising new developments occur, DOE will reconsider the application of subsurface barriers for the tanks. Two alternatives for partial retrieval of the wastes that were similar to the selective partial retrieval alternative that the Council recommended be analyzed were included in the alternatives analyzed. DOE will continue to reevaluate these and other alternatives as more information becomes available.

In situ disposal of single-shell tank wastes and in-tank stabilization of tanks with residuals (not removed by retrieval) have been the subject of previous studies and were evaluated as part of the Systems Engineering Study for the Closure of Single-Shell Tanks. Alternatives for closing tanks with residual waste were evaluated in the Engineering Study of Tank Fill Alternatives for Closure of Single-Shell Tanks released in September 1996. Additional studies supporting stabilization of tanks with residual waste remaining following completion of retrieval operations are planned during Fiscal Year 1997 and Fiscal Year 1998 as part of the Hanford Tanks Initiative.

In addition to the two ex situ/in situ tank waste disposal alternatives that were evaluated in the TWRS EIS, selective partial removal of wastes from tanks, using a risk-based approach, was evaluated in the study entitled "Remediation and Cleanout Levels for Hanford Site Single-Shell Tanks" (Westinghouse Hanford Company, 1995, WHC-SD-WM-TI-711).

This Record of Decision adopts a long-term strategy that will focus efforts on achieving the ultimate TWRS remediation goals while continuing to characterize tank wastes, evaluate new technologies and improve risk assessments. DOE believes that its past studies have reduced the uncertainties enough to enable DOE to make a decision on a long-term tank waste remediation strategy. Although this approach differs from the phased decision strategy recommended by the Council, DOE intends to implement its decision in a manner that is flexible enough to accommodate appropriate mid-course corrections in the tank waste remediation strategy, based on lessons learned in the pilot studies or from other new information.

Comment 3: The scope of the DEIS also has significant limitations. Because the DEIS does not address remediation of the tanks themselves and associated environmental contamination, the alternatives it considers for tank waste remediation are not defined well enough. In addition, the connections between tank remediation alternatives and other cleanup activities at the Hanford Site are not taken into account. Because tank waste remediation alternatives are analyzed and evaluated in isolation from other geographically-related contamination at the Hanford Site, information about risks and costs in the DEIS is difficult to place in a proper perspective.

Response 3: DOE agrees with the Council's observation that there is a

need to integrate remediation of the tank waste with future tank closure decisions and other geographically related remedial actions at the Hanford Site. The Final EIS addresses tank farm closure and other geographically related contamination and remediation activities to the extent possible with current information and to the extent necessary for DOE to make decisions concerning tank waste remediation. The EIS presents (1) information relative to closure to provide the public and decision makers with information on how decisions made now may affect future decisions on closure; (2) information on which alternatives would preclude the future selection of clean closure for the tank farms; and (3) information on cumulative impacts, including the effects of other site activities. This information provides a context for understanding the strategic decisions, now ripe, that are the focus of this EIS. To support the analysis, DOE used closure of a landfill as a representative closure scenario for each alternative, thus providing for a meaningful comparison of the alternatives. DOE intends to prepare a comprehensive plan to integrate tank waste remediation with tank farm closure activities and other Hanford Site remediation programs.

Comment 4: Decisions regarding tank remediation must consider risk, cost, and technical feasibility. Where risks are involved, care should be taken to present a range of potential risks, including expected or most likely estimates as well as the upper-bound estimates presented in the DEIS. While upper-bound estimates may give confidence that actual impacts will not exceed those presented in the DEIS from a worst-case perspective, the inherent uncertainties in risk assessments can distort the comparison of alternatives. This is of particular concern when the upper-bound estimates are derived from a cascade of parameters, much of which was also derived on an upper-bound basis.

While the committee recognizes the utility of quantitative risk assessment in the comparison of remedial alternatives, the limitations of analysis must be underscored. Given the complexity of the Hanford tank farms, many of the potential uncertainties cannot be measured, quantified, or expressed through statistically derived estimates. According to the 1996 National Research Council report Understanding Risk, the 1996 U.S. Environmental Protection Agency report Proposed Guidelines for Carcinogen Risk Assessment, and a recent draft report by the Commission on Risk Assessment and Risk Management, characterization of risk should be both qualitative and quantitative. In this case, qualitative information should include a range of informed views on the risks and the evidence that supports them, the risk likelihood, and the magnitude of uncertainty. Such evaluations of risk should be based on deliberative scientific processes that clarify the concerns of interested and affected parties to prevent avoidable errors, provide a balanced understanding of the state of knowledge, and ensure broad participation in the decision-making process.

Response 4: DOE agrees with these comments and has modified the EIS accordingly in response to similar comments on the Draft EIS received during the public comment period. For example, DOE believes that characterization of the risk should be quantitative when possible and qualitative when parameters are uncertain by more than an order of magnitude. The Final EIS presents the "expected", or "nominal" ranges of risk and upper-bound estimates, and includes (in Appendix E) detailed analysis of uncertainties.

Comment 5: It should be expected that the environmental regulations governing the tank wastes, and the Hanford Site in general, will change over the time during which waste management and environmental remediation occur. DOE should work with the appropriate entities to ensure that future regulatory changes and the future selection of tank remediation approaches are on convergent paths. The development, testing, and analysis of alternatives during the first phase should continue unconstrained by current regulatory requirements and should examine currently untested technologies.

Response 5: DOE agrees that ongoing dialogue with the regulators is necessary to making sound tank waste management decisions. DOE continues to work with the Federal and State regulatory authorities and with the stakeholders to share evolving information regarding impacts and technologies. Toward that end, DOE developed the reasonable alternatives to be analyzed in the EIS on a scientific and engineering basis, then evaluated the alternatives for compliance with regulations. Only four of the ten alternatives addressed in the EIS could be implemented consistent with existing Federal and State regulations. The Record of Decision, however, selects a compliant approach.

Comment 6: Concerning the management and disposal of the cesium and strontium capsules and of the miscellaneous underground storage tanks, the committee found that the DEIS lacks enough substantive information for an evaluation of the proposed remediation strategies. Over 99 percent of the tank wastes is in the single-shell and double-shell tanks, and that is where the greatest potential for health and environmental risk exists. However, the extremely high concentration of radioactivity and the nature of the materials in the capsules necessitate a more thorough discussion of their treatment, disposal, and environmental impact. There are serious deficiencies in the attention given to the long-term changes in the chemical and isotopic composition of the cesium and strontium capsules. The large number and wide distribution of the miscellaneous underground storage tanks make a more complete discussion of their management necessary.

Response 6: DOE agrees with the Council that there is not enough substantive information regarding the cesium and strontium capsules to make a long-term decision on their final disposition. DOE also wants to evaluate potential beneficial uses of the capsules and has decided to defer any disposition of the capsules. In the meanwhile, a Cesium and Strontium Management Plan is currently being prepared by DOE that will address alternatives for beneficial uses of the capsules prior to final disposition. As part of the plan, DOE will continue to collect and analyze information regarding the capsules to reduce uncertainties and better understand long-term impacts, and to ensure that the long-term decision is appropriate.

With regard to the miscellaneous underground storage tanks, DOE believes, based on currently available information, that the waste contained in the miscellaneous underground storage tanks is similar to the waste contained in the single-shell tanks. Because the miscellaneous underground storage tanks represent a small percentage (0.5 percent) of the overall waste volume, the potential long-term impacts posed by the miscellaneous underground storage tanks are within the range of impacts calculated for the single-shell tanks and double-shell tanks. The short-term and long-term impacts associated with the miscellaneous underground storage tanks for activities such as waste retrieval and transfer were analyzed in the EIS.

Comment 7: The proper approach to decision making for tank farm cleanup is to use a phased decision strategy in which some cleanup activities would proceed in the first phase while

important information gaps are filled concurrently to define identified remediation alternatives more clearly, and possibly to identify new and better ones. As part of this strategy, periodic independent scientific and technical expert reviews should be conducted so that deficiencies may be recognized and midcourse corrections be made in the operational program.

Response 7: DOE agrees with the Council that periodic independent scientific and technical expert reviews are essential to the success of the TWRS program. While carrying out the current decisions, DOE will continually evaluate new information relative to the tank waste remediation program. DOE also intends to conduct formal evaluations of new information relative to the tank waste remediation program at three key points over the next eight years under its NEPA regulations (10 CFR 1021.314), with an appropriate level of public involvement, to ensure that DOE will stay on a correct course for managing and remediating the waste. As remediation proceeds in the coming years, DOE will learn more about management and remediation of the tank waste and ways to protect public and worker health and the environment. Within this time frame, DOE will obtain additional information on the effectiveness of retrieval technologies, characteristics of the tank wastes, effectiveness of waste separation and immobilization techniques, and more definitive data on the costs of retrieval, separations, and immobilization of the waste. These formal reevaluations will incorporate the latest information on these topics. DOE will conduct these formal evaluations of the entire TWRS program at the following stages: (1) before proceeding into Privatization Phase I Part B (scheduled for May 1998); (2) prior to the start of hot operations of Privatization Phase I Part B (scheduled for December 2002/December 2003); and (3) before deciding to proceed with Privatization Phase II (scheduled for December 2005). In conducting these reviews, DOE will seek the advice of independent experts from the scientific and financial community, such as the National Academy of Sciences which will focus on performance criteria and the costs of waste treatment. DOE has established a TWRS Privatization Review Board consisting of Senior DOE representatives to provide on-going assistance and interactive oversight of the review of Part A deliverables and discussions with the contractors.

Informal evaluations also will be conducted as the information warrants. These formal and informal evaluations will help DOE to determine whether previous decisions need to be changed.

Washington State Department of Fish and Wildlife Comment

Comment: The Washington State Department of Fish and Wildlife recommends that the following language be included in the Record of Decision:

"The site selection of the precise location of remediation facilities for the selected alternative shall be subject to future supplemental NEPA analysis. This supplemental NEPA analysis shall commit to a supplemental Mitigation Action Plan. The Mitigation Action Plan and supplemental Mitigation Action Plan will be prepared in consultation with the Washington State Department of Fish and Wildlife and the U.S. Fish and Wildlife Service, with input from the Hanford Site's Natural Resource Trustee Council."

"Impacts to State priority shrub-steppe habitat would be one of the evaluation criteria used in site selection. The site selection process would include the following hierarchy of measures:

- Avoid priority shrub-steppe habitat to the extent feasible by locating or configuring project elements in pre-existing disturbed areas.
- Minimize project impacts to the extent feasible by modifying facility layouts and/or altering construction timing."

"Compensatory mitigation measures for the loss of shrub-steppe habitat shall be identified and implemented in the supplemental NEPA analysis and Mitigation Action Plan."

Response: DOE believes that the following approach satisfies the substance of these comments.

The EIS (Section 5.20) describes both mitigation measures that are integral parts of all of the alternatives (Section 5.20.1) and further mitigation measures that could be implemented when indicated or appropriate (Section 5.20.2). In selecting the preferred alternative DOE has committed to all of the mitigation measures in Section 5.20.1, which include measures to restore newly disturbed areas. As the State requested, the Record of Decision commits to conducting NEPA analysis for site selection of facilities.

DOE intends to implement those further measures described in Section 5.20.2 as may be necessary to mitigate potential impacts on priority shrub-steppe habitat, and will consider the potential for such impacts as a factor in the site selection process for TWRS facilities. The site selection process will include the following hierarchy of measures: (1) avoid undisturbed shrub-steppe areas to the extent feasible; (2) minimize impacts to the extent feasible; (3) restore temporarily disturbed areas; (4) compensate for unavoidable impacts by replacing habitat; and (5) manage critical habitat on a Sitewide basis.

DOE believes that mitigation of impacts to habitats of special importance to the ecological health of the region is most effective when planned and implemented on a sitewide basis. Recognizing this, DOE is preparing a sitewide biological management plan to protect these resources. Under this sitewide approach, the potential impacts of all projects would be evaluated and appropriate mitigation would be developed based on the cumulative impacts to the ecosystem. Mitigation to reduce the ecological impacts from TWRS remediation would be performed in compliance with the sitewide biological management plan. Mitigation would focus on disturbance of contiguous, mature sagebrush-dominated shrub-steppe habitat. Compensation (habitat replacement) would occur where DOE deems appropriate. Specific mitigation ratios, sites, and planting strategies (e.g., plant size, number, and density) for TWRS facilities and operations would be defined in the TWRS Mitigation Action Plan, which would be revised for each specific TWRS facility siting decision. The Mitigation Action Plan would be prepared in consultation with the Washington State Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, and Tribal Nations, with input from the Hanford Site's Natural Resources Trustees Council. DOE will make the Mitigation Action Plan publicly available before taking action that is the subject of a mitigation commitment.

[FR Doc. 97-4696 Filed 2-25-97; 8:45 am]
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Energy Information Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

SUMMARY: The Energy Information Administration (EIA) is soliciting comments concerning the proposed three year clearance with no changes to the forms EIA-800-804, 807, 810-814, 816, 817, 819M, and 820 of EIA's Petroleum Supply Reporting System.

DATES: Written comments must be submitted on or before April 28, 1997. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of

A.2 Notice of Intent to Prepare an Environmental Impact Statement for Retrieval, Treatment, and Disposal of Tank Waste and Closure of Single-Shell Tanks at the Hanford Site, Richland, WA

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Note: The official version of this document is published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html.*

Dated: January 6, 2003.

Rod Paige,

Secretary of Education.

[FR Doc. 03–386 Filed 1–7–03; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Notice of Intent To Prepare an Environmental Impact Statement for Retrieval, Treatment, and Disposal of Tank Waste and Closure of Single-Shell Tanks at the Hanford Site, Richland, WA

AGENCY: Department of Energy.

ACTION: Notice of intent.

SUMMARY: The U.S. Department of Energy (DOE) intends to prepare an environmental impact statement (EIS) on the proposed retrieval, treatment, and disposal of the waste being managed in the high-level waste (HLW) tank farms at the Hanford Site near Richland, Washington, and closure of the 149 single-shell tanks (SSTs) and associated facilities in the HLW tank farms. The HLW tanks contain both hazardous and radioactive waste (mixed waste).

This EIS will be prepared in accordance with the National Environmental Policy Act (NEPA) and its implementing regulations (40 CFR parts 1500–1508 and 10 CFR part 1021). DOE's proposed action is to remove waste from the tanks to the extent that retrieval is technically and economically feasible, treat the waste through vitrification in the planned Waste Treatment Plant (WTP) and/or one of several other treatment processes such as bulk vitrification, grout, steam reforming and sulfate removal, depending on waste type and waste characteristics. DOE proposes to package the waste for offsite shipment and disposal or onsite disposal. The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access.

The 149 underground SSTs and 28 underground double-shell tanks (DSTs) are grouped in 18 tank farms that are regulated under the Resource Conservation and Recovery Act of 1976 (RCRA) as treatment, storage, and disposal units that, for closure purposes, include tanks, associated ancillary equipment, and contaminated soils. DOE proposes to close the tanks in accordance with the Hanford Federal Facility Agreement and Consent Order (also known as the Tri-Party Agreement or TPA). DOE invites public comments on the proposed scope of this EIS.

DATES: The public scoping period begins with the publication of this Notice and concludes March 10, 2003. DOE invites Federal agencies, Native American tribes, State and local governments, and members of the public to comment on the scope of this EIS. DOE will consider fully all comments received by the close of the scoping period and will consider comments received after that date to the extent practicable.

Public meetings will be held during the scoping period. Meetings will be held in Seattle and Richland, Washington and in Portland and Hood River, Oregon on the following dates.

Richland: February 5, 2003.

Hood River: February 18, 2003.

Portland: February 19, 2003.

Seattle: February 20, 2003.

At least 15 days prior to the meetings, DOE will notify the public of the meeting locations and times and will provide additional information about each meeting through press releases, advertisements, mailings and other methods of encouraging public participation in the NEPA process. At these scoping meetings, DOE will provide information about the tank waste program and alternatives for retrieving, treating, and disposing of the waste, along with alternatives for closing the SSTs. The meetings will provide opportunities to comment orally or in writing on the EIS scope, including the alternatives and issues that DOE should consider in the EIS.

ADDRESSES: DOE invites public comment on the proposed scope of this EIS. Comments may be submitted by mail, electronic mail, fax, or voice mail and addressed as follows: Mary Beth Burandt, Document Manager, DOE Office of River Protection, U.S. Department of Energy, Post Office Box 450, Mail Stop H6–60, Richland, Washington, 99352, Attention: Tank Retrieval and Closure EIS, Electronic mail: *Mary_E_Burandt@rl.gov*, Fax: (509) 376–2002, Telephone and voice mail: (509) 373–9160.

FOR FURTHER INFORMATION CONTACT: To request information about this EIS and the public scoping workshops or to be placed on the EIS distribution list, use any of the methods identified in **ADDRESSES** above. For general information about the DOE NEPA process, contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC, 20585–0119, Fax: (202) 586–7031, Telephone: (202) 586–4600, Voice mail: (800) 472–2756.

SUPPLEMENTARY INFORMATION

Background

The Hanford Site defense activities related to nuclear weapons production created a wide variety of waste. Over 50 million gallons of waste are presently stored in the HLW tank farms, which are located in the 200 Area of the Site. The waste is stored in 149 underground SSTs (ranging in capacity from approximately 55,000 to 1 million gallons) and 28 underground DSTs (ranging in capacity from approximately one to 1.16 million gallons) grouped in 18 tank farms, and approximately 60 smaller miscellaneous underground storage tanks. This waste has been processed and transferred between tanks, and as a result, the chemical, physical (*i.e.*, liquid, solid and sludge) and radiological characteristics of the waste vary greatly among and within individual tanks. In addition, the tank waste contains chemicals or has characteristics classified as hazardous waste under RCRA regulations (40 CFR Parts 260–268 and Parts 270–272) and as dangerous waste under the Washington Administrative Code "Dangerous Waste Regulations" (WAC 173–303).

In 1996, DOE issued the Tank Waste Remediation System (TWRS) EIS (DOE/EIS–0189), which included analyses of alternatives for retrieving and treating (*e.g.*, immobilizing) the waste stored in the tank farms. Because sufficient data were not available to evaluate a range of closure actions, tank system closure alternatives were not evaluated in the TWRS EIS. Among the uncertainties were data regarding past leak losses from the SSTs and how retrieval technology would perform to meet retrieval objectives.

In 1997, DOE issued its Record of Decision (ROD, 62 FR 8693, February

26) in which DOE decided that it would proceed with tank waste retrieval and treatment. In the ROD and subsequent supplemental analyses, DOE acknowledged that there were substantial technical uncertainties that required resolution. Nevertheless, to make progress while resolving the technical uncertainties, DOE decided to implement waste treatment using a phased approach as identified in the TWRS ROD. During the initial phase (Phase I), DOE planned to design, construct and operate demonstration-scale waste treatment facilities. Following the demonstration phase, DOE would construct full-scale facilities to treat the remaining tank waste (Phase II).

DOE's decision in the TWRS ROD was consistent with modifications to the Tri-Party Agreement contained in the M–62, "Complete Pretreatment, Processing and Vitrification of Hanford High-level (HLW) and Low-activity (LAW) Tank Wastes" series of milestones. Accordingly, DOE proceeded with plans to design, construct, and operate facilities that would separate waste into high-level and low-activity waste streams, vitrify the high-level waste stream and vitrify or similarly immobilize the LAW stream. These facilities are now under construction and are collectively referred to as the "Waste Treatment Plant" or WTP.

DOE's strategy for retrieving, treating and disposing of the tank waste and closing the tank farms has continued to evolve, based on information becoming available since the TWRS ROD was issued. New information and proposed changes to DOE's strategy include the following:

- Design of and preliminary performance projections for the WTP support DOE's proposal to extend operations beyond the original plan to operate the WTP for a ten-year period and to enhance throughput compared to facilities planned for in the 1997 ROD.
- New information indicates that deployment of large-scale treatment facilities in approximately 2012 to immobilize waste not processed by the WTP currently under construction, as identified in the TWRS ROD, may be prohibitively expensive (DOE/EIS–0189–SA–3).
- Under DOE Order 435.1 (Radioactive Waste Management), as applicable, DOE may determine that some tank wastes should be managed as low-level waste (LLW) and transuranic (TRU) waste, which may result in changes in how DOE may treat and dispose of portions of the SST and DST wastes from the HLW tank farms.
- DOE wants to consider non-vitrification treatment technologies for LAW and LLW, if these wastes could be immobilized and disposed of onsite or offsite, while providing protection to the human environment comparable to LAW and LLW immobilized by vitrification.

In developing its Performance Management Plan for the Accelerated Cleanup of the Hanford Site (PMP, DOE/RL–2000–47, August 2002), DOE stated its intent to meet its commitments under the Tri-Party Agreement, and identified its plan to complete tank waste retrieval, treatment and disposal by 2028, and to close all of the tanks and associated facilities, including the WTP, by 2033. DOE's current plans call for closing all of the SSTs by 2028.

DOE stated in the PMP that to achieve these objectives, increased capacity will be needed for the WTP, along with additional treatment capacity provided by other waste immobilization technologies, referred to herein as "supplemental" technologies (bulk vitrification, containerized grout, steam reforming, or sulfate removal are examples). Also in the PMP and in the Supplement Analysis for the Tank Waste Remediation System (DOE/EIS–0189–SA3, 2001), DOE concluded that its evolving strategy for treating and disposing of the tank wastes by 2028 and closing the SSTs by 2028 requires NEPA analysis of proposed tank waste retrieval, treatment and disposal, and proposed tank closure actions.

Further, under the TPA Milestone M–45, "Complete Closure of All Single-Shell Tank (SST) Farms," DOE and the Washington State Department of Ecology (Ecology) have identified a process to start discussing how SST closure would occur. An important part of the process DOE and Ecology have defined for closing tank systems is compliance with Washington State Dangerous Waste regulations that require approval of a closure plan and modification of the Hanford Site Dangerous Waste Permit. Before Ecology can approve either a closure plan or modification of DOE's permit, the State of Washington must fulfill its State Environmental Policy Act (SEPA) requirements. As SEPA is very similar to NEPA, Ecology can adopt a NEPA document if it determines that the document is sufficient to meet SEPA requirements. Ecology has agreed to be a cooperating agency in preparing this EIS.

Need for Action

To meet its commitments under the Tri-Party Agreement and implement its plans to close the tank systems and associated facilities in a timely manner to reduce existing and potential future risk to the public, site workers, and the environment, DOE needs to complete waste retrieval, treatment and disposal of the waste from the SST and DST systems by 2028 and close all SST systems by 2028.

Although DOE is addressing safety and environmental issues posed by tank wastes to minimize current potential risks to human health and the environment, DOE must also implement long-term actions to safely manage and dispose of waste from the tank waste systems, including waste associated with inactive miscellaneous underground storage tanks, and close the SST systems to reduce permanently the potential risk to human health and the environment. These long-term actions also are needed to ensure compliance with applicable Federal requirements regulating the management and disposal of radioactive waste, as well as Federal and Washington State requirements regulating hazardous and mixed waste.

Proposed Action

DOE proposes to retrieve waste from the 149 SST and 28 DST systems and close the SST tank farms in a manner that complies with Federal and Washington State requirements and protects the human environment. (Closure of the DSTs and closure of the WTP are not part of the proposed action because they are active facilities needed to complete waste treatment. Closure of the DSTs and WTP would be addressed at a later date, after appropriate NEPA analysis.) DOE proposes to immobilize the retrieved waste in the WTP and through supplemental treatment technologies such as bulk vitrification, grout, steam reforming and sulfate removal, and to package the immobilized waste for offsite shipment and disposal in licensed and/or permitted facilities or disposal onsite. DOE proposes to close the SST farms (including tanks, ancillary equipment and soils) within the tank farm area by 2028. The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access. Associated support buildings, structures, laboratories, and the treatment facilities would be decontaminated and decommissioned in a cost-effective, legally compliant, and environmentally sound manner. Under the proposed action, DOE would use existing, modified, or, if required, new systems to assure capability to store and manage waste during retrieval and treatment.

Background on Development of Alternatives

The proposed action could result in changes to DOE's tank waste management program with respect to waste storage, waste retrieval, waste treatment, waste disposal, and tank farm closure at the Hanford Site. These key variables were evaluated to develop the range of reasonable alternatives identified below. In terms of waste storage, the EIS would analyze the use of the existing waste storage systems and evaluate the need for new storage systems. With regard to waste retrieval, DOE would evaluate a range of timing of retrieval and the technologies used, from past-practice sluicing as analyzed in the TWRS EIS to dry retrieval. Treatment and disposal alternatives for portions of the SST and DST waste would be evaluated based on some volume of the waste being classified as LLW or TRU waste pursuant to DOE Order 435.1. The waste identified as LLW could be treated and packaged for onsite or offsite disposal. The waste identified as TRU waste could be treated and packaged for transport and disposal at the Waste Isolation Pilot Plant (WIPP) near Carlsbad, New Mexico.

Unless a specific alternative identifies a waste type as LLW and/or TRU waste, the waste would be analyzed as HLW or LAW for the purposes of treatment and disposal. The alternatives for waste treatment include: 1) Treating all wastes via an enhanced WTP as vitrified waste; 2) treating HLW via the WTP and LAW via WTP or supplemental treatments; or 3) treating the waste as stated in #2 and/or supplemental treatment for LLW and TRU waste in the tank farms, in which case some waste would not be processed through the WTP. The options for waste disposal include disposing of the waste onsite using existing or new facilities, disposing of the waste at offsite government facilities (*e.g.*, a geological repository, WIPP, DOE's Nevada Test Site) or using onsite and offsite commercial facilities (such as Envirocare in Utah) for disposal of Hanford waste. Alternatives for tank closure would be evaluated based on broad closure strategies including clean closure (removal of the tanks, ancillary facilities, and contaminated soils) and landfill closure (residual waste left in place and post closure care).

Proposed Alternatives

Each of the six alternatives contains a waste storage, retrieval, treatment and disposal component. Alternatives 3 through 6 also include a tank closure component. The main differences among the alternatives include the extent of waste retrieval, the waste treatment and disposal approach, the tank closure approach, and timing to complete the necessary activities.

1. No Action

The Council on Environmental Quality NEPA Regulations (40 CFR parts 1500–1508), and the DOE NEPA Regulations (10 CFR part 1021) require analysis of a No Action alternative.

Storage: DOE would continue current waste management operations using existing storage facilities. Immobilized (*i.e.*, vitrified) High-level Waste (IHLW) would be stored onsite pending disposal at a geologic repository. Once WTP operations are completed, all tank waste system storage (SSTs and DSTs), treatment, and disposal facilities at the Hanford Site would be placed in a stand-by operational condition.

Retrieval: Waste would be retrieved to the extent required to provide waste feed to the WTP using currently available liquid-based retrieval and leak detection technologies (approximately 25–50% of the total waste volume would be retrieved).

Treatment: No new vitrification or treatment capacity beyond that anticipated in the WTP would be deployed. However, the WTP would be modified within parameters provided for in the TWRS ROD to increase throughput. The WTP would continue to operate until its design life ends in 2046.

Disposal: The residual waste in tanks and the waste remaining in tanks that had not been retrieved (approximately 50 to 75% of the total waste volume) would remain in the tank farm indefinitely. Immobilized Low Activity Waste (ILAW) (by vitrification) would be disposed of onsite. IHLW would be stored onsite pending disposal at a geological repository. For purposes of analysis, administrative control of the tank farms would end following a 100-year period.

Closure: Tank closure would not be addressed; under this alternative, some waste would be left in the tanks indefinitely.

2. Implement the 1997 Record of Decision (With Modifications)

This alternative would continue implementation of decisions made in the TWRS ROD and as considered in three supplement analyses completed through 2001. (*See* "RELATED NEPA DECISIONS AND DOCUMENTS" below for references.) Under these supplement analyses, DOE concluded that changes in the design and operation of the WTP, as defined in its contracts and program plans, were within the bounds of analysis of environmental impacts in the TWRS EIS. Among the key modifications that would occur under this alternative are: (1) Implementing the initial phase of waste treatment with one ILAW facility rather than two, (2) expanding the design capacity of the ILAW facility from 20 metric tons of glass per day to 30 metric tons of glass per day, and (3) extending the design life of the Phase I facilities from 10 years to 40 years. Under this alternative, no new actions would be taken beyond those previously described in the TWRS ROD and supplement analyses regarding the tank waste.

Storage: DOE would continue current waste management operations using existing storage facilities as described under No Action.

Retrieval: Waste would be retrieved to the Tri-Party Agreement goal (*i.e.*, residual waste would not exceed 360 cubic feet for 100 series tanks or 36 cubic feet for 200 series tanks, which would correspond to 99% retrieval) using currently available liquid-based retrieval and leak detection systems.

Treatment: The existing WTP would be modified to enhance throughput and supplemented with additional vitrification capacity, as needed, to complete waste treatment by 2028. Under this alternative, all waste retrieved from tanks (approximately 99%) would be vitrified.

Disposal: Retrieved and treated waste would be disposed of onsite (ILAW) or stored onsite pending disposal at a geologic repository (IHLW). Once operations are completed, all tank waste system waste storage, treatment, and disposal facilities at the Hanford Site would be placed in a stand-by operational condition. The residual waste would remain in the tank farm indefinitely. For purposes of analysis, DOE assumes under this alternative that it would cease to maintain administrative control after a 100-year period.

Closure: Tank closure would not be addressed under this alternative. Some waste would be left in the tanks indefinitely.

3.0 Landfill Closure of Tank Farms/ Onsite and Offsite Waste Disposal

Storage: DOE would continue current waste management operations using existing storage facilities.

Retrieval: Waste would be retrieved to the Tri-Party Agreement goal (*i.e.*, residual waste would not exceed 360 cubic feet for 100 series tanks or 36 cubic feet for 200 series tanks, which would correspond to 99% retrieval) using currently available liquid-based retrieval and leak detection systems.

Treatment: Retrieved waste would be treated with the WTP capacity based on enhanced and/or modified performance of operating systems (*e.g.*, modifications to melters to increase throughput). WTP capacity would be supplemented with additional waste treatment capacity to immobilize LAW using a non-vitrification technology. New non-vitrification supplemental treatment capacity would be developed external to the WTP to immobilize a portion of the tank waste that would be designated as LLW pursuant to DOE Order 435.1 and/or prepare a portion of the tank waste that would be designated as TRU waste for disposal. Waste treatment under this alternative would be completed in 2028 and all SST tank systems would be closed by 2028.

Disposal: ILAW immobilized via the WTP would be disposed of onsite or at offsite commercial (*e.g.*, U.S. Ecology of Washington or Envirocare of Utah) or DOE facilities (Nevada Test Site). IHLW would be stored onsite pending disposal at a national geologic repository. LLW immobilized external to the WTP would be disposed of onsite or at offsite commercial or DOE facilities. TRU waste would be packaged and stored onsite in an existing or new facility pending disposal at the Waste Isolation Pilot Plant (WIPP).

Closure: As operations are completed, SST waste system, waste storage, treatment and disposal facilities at the Hanford Site would be closed as a RCRA landfill unit under Dangerous Waste Regulations under WAC 173–303 and DOE Order 435.1, as applicable, or decommissioned (waste treatment facilities under DOE Order 430.1A). The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access. Tanks, ancillary equipment, and contaminated soils would be remediated and remain in place and the closed tank systems would be covered with an engineered barrier that exceeds RCRA landfill requirements and is the more protective of the landfill options being evaluated (*i.e.*, Hanford barrier).

The main differences between this alternative and other alternatives involve: 1) Using a more robust barrier for closure of tank systems that would provide longer term protection from contaminant releases from closed tank systems and limit intrusion into the closed system compared to the barrier evaluated under Alternatives 5 and 6 (tanks would not be closed under Alternatives 1 and 2, thus no barriers would be used); and 2) Treatment and disposal of treated waste would be the same for Alternatives 3 through 5 allowing for a comparison of the impacts associated with deployment of systems to treat and dispose of transuranic waste (Alternatives 3 through 5) to treatment of waste via the WTP and subsequent management as ILAW and IHLW (Alternatives 2 and 6).

4.0 Clean Closure of Tank Farms/ Onsite and Offsite Waste Disposal

Storage: DOE would continue current waste management operations using existing storage facilities that would be modified, as needed, to support minimizing liquid losses from SSTs and accelerating SST waste retrieval into safer storage pending retrieval for treatment.

Retrieval: Waste would be retrieved using multiple waste retrieval campaigns using various retrieval technologies (*e.g.*, confined sluicing, crawlers), to the extent needed to support clean closure requirements (*i.e.*, 0.1% residual in the tanks or 99.9% waste retrieved from tanks) using liquid and non-liquid retrieval and enhanced in-tank and/or ex-tank leak detection systems.

Treatment: Retrieved waste would be treated with the WTP capacity based on enhanced and/or modified performance of operating systems (see Alternative 3). New alternative treatment capacity to immobilize LLW (*e.g.*, bulk vitrification, containerized grout, steam reforming, sulfate removal) and/or prepare TRU waste for disposition would be developed external to the WTP. Waste treatment under this alternative would be completed in 2028 and all SST tank systems would be closed by 2028.

Disposal: LAW immobilized via the WTP would be disposed of onsite or at offsite commercial or DOE facilities (see Alternative 3). IHLW would be stored onsite pending disposal at a national geologic repository. LLW immobilized external to the WTP would be disposed of onsite or at offsite commercial or DOE facilities (See Alternative 3). TRU waste would be retrieved from tanks, packaged in a new facility, and stored onsite in existing or new storage facilities pending shipment to and disposal at the WIPP.

Closure: Clean closure reflects minimal residual waste in tanks and ancillary equipment, and contaminated soils remediated in place and/or removed from the tank system to be treated and disposed of in accordance with RCRA requirements. As operations are completed, all SST system storage, treatment, and disposal facilities at the Hanford Site would be closed. Waste storage and disposal facilities would be closed in a manner that supported future use on an unrestricted basis and that did not require post-closure care.

The main differences between this alternative and the other alternatives are: 1) The greatest amount of waste is retrieved from tanks based on multiple technology deployments; and 2) tank systems would be closed to meet clean closure standards. Treatment and disposal of treated waste would be the same for Alternatives 3 through 5, allowing a comparison of the impacts associated with deployment of systems to treat and dispose of TRU waste (Alternatives 3 through 5) to treatment of TRU waste via the waste treatment plant (Alternatives 2 and 6).

5.0 Accelerated Landfill Closure/ Onsite and Offsite Waste Disposal

Storage: DOE would continue current waste management operations using existing storage facilities that would be modified or supplemented with new waste storage facilities, to support actions regarding near-term acceleration of tank waste retrieval and treatment. Under this alternative, some SSTs would be retrieved and closed by 2006, exceeding the existing TPA M–45 commitments.

Retrieval: Waste would be retrieved to the Tri-Party Agreement goal to the extent feasible using currently available liquid-based retrieval and leak detection systems (residual waste would correspond to 90–99% retrieval).

Treatment: Waste treatment would be completed no later than 2024 and SST systems would be closed by 2028. Retrieved waste would be treated with the WTP capacity based on enhanced and/or modified performance of operating systems, as described under Alternative 2. WTP capacity would be supplemented with new treatment capacity to immobilize LLW. New treatment capacity to immobilize LLW and/or prepare TRU waste for disposition would be developed external to the WTP.

Disposal: LAW immobilized via the WTP would be disposed of onsite or at offsite commercial or DOE facilities. IHLW would be stored onsite pending disposal at the proposed national geologic repository. LLW immobilized external to the WTP would be disposed of onsite or at offsite commercial or DOE facilities. Transuranic waste would be packaged and stored onsite pending disposal at the WIPP.

Closure: As operations are completed, SST tank waste system waste storage, treatment, and disposal facilities would be closed as a RCRA landfill unit under Dangerous Waste Regulations under WAC 173–303 and DOE Order 435.1, or decommissioned (waste treatment

facilities under DOE Order 430.1A). Waste storage and disposal facilities would be closed as RCRA landfill units under applicable state Dangerous Waste Regulations (WAC 173–303). The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access. Tank systems (tanks, ancillary equipment, and soils) would be closed in place and would be covered with a modified RCRA barrier (*i.e.*, a barrier with performance characteristics that exceed RCRA requirements for disposal of hazardous waste).

The main difference between this alternative and the other alternatives are (1) completion of some SST closure actions by 2006, completion of all waste treatment by 2024, and closure of all SST systems by 2028 in contrast to Alternatives 2, 3 and 6, which would complete waste treatment in 2028 and SST tank systems closure in 2028 and; (2) no remediation of ancillary equipment and contaminated soil, allowing a comparison with the more extensive remediation analyzed under Alternative 3. Another main difference between this alternative and Alternative 3 is the use of a modified RCRA barrier. Treatment and disposal of treated waste would be the same for Alternatives 3 through 5, allowing for a comparison of the impacts associated with deployment of systems to treat and dispose of transuranic waste (Alternatives 3 through 5) to treatment of transuranic waste via the WTP (Alternatives 2 and 6).

6.0 Landfill Closure/Onsite and Offsite Waste Disposal

Storage: DOE would continue current waste management operations using existing storage facilities that would be modified, as needed, to support SST waste retrieval and treatment.

Retrieval: Waste would be retrieved to the Tri-Party Agreement goal (*i.e.*, residual waste would not exceed 360 cubic feet for 100 series tanks or 36 cubic feet for 200 series tanks, which corresponds to retrieval of 99%) using liquid and non-liquid based retrieval and enhanced leak detection systems.

Treatment: Retrieved waste would be treated with the WTP capacity based on enhanced and/or modified performance of operating systems. Supplemental treatment technologies would be used to immobilize LLW. New non-vitrification treatment capacity to immobilize LLW for disposition would be developed external to the WTP. Waste treatment under this alternative would be completed in 2028, and all SST systems would be closed by 2028.

Disposal: ILAW immobilized via the WTP would be disposed of onsite or at offsite commercial or DOE facilities. IHLW would be stored onsite pending disposal at a national geologic repository. LLW immobilized external to the WTP would be disposed of onsite or at offsite commercial or DOE facilities.

Closure: As operations are completed, all tank waste system waste storage, treatment, and disposal facilities at the Hanford Site would be closed (tank farm systems) or decommissioned (waste treatment facilities). The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access. Waste storage and disposal facilities would be closed as RCRA landfill units under applicable state Dangerous Waste Regulations (WAC 173–303). Residual waste in tanks, ancillary equipment, and contaminated soils would be remediated in place as needed in accordance with RCRA requirements, and the closed tank systems would be covered with a modified RCRA barrier.

The main difference between this alternative and the other alternatives is that under this alternative there would not be a separate TRU waste stream (Alternatives 3 through 5). As with Alternative 2, waste would be treated in the WTP and subsequently managed as either ILAW or IHLW.

Preliminary Identification of EIS Issues: The following issues have been tentatively identified for analysis in the EIS. The list is presented to facilitate comment on the scope of the EIS; it is not intended to be all-inclusive or to predetermine the potential impacts of any of the alternatives.

- Effects on the public and onsite workers from releases of radiological and nonradiological materials during normal operations and reasonably foreseeable accidents.
- Long-term risks to human populations resulting from waste disposal and residual tank system wastes.
- Effects on air and water quality from normal operations and reasonably foreseeable accidents, including long-term impacts on groundwater.
- Cumulative effects, including impacts from other past, present, and reasonably foreseeable actions at the Hanford Site.
- Effects on endangered species, archaeological/cultural/historical sites, floodplains and wetlands, and priority habitat.
- Effects from onsite and offsite transportation and from reasonably foreseeable transportation accidents.
- Socioeconomic impacts on surrounding communities.
- Disproportionately high and adverse effects on low-income and minority populations (Environmental Justice).
- Unavoidable adverse environmental effects.
- Short-term uses of the environment versus long-term productivity.
- Potential irretrievable and irreversible commitment of resources.
- The consumption of natural resources and energy, including water, natural gas, and electricity.
- Pollution prevention, waste minimization, and potential mitigative measures.

Related NEPA Decisions and Documents: The following lists DOE other NEPA documents that are related to this proposed Hanford Site Tank Retrieval and Closure EIS.

45 FR 46155, 1980, "Double-Shell Tanks for Defense High-Level Radioactive Waste Storage, Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

53 FR 12449, 1988, "Disposal of Hanford Defense High-Level Transuranic, and Tank Wastes, Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

60 FR 28680, 1995, "Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Program, Part III; Record of Decision," **Federal Register**.

60 FR 54221, 1995, "Final Environmental Impact Statement for the Safe Interim Storage of Hanford Tank Wastes at the Hanford Site, Richland, WA; Record of Decision," **Federal Register**.

60 FR 61687, 1995, "Record of Decision Safe Interim Storage of Hanford Tank Wastes, Hanford Site, Richland, Washington," **Federal Register**.

61 FR 3922, 1996, "Availability of the Final Environmental Impact Statement for Management of Spent Nuclear Fuel from the K Basins at the Hanford Site, Richland, WA; Notice of Availability of Final Environmental Impact Statement," **Federal Register**.

61 FR 10736, 1996, "Management of Spent Nuclear Fuel from the K Basins at the Hanford Site, Richland, WA. ACTION: Notice of Record of Decision," **Federal Register**.

62 FR 8693, 1997, "Record of Decision for the Tank Waste Remediation System, Hanford Site, Richland, Washington," **Federal Register**.

DOE/EA–0479, 1990, Collecting Crust Samples from Level Detectors in Tank

SY–101 at the Hanford Site, U.S. Department of Energy, Richland, Washington.
DOE/EA–0495, 1991, Preparation of Crust Sampling of Tank 241–SY–101, U.S. Department of Energy, Richland, Washington.
DOE/EA–0511, 1991, Characterization of Tank 241–SY–101, U.S. Department of Energy, Richland, Washington.
DOE/EA–0581, 1991, Upgrading of the Ventilation System at the 241–SY Tank Farm, U.S. Department of Energy, Richland, Washington.
DOE/EA–0802, 1992, Tank 241–SY–101 Equipment Installation and Operation to Enhance Tank Safety, U.S. Department of Energy, Richland, Washington.
DOE/EA–0803, 1992, Proposed Pump Mixing Operations to Mitigate Episodic Gas Releases in Tank 241–SY–101, U.S. Department of Energy, Richland, Washington.
DOE/EA–0881, 1993, Tank 241–C–103 Organic Vapor and Liquid Characterization and Supporting Activities, U.S. Department of Energy, Richland, Washington.
DOE/EA–0933, 1995, Tank 241–C–106 Past Practice Sluicing Waste Retrieval, U.S. Department of Energy, Richland, Washington.
DOE/EA–0981, 1995, Solid Waste Retrieval Complex, Enhanced Radioactive and Mixed Waste Storage Facility, U.S. Department of Energy, Richland, Washington.
DOE/EA–1203, 1997, Trench 33 Widening in 218–W–5 Low-Level Burial Ground, U.S. Department of Energy, Richland, Washington.
DOE/EA–1276, 1999, Widening Trench 36 of the 218–E–12B Low-Level Burial Ground, U.S. Department of Energy, Richland, Washington.
DOE/EA–1405, 2002, Transuranic Waste Retrieval from the 218–W–4B and 218–W–4C Low-Level Burial Grounds, Finding of No Significant Impact, U.S. Department of Energy, Richland, Washington.
DOE/EIS–0113, 1987, Final Environmental Impact Statement. Disposal of Hanford Defense High-Level, Transuranic and Tank Wastes Hanford Site Richland, Washington, U.S. Department of Energy, Washington, DC.
DOE/EIS–0189, 1996, Tank Waste Remediation System, Hanford Site, Richland, Washington, Final Environmental Impact Statement, U.S. Department of Energy and Washington State Department of Ecology, Washington, DC.
DOE/EIS–0189–SA1, 1997, Supplement Analysis for the Proposed Upgrades to the Tank Farm Ventilation, Instrumentation, and Electrical Systems under Project W–314 in Support of Tank Farm Restoration and Safe Operations, U.S. Department of Energy, Richland Operations Office, Richland, Washington.
DOE/EIS–0189–SA2, 1998, Supplement Analysis for the Tank Waste Remediation System, U.S. Department of Energy, Washington, DC.
DOE/EIS–0189–SA3, 2001, Supplement Analysis for the Tank Waste Remediation System, U.S. Department of Energy, Washington, DC.
DOE/EIS–0200, 1997, Final Waste Management Programmatic Environmental Impact Statement, U.S. Department of Energy, Washington, DC.
DOE/EIS–0212, 1995, Safe Interim Storage of Hanford's Tank Waste Final Environmental Impact Statement, U.S. Department of Energy, Richland Operations Office, Richland, Washington.
DOE/EIS–0222, 1999, Final Hanford Remedial Action Environmental Impact Statement and Comprehensive Land Use Plan, U.S. Department of Energy, Richland Operations Office, Richland, Washington.
DOE/EIS–0250, 2002, Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada, U.S. Department of Energy Office of Civilian Radioactive Waste Management, Washington, DC.
DOE/EIS–0286D, 2000, Draft Hanford Site Solid (Radioactive and Hazardous) Waste Program Environmental Impact Statement, U.S. Department of Energy, Richland, Washington.
DOE/EIS–0287, 2002, Idaho High-Level Waste and Facilities Disposition Environmental Impact Statement, U.S. Department of Energy, Washington, DC.
Ecology, 2000, Draft Environmental Impact Statement for Commercial Low-Level Radioactive Waste Disposal Site, Richland, Washington, Washington State Department of Ecology, Olympia, Washington.
Ecology, EPA, and DOE, 1989, Hanford Federal Facility Agreement and Consent Order, as amended, Washington State Department of Ecology, U.S. Environmental Protection Agency, and U.S. Department of Energy, Olympia, Washington.

Issued in Washington, DC on this 3rd day of January, 2003.

Beverly A. Cook,

Assistant Secretary, Environment, Safety and Health.

[FR Doc. 03–318 Filed 1–7–03; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC03–37–000, et al.]

Exelon Generation Company, LLC, et al. Electric Rate and Corporate Filings

January 2, 2003.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Exelon Generation Company, LLC

[Docket No. EC03–37–000]

Take notice that on December 23, 2002, Exelon Corporation, Exelon Ventures Company, LLC, and Exelon Generation Company, LLC, filed an application with the Federal Energy Regulatory Commission (Commission) requesting authorization from the Commission to implement a plan of corporate reorganization.

Comment Date: January 13, 2003.

2. Idaho Power Company andIDACORP Energy, L.P.,

[Docket No. EC03–38–000]

Take notice that on December 23, 2002, Idaho Power Company (Idaho Power) and IDACORP Energy, L.P. (IELP, collectively, Applicants) filed an Application for Commission Approval of Disposition of Jurisdictional Facilities under Section 203 of the Federal Power Act. The jurisdictional facilities that are the subject of the Application are a wholesale power sales agreement and transactions (Truckee Agreement and Transactions) between Idaho Power and Truckee-Donner Public Utility District. By their Application, Applicants seek Commission approval for the assignment of the Truckee Agreement and Transactions from Idaho Power to IELP.

Comment Date: January 13, 2003.

3. Calpine Energy Services, L.P. Calpine Northbrook Energy Marketing, LLC

[Docket No. EC03–39–000]

Take notice that on December 24, 2002, Calpine Energy Services, L.P. (CES) and Calpine Northbrook Energy Marketing, LLC (CNEM) tendered for filing an application under section 203 of the Federal Power Act for approval of

A.3 Record of Decision for the Solid Waste Program, Hanford Site, Richland, WA: Storage and Treatment of Low-Level Waste and Mixed Low-Level Waste; Disposal of Low-Level Waste and Mixed Low-Level Waste, and Storage, Processing, and Certification of Transuranic Waste for Shipment to the Waste Isolation Pilot Plant

mixed low-level waste, and TRU waste shipments using Year 2000 census data and an updated version of the RADTRAN computer code to calculate potential risks associated with shipping. This analysis included the route-specific impacts of transporting the West Jefferson TRU waste to Hanford and subsequent shipment of this waste to WIPP. Due to the additional TRU waste generated and identified at West Jefferson subsequent to DOE's September 6, 2002, decision, DOE's currently estimated total number of 18 shipments (3 completed RH–TRU waste shipments, 14 remaining RH–TRU waste shipments, and 1 remaining CH–TRU waste shipment) exceeds DOE's prior estimate of total shipments by 3. However, the currently estimated number of shipments is within the number of shipments analyzed for the West Jefferson TRU waste in the HSW EIS (29 shipments of RH–TRU waste and 1 shipment of CH–TRU waste).

The HSW EIS also analyzed potential onsite impacts at Hanford of storage, certification, and processing of TRU waste for shipment to WIPP, including TRU waste from Hanford and offsite generators such as West Jefferson. The potential health and environmental impacts of shipping the West Jefferson TRU waste to Hanford and managing the waste there until it can be shipped to WIPP for disposal are consistent with the results presented in the WM PEIS and WIPP SEIS–II, which supported DOE's prior decision regarding the West Jefferson TRU waste.

For the reasons stated above and for the reasons stated in the September 6, 2002, revision to the WM PEIS, DOE is confirming its September 6, 2002, decision and will transfer the remaining TRU waste from West Jefferson to Hanford for storage and certification, pending shipment to WIPP for disposal once the preliminary injunction issued by the U.S. District Court for the Eastern District of Washington is lifted.

Issued in Washington, DC, this 23rd day of June, 2004

Jessie Hill Roberson,

Assistant Secretary for Environmental Management

[FR Doc. 04–14809 Filed 6–29–04; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Record of Decision for the Solid Waste Program, Hanford Site, Richland, WA: Storage and Treatment of Low-Level Waste and Mixed Low-Level Waste; Disposal of Low-Level Waste and Mixed Low-Level Waste, and Storage, Processing, and Certification of Transuranic Waste for Shipment to the Waste Isolation Pilot Plant

AGENCY: Department of Energy.

ACTION: Record of Decision.

SUMMARY: The U.S. Department of Energy (DOE) is making decisions regarding low-level radioactive waste (LLW), mixed low-level waste (MLLW), which contains both radioactive and chemically hazardous components, and transuranic (TRU) waste (including mixed TRU waste) at the Hanford Site in southeastern Washington State. These decisions are made pursuant to the Final Hanford Site Solid (Radioactive and Hazardous) Waste Program Environmental Impact Statement (HSW EIS, DOE/EIS–0286, January 2004). DOE prepared the HSW EIS according to requirements of the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations for implementing NEPA (40 CFR parts 1500–1508), and DOE NEPA implementing procedures (10 CFR part 1021) to evaluate the potential environmental impacts of alternatives for storage, treatment, transportation, and disposal of certain radioactive and mixed wastes at Hanford. The HSW EIS scope includes wastes that are currently stored or projected to be generated at Hanford and offsite locations through the end of Hanford's routine waste management operations. Key operations evaluated were storage, treatment, and disposal of LLW and MLLW generated at Hanford and other sites; storage, processing, and certification of TRU waste generated at Hanford and other DOE sites for shipment to the Waste Isolation Pilot Plant (WIPP) in New Mexico; and disposal of Hanford's vitrified immobilized low-activity waste (ILAW) and melters from the vitrification process.

DOE has decided to implement the preferred alternative described in the Final HSW EIS, modified as described below. This decision is based on the environmental impact analyses in the HSW EIS, including analysis of impacts to worker and public health and safety; costs; applicable regulatory requirements; and public comments. DOE will limit the volumes of LLW and MLLW received at Hanford from other sites for disposal to 62,000 m^3 of LLW and 20,000 m^3 of MLLW. Also, effective immediately, DOE will dispose of LLW in lined disposal facilities, a practice already used for MLLW. In addition, DOE will construct and operate a lined, combined-use disposal facility in Hanford's 200 East Area for disposal of LLW and MLLW, and will further limit offsite waste receipts until the facility is constructed. LLW and MLLW requiring treatment will be treated at either offsite facilities or existing or modified onsite facilities, as appropriate. Storage, processing and certification of TRU waste for subsequent shipment to WIPP will occur at existing and modified onsite facilities. DOE expects the preferred alternative, as described in this Record of Decision (ROD), will have small environmental impacts, provide a balance among short- and long-term environmental impacts and cost effectiveness, be consistent with applicable regulatory requirements, and provide DOE with the capability to accommodate projected waste receipts from the Hanford Site and offsite DOE facilities.

ADDRESSES: For copies of the Final HSW EIS and further information about the HSW EIS, contact: Mr. Michael Collins, Document Manager, U.S. Department of Energy Richland Operations Office, P.O Box 550, A6–38, Richland, WA 99352, telephone: 509–376–6536.

The Final HSW EIS and related information can also be viewed in the DOE Public Reading Room, Washington State University, Tri-Cities Campus, 100 Sprout Road, Room 130W, Richland, WA 99352, telephone: 509–376–8583, Monday–Friday, 10 a.m. to 4 p.m.

The Final HSW EIS is also available for review on the Internet at *http://www.hanford.gov/eis/eis-0286D2* and on the DOE NEPA Web page (*http://www.eh.doe.gov/nepa/eis/eis0286F*).

FOR FURTHER INFORMATION CONTACT: For information concerning the HSW EIS or onsite management operations at Hanford contact Mr. Michael Collins at the address or telephone number provided above.

Information on the DOE NEPA process may be requested from Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

Ms. Borgstrom may be contacted by telephone at (202) 586–4600 or by leaving a message at (800) 472–2756.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

DOE needs to provide capabilities to continue or modify the way it manages

existing and anticipated quantities of solid LLW, MLLW, and TRU waste at the Hanford Site located in southeastern Washington in order to: Protect human health and the environment; facilitate cleanup at Hanford and other DOE facilities; take actions consistent with DOE's decisions under the Waste Management Programmatic Environmental Impact Statement (WM PEIS, DOE/EIS–0200, May 1997); comply with applicable local, State, and Federal laws and regulations; and meet other obligations such as the Hanford Federal Facility Agreement and Consent Order (also referred to as the Tri-Party Agreement, or TPA).

Specifically, DOE needs to:

- Continue to operate and modernize existing treatment, storage, and disposal facilities for LLW and MLLW, and storage and processing facilities for TRU waste;
- Construct additional disposal capacity for LLW and MLLW;
- Develop capabilities to treat MLLW for disposal at Hanford;
- Close onsite disposal facilities and provide for post-closure facility stewardship at disposal sites; and
- Develop additional capabilities to process and certify TRU waste for disposal at WIPP.

Background

On October 27, 1997, DOE announced its intent to prepare the HSW EIS (62 FR 55615) to support programmatic needs and plans, and provide additional capabilities and flexibility to continue to manage LLW, MLLW, and TRU waste at the Hanford Site. The HSW EIS also evaluated the potential environmental impacts of transporting, storing, processing, and certifying TRU waste from Hanford and offsite DOE generators. The Draft HSW EIS was approved in April 2002, and the U.S. Environmental Protection Agency (EPA) published a Notice of Availability of the Draft HSW EIS on May 24, 2002 (67 FR 36592). Responding to requests from the public, DOE extended the initial 45-day public comment period for the Draft HSW EIS to 90 days. DOE received about 3,800 comments on the Draft HSW EIS from individuals, organizations, agencies, and tribes.

In response to public comments, DOE expanded the scope of the HSW EIS and issued a Notice of Revised Scope for the HSW EIS on February 12, 2003 (68 FR 7110). The revised scope included the disposal of ILAW and melters at the Hanford Site. DOE also expanded its impact analyses for waste disposal and transportation. A Revised Draft HSW EIS was approved in March 2003, and EPA published a Notice of Availability on April 11, 2003 (68 FR 17801). In response to requests from the public, DOE extended the initial 45-day public comment period to 62 days. DOE's responses to all comments received during the public comment period on the Draft HSW EIS (including the complete text of written comment documents and transcripts of public meetings) were published in the Revised Draft HSW EIS, Volume III.

DOE received about 1,600 comments on the Revised Draft HSW EIS from individuals, organizations, agencies, and tribes. In response to public comments, DOE provided clarifying information and expanded analyses in the Final HSW EIS. The complete text of written comment documents and transcripts of public meetings, and DOE's response to public comments on the Revised Draft HSW EIS, were published in Volumes III and IV of the Final EIS. The Final HSW EIS was approved in January 2004, and EPA published a Notice of Availability for the Final HSW EIS on February 13, 2004 (69 FR 7215).

The Final HSW EIS addresses actions by DOE to manage LLW, MLLW, ILAW, melters, and TRU waste under Hanford's solid waste program. The HSW EIS analyzed wastes through the end of site operations which, for the purpose of the analyses, was assumed to be 2046. The wastes analyzed included:

- 283,000 m^3 of waste previously disposed of at Hanford in the Low Level Burial Grounds (LLBGs);
- Up to 348,000 m^3 of LLW that is in storage or is forecast to be received from onsite and offsite sources;
- Up to 198,000 m^3 of MLLW that is in storage or is forecast to be received from onsite and offsite sources;
- Up to 350,000 m^3 of ILAW forecast to be received from the treatment of Hanford tank waste;
- Up to 6,825 m^3 of melters used in the vitrification process; and
- Up to 47,550 m^3 of TRU waste that is in storage or is forecast to be received from onsite and offsite sources.

Section 9(a)(1)(H) of the WIPP Land Withdrawal Act exempts mixed TRU waste designated for disposal at WIPP from certain provisions of the Solid Waste Disposal Act, 42 U.S.C. 6901 *et seq.*:

With respect to transuranic mixed waste designated by the Secretary for disposal at WIPP, such waste is exempt from treatment standards promulgated pursuant to section 3004(m) of the Solid Waste Disposal Act (42 U.S.C. 6924(m)) and shall not be subject to the land disposal prohibitions in section 3004(d), (e), (f) and (g) of the Solid Waste Disposal Act.

(WIPP Land Withdrawal Act Amendments, Pub. L. 104–201, 110 Stat. 2422 (September 23, 1996), 3188(a) at Stat. 2853.) For a more complete discussion of the Department's implementation of this provision see the Department's Revision of the Record of Decision for the Department of Energy's Waste Isolation Pilot Plant Disposal Phase, issued concurrently with this ROD. This HSW EIS ROD confirms the Department's prior designation of the mixed TRU waste analyzed in the HSW EIS for disposal at WIPP.

DOE initially designated up to 175,600 m^3 of TRU waste for disposal at WIPP in the ROD for the Department of Energy's Waste Isolation Pilot Plant Disposal Phase, 63 FR 3624, January 23, 1998 (WIPP ROD). That decision included both contact-handled (CH) and remote-handled (RH) TRU waste in storage at the various DOE facilities across the country, as well as TRU waste projected to be generated over the life of the repository. Of that amount approximately 57,000 m^3 of CH–TRU waste and 2,800 m^3 of RH–TRU were attributed to the Hanford site. WIPP Disposal Phase Supplemental EIS–II (WIPP SEIS II), page 3–3.[1]

This ROD provides for the storage, processing, and certification for shipment to WIPP of approximately 40,000 m^3 of CH TRU waste and 2,600 m^3 of RH TRU waste at Hanford and confirms the WIPP ROD's prior designation of this waste for disposal at WIPP.[2] This inventory of TRU-waste at Hanford is less than previously analyzed for Hanford in the WIPP SEIS–II and designated for disposal by the WIPP ROD. The reduction in inventory is in part the result of further characterization and reassessment of waste assumed to be TRU waste and TRU waste projected to be generated at the Hanford site at the time the WIPP SEIS–II and the accompanying ROD to dispose of up to 175,600 m^3 of TRU waste at WIPP were issued.[3]

[1] The volume of RH TRU waste projected in the WIPP SEIS–II for Hanford was conservatively estimated to be higher than the 2,800 m^3 volume in the Basic Inventory which was used for analytical purposes in the EIS. However, only 2,800 m^3 of RH–TRU waste at Hanford were included in the 175,600 m^3 of TRU waste designated for disposal at WIPP in the SEIS–II ROD.

[2] The CH TRU waste volume may increase or decrease depending on volume reduction or volume expansion due to the treatment or packaging for shipment to WIPP. The RH–TRU waste volume reflects the packaged amount expected to be shipped to WIPP.

[3] The volume of RH–TRU waste in the HSW EIS is also less than the estimates for Hanford used in the Department's application for recertification of compliance (CRA) submitted to EPA in March 2004, in accordance with sections 8(d)-(f) of the WIPP Land Withdrawal Act. For analytical purposes the

The Hanford TRU waste volume analyzed in the HSW EIS and addressed in this ROD does not include potential TRU waste from the Hanford tanks. These wastes have not been determined to be TRU waste and accordingly have not been designated for disposal at WIPP.

Action Alternatives Considered in the HSW EIS

The HSW EIS considered the range of reasonable alternatives for management of solid LLW, MLLW, TRU waste, ILAW, and melters at the Hanford Site. Currently, Hanford's solid waste program activities include transportation, storage, treatment, and disposal of LLW and MLLW, as well as transportation, storage, processing, and certification of TRU waste for shipment to WIPP. The HSW EIS considered use of both existing and proposed waste management facilities in carrying out these activities. In response to comments on the Revised Draft HSW EIS, the transportation analysis was updated to account for Year 2000 Census data, to use a more recent version of the RADTRAN computer modeling code, and expanded to consider specific transportation routes between Hanford and sites that might transfer LLW and MLLW for disposal at Hanford, and sites that might transfer their TRU waste to Hanford for storage, processing, and certification pending shipment to WIPP.

The following sections describe the action alternatives considered in the Final HSW EIS.

Storage Alternatives

The specific storage methods for waste awaiting treatment and/or disposal depend on the chemical and physical characteristics of the waste as well as the type and concentration of radionuclides in the waste. As described in the HSW EIS, in most cases, alternatives for storage of LLW, MLLW, and TRU waste consisted of using existing capacity at the Central Waste Complex (CWC), the T Plant Complex, the LLBGs, or other onsite facilities. Additional storage capacity was not expected to be needed to accommodate future waste receipts, because as waste in storage is treated, processed, or certified for disposal, space would become available for newly received waste. Although construction and operation of new storage facilities is not proposed in any of the action alternatives, the HSW EIS analyzed the impacts of using existing storage capacity for completeness.

Treatment and Processing Alternatives

Action alternatives for waste treatment examined in the Final HSW EIS applied two general approaches in developing alternatives for treating and processing wastes. The first approach would maximize the use of offsite treatment and develop additional onsite capacity to treat waste that could not be accepted at offsite facilities. DOE would establish additional contracts or agreements with a permitted offsite facility (or facilities) to treat most of Hanford's CH–MLLW and non-conforming LLW that does not meet Hanford's waste acceptance criteria for disposal. DOE would develop new onsite treatment capability by modifying the T Plant Complex as necessary for treatment of RH–MLLW and MLLW in non-standard containers, *e.g.*, oversize boxes or large items. (CH waste containers can be safely handled by direct contact using appropriate health and safety measures. RH waste containers require special handling or shielding during waste management operations.) DOE would develop new onsite processing capability by modifying the T Plant Complex as necessary for processing and certification of RH TRU waste and TRU waste in non-standard containers for shipment to WIPP.

The second approach for developing alternatives for treating and processing wastes maximizes the use of onsite treatment capabilities. If treatment capacity does not currently exist at Hanford, a new waste processing facility (or facilities) would be constructed to treat MLLW and non-conforming LLW and to process and certify RH TRU waste and TRU waste in non-standard containers for shipment to WIPP.

In both approaches, the Waste Receiving and Processing Facility (WRAP) and mobile processing units (referred to as Accelerated Process Lines, or APLs) would continue to process and certify CH TRU waste in standard containers for shipment to WIPP.

Disposal Alternatives

The final step in the waste management process is disposal. Disposal facilities at Hanford accept waste suitable for near-surface disposal in accordance with the Hanford Site solid waste acceptance criteria. The HSW EIS evaluated alternatives or updated previous plans for disposal of LLW, MLLW, ILAW, and melters at Hanford, including expansion, reconfiguration, and closure of onsite disposal facilities.

Disposal alternatives in the HSW EIS assumed continued use of existing disposal facilities at Hanford until new disposal capacity can be developed and permitted. All disposal facilities would meet applicable state and federal requirements. Facilities for disposal of MLLW would be constructed to regulatory standards for new MLLW facilities with double liners and leachate collection systems. LLW disposal in either lined or unlined trenches was evaluated in various alternatives. At the end of operations, all disposal facilities would be closed by applying an engineered barrier (cap) (*i.e.*, a cover of soil and other material placed over waste sites) to reduce water infiltration and the potential for intrusion.

Several different configurations and locations were evaluated for new disposal facilities needed to manage each waste type. Disposal configurations included various options for the number and size of trenches, including facilities dedicated to a single type of waste and options for combined disposal of two or more waste types in the same facility. Alternatives for segregated disposal of LLW or MLLW consisted of multiple trenches similar to those currently employed for each waste type, multiple trenches of a deeper and wider configuration, or a single expandable trench for each waste type.

Alternatives for combined disposal of two or more waste types were also evaluated. The HSW EIS considered alternatives that included two combined-use disposal facilities: one for combined disposal of LLW and MLLW, and one for combined disposal of ILAW and melters. In addition, disposal of all waste types in a single modular combined-use facility was evaluated. To ensure that wastes placed in the same module are suitable for disposal together and are compatible with the engineered disposal system, disposal in combined-use facilities would involve construction of separate modules for wastes with different characteristics.

The HSW EIS alternatives considered several different disposal locations for new or expanded disposal facilities, including use of LLBGs in the 200 West and 200 East Areas. New disposal sites in the 200 West Area near the CWC and near the PUREX facility located in the southeastern corner of the 200 East Area were also evaluated. Some alternatives evaluated combined-use disposal facilities near the existing Environmental Restoration Disposal Facility (ERDF).

volumes provided in the CRA are relatively more conservative.

Waste Volumes

The potential environmental consequences of action alternatives in the HSW EIS have been evaluated for three waste volumes: a Hanford Only, a Lower Bound, and an Upper Bound waste volume. These alternative waste volume scenarios encompass the range of quantities that might be generated at Hanford, and which could be received from other sites. The Hanford Only and Lower Bound waste volumes were evaluated in the No Action Alternative. The Hanford Only waste volume was included in the HSW EIS in response to requests from the public as a base volume for considering the impacts of managing offsite waste. The three waste volumes are as follows:

- The *Hanford Only* waste volume consists of (1) currently stored and forecast volumes of LLW, MLLW, and TRU waste from Hanford Site generators, (2) forecast volumes of Hanford's ILAW and melters, and (3) waste that has previously been disposed of in the LLBGs.
- The *Lower Bound* waste volume consists of (1) the Hanford Only waste volume, (2) forecast volumes of LLW and small quantities of MLLW from other sites for disposal at Hanford under existing approvals, and (3) small quantities of TRU waste from other DOE sites that would be received at Hanford for interim storage, processing, certification, and shipment to WIPP.
- The *Upper Bound* waste volume consists of the Lower Bound waste volume plus the estimated total quantities of LLW, MLLW, and TRU waste that could be received from other sites through the end of Hanford site waste management operations. All of the action alternatives summarized below included an analysis of the Upper Bound volume consistent with DOE's decisions under the WM PEIS (63 FR 3629, January 23, 1998; 65 FR 10061, February 25, 2000; and 67 FR 56989, September 6, 2002).

Grouping of Action Alternatives

There is a large potential number of combinations of the various waste streams, potential waste volumes, and individual options for their storage, treatment, and disposal. To facilitate the analysis and presentation of impacts, these potential combinations were grouped into five primary alternatives which comprise the range of reasonable alternatives for managing the waste types considered in the HSW EIS.

Summary of Action Alternatives

Each action alternative included the Hanford Only, Lower Bound, and Upper Bound waste volumes. All of the action alternatives assumed continued use of existing waste management capabilities and facilities, such as operation of WRAP and the APLs to process and certify CH TRU waste, and use of existing disposal facilities until new ones can be designed, permitted, and constructed. All of these alternatives assumed all disposal facilities would be closed with an engineered barrier (cap) designed and installed to meet regulatory requirements applicable to MLLW disposal facilities.

Alternative Group A—Disposal by Waste Type in Deeper, Wider Trenches—Onsite and Offsite Treatment: New LLW and MLLW disposal trenches would be deeper and wider than those currently in use, and facilities for disposal of MLLW, ILAW, and melters would include liners and leachate collection systems. Different waste types would be disposed of in separate facilities. New LLW disposal facilities would be located in the 200 West Area and new MLLW, ILAW, and melter disposal facilities would be located in the 200 East Area. Existing facilities would be modified to provide processing capabilities for RH TRU waste and TRU waste in non-standard containers, as well as treatment capabilities for RH–MLLW and MLLW in non-standard containers. Most CH–MLLW would be treated in commercial treatment facilities.

Alternative Group B—Disposal by Waste Type in Existing Design Disposal Trenches—Onsite Treatment: Disposal trenches for LLW and MLLW would be of the same design as those currently in use. Different waste types would be disposed of separately. New LLW and ILAW disposal facilities would be located in the 200 West Area, and new MLLW and melter disposal facilities would be located in the 200 East Area. A new facility would be built to provide processing capabilities for RH TRU waste and TRU waste in non-standard containers, as well as treatment capabilities for RH–MLLW, most CH–MLLW, and MLLW in non-standard containers.

Alternative Group C—Disposal by Waste Type in Expandable Design Facilities—Onsite and Offsite Treatment: A single, expandable disposal facility (similar to the ERDF) would be used for each waste type. Different waste types would be disposed of in separate facilities. A new LLW disposal facility would be located in the 200 West Area and new MLLW, ILAW, and melter disposal facilities would be located in the 200 East Area. Treatment alternatives would be the same as those described for Alternative Group A.

Alternative Group D—Single Combined-use Disposal Facility—Onsite and Offsite Treatment: LLW, MLLW, ILAW, and melters would be disposed of in a single combined-use facility. Disposal would occur at one of three locations

Alternative Group D1: in the 200 East Area near the PUREX facility.

Alternative Group D2: in the 200 East Area LLBGs.

Alternative Group D3: at the ERDF

Treatment alternatives would be the same as those described for Alternative Group A. Alternative Group D1 was identified as the preferred alternative in the Final HSW EIS.

Alternative Group E—Dual Combined-use Disposal Facilities—Onsite and Offsite Treatment: Two combined-use disposal facilities would be constructed. One facility would be used for disposal of LLW and MLLW, and a second would be used for disposal of ILAW and melters. Disposal would occur in one of three combinations of locations.

Alternative Group E_1: ILAW and melters at ERDF, LLW and MLLW within the existing 200 East Area LLBGs.

Alternative Group E_2: ILAW and melters at ERDF, LLW and MLLW in the 200 East Area near the PUREX facility

Alternative Group E_3: ILAW and melters in the 200 Area near the PUREX facility, LLW and MLLW at ERDF.

Treatment alternatives would be the same as those described for Alternative Group A.

No Action Alternative

Analyzing a No Action Alternative is required under NEPA regulations and provides an environmental baseline against which the impacts of other alternatives can be compared. The HSW EIS No Action Alternative would continue ongoing waste management activities. However, the HSW EIS No Action Alternative did not include development of new capabilities to manage wastes that cannot currently be treated, or which are otherwise not suitable either for shipment to WIPP or for onsite disposal under the Hanford Site solid waste acceptance criteria Under the No Action Alternative, these wastes would be stored indefinitely with no path forward for ultimate disposition and DOE would not be able to meet all applicable regulatory requirements or TPA milestones for management of those wastes.

Hanford's treatment and processing capacity under the No Action Alternative would be limited to existing onsite capabilities and previously established contracts with offsite

facilities to treat small quantities of MLLW. Disposal of LLW in the LLBGs would continue using trenches of the current design. The trenches would be backfilled with soil but would not be capped. Two existing MLLW trenches would be filled to capacity and capped in accordance with applicable regulations. Processing and certification of some CH TRU waste at WRAP and the APLs would continue, and certified wastes would be shipped to WIPP. Any wastes that could not be treated, processed, certified, or disposed of would require indefinite storage. The CWC would be expanded to store most unprocessed or uncertified TRU waste and most untreated LLW and MLLW, as well as melters and other treated MLLW exceeding existing disposal capacity. Small quantities of waste could also be stored at other locations, such as T Plant or the LLBGs. ILAW would be stored in concrete vaults to be constructed near the PUREX facility located in the southeastern corner of the Hanford Site 200 East Area.

Environmentally Preferable Alternative

All of the action alternative groups were estimated to result in low environmental impacts, with small differences in impacts among the alternative groups. No occupational fatalities or increased incidences of cancer or fatal chemical exposures associated with normal operations would be expected from any of the action alternatives. Although potential adverse impacts on soils, air quality, noise levels, visual resources, socioeconomic conditions, resource availability, and land use could occur with any of the alternatives, these impacts would be low. Potential transportation impacts, including incidence of cancer and fatalities from accidents, would be very small. Because transportation impacts are related to the number of shipments, such impacts would increase with increasing waste volumes being shipped to, from, and within the Hanford Site. The maximum potential transportation impacts calculated for all the action alternatives were associated with the upper bound volume and would possibly result in up to 75 accidents, up to a total of three potential fatalities resulting from those accidents, and up to 10 potential latent cancer fatalities during routine transport. A substantial portion of these potential transportation impacts would be from shipments of TRU waste generated at Hanford that DOE had previously decided to ship to WIPP for disposal.

No single alternative group could be identified as the environmentally preferable alternative for all types of impacts considered in the HSW EIS. Although Alternative Group D1 may result in greater potential impacts to the shrub-steppe habitat at Hanford than the other alternative groups, it shows slightly lower impacts to other resource areas. On balance Alternative Group D1 would be environmentally preferable for most types of potential impacts.

Compared to the other action alternative groups, the preferred alternative identified in the Final HSW EIS (Alternative Group D1) would have slightly lower long-term impacts on water quality and slightly lower long-term dose impacts if groundwater is used for drinking water and other uses, but somewhat greater potential for disturbance of shrub-steppe habitat over the operational period. Incremental doses from radionuclides in groundwater at 100 meters from disposal facilities would not exceed the 4-millirem-per-year DOE benchmark (based on radiation dose conversion factors as published in Federal Guidance Reports 11 and 12 [EPA–520/1–88–020 and EPA–402–R–93–081, respectively]). Due to differences in the new disposal facility design, construction, operation, location, and waste packaging and/or encapsulation (which affect the concentration, location, and time of any release), constituents migrating from the new lined, combined-use disposal facilities, when added to impacts remaining from past waste disposal activities, would not be expected to result in exceedences of maximum contaminant levels[4] in groundwater at points beyond the disposal facility boundary.

Transportation of Waste

Shipments of LLW, MLLW and TRU waste to Hanford and subsequent shipment of TRU waste from Hanford to WIPP are the subject of previous decisions made under the WM PEIS (63 FR 3629, 65 FR 10061, and 67 FR 56989) and WIPP Disposal Phase Final Supplemental EIS SEIS–II (DOE/EIS–0026–S–2). In response to public interest in potential transportation impacts and risks of shipping offsite waste to Hanford and shipments of TRU waste from Hanford to WIPP, the HSW EIS includes an updated route-specific transportation analysis of potential LLW, MLLW, and TRU waste shipments using Year 2000 census data and an updated version of the RADTRAN computer modeling code. The transportation analyses conducted in the HSW EIS confirmed conclusions previously reached by the WM PEIS.

Comments on the Final HSW EIS

Comments on the Final HSW EIS were received from the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes and Bands of the Yakama Indian Nation, members of Congress, EPA, the State of Washington Department of Ecology, and the Oregon Department of Energy. The major concerns raised in the comments, along with DOE's responses, are as follows:

- Opposition to the importation to Hanford of waste from other sites, primarily LLW and MLLW for disposal, in the face of the need to clean up the Hanford Site: DOE has decided to restrict receipt of LLW and MLLW from other sites for disposal at Hanford. DOE is also pursuing a strategy whereby Hanford's TRU waste, high-level waste, and spent nuclear fuel will be shipped offsite to federal repositories built to provide the high degree of isolation from the human environment required for these wastes. DOE expects that the benefits of these actions, coupled with other remediation programs at Hanford, will contribute significantly to attaining sound cleanup goals for Hanford.
- *Opposition to disposal of LLW in unlined trenches and the threat this poses to Hanford's groundwater:* DOE has decided to dispose of LLW in lined trenches, effective immediately. DOE will use existing lined trenches until the new lined, combined-used disposal facility is available, which is expected in approximately the 2007 time frame.
- *Mitigation necessary to protect groundwater and the Columbia River:* DOE has decided to institute new mitigation measures, including installation of secondary leak detection capability in the new lined, combined-use disposal facility, in addition to existing mitigation measures summarized in "Mitigation Measures" below.
- *Declaration of irretrievable and irreversible commitment of groundwater as a means of abrogating cleanup responsibilities:* As stated in the HSW EIS, DOE believes that already present contamination from past practices precludes the beneficial use of groundwater beneath portions of the Hanford Site for the foreseeable future, as a matter of protecting public health. DOE will continue to use ongoing cleanup programs to address contaminants resulting from past practices. DOE intends to meet its responsibilities for cleanup and site remediation and is not changing

[4] Contaminant concentration limits for drinking water supplied by public water systems as set by EPA or the Washington State Department of Health were used as a benchmark in the HSW EIS to compare the potential impacts of alternatives.

existing groundwater remediation activities or commitments. Groundwater protection, monitoring and remediation will continue to be performed consistent with the TPA, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Resource Conservation and Recovery Act (RCRA) past-practice requirements.

• *Adequacy of groundwater analyses in the Final HSW EIS:* As stated in the HSW EIS, there are uncertainties in the data about the geology and groundwater at Hanford and in the analytical approaches available to estimate potential environmental impacts. DOE accounted for uncertainties by using conservative assumptions in the groundwater analyses. Accordingly, DOE believes that sufficient information currently exists to enable DOE to make informed decisions regarding waste management. DOE will continue to support ongoing investigative efforts to improve its technical and analytical capabilities.

• *Adequacy of the existing groundwater monitoring system near unlined disposal trenches:* Groundwater monitoring wells including those near unlined disposal trenches will be installed, operated, and removed from service consistent with the TPA and applicable regulations. DOE will install 17 additional wells around the LLBGs to meet its commitment under the M–24 series of TPA milestones. (The M–24 series of TPA milestones also has mechanisms for determining future Hanford Site groundwater monitoring needs.) Other monitoring needs for the LLBGs will be established through ongoing permitting processes with the State of Washington Department of Ecology. The Hanford Site Groundwater Strategy (DOE/RL–2002–59, February 2004) addresses monitoring as part of a larger program to protect the groundwater, monitor the groundwater, and continue remediating existing contamination. Other TPA milestones establish dates for completing investigations of existing sites where waste was disposed of and deciding how these sites will be closed.

• *"Long-term stewardship" is not being adequately addressed at Hanford:* Accelerating cleanup at the Hanford Site and disposing of additional LLW and MLLW from Hanford and other DOE sites requires attention to long-term stewardship both now and in the future. Hanford Site closure and long-term stewardship are being addressed consistent with the TPA and applicable CERCLA and DOE requirements, including monitoring, periodic reassessments of past decisions, and institutional controls. These requirements address the potential application of new technologies during periodic reassessments. DOE will continue to refine and implement the Hanford Long-Term Stewardship Program: Preparation for Environmental Management Cleanup Completion (DOE/RL–2003–39, August 2003), which has been developed with the input of regulators and stakeholders over the last several years. Because of the need to prepare for its post-cleanup mission, DOE has established the Office of Legacy Management to monitor, maintain, and reassess sites after they are closed. Decisions made in this ROD are consistent with existing and planning efforts.

• *Lack of information on retrieval and treatment of tank waste:* As stated in the HSW EIS, DOE is preparing the "Environmental Impact Statement for Retrieval, Treatment, and Disposal of Tank Waste and Closure of Single-Shell Tanks at the Hanford Site," referred to as the Tank Closure Environmental Impact Statement (TC EIS). The State of Washington Department of Ecology is a cooperating agency involved in the preparation of the TC EIS. The public will have an opportunity to comment on the Draft TC EIS.

• *Limited availability of thermal treatment capability for some types of mixed waste, and DOE's plans for managing such wastes are unclear:* DOE is determining how best to manage waste for which no final disposition plans currently exist. Though the availability of thermal treatment for radioactive waste is limited, DOE is actively seeking the services necessary to treat thermally some Hanford-generated MLLW in the commercial sector.

• *Worker safety:* DOE will increase efforts to protect and enhance worker safety and has recently given new direction to Hanford contractors establishing DOE's expectations of measurable safety improvements. DOE's Integrated Safety Management System principles will continue to be applied to ensure extensive worker involvement in planning work. DOE will conduct special emphasis reviews of particular issues as appropriate.

Decisions

Storage and Treatment of Low-Level Waste and Mixed Low-Level Waste

DOE has decided to implement the actions described in the preferred alternative, Alternative Group D_1, for storing and treating LLW and MLLW. LLW and MLLW will continue to be stored in existing facilities such as the CWC. Most LLW and MLLW will be treated under agreements with offsite treatment facilities. Existing onsite treatment capabilities and facilities will also continue to be used as appropriate. For wastes that cannot be treated at existing onsite or offsite facilities, such as RH waste or waste in non-standard containers, treatment capacity will be established at Hanford by modifying the T Plant Complex as needed. Although DOE expects most offsite waste to be treated elsewhere before receipt at Hanford, small quantities of offsite waste (up to 100 m^3 of MLLW) will be received as necessary for onsite treatment.

Disposal of Low-Level Waste and Mixed Low-Level Waste

DOE has decided to implement the actions described in the preferred alternative, Alternative Group D_1, for disposing of LLW and MLLW at Hanford, including the waste resulting from the vitrification process (ILAW and melters), should they be determined to be LLW or MLLW, up to the volumes evaluated in the HSW EIS, subject to the limitations on receipt of offsite waste described below. DOE will construct a new lined, combined-use facility for disposal of this waste near the PUREX facility located in the southeastern corner of the Hanford Site 200 East Area. The combined-use facility will contain separate modules for wastes with differing characteristics as necessary to ensure that wastes placed in the same module are suitable for disposal together and do not adversely affect disposal system components. The new facility is projected to be available for waste disposal in 2007.

DOE will continue to dispose of MLLW in lined facilities having leachate collection systems. In addition, effective immediately, DOE will dispose of LLW in the existing lined facilities and will subsequently dispose of LLW in the new lined, combined-use disposal facility when it becomes operational. After the end of disposal operations, the LLBGs and the new lined, combined-use facility will be closed by applying an engineered barrier (cap) to reduce water infiltration and the potential for intrusion.

Also effective immediately, DOE will limit the total receipt of additional waste from offsite generators for disposal at Hanford to 62,000 m^3 of LLW and 20,000 m^3 of MLLW. This is less than 25 percent of the Upper Bound volume of waste evaluated for offsite generators in the HSW EIS. Until the new disposal facility is operational, DOE will limit receipt of LLW and MLLW from offsite generators for

disposal at Hanford to no more than 13,000 m^3, of which no more than 5,000 m^3 will be MLLW.

Storage, Processing, Certification, and Shipment of TRU Waste

DOE has decided to implement the actions described in the preferred alternative, Alternative Group D_1, to process and certify TRU waste for shipment to WIPP. WRAP and APLs will continue to process and certify most CH TRU waste. For TRU waste that cannot be processed and certified at existing facilities, such as RH or non-standard containers, DOE will develop onsite capability by modifying the T Plant Complex as necessary to store, process, certify, and ship TRU waste to WIPP in quantities up to the Upper Bound waste volume evaluated in the Final HSW EIS (up to 46,000 m^3 of Hanford TRU waste and up to 1,550 m^3 of offsite TRU waste). If, through the certification process, any of this waste is determined to be LLW, it will be disposed of at Hanford in lined trenches according to existing procedures, Hanford Site solid waste acceptance criteria, and consistent with applicable regulatory requirements.

No decision is being made in this ROD to transfer TRU waste from other sites to Hanford for storage prior to disposal at WIPP. Such a decision would be made in a separate ROD or RODs revising, as appropriate, decisions previously made under the WM PEIS.[5] As stated in DOE's decision under the WM PEIS regarding the treatment and storage of TRU waste, DOE may, in the future, decide to ship TRU waste from sites that do not have the capability to manage this waste to sites that do have this capability, until the waste can be disposed of at WIPP. The sites that could receive such TRU waste are the Hanford Site, the Oak Ridge Reservation, the Savannah River Site, and the Idaho National Environmental and Engineering Laboratory. If DOE decides to ship additional offsite TRU waste to Hanford for storage, processing, or certification prior to shipment to WIPP, DOE would consider information from the WM PEIS and the HSW EIS in issuing a revised ROD.

[5] Concurrently with the issuance of this ROD DOE is issuing a revision to the WM PEIS ROD confirming its September 6, 2002, decision under the WM PEIS to transfer a small quantity of TRU waste from the Battelle West Jefferson North Site in Columbus, Ohio, to Hanford. This waste will be stored, certified, and processed pending shipment to WIPP for disposal. However, these shipments will not commence unless and until the preliminary injunction issued by the District Court for the Eastern District of Washington is lifted.

Bases for Decisions

DOE considered potential environmental impacts as identified in the HSW EIS, cost, applicable regulatory requirements, and public comments in arriving at its decisions. Of all of the action alternatives, DOE believes the slightly lower long-term impacts on water quality in Alternative Group D_1, and the slightly lower long-term dose impacts if groundwater is used, offset a somewhat greater potential for disturbance of shrub-steppe habitat over the operational period. Future waste disposal operations would be combined in a single location in the 200 East Area that could provide a unified regulatory pathway to construction, operation, and post-closure maintenance of the disposal site. The use of lined facilities for disposal and significant limits on the receipt of LLW and MLLW from other sites for disposal at Hanford is responsive to public concerns and comments. In addition, the construction of a single disposal facility and modification of the T Plant Complex is expected to offer a cost advantage over other alternatives.

Mitigation Measures

In addition to limiting receipt of offsite LLW and MLLW and disposing of LLW in lined trenches, DOE will adopt all practicable measures, which are described below, to avoid or minimize adverse environmental impacts that may result from implementing the actions described in the Final HSW EIS under Alternative Group D_1. All of these measures are either explicitly part of the alternatives or are already performed as part of routine operations.

- Storage, treatment, and disposal facilities will be designed, constructed, and operated in accordance with the comprehensive set of DOE requirements and applicable regulatory requirements that have been established to protect public health and the environment. These requirements encompass a wide variety of areas, including radiation protection, facility design criteria, fire protection, emergency preparedness and response, and operational safety requirements.
- Waste and other materials will be transported in accordance with applicable U.S. Department of Transportation and DOE requirements.
- RH MLLW and RH TRU waste will be transported, stored, treated, processed, and/or certified with appropriate shielding to protect workers and the public.
- LLW will be disposed of in facilities that incorporate double liners and leachate collection systems although not required by regulation. MLLW will continue to be disposed of in such facilities according to applicable regulations.
- Measures will be taken to protect construction and operations personnel from occupational hazards and the "As-Low-as-Reasonably-Achievable" principle will be implemented to minimize worker exposures to radioactive and chemical hazards.
- Emergency response plans will be in place to allow rapid response to potentially dangerous unplanned events.
- Water and other surface sprays will be used to control dust emissions, especially at borrow sites, gravel or dirt haul roads, and during construction earthwork.
- Pollution control or treatment will be used to reduce or eliminate releases of contaminants to the environment and meet applicable regulatory standards.
- Environmental monitoring systems will be installed and operated to detect potential releases to the environment.
- Secondary leak detection capability will be designed into the new lined, combined-use disposal facility.
- Disturbed areas will be mitigated consistent with the Hanford Comprehensive Land-Use Plan Environmental Impact Statement Record of Decision (64 FR 61615, November 12, 1999).
- LLW and MLLW disposal facilities will be closed with an engineered barrier (cap) designed and installed to meet regulatory requirements applicable to MLLW.
- LLW and MLLW containing more mobile contaminants will continue to be disposed of in high-integrity containers or by encapsulating the waste in grout.
- Consideration will be given to further protect the environment from contaminants of concern (*e.g.*, iodine-129, technetium-99) in solid waste from the 200 Area Effluent Treatment Facility and as part of the development of the performance assessments and the waste acceptance criteria for the new lined, combined-use disposal facility.
- TRU waste stored in the LLBGs will continue to be retrieved consistent with existing TPA milestones. This waste will continue to be shipped from Hanford to WIPP for disposal.

Issued in Washington, DC, this 23rd day of June 2004.

Jessie Hill Roberson,

Assistant Secretary for Environmental Management.

[FR Doc. 04–14806 Filed 6–29–04; 8.45 am]

BILLING CODE 6450–01–P

A.4 Notice of Intent to Prepare an Environmental Impact Statement for the Decommissioning of the Fast Flux Test Facility at the Hanford Site, Richland, WA

Houston Ship Channel (Mile -3) to SH 146 (Mile 11.4); (2) Deepening and widening the channel from Mile 3 to Mile 11.4 to match the currently maintained channel from the Houston Ship Channel to Mile 3 (10 ft deep and 100 ft wide); (3) Deepening the channel to 9 feet from Mile 3 to Mile 11.4; (4) Eliminating a series of tight bends known as the Devil's Elbow by dredging a new channel (Devil's Elbow Cutoff) to the north of these bends; (5) Creating 200-ft wide passing lanes in straight stretches of the channel; and (6) No Action. A "no-action" alternative will be evaluated and presented for comparison purposes in evaluating the various construction alternatives.

3. *Scoping:* The scoping process will involve Federal, State, and Local agencies, and other interested persons and organizations. Three public scoping meetings were held (March 22, 2000, December 11, 2000, and March 16, 2004) to explain the project and solicit information about public concerns and comments on the project. The information provided by the public, resource agencies, local industry, local government, and other interested parties was used to help develop planning objectives, identify significant resources and issues, evaluate impacts of various alternatives, and identify a plan that will be socially and environmentally acceptable. Another public meeting will be conducted during the public review period for the DEIS to update the public on the project, collect public comments on the DEIS, and discuss various issues associated with the channel improvements and placement of dredged material.

4. *Coordination:* Further coordination with environmental agencies will be conducted under the National Environmental Policy Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the Migratory Bird Treaty Act, the Clean Water Act, the Clean Air Act, the National Historic Preservation Act, the Magnuson-Stevens Fishery Conservation and Management Act (Essential Fish Habitat), and the Coastal Zone Management Act (Texas Coastal Management Program). Coordination with Federal and State regulatory agencies, the Local sponsors, and the U.S. Army Corps of Engineers has been initiated and will continue throughout the development of the DEIS.

5. DEIS Preparation. It is estimated that the DEIS will be available to the public for review and comment in December 2004.

Dated: August 10, 2004.

Carolyn Murphy,

Chief, Environmental Section.

[FR Doc. 04–18516 Filed 8–12–04; 8:45 am]

BILLING CODE 3710–52–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on October 12, 2004.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) title; (3) summary of the collection; (4) description of the need for, and proposed use of, the information; (5) respondents and frequency of collection; and (6) reporting and/or Recordkeeping burden. OMB invites public comment. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: August 10, 2004.

Angela C. Arrington,

Leader, Regulatory Information Management Group, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: Reinstatement.

Title: Student Support Services Annual Performance Report.

Frequency: Annually.

Affected Public: Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 936.

Burden Hours: 5,616.

Abstract: Student Support Services Program grantees must submit the report annually. The reports are used to evaluate grantees' performance, and to award prior experience points at the end of each project (budget) period. The Department also aggregates the data to provide descriptive information on the projects and to analyze the impact of the Student Support Services Program on the academic progress of participating students.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, by selecting the "Browse Pending Collections" link and by clicking on link number 2599. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–245–6621. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Joseph Schubart at *Joe.Schubart@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 04–18519 Filed 8–12–04; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Notice of Intent To Prepare an Environmental Impact Statement for the Decommissioning of the Fast Flux Test Facility at the Hanford Site, Richland, WA

AGENCY: Department of Energy.

ACTION: Notice of intent.

Federal Register / Vol. 69, No. 156 / Friday, August 13, 2004 / Notices **50177**

SUMMARY: The U.S. Department of Energy (DOE) announces its intent to prepare an Environmental Impact Statement (EIS), pursuant to the National Environmental Policy Act of 1969 (NEPA), on proposed decommissioning of the Fast Flux Test Facility (FFTF) at the Hanford Site, Richland, Washington. DOE proposes to decommission the FFTF and its support buildings on the Hanford Site. Alternatives to be analyzed will include no action, entombment, and removal.

DATES: DOE invites public comments on the proposed scope of this EIS. The public scoping period begins with the publication of this notice and concludes October 8, 2004. DOE invites Federal agencies, Native American Tribal Nations, State and local governments, and the public to comment on the scope of this EIS. To ensure consideration, comments must be postmarked by Friday, October 8, 2004. Late comments will be considered to the extent practicable. Two public scoping meetings will be held to provide the public with an opportunity to ask questions on the scope of the EIS, discuss concerns with DOE officials, and present comments. The locations, dates, and times for the meetings are as follows: Wednesday, September 22, 2004, from 7 p.m.–10 p.m., at the Red Lion Inn—Hanford House, 802 George Washington Way, Richland, Washington 99352; and on Thursday, September 30, 2004, from 7 p.m.–10 p.m., at the Shilo Inn, 780 Lindsay Boulevard, Idaho Falls, Idaho 83402.

ADDRESSES: Comments or suggestions ou the scope for the EIS and questions concerning the proposed action may be submitted to: Mr. Douglas H. Chapin, NEPA Document Manager, FFTF Decommissioning EIS, U.S. Department of Energy, Richland Operations Office, Post Office Box 550, Mail Stop A3–04, Richland, Washington, 99352. You may also leave a message at (888) 886–0821, send a fax to (509) 376–0177, or an e-mail to: *Douglas_H_Chapin@rl.gov.*

FOR FURTHER INFORMATION CONTACT: For further information about FFTF, to request information about this EIS and the public scoping meetings, or to be placed on the EIS distribution list, please contact Mr. Chapin using any of the methods identified above. For general information about the DOE NEPA process, please contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0119, telephone: (202) 586–4600, or leave a message at (800) 472–2756.

SUPPLEMENTARY INFORMATION:

Background: The FFTF is a DOE-owned, 400-megawatt (thermal) liquid-metal (sodium) cooled nuclear test reactor located on the DOE Hanford Site's 400 Area near Richland, Washington. FFTF full-scale operations were conducted between 1982 and 1992. DOE operated FFTF as a non-breeder test reactor for the U.S. liquid metal fast breeder reactor program testing advanced nuclear fuels, materials, components, and reactor safety designs. DOE also conducted ancillary experimental activities including cooperative international research and irradiation to produce a variety of medical and industrial isotopes.

In May 1995, DOE issued the Environmental Assessment: Shutdown of the Fast Flux Test Facility, Hanford Site, Richland, Washington (DOE/EA–0993, May 1995) and Finding of No Significant Impact (FONSI, May 1995). This Environmental Assessment (EA) evaluated the potential impacts associated with actions uecessary to place the FFTF in a radiologically-safe and industrially-safe permanent shutdown and deactivation condition (Phase I), suitable for a long-term surveillance and maintenance (Phase II) prior to decommissioning (Phase III). The EA did not evaluate Phase III. DOE determined that an EIS was not required for the permanent shutdown and deactivatiou of the FFTF, and issued a Finding of No Significant Impact (FONSI).

Based on the Final Programmatic Environmental Impact Statement for Accomplishing Expanded Civilian Nuclear Euergy Research and Development and Isotope Production Missions in the United States, Including the Role of the Fast Flux Test Facility (NI–PEIS)(DOE/EIS–0310, December 2000), DOE decided in the Record of Decision (ROD) (66 FR 7877, January 26, 2001), that the permanent closure of FFTF was to be resumed, with no new missions. The NI PEIS reviewed the environmental impacts associated with enhancing the existing DOE nuclear facility infrastructure to provide for the following missions: (1) Production of isotopes for medical, research, and industrial uses; (2) production of plutonium-238 for use in advanced radioactive isotope power systems for future National Aeronautics aud Space Administration (NASA) space exploration missions, and (3) to support the nation's civilian nuclear energy research and development needs. In the NI PEIS, FFTF was evaluated as an alternative irradiation services facility for the aforementioned missions.

DOE is currently engaged in the permanent deactivation of the FFTF consistent with the May 1995 FFTF Shutdown EA and FONSI and the January 26, 2001, ROD. Major deactivation activities underway at this time include: washing the FFTF fuel to remove sodium, placing the fuel into dry cask storage, draining sodium systems, and deactivating auxiliary plant systems. The FFTF fnel, which includes sodium-bonded fuel, is being managed and dispositioned consistent with previous applicable DOE NEPA decisions (*see* "Related NEPA Reviews").

Proposed Action: NEPA requires the preparation of an EIS for major federal actions that significantly affect the quality of the human environment. DOE is preparing an EIS (DOE/EIS–0364) for proposed FFTF decommissioning activities.

DOE's purpose and need is to reduce long-term risks associated with the deactivated FFTF and its ancillary support facilities, and to reduce surveillance and maintenance costs. In order to meet this purpose and need, DOE proposes to decommission the deactivated FFTF and its support facilities by September 2012, consistent with the ongoing Request for Proposal No. DE–RP06–04RL14600 for the FFTF Closure Project. Alternatives for accomplishing this proposed action described below.

Preliminary Alternatives: Consistent with NEPA implementation requirements, the EIS will assess the range of reasonable alternatives regarding DOE's need for decommissioning the FFTF, and a No Action alternative. The EIS will provide a means for soliciting public input on the alternatives to be analyzed as part of DOE's decisionmaking process. DOE's current proposed alternatives include entombment and removal.

Other reasonable alternatives that may arise during public scoping and preparation of the draft EIS would also be considered. Because DOE has made a programmatic decision to permanently shutdown and deactivate FFTF, and is currently performing deactivation activities consistent with this decision, restart of the FFTF is not considered a reasonable decommissioning alternative. The preferred alternative for decommissioning would be identified in the EIS and DOE's decision would be announced in a ROD. Consistent with this ROD, DOE would also prepare any regulatory documents that might be required as a result of permitting, closure, or documentation requirements under the Atomic Energy Act; the Resource Conservation and Recovery

Act, and the Washington State Hazardous Waste Management Act of 1976; or the Comprehensive Environmental, Response, Compensation and Liability Act. In meeting any State (of Washington) Environmental Policy Act (SEPA) requirements related to state permitting or other regulatory actions, the State of Washington Department of Ecology (Ecology) can adopt a NEPA document if it determines that it is sufficient to meet SEPA requirements. DOE intends to coordinate with Ecology to ensure these needs are addressed.

The EIS will analyze reasonable alternatives for the management and disposition of FFTF waste, and reasonable onsite (Hanford Site) and offsite (Idaho) alternatives for the management and disposition of the Hanford Site radioactive sodium inventory.

The proposed alternatives to be considered in the EIS include:

• *No Action Alternative.* The Council on Environmental Quality NEPA Regulations (40 CFR parts 1500–1508), and the DOE NEPA Regulations (10 CFR part 1021) require analysis of a No Action alternative. Under this alternative, deactivation would be completed consistent with previous NEPA decisions, such that the FFTF and support bnildings could be maintained in a long-term surveillance and maintenance condition for the foreseeable future; no decommissioning would occur. The facility would be monitored and periodic surveillance and maintenance performed to ensure that no environmental releases or safety issues develop. The impacts from this No Action alternative will be used as the basis for comparing the impacts of the action alternatives.

• *Entombment Alternative.* Under this alternative, DOE would decontaminate, dismantle, and remove the FFTF Reactor Containment Building dome (and structures within) above grade level (*i.e.*, 550 feet above mean sea level). The FFTF Reactor Vessel, contained within the Reactor Containment Building, along with radioactive and contaminated equipment, components, piping, and materials, including any asbestos, depleted uranium shielding, and lead shielding, would remain in place. The Reactor Containment Building below grade level would be filled with grout or other suitable fill material to immobilize remaining radioactive and chemically-hazardous materials to the maximum extent practicable, and to minimize subsidence. The Reactor Containment Building fill material may include hazardous, and/or radioactive and contaminated materials, as allowed by regulations. A regulatory-compliant, engineered barrier would be used to cover the filled area. The barrier, together with the lower Reactor Containment Building structure and internal structures, and the immobilization and/or subsidence matrix would comprise the entombment structure (*i.e.*, the entombed area).

The FFTF support buildings outside the entombed area, would be decontaminated and demolished to below grade level, backfilled, and remediated, as appropriate. Below-grade portions would be backfilled and covered to minimize free (void) spaces. Appropriate institutional controls would also be implemented (*e.g.*, deed restrictions, *etc.*).

• *Removal Alternative.* Under this alternative, DOE would decontaminate, dismantle, and remove the Reactor Containment Building dome (and structures within) above grade level. The Reactor Vessel, contained within the Reactor Containment Building below grade level, along with radioactive and contaminated equipment, components, piping, and materials, including any asbestos, depleted uranium shielding, and lead shielding, would also be removed. The removed radioactive and contaminated equipment, components, piping, and materials would include intermediate heat exchangers, primary pumps, primary isolation valves, primary overflow tanks, Interim Examination and Maintenance Cell equipment, test assembly hardware, and the Interim Decay Storage tank. Additional radioactive and contaminated equipment from the Reactor Containment Building and the FFTF Heat Transport System would also be removed, as necessary. The removed radioactive and contaminated equipment, components, piping, and materials would be disposed of in appropriate Hanford Site 200 Area disposal units such as, but not necessarily limited to, the existing Environmental Restoration and Disposal Facility or the Integrated Disposal Facility, which is proposed for construction. The Reactor Containment Building (and structures within) at grade and below grade, and the FFTF support buildings outside the Reactor Containment Building area, would be decontaminated and demolished to below grade, backfilled and covered to minimize free (void) spaces), and remediated, as appropriate. Appropriate institutional controls would also be implemented (*e.g.*, deed restrictions, *etc.*).

EIS Schedule: This EIS will be prepared pursuant to NEPA, the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), and DOE's NEPA Implementing Procedures (10 CFR part 1021). Following publication of this Notice of Intent, DOE will conduct a 45-day public scoping period, including public scoping meetings; and prepare and distribute the draft EIS. A comment period on the draft EIS is planned, which will include public hearings to receive comments. Availability of the draft EIS, the dates of the public comment period, and information about the public hearings will be announced in the **Federal Register** and in local news media. The final EIS is scheduled for issuance by September 2005. A ROD would be issued no sooner than 30 days after publication of the Environmental Protection Agency's (EPA's) Notice of Availability of the final EIS in the **Federal Register**.

Preliminary Identification of Environmental and Other Issues

DOE intends to analyze the following issues when assessing the potential environmental impacts of the proposed action and alternatives in this EIS. DOE invites comments on these and any other issues that should be addressed in this EIS.

• Potential accident scenarios at appropriate onsite (Hanford Site) and offsite locations associated with the decommissioning of the FFTF and support facilities and with the management and disposition of resulting waste and Hanford Site radioactive sodium inventory.

• Potential effects on the public and onsite workers from releases of radiological and nonradiological materials during decommissioning operations and reasonably foreseeable accidents.

• Potential long-term risks resulting from the management and disposition of the FFTF waste and Hanford Site radioactive sodium inventory.

• Potential effects on air quality, and water quantity and quality from decommissioning operations and reasonably foreseeable accidents.

• Potential cumulative effects, including impacts from other past, present and reasonably foreseeable actions at or in the vicinity of the Hanford Site.

• Potential effects on biological resources (*e.g.*, rare, threatened, or endangered species and their habitat).

• Potential effects on archaeological/cultural/historical sites.

• Potential effects from transportation activities and from reasonably foreseeable transportation accidents.

• Potential socioeconomic impacts on surrounding communities.

• Potential for disproportionately high and adverse effects on low-income and minority populations (Environmental Justice).

• Potential, unavoidable adverse environmental effects.

• Potential, short-term uses of the environment versus long-term productivity.

• Potential irreversible and irretrievable commitment of resources.

• Potential consumption of natural resources and energy, including water, geologic materials, natural gas, and electricity.

• Potential pollution prevention, waste minimization, and mitigative measures.

Related NEPA Reviews: Listed below are some of the key NEPA documents to be considered in relation to the EIS:

• Environmental Statement, Fast Flux Test Facility, Richland, Washington (WASH–1510, May 1972). This Environmental Statement (prepared by the U.S. Atomic Energy Commission) assessed the potential environmental impacts associated with the FFTF Project.

• Final Environmental Impact Statement: Department of Energy Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Programs (DOE/EIS–0203, April 1995) and ROD (60 FR 28680, May 1, 1995). This EIS analyzed (at a programmatic level) the potential environmental consequences over the next 40 years of alternatives related to the transportation, receipt, processing, and storage of spent nuclear fuel under the responsibility of DOE. For programmatic spent nuclear fuel management, this EIS analyzed alternatives of no action, decentralization, regionalization, centralization, and the use of the plans that existed in 1992 and 1993 for the management of these materials.

• Environmental Assessment: Shutdown of the Fast Flux Test Facility, Hanford Site, Richland, Washington and FONSI (DOE/EA–0993, May 1995). This EA evaluated the impacts associated with deactivation actions necessary to place the FFTF in a radiologically- and industrially-safe condition (Phase I), suitable for long-term surveillance and maintenance (Phase II) prior to decommissioning (Phase III). The EA did not evaluate Phase III. DOE determined that an EIS was not required for the permanent shutdown and deactivation of the FFTF and issued a FONSI.

• Environmental Assessment: Management of Hanford Site Non-Defense Production Reactor Spent Nuclear Fuel, Hanford Site, Richland, Washington and FONSI (DOE/EA–1185, March 1997). This EA evaluated the environmental impacts associated with actions necessary to place the Hanford Site's non-defense production reactor spent nuclear fuel, which includes FFTF's spent nuclear fuel, in a radiologically- and industrially-safe, and passive, consolidated storage condition pending final decommissioning. DOE determined that the interim management and storage of the subject spent nuclear fuel at the Hanford Site did not require an EIS and issued a FONSI.

• Environmental Assessment: Shutdown of Experimental Breeder Reactor-II (EBR-II) at Argonne National Laboratory-West and FONSI (DOE/EA–1199, September 1997). This EA addressed the placement of EBR-II and its supporting facilities in an industrially and radiologically safe shutdown condition pending ultimate decommissioning, including the draining of the primary and secondary sodium and reaction of the sodium in the Sodium Processing Facility. The EA did not evaluate final decontamination and decommissioning of EBR-II or the Sodium Processing Facility. DOE determined that an EIS was not required and issued a FONSI.

• Final Hanford Comprehensive Land Use Plan Environmental Impact Statement (DOE/EIS–0222, September 1999) and ROD (64 FR 61615, November 12, 1999). This EIS focused on developing an overall strategy for future land use at Hanford and included a proposed comprehensive land use plan for the Hanford Site for at least the next 50 years of ownership. DOE decided in the ROD that the 400 Area would be designated "industrial." This land-use designation supports the 1997 EPA Brownfields Initiative for contaminated areas ("Brownfields Economic Development Initiative, EPA 500–F–97–158, U.S. Environmental Protection Agency, Washington, D.C., September 1997.")

• Final Environmental Impact Statement for the Treatment and Management of Sodium-Bonded Spent Nuclear Fuel (DOE/EIS–0306, July 2000) and ROD (65 FR 56565, September 19, 2000). This EIS evaluated strategies to remove or stabilize the reactive sodium contained in a portion of DOE's spent nuclear fuel inventory to prepare the spent nuclear fuel for disposal in a geologic repository. The EIS analyzed, under the proposed action, six alternatives that employ one or more of the following technology options at nuclear fuel management facilities at the Savannah River Site or the INEEL: electrometallurgical treatment; the plutonium-uranium extraction process; packaging in high-integrity cans; and the melt and dilute treatment process. DOE decided in the ROD to implement the preferred alternative of electrometallurgically treating the EBR-II spent nuclear fuel and miscellaneous small lots of sodium bonded spent nuclear fuel at the ANL-W facility at the INEEL. FFTF has a small inventory of sodium bonded fuel identified in this EIS.

• Final Environmental Impact Statement, Commercial Low-Level Radioactive Waste Disposal Site, Hanford Site, Richland, Washington, State of Washington Department of Ecology (May 2004)). This EIS was prepared by Ecology to evaluate pending actions, including an operating license renewal, at the existing commercial low-level radioactive waste disposal site located on the Hanford Site in Richland, Washington.

• Final Programmatic Environmental Impact Statement for Accomplishing Expanded Civilian Nuclear Energy Research and Development and Isotope Production Missions in the United States, Including the Role of the Fast Flux Test Facility (NI–PEIS, DOE/EIS–0310, December 2000) and ROD (66 FR 7877, January 26, 2001). This nuclear infrastructure programmatic EIS evaluated the proposed expansion of the nuclear irradiation capabilities for accomplishing civilian nuclear energy research and development activities, accommodating the projected growth in demand for medical and industrial isotopes, and production of plutonium-238 to support future National Aeronautics and Space Administration space exploration missions. Also included was an alternative to permanently deactivate the FFTF. The EIS concluded that "lack of clear commitments from likely users discouraged the Department from planning to build new facilities or to restart the FFTF." DOE decided in the ROD that the FFTF would be permanently deactivated.

• Final Hanford Site Solid (Radioactive and Hazardous) Waste Program Environmental Impact Statement, Richland, Washington (DOE/EIS–0286, January 2004) and ROD (69 FR 39449, June 30, 2004). This EIS evaluated alternatives to provide capabilities to treat, store, and/or dispose of existing and anticipated quantities of solid low-level waste

(LLW), mixed low-level waste (MLLW), Transuranic (TRU) waste, and immobilized low activity waste to support clean up at Hanford and to assist other DOE sites in completing their cleanup programs. DOE decided in the ROD to (1) limit the volumes of LLW and MLLW received at Hanford from other sites for disposal; (2) dispose of LLW in lined disposal facilities, a practice already used for MLLW; (3) construct and operate a lined, combined-use disposal facility (previously referenced in this Notice of Intent as the "Integrated Disposal Facility") in Hanford's 200 East Area for disposal of LLW and MLLW, and further limit offsite waste receipts until the IDF is constructed; (4) treat LLW and MLLW (requiring treatment) at either offsite facilities or existing or modified facilities, as appropriate; and (5) use existing and modified onsite facilities to store, process, and certify TRU waste for subsequent shipment to the DOE Waste Isolation Pilot Plant.

• Environmental Impact Statement for Retrieval, Treatment, and Disposal of Tank Waste and Closure of Single-Shell Tanks at the Hanford Site, Richland, Washington (DOE/EIS–0356). This EIS will evaluate the potential environmental impacts of the proposed action and range of reasonable alternatives, including no action, to treating and disposing of the subject tank waste and the safe management and closure of the subject tanks. The document is currently in development and a draft EIS has not yet been issued.

Public Reading Rooms

Documents referenced in this Notice of Intent and related information are available at the following locations: DOE Reading Room, WSU Tri-Cities, 2710 University Drive, Richland, Washington 99352, 509–372–7443; and the U.S. Department of Energy Headquarters Public Reading Room, 1000 Independence Avenne, SW., Room 1E–190 (ME–74) FORS, Washington, DC 20585, 202–586–3142.

Issued in Washington, DC on August 9, 2004.

John Spitaleri Shaw,

Acting Assistant Secretary, Office of Environment, Safety and Health.

[FR Doc. 04–18535 Filed 8–12–04; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Amended Record of Decision for the Department of Energy's Final Programmatic Environmental Impact Statement for Accomplishing Expanded Civilian Nuclear Energy Research and Development and Isotope Production Missions in the United States, Including the Role of the Fast Flux Test Facility, DOE/EIS–0310

AGENCY: Department of Energy.

ACTION: Amended record of decision.

SUMMARY: The Department of Energy (DOE), pursuant to 10 CFR 1021.315, its implementing regulations under the National Environmental Policy Act (NEPA), is amending its Record of Decision (ROD) (66 FR 7877, January 26, 2001) for its Final Programmatic Environmental Impact Statement for Accomplishing Expanded Civilian Nnclear Energy Research and Development and Isotope Production Missions in the United States, Including the Role of the Fast Flux Test Facility (Nuclear Infrastructure (NI) PEIS). DOE had decided to transport neptunium-237 (Np-237), after conversion to neptunium oxide (NpO_2), from DOE's Savannah River Site (SRS) to the Radiochemical Engineering Development Center (REDC) at the Oak Ridge National Laboratory (ORNL) for use in production of plutonium-238 in the future. Np-237 is categorized as special nuclear material (SNM). After the September 11, 2001, terrorist attack, storage of all SNM requires additional security and safeguards. Since REDC does not meet security requirements for storage of SNM, it would require costly security upgrades to qualify for safe storage of NpO_2. DOE's Argonne National Laboratory-West (ANL–W) site, located in Idaho, meets the security requirements for storage of SNM, currently stores such materials, and has the storage space available for storage of NpO_2.

DOE prepared a Supplement Analysis (SA) for the NI PEIS for the change of storage location of NpO_2 from REDC to ANL–W (DOE/EIS–0310–SA–01) to determine whether further NEPA review is required. DOE has determined that no additional NEPA review is necessary because the relocation and change in storage location does not constitute a substantial change in the original proposed action, and the impacts analyzed in the NI PEIS bound the impacts of transfer to and storage at the new proposed storage location. Therefore, DOE has decided to change its decision on the storage location for NpO_2 from REDC to ANL–W.

FOR FURTHER INFORMATION CONTACT: For further information on this project or to receive copies of the SA, initial ROD, or this Amended ROD contact: Dr. Rajendra Sharma, U.S. Department of Energy, Office of Nuclear Energy, Science and Technology, 19901 Germantown Road, Germantown, Maryland 20874, telephone (301) 903–2899, fax (301) 903–5005, e-mail: *Rajendra.Sharma@nuclear.energy.gov.* For general information on the DOE NEPA process, contact Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance, EH–42/ Forrestal Building, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0119, telephone (202) 586–4600 or leave a message at (800) 472–2756.

SUPPLEMENTARY INFORMATION:

Background

The SRS has the remaining domestic inventory of recovered Np-237 which is no longer useable at that site because production of Pu-238 is no longer possible since the reactors have been shutdown. To support the future production of Pu-238 for the National Aeronautics and Space Administration (NASA) and national security missions, DOE must convert this material to neptunium oxide (NpO_2), a stable form, that can be safely stored and used later to produce Pu-238. The NpO_2 also needs to be relocated and stored at a site that meets the security requirements for storage of SNM (Np-237 is categorized as SNM) and is readily available for production of Pu-238. After analyzing various alternatives, DOE originally selected REDC, located at ORNL, for storage of NpO_2. However, REDC no longer meets the security requirements for storage of SNM and would have to incur costly upgrades to comply with such requirements. ANL–W site in Idaho already stores SNM and meets the enhanced security requirements for storage of SNM.

The proposed plan calls for the shipment of approximately 70 drums containing small cans of NpO_2 to ANL–W beginning in FY 2004 and ending in FY 2006. For shipment from SRS, one to three (depending on mass of neptunium, no more than 6 kg) crimp-sealed can(s) of NpO_2 will be placed inside a 35-gallon shipping drum. The drums will be transported to ANL–W where the material will be stored until needed for Pu-238 production.

Basis for Decision

DOE has prepared a SA (DOE/EIS–0310–SA–01) in accordance with the Council on Environmental Quality (CEQ) and DOE regulations

A.5 Notice of Intent to Prepare the Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, WA

addressed as follows: Office of Electricity Delivery & Energy Reliability (Mail Code OE–20), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350 (FAX 202–586–5860).

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202–586–9624 or Michael Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On December 14, 2005, the Department of Energy (DOE) received an application from MAG E.S. to transmit electric energy from the United States to Canada. MAG E.S. is a Canadian corporation with its principal place of business in Montreal, Quebec. MAG E.S. has requested an electricity export authorization with a 5-year term. MAG E.S. does not own or control any transmission or distribution assets, nor does it have a franchised service area. The electric energy which MAG E.S. proposes to export to Canada would be purchased from electric utilities and Federal power marketing agencies within the U.S.

MAG E.S. will arrange for the delivery of exports to Canada over the international transmission facilities owned by Basin Electric Power Cooperative, Booneville Power Administration, Eastern Maine Electric Cooperative, International Transmission Co., Joint Owners of the Highgate Project, Long Sault, Inc., Maine Electric Power Company, Maine Public Service Company, Minnesota Power, Inc., Minnkota Power Cooperative, Inc., New York Power Authority, Niagara Mohawk Power Corp., Northern States Power Company and Vermont Electric Transmission Co.

The construction, operation, maintenance, and connection of each of the international transmission facilities to be utilized by MAG E.S. has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

Procedural Matters: Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with DOE on or before the date listed above.

Comments on the MAG E.S. application to export electric energy to Canada should be clearly marked with Docket EA–306. Additional copies are to be filed directly with Martin Gauthier, Director, MAG E.S. Energy Solutions Inc., 486 Ste-Catherine W, #402, Montreal, QC, Canada H3B 1A6.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the program's Home Page at *http://www.electricity.doe.gov*. Upon reaching the Home page, select "Divisions," then "Permitting Siting & Analysis," then "Electricity Imports/Exports," and then "Pending Proceedings" from the options menus.

Issued in Washington, DC, on January 26, 2006.

Anthony J. Como,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. E6–1392 Filed 2–1–06; 8:45 am]

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DEPARTMENT OF ENERGY

Notice of Intent To Prepare the Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, WA

AGENCY: Department of Energy.

ACTION: Notice of intent.

SUMMARY: The U.S. Department of Energy (DOE) announces its intent to prepare a new environmental impact statement (EIS) for its Hanford Site (Hanford) near Richland, Washington, pursuant to the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations at 40 CFR Parts 1500–1508 and 10 CFR Part 1021. The new EIS, to be titled the *Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, Washington* (TC & WM EIS), will implement a Settlement Agreement announced on January 9, 2006, among DOE, the Washington State Department of Ecology (Ecology) and the State of Washington Attorney General's office. The Agreement serves as settlement of NEPA claims in the case *State of Washington* v. *Bodman* (Civil No. 2:03–cv–05018–AAM), which addressed the *Final Hanford Site Solid (Radioactive and Hazardous) Waste Program EIS, Richland, Washington* (HSW EIS, DOE/EIS–0286, January 2004).

Ecology will continue its role as a Cooperating Agency in the preparation of the TC & WM EIS. Ecology already was acting in that capacity during the ongoing preparation of the *EIS for Retrieval, Treatment and Disposal of Tank Waste and Closure of the Single-Shell Tanks at the Hanford Site, Richland, Washington* (TC EIS, DOE/EIS–0356, Notice of Intent [NOI] at 68 FR 1052, January 8, 2003). The TC & WM EIS will revise, update and reanalyze groundwater impacts previously addressed in the HSW EIS. That is, the TC & WM EIS will provide a single, integrated analysis of groundwater at Hanford for all waste types addressed in the HSW EIS and the TC EIS. As a result, the TC & WM EIS will include a reanalysis of onsite disposal alternatives for Hanford's low-level radioactive waste (LLW) and mixed low-level radioactive waste (MLLW) and LLW and MLLW from other DOE sites. The TC & WM EIS will revise and update other potential impact areas previously addressed in the HSW EIS as appropriate. Finally, the TC & WM EIS will incorporate existing analyses from the HSW EIS that do not affect and are not directly affected by the waste disposal alternatives after review or revision as appropriate. DOE will continue its ongoing analysis of alternatives for the retrieval, treatment, storage, and disposal of underground tank wastes and closure of underground single-shell tanks (SST). In addition, DOE plans to include the ongoing *Fast Flux Test Facility Decommissioning EIS* (FFTF EIS, DOE/EIS–0364, NOI at 69 FR 50178, August 13, 2004) in the scope of the new TC & WM EIS, in order to provide an integrated presentation of currently foreseeable activities related to waste management and cleanup at Hanford.

In accordance with the Settlement Agreement, DOE will not ship offsite waste to Hanford for storage, processing, or disposal until a Record of Decision (ROD) is issued pursuant to the TC & WM EIS, except under certain limited exemptions as provided in the Settlement Agreement.

DOE is soliciting comments on the proposed scope of the new TC & WM EIS. Comments previously submitted in response to the 2003 NOI for the TC EIS and the 2004 NOI for the FFTF EIS are being considered and need not be resubmitted.

DATES: DOE invites Federal agencies, American Indian tribal nations, state and local governments, and the public to comment on the scope of the planned TC & WM EIS. DOE will consider all comments received by March 6, 2006, as well as comments received after that date to the extent practicable. DOE plans to hold public meetings at the following locations:

Hood River, Oregon; February 21, 2006.

Portland, Oregon; February 22, 2006.

Seattle, Washington; February 23, 2006.

Richland, Washington, February 28, 2006.

The public meetings will address the scope of the planned TC & WM EIS. DOE will provide additional notification of the meeting times and locations through newspaper advertisements and other appropriate media.

ADDRESSES: To submit comments on the scope of the TC & WM EIS or to request copies of the references listed herein, including references listed in Appendix A, contact: Mary Beth Burandt, Document Manager, Office of River Protection, U.S. Department of Energy, Post Office Box 450, Mail Stop H6–60, Richland, WA 99352. Electronic mail: *TC&WMEIS@saic.com*. Fax: 509–376–3661. Telephone and voice mail: 509–373–9160.

FOR FURTHER INFORMATION CONTACT: For information on DOE's NEPA process, contact: Carol Borgstrom, Director, Office of NEPA Policy and Compliance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. Telephone 202–586–4600, or leave a message at 1–800–472–2756.

This NOI will be available on DOE's NEPA Web site at *http://www.eh.doe.gov/nepa* and the TC & WM EIS Web site at *http://www.hanford.gov/orp/* (click on Public Involvement).

SUPPLEMENTARY INFORMATION:

I. Background

The Hanford Site is located in southeastern Washington State along the Columbia River, and is approximately 586 square miles in size. Hanford's mission included defense-related nuclear research, development, and weapons production activities from the early 1940s to approximately 1989. During that period, Hanford operated a plutonium production complex with nine nuclear reactors and associated processing facilities. These activities created a wide variety of chemical and radioactive wastes. Hanford's mission now is focused on the cleanup of those wastes and ultimate closure of Hanford. To this end, DOE manages several types of radioactive wastes at Hanford: (1) High-level radioactive waste (HLW) as defined under the Nuclear Waste Policy Act [42 U.S.C. 10101]; (2) transuranic (TRU) waste, which is waste containing alpha-particle-emitting radionuclides with atomic numbers greater than uranium (*i.e.*, 92) and half-lives greater than 20 years in concentrations greater than 100 nanocuries per gram of waste; (3) LLW, which is radioactive waste that is neither HLW nor TRU waste; and (4) MLLW, which is LLW containing hazardous constituents as defined under the Resource Conservation and Recovery Act of 1976 (RCRA, 42 U.S.C. 6901 *et seq.*).

At present, DOE is constructing a Waste Treatment Plant (WTP) in the 200-East Area of the site. The WTP will separate waste stored in Hanford's underground tanks into HLW and low-activity waste (LAW) fractions. HLW will be treated in the WTP and stored at Hanford until it can be shipped to the proposed repository at Yucca Mountain, Nevada. Immobilized LAW waste would be treated in the WTP and disposed of at Hanford as decided in the ROD issued in 1997 (62 FR 8693), pursuant to the *Tank Waste Remediation System, Hanford Site, Richland, Washington, Final EIS* (TWRS EIS, DOE/EIS–0189, August 1996). DOE is processing Hanford's contact-handled TRU waste (which does not require special protective shielding) for shipment to the Waste Isolation Pilot Plant (WIPP) near Carlsbad, New Mexico, consistent with the 1998 RODs (63 FR 3624 and 63 FR 3629) for treatment and disposal of TRU waste under the *Final Waste Management Programmatic EIS for Managing Treatment, Storage, and Disposal of Radioactive and Hazardous Waste* (WM PEIS, DOE/EIS–0200) and the *Waste Isolation Pilot Plant Disposal Phase Final Supplemental Environmental Impact Statement* (WIPP SEIS-II, DOE/EIS–0026–S–2, September 1997). DOE is disposing of Hanford's LLW and MLLW onsite, consistent with the ROD for treatment and disposal of these wastes under the WM PEIS (65 FR 10061). This ROD also designates Hanford as a regional disposal site for LLW and MLLW from other DOE sites.

In January 2003, DOE issued an NOI (68 FR 1052) to prepare the TC EIS (DOE/EIS–0356). The proposed scope of the TC EIS included closure of the 149 underground SSTs and newly available information on supplemental treatment for the LAW from all 177 tanks, which contain a total of approximately 53 million gallons of waste.

In March 2003, Ecology initiated litigation on issues related to importation, treatment, and disposal of radioactive and hazardous waste generated offsite as a result of nuclear defense and research activities. The Court enjoined shipment of offsite TRU waste to Hanford for processing and storage pending shipment to WIPP.

In January 2004, DOE issued the HSW EIS and a ROD (69 FR 39449), which addressed ongoing solid waste management operations, and announced DOE's decision to dispose of Hanford and a limited volume of offsite LLW and MLLW in a new Integrated Disposal Facility in the 200-East Area of Hanford. DOE also decided to continue sending Hanford's MLLW offsite for treatment and to modify Hanford's T-Plant for processing remote-handled TRU waste and MLLW (which require protective shielding).

Ecology amended its March 2003 complaint in 2004, challenging the adequacy of the HSW EIS analysis of offsite waste importation. In May 2005, the Court granted a limited discovery period, continuing the injunction against shipping offsite wastes to Hanford, including LLW and MLLW (*State of Washington* v. *Bodman* [Civil No. 2:03–cv–05018–AAM]). In July 2005, while preparing responses to discovery requests from Ecology, Battelle Memorial Institute, DOE's contractor who assisted in preparing the HSW EIS, advised DOE of several differences in groundwater analyses between the HSW EIS and its underlying data.

DOE promptly notified the Court and the State and, in September 2005, convened a team of DOE experts in quality assurance and groundwater analysis, as well as transportation and human health and safety impacts analysis, to conduct a quality assurance review of the HSW EIS. The team completed its *Report of the Review of the Hanford Solid Waste Environmental Impact Statement* (EIS) *Data Quality, Control and Management Issues*, January 2006 (hereafter referred to as the Quality Review).

Because both Ecology and DOE have a shared interest in the effective cleanup of Hanford, DOE and Ecology announced a Settlement Agreement ending the NEPA litigation on January 9, 2006. The Agreement is intended to resolve Ecology's concerns about HSW EIS groundwater analyses and to address other concerns about the HSW EIS, including those identified in the *Quality Review*.

The Agreement calls for an expansion of the TC EIS to provide a single, integrated set of analyses that will include all waste types analyzed in the HSW EIS (LLW, MLLW, and TRU

waste). The expanded EIS will be renamed the TC & WM EIS. Pending finalization of the TC & WM EIS, the HSW EIS will remain in effect to support ongoing waste management activities at Hanford (including transportation of TRU waste to WIPP) in accordance with applicable regulatory requirements. The Agreement also stipulates that when the TC & WM EIS has been completed, it will supersede the HSW EIS. Until that time, DOE will not rely on HSW EIS groundwater analyses for decision-making, and DOE will not import offsite waste to Hanford, with certain limited exemptions as specified in the Agreement.

DOE and Ecology have mutual responsibilities for accomplishing cleanup of Hanford, as well as continuing ongoing waste management activities consistent with applicable Federal and state laws and regulations. *The Hanford Federal Facility Agreement and Consent Order* (also called the Tri-Party Agreement [TPA]) among the state, DOE, and the U.S. Environmental Protection Agency (EPA) contains various enforceable milestones that apply to waste management activities. DOE also is required to comply with applicable requirements of RCRA and the state's Hazardous Waste Management Act of 1976 as amended (Chapter 70.105 Revised Code of Washington). To carry out proposals for future actions and obtain necessary permits, each agency must comply with the applicable provisions of NEPA and the Washington State Environmental Policy Act (SEPA) respectively. The agencies have revised their Memorandum of Understanding for the TC EIS (effective March 25, 2003), which identified Ecology as a Cooperating Agency in the preparation of the TC EIS. The Memorandum of Understanding revision is consistent with the Settlement Agreement and provides for Ecology's continuing participation as a Cooperating Agency in preparation of the TC & WM EIS to assist both agencies in meeting their respective responsibilities under NEPA and SEPA.

II. Purpose and Need for Action

Recognizing the potential risks to human health and the environment from Hanford tank wastes, DOE needs to retrieve waste from the 149 SSTs and 28 double-shell tanks (DST), treat and dispose of the waste, and close the SST farms in a manner that complies with Federal and Washington State requirements. Some waste from tanks and LLW and MLLW from Hanford and other DOE sites that do not have appropriate facilities must be disposed of to facilitate cleanup of Hanford and these sites.

III. Proposed Action

DOE proposes to retrieve and treat waste from 177 underground tanks and ancillary equipment and dispose of this waste in compliance with applicable regulatory requirements. Vitrified HLW waste would be stored onsite until it can be disposed of in the proposed repository at Yucca Mountain. DOE proposes to provide additional treatment capacity for the tank LAW that can supplement the planned WTP capacity in fulfillment of DOE's obligations under the TPA in as timely a manner as possible. DOE would dispose of Hanford's immobilized LAW, LLW and MLLW, and LLW and MLLW from other DOE sites, in lined trenches onsite. These trenches would be closed in accordance with applicable regulatory requirements.

DOE also proposes to complete the final decontamination and decommissioning of the FFTF. DOE decided, in January 2001, (ROD at 66 FR 7877) that the permanent closnre of FFTF was to be resumed with no new missions, based on the *Final Programmatic Environmental Impact Statement for Accomplishing Expanded Civilian Nuclear Energy Research and Development and Isotope Production Missions in the United States, Including the Role of the Fast Flux Test Facility (DOE/EIS–0310, December 2000).*

IV. Proposed Scope of the TC & WM EIS

In accordance with the Settlement Agreement, DOE intends to prepare a single, comprehensive EIS addressing tank waste retrieval, treatment, storage, and disposal; tank closure; and management of all waste types analyzed in the HSW EIS as an integrated document for public and agency review and reference. The TC & WM EIS will update, revise, or reanalyze resource areas (such as groundwater and transportation) from the HSW EIS as necessary to make them current and reflect the waste inventories and analytical assumptions being used for environmental impact assessment in the TC & WM EIS. All updated analyses would be included in the revised quantitative groundwater and other cumulative impact analyses in the TC & WM EIS.

The proposed scope of the TC & WM EIS includes alternatives for onsite disposal of LLW, MLLW, and LAW; transportation of offsite LLW and MLLW to Hanford for disposal; and current or revised information for ongoing operations, such as those involving Hanford's Central Waste Complex, that were included in the HSW EIS.

DOE proposes to retain all of the scope identified in the 2003 NOI for the TC EIS as modified by public scoping comments. Proposed modifications to the alternatives identified in the 2003 NOI are provided in Section VI. That is, the new TC & WM EIS would address management of the approximately 53 million gallons of waste stored in 149 underground SSTs (ranging in capacity from approximately 55,000 to 1 million gallons) and 28 underground DSTs (ranging in capacity from approximately 1 to 1.16 million gallons) grouped in 18 tank farms, and approximately 60 smaller miscellaneous underground storage tanks, along with ancillary equipment.

DOE proposes to retain all of the scope identified in its August 2004 NOI to evaluate alternatives for the final disposition of the FFTF and proposes to integrate that scope into the TC & WM EIS. The TC & WM EIS will thus provide an integrated presentation of currently foreseeable activities related to waste management and cleanup at Hanford.

V. Potential Decisions To Be Made

DOE plans to make decisions on the following topics.

- *Retrieval of Tank Waste*—A reasonable waste retrieval range is comprised of three levels: 90 percent, 99 percent, and 99.9 percent. The 99 percent retrieval is the goal established by the TPA (Milestone M–45–00); 90 percent retrieval evaluates a risk analysis of the tank farms as defined in the M–45–00, Appendix H, process; and 99.9 percent retrieval reflects uses of multiple retrieval technologies to support clean closure of the tank farms.
- *Treatment of Tank Waste*—WTP waste treatment capability can be augmented by supplemental treatment technologies and constructing new treatment facilities that are part of, or separate from, the WTP. The two primary choices that could fulfill DOE's TPA commitments are to treat all waste in an expanded WTP or provide supplemental treatment to be used in conjunction with, but separate from, the WTP. DOE has conducted preliminary tests on three supplemental treatment technologies—cast stone (a form of grout), steam reforming, and bulk vitrification—to determine if one or more could be used to provide the additional, supplemental waste treatment capability needed to complete waste treatment.
- *Disposal of Treated Tank Waste*—Onsite disposal includes treated tank waste such as immobilized LAW and

waste generated from closure activities that meets onsite disposal criteria; the decision to be made involves the onsite location of disposal facilities. Decisions to be made related to offsite disposal include the length of time and facilities required for storage of immobilized high-level radioactive waste (IHLW) prior to disposal at the proposed Yucca Mountain repository.

• *Storage of Tank Waste*—Depending on the alternative being analyzed, storing tank waste for different lengths of time may be necessary. This may require the construction, operation, and deactivation of waste transfer infrastructures, including waste receiver facilities (below-grade lag storage and minimal waste treatment facilities), waste transfer line upgrades, and new or replacement DSTs. Also depending on the alternative, construction and operation of additional immobilized HLW storage vaults, melter pads, and TRU waste storage facilities needed to store treated tank waste.

• *Closure of SSTs*—Decisions to be made include closing the SSTs by clean closure, selective clean closure/landfill closure, and landfill closure with or without any soil contamination removal. Decisions regarding barriers (engineered modified RCRA Subtitle C barrier or Hanford barrier) to prevent water intrusion will be made. A closure configuration for the original 28 DSTs will be evaluated in the TC & WM EIS for engineering reasons related to barrier placement for the SSTs. This evaluation also is provided to aid Ecology in evaluating the impacts which might result in closing DSTs to a debris rule standard. However, DOE is deferring a decision on closure of DSTs and decommissioning of the WTP until a later date when the mission for those facilities is nearing completion.

• *Disposal of Hanford's and DOE Offsite LLW and MLLW*—The decision to be made concerns the onsite location of disposal facilities for Hanford's waste and other DOE sites' LLW and MLLW. DOE committed in the HSW EIS ROD that henceforth LLW would be disposed of in lined trenches. Thus, the decision would concern whether to dispose of the waste in the 200-West Area or at the Integrated Disposal Facility in the 200-East Area.

• *Final Decontamination and Decommissioning of the FFTF*—The decision would identify the final end state for the above-ground, below-ground, and ancillary support structures.

VI. Potential Range of Alternatives

Six alternatives were originally proposed for TC EIS and are listed below. The initial scope of the TC EIS was provided in the January 2003 NOI and at each public scoping meeting.

• No Action Alternative, which was to implement the 1997 TWRS EIS ROD;

• Implement the 1997 TWRS EIS ROD with Modifications;

• Landfill Closure of Tank Farms/Onsite and Offsite Waste Disposal;

• Clean Closure of Tank Farms/Onsite and Offsite Waste Disposal;

• Accelerated Landfill Closure/Onsite and Offsite Waste Disposal; and

• Landfill Closure/Onsite and Offsite Waste Disposal.

Onsite disposal would include immobilized LAW, LLW, and MLLW resulting from tank retrieval and treatment. Offsite disposal of HLW would occur at Yucca Mountain. No determination has been made as to whether any of the tanks contain TRU waste. If it is determined that any tank waste is TRU waste, offsite disposal at WIPP would be appropriate, provided the required approvals from EPA and the New Mexico Environment Department were obtained.

As a result of the 2003 scoping for the TC EIS, a number of changes are being made to those identified in the NOI. The major changes are:

• The No Action Alternative was modified to address a traditional "no action" rather than the action from the TWRS EIS ROD;

• The alternative addressing implementation of the 1997 TWRS EIS ROD was modified to address both the currently planned vitrification capacity and the currently planned capacity supplemented with additional vitrification capacity as the supplemental treatment;

• A partial tank removal option was added, which analyzes leaving some of the SSTs in place and exhuming the SSTs completely in the SX and BX tank farms;

• The Landfill Closure of Tank Farms/Onsite and Offsite Waste Disposal Alternative has been modified to more clearly evaluate the No Separations (of HLW and LAW waste) with Onsite Storage and Offsite Disposal Alternative; and

• A suboption has been added to both the All Vitrification with Separations and All Vitrification/No Separations (of HLW and LAW waste) Alternatives to address closure of the cribs and trenches proximal to tanks within identified waste management areas in place as opposed to removing them.

For Hanford and offsite LLW and MLLW analyzed in the HSW EIS, DOE proposes to simplify the alternatives. Both waste types would be disposed of in lined trenches. DOE plans to update the volumes to be disposed of, approximating those volumes for offsite waste in the 2004 HSW EIS ROD, and to update the waste information. DOE also intends to update the transportation analysis of shipping offsite waste to Hanford for disposal. The onsite disposal alternatives are:

• Construction of a new disposal facility in the 200-West Area burial grounds; and

• Construction of new LLW and MLLW capacity in the Integrated Disposal Facility in the 200-East Area.

For the FFTF, the 2004 NOI identified three alternatives as listed below.

• No Action—actions consistent with previous DOE NEPA decisions would be completed; final decommissioning would not occur.

• Entombment—above-ground structures would be decontaminated and dismantled, below-ground structures would be grouted and left in place.

• Removal—above-ground structures would be decontaminated and dismantled, below-ground structures would be removed and disposed of at Hanford.

VII. Potential Environmental Issues for Analysis

The following issues have been tentatively identified for analysis in the TC & WM EIS. This list is presented to facilitate comment on the scope of the TC & WM EIS, but is not intended to be all-inclusive or to predetermine potential impacts of any alternative.

• Effects on the public and onsite workers of radiological and nonradiological material releases during normal operations and reasonably foreseeable accidents;

• Long-term risks to human populations resulting from waste disposal and residual tank system wastes;

• Effects on air and water quality of normal operations and reasonably foreseeable accidents, including long-term impacts on groundwater;

• Cumulative effects, including impacts of other past, present, and reasonably foreseeable actions at Hanford, including past discharges to cribs and trenches, groundwater remediation activities, activities subject to TPA requirements and cleanup activities under the Comprehensive Environmental Response, Compensation, and Liability Act;

• Effects on endangered species, archaeological/cultural/historical sites, floodplains and wetlands, and priority habitat;

• Effects of on- and offsite transportation and of reasonably

foreseeable transportation accidents; and

• Socioeconomic impacts on surrounding communities.

VIII. Public Scoping

DOE invites Federal agencies, American Indian tribal nations, state and local governments, and the general public to comment on the scope of the planned TC & WM EIS. Information on the scoping comment period is provided in the **DATES** section above. Comments previously submitted in response to the 2003 NOI for the TC EIS and the 2004 NOI for the FFTF EIS are being considered and need not be resubmitted.

Issued in Washington, DC, on January 30, 2006.

John Spitaleri Shaw,

Assistant Secretary for Environment, Safety and Health.

Appendix A—Related National Environmental Policy Act Documents

45 FR 46155, 1980, "Double-Shell Tanks for Defense High-Level Radioactive Waste Storage, Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

53 FR 12449, 1988, "Disposal of Hanford Defense High-Level, Transuranic, and Tank Wastes, Hanford Site, Richland, Washington: Record of Decision," **Federal Register**.

60 FR 28680, 1995, "Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Program, Part III; Record of Decision," **Federal Register**.

60 FR 54221, 1995, "Final Environmental Impact Statement for the Safe Interim Storage of Hanford Tank Wastes at the Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

60 FR 61687, 1995, "Record of Decision; Safe Interim Storage of Hanford Tank Wastes, Hanford Site, Richland, Washington," **Federal Register**.

61 FR 3922, 1996, "Availability of the Final Environmental Impact Statement for Management of Spent Nuclear Fuel from the K Basins at the Hanford Site, Richland, Washington; Notice of Availability of Final Environmental Impact Statement," **Federal Register**.

61 FR 10736, 1996, "Management of Spent Nuclear Fuel from the K Basins at the Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

62 FR 8693, 1997, "Record of Decision for the Tank Waste Remediation System, Hanford Site, Richland, Washington," **Federal Register**.

63 FR 3624, 1998, "Record of Decision for the Department of Energy's Waste Isolation Pilot Plant Disposal Phase," **Federal Register**.

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[FR Doc. E6–1404 Filed 2–1–06; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Considerations for Transmission Congestion Study and Designation of National Interest Electric Transmission Corridors

AGENCY: Office of Electricity Delivery and Energy Reliability ("OE"), Department of Energy.

ACTION: Notice of inquiry requesting comment and providing notice of a technical conference.

SUMMARY: The Department of Energy (the "Department") seeks comment and information from the public concerning its plans for an electricity transmission congestion study and possible designation of National Interest Electric Transmission Corridors ("NIETCs") in a report based on the study pursuant to section 1221(a) of the Energy Policy Act of 2005. Through this notice of inquiry, the Department invites comment on draft criteria for gauging the suitability of geographic areas as NIETCs and announces a public technical conference concerning the criteria for evaluation of candidate areas as NIETCs.

DATES: Written comments may be filed electronically in MS Word and PDF formats by e-mailing to: *EPACT1221@hq.doe.gov* no later than 5 p.m. EDT March 6, 2006. Also, comments can be filed by mail at the address listed below. The technical conference will be held in Chicago on March 29, 2006. For further information, please visit the Department's Web site at *http://www.electricity.doe.gov/1221*.

ADDRESSES: Written comments via mail should be submitted to:

Office of Electricity Delivery and Energy Reliability, OE–20, Attention: EPACT 1221 Comments, U.S. Department of Energy, Forestall Building, Room 6H–050, 1000 Independence Avenue, SW., Washington, DC 20585.

Note: U.S. Postal Service mail sent to the Department continues to be delayed by several weeks due to security screening. Electronic submission is therefore encouraged. Copies of written comments received and other relevant documents and information may be reviewed at *http://www.electricity.doe.gov/1221*.

FOR FURTHER INFORMATION CONTACT: Ms. Poonum Agrawal, Office of Electricity Delivery and Energy Reliability, OE–20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–1411, *poonum.agrawal@hq.doe.gov*, or Lot Cooke, Office of the General Counsel, GC–76, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–0503, *lot.cooke@hq.doe.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

A. Overview

The Nation's electric system includes over 150,000 miles of interconnected high-voltage transmission lines that link generators to load centers.[1] The electric system has been built by electric utilities over a period of 100 years, primarily to serve local customers and support reliability; the system generally was not constructed with a primary emphasis on moving large amounts of power across multi-state regions.[2] Due to a doubling of electricity demand and generation over the past three decades and the advent of wholesale electricity markets, transfers of large amounts of electricity across the grid have increased significantly in recent years. The increase in regional electricity transfers saves electricity consumers billions of dollars,[3] but significantly increases transmission facility loading.

Investment in new transmission facilities has not kept pace with the increasing economic and operational importance of transmission service.[4] Today, congestion in the transmission system impedes economically efficient electricity transactions and in some cases threatens the system's safe and reliable operation.[5] The Department has estimated that this congestion costs consumers several billion dollars per year by forcing wholesale electricity purchasers to buy from higher-cost suppliers.[6] That estimate did not include the reliability costs associated with such bottlenecks.

The National Energy Policy (May 2001),[7] the Department's National Transmission Grid Study (May 2002),[8] and the Secretary of Energy's Electricity Advisory Board's Transmission Grid Solutions Report (September 2002),[9] recommended that the Department address regulatory obstacles in the planning and construction of electric transmission and distribution lines. In response to these recommendations, the Department held a "Workshop on Designation of National Interest Electric Transmission Bottlenecks" on July 14, 2004, in Salt Lake City, Utah. The Department also issued a **Federal Register** notice of inquiry on July 22, 2004.[10] The purpose of the workshop and the notice of inqniry was to learn stakeholders' views concerning transmission bottlenecks, identify how designation of such bottlenecks may benefit the users of the grid and electricity consumers, and recognize key bottlenecks. In its plans for implementation of subsection 1221(a), the Department notes that it has considered the comments received via the notice and the workshop.

B. Summary of Relevant Provisions From the Statute

On August 8, 2005, the President signed into law the Energy Policy Act of 2005, Public Law 109–58, (the "Act"). Title XII of the Act, entitled "The Electricity Modernization Act of 2005" includes provisions relating to the siting of interstate electric transmission facilities and promoting advanced power system technologies. Subsection 1221(a) of the Act amends the Federal Power Act ("FPA") by adding a new section 216 which requires the Secretary of Energy (the "Secretary") to conduct a nationwide study of electric transmission congestion ("congestion study"), and issue a report based on the study in which the Secretary may designate "any geographic area experiencing electric energy transmission capacity constraints or congestion that adversely affects

[1] North American Electric Reliability Council, Electricity Supply and Demand Database (2003) available at *http://www.nerc.com/esd*.

[2] Edison Electric Institute, *Survey of Transmission Investment* at 1 (May 2005).

[3] Department of Energy, *National Transmission Grid Study*, at 19 (May 2002) available at *http://www.eh.doe.gov/ntgs/reports.html*.

[4] *Id.* at 7; *see also* Hirst, U.S. Transmission Capacity Present Status and Future Prospects, 7 (June 2004).

[5] *National Transmission Grid Study, supra note* 3, at 10–20.

[6] *Id.* at 16–18.

[7] *The National Energy Policy Development Group Report*, available at *http://www.energy.gov/engine/content.do?BT_CODE=ADAP*.

[8] *National Transmission Grid Study, supra* note 3.

[9] Department of Energy Electricity Advisory Board, *Transmission Grid Solutions*, available at *http://www.eab.energy.gov/index.cfm?fuseaction=home.publications*.

[10] Designation of National Interest Electric Transmission Bottlenecks, 69 FR 43833 (July 22, 2004) also available at *http://www.electricity.doe.gov/bottlenecks*.

A.6 Extension of Scoping Period and Rescheduled Scoping Meetings for the Notice of Intent to Prepare the Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, WA

the Department of Energy on the progress during the development of the products and will agree upon the contents of the products before advising the Department to adopt the language. The Committee will function solely as an advisory body. The Secretary of Energy has determined that establishment of the Climate Change Science Program Product Development Advisory Committee is essential to the conduct of the Department's business and in the public interest in connection with the performance of duties imposed by law upon the Department of Energy. The Committee will operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. No. 92–463), the General Services Administration Final Rule on Federal Advisory Committee Management, and other directives and instructions issued in implementation of those acts.

FOR FURTHER INFORMATION CONTACT: Ms. Rachel Samuel at (202) 586–3279.

Issued in Washington, DC, on February 10, 2006.

James N. Solit,

Advisory Committee Management Officer.

[FR Doc. E6–2353 Filed 2–16–06; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Extension of Scoping Period and Rescheduled Scoping Meetings for the Notice of Intent To Prepare the Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, WA

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: The U.S. Department of Energy (DOE) is extending the scoping period for the Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, Washington (TC & WM EIS) and rescheduling the public scoping meetings.

DATES: The scoping period for the TC & WM EIS is extended from March 6, 2006, through April 10, 2006. The scoping meetings have been rescheduled as follows. Registration for the meetings will begin at 6 p.m. There will be an opportunity for informal discussions with DOE project personnel and staff from the Washington Department of Ecology (Ecology), followed by brief presentations by DOE and Ecology at 7 p.m. After the presentations, meeting participants will be invited to provide their comments on the scope of the EIS. The meetings are scheduled to end at 10 p.m.

Seattle, Washington; March 21, 2006. Seattle Center, 305 Harrison Street, Northwest Rooms Building, Lopez Room, Seattle, WA 98109.

Portland, Oregon; March 22, 2006. Red Lion Portland—Convention Center, 1021 NE Grand Avenue, Marquam/Fremont/Broadway Room, Portland, OR 97232.

Hood River, Oregon; March 23, 2006. Columbia Gorge Hotel, 4000 Westcliff Drive, Benson Ballroom, Hood River, OR 97031.

Tri-Cities (Richland, Kennewick, Pasco) Washington, March 28, 2006. Trade Recreation and Agricultural Center (TRAC), 6600 Burden Blvd., Meeting Room #4, Pasco, WA 99302.

ADDRESSES: To request information on the TC & WM EIS or to submit comments on the scope of this EIS contact: Mary Beth Burandt, Document Manager, Office of River Protection, U.S. Department of Energy, Post Office Box 450, Mail Stop H6–60, Richland, WA 99352, Electronic mail: *TC&WMEIS@saic.com*. Fax: 509–376–3661, Telephone and voice mail: 509–373–9160.

FOR FURTHER INFORMATION CONTACT: For information on DOE's NEPA process, contact: Carol Borgstrom, Director, Office of NEPA Policy and Compliance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone 202–586–4600, or leave a message at 1–800–472–2756.

SUPPLEMENTARY INFORMATION: On February 2, 2006, DOE issued a Notice of Intent to prepare the TC & WM EIS for the Hanford Site, Richland, Washington (71 FR 5655). The original scoping period was to continue through March 6, 2006, and four scoping meetings were scheduled for Hood River and Portland, OR and for Seattle and Richland WA on February 21, 22, 23 and 28 respectively. In response to requests from the public, DOE is extending the scoping period through April 10, 2006, and the four scoping meetings have been rescheduled as listed in **DATES** above.

Issued in Washington, DC, on February 15, 2006.

John Spitaleri Shaw,

Assistant Secretary for Environment, Safety and Health.

[FR Doc. 06–1562 Filed 2–15–06; 1:17 pm]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Science; DOE/Advanced Scientific Computing Advisory Committee

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Advanced Scientific Computing Advisory Committee (ASCAC). Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register.**

DATES: Wednesday, March 15, 2006, 10:30 a.m. to 5 p.m.; Thursday, March 16, 2006, 8:30 a.m. to 4 p.m.

ADDRESSES: American Geophysical Union, (AGU), 2000 Florida Avenue, NW., Washington, DC 20009–1277

FOR FURTHER INFORMATION CONTACT: Melea Baker, Office of Advanced Scientific Computing Research; SC–21/Germantown Building; U. S. Department of Energy; 1000 Independence Avenue, SW.; Washington, DC 20585–1290; Telephone (301)–903–7486, (E-mail: *Melea.Baker@science.doe.gov*).

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: The purpose of this meeting is to provide advice and guidance on the advanced scientific computing research program.

Tentative Agenda: Agenda will include discussions of the following:

Wednesday, March 15, 2006

Introduction
Advisory Committee Operations
Office of Science Overview
Advanced Scientific Computing Research (ASCR) Overview
Scientific Discovery Through Advanced Computing (SciDAC) Recompetition
ASCR High Performance Computing Facilities and Testbeds
ASCR High Performance Networks and Associated Research
View from OMB
Distributed Network Environment Research
Public Comment

Thursday, March 16, 2006

Computer Science Research Program
LLNL–ANL–IBM R&D Collatorations
ASCR Performance Measures
SciDAC Conference Report
Applied Mathematics Research Program Status
ASCR Partnerships with other Offices in SC
Education, Computational Science Graduate Fellowship (CSGF), Early Career Principal Investigator (ECPI)

APPENDIX B
CONTRACTOR AND SUBCONTRACTOR NATIONAL ENVIRONMENTAL POLICY ACT DISCLOSURE STATEMENTS

NATIONAL ENVIRONMENTAL POLICY ACT DISCLOSURE STATEMENT FOR PREPARATION OF THE *TANK CLOSURE AND WASTE MANAGEMENT ENVIRONMENTAL IMPACT STATEMENT FOR THE HANFORD SITE, RICHLAND, WASHINGTON*

The Council of Environmental Quality regulations at Title 40 of the *Code of Federal Regulations* (CFR), Section 1506.5(c), which have been adopted by the U.S. Department of Energy (10 CFR 1021), require contractors and subcontractors who will prepare an environmental impact statement to execute a disclosure specifying that they have no financial or other interest in the outcome of the project.

"Financial or other interest in the outcome of the project" is defined as any direct financial benefits, such as a promise of future construction or design work in the project, as well as indirect financial benefits that the contractor is aware of.

In accordance with these requirements, the offeror and any proposed subcontractors hereby certify as follows, to the best of their actual knowledge as of the date set forth below:

(a) X Offeror and any proposed subcontractors have no financial or other interest in the outcome of the project.

(b)__ Offeror and any proposed subcontractors have the following financial or other interest in the outcome of the project and hereby agree to divest themselves of such interest prior to award of this contract, or agree to the attached plan to mitigate, neutralize, or avoid any such conflict of interest.

Financial or Other Interests
1.
2.
3.

Certified by:

Signature

Tim Bendt
Name

Operations Contracts Manager
Title

Science Applications International Corporation
Company

10/15/08
Date

Note:
Individual National Environmental Policy Act disclosure statements have been executed by all participating Science Applications International Corporation staff and are available for review upon request at Science Applications International Corporation.

NATIONAL ENVIRONMENTAL POLICY ACT DISCLOSURE STATEMENT FOR PREPARATION OF THE *TANK CLOSURE AND WASTE MANAGEMENT ENVIRONMENTAL IMPACT STATEMENT FOR THE HANFORD SITE, RICHLAND, WASHINGTON*

The Council of Environmental Quality regulations at Title 40 of the Code of Federal Regulations (CFR), Section 1506.5(c), which have been adopted by the U.S. Department of Energy (10 CFR 1021), require contractors and subcontractors who will prepare an environmental impact statement to execute a disclosure specifying that they have no financial or other interest in the outcome of the project.

"Financial or other interest in the outcome of the project" is defined as any direct financial benefits, such as a promise of future construction or design work in the project, as well as indirect financial benefits that the contractor is aware of.

In accordance with these requirements, the offeror and any proposed subcontractors hereby certify as follows, to the best of their actual knowledge as of the date set forth below:

(a)X Offeror and any proposed subcontractors have no financial or other interest in the outcome of the project.

(b)__ Offeror and any proposed subcontractors have the following financial or other interest in the outcome of the project and hereby agree to divest themselves of such interest prior to award of this contract, or agree to the attached plan to mitigate, neutralize, or avoid any such conflict of interest.

Financial or Other Interests
1.
2.
3.

Certified by:

Signature

Brian Brendel
Name

President
Title

Columbia Energy and Environmental Services, Inc.
Company

10/10/05
Date

Note:
Individual National Environmental Policy Act disclosure statements have been executed by all participating Columbia Energy and Environmental Services, Inc., staff and are available for review upon request at Science Applications International Corporation.

NATIONAL ENVIRONMENTAL POLICY ACT DISCLOSURE STATEMENT FOR PREPARATION OF THE *TANK CLOSURE AND WASTE MANAGEMENT ENVIRONMENTAL IMPACT STATEMENT FOR THE HANFORD SITE, RICHLAND, WASHINGTON*

The Council of Environmental Quality regulations at Title 40 of the Code of Federal Regulations (CFR), Section 1506.5(c), which have been adopted by the U.S. Department of Energy (10 CFR 1021), require contractors and subcontractors who will prepare an environmental impact statement to execute a disclosure specifying that they have no financial or other interest in the outcome of the project.

"Financial or other interest in the outcome of the project" is defined as any direct financial benefits, such as a promise of future construction or design work in the project, as well as indirect financial benefits that the contractor is aware of.

In accordance with these requirements, the offeror and any proposed subcontractors hereby certify as follows, to the best of their actual knowledge as of the date set forth below:

(a)X Offeror and any proposed subcontractors have no financial or other interest in the outcome of the project.

(b)__ Offeror and any proposed subcontractors have the following financial or other interest in the outcome of the project and hereby agree to divest themselves of such interest prior to award of this contract, or agree to the attached plan to mitigate, neutralize, or avoid any such conflict of interest.

Financial or Other Interests
1.
2.
3.

Certified by:

Robert L Erikson
Signature

Robert L. Erikson
Name

Principal
Title

Columbia Environmental Sciences, Inc.
Company

10/17/08
Date

Note:
Individual National Environmental Policy Act disclosure statements have been executed by all participating Columbia Environmental Sciences, Inc., staff and are available for review upon request at Science Applications International Corporation.

APPENDIX C
COOPERATING AGENCY, CONSULTATION, AND OTHER INTERACTION DOCUMENTATION

C.1 COOPERATING AGENCY LETTERS AND DOCUMENTS

The following are copies of the correspondence between the U.S. Department of Energy (DOE) and the Washington State Department of Ecology (Ecology) regarding Ecology's role as a cooperating agency for the *Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, Washington (TC & WM EIS)* and copies of the cooperating agency documents for this *TC & WM EIS*. Below is a list of these letters and documents.

C.1.1 Correspondence to Washington State Department of Ecology

To: Mr. Michael A. Wilson, Washington State Department of Ecology
From: James E. Rasmussen, U.S. Department of Energy
Date: November 8, 2002
Subject: Invitation to Participate as a Cooperating Agency in Development of the "Tank Closure, Hanford Site, Richland, Washington, Environmental Impact Statement (EIS)"

To: Mr. Michael A. Wilson, Washington State Department of Ecology
From: Mr. James E. Rasmussen, U.S. Department of Energy
Date: March 25, 2003
Subject: Memorandum of Understanding (MOU) for the Environmental Impact Statement (EIS)

Settlement Agreement re: *State of Washington v. Bodman*, Civil No. 2:03-cv-05018-AAM – January 6, 2006

Memorandum of Understanding Between the United States Department of Energy, and the Washington State Department of Ecology, for Development of the Hanford Site Tank Closure and Waste Management EIS ("TC&WM EIS") – January 6, 2006

WASHINGTON STATE DEPARTMENT OF ECOLOGY – November 8, 2002

U.S. Department of Energy

Office of River Protection

P.O. Box 450
Richland, Washington 99352

NOV 0 8 2002

02-ED-011

Mr. Michael A. Wilson, Program Manager
Nuclear Waste Program
State of Washington
Department of Ecology
1315 W. Fourth Avenue
Kennewick, Washington 99336

Dear Mr. Wilson:

INVITATION TO PARTICIPATE AS A COOPERATING AGENCY IN DEVELOPMENT OF THE TANK CLOSURE, HANFORD SITE, RICHLAND, WASHINGTON, ENVIRONMENTAL IMPACT STATEMENT (EIS)

The U.S. Department of Energy, Office of River Protection (ORP) is inviting you to participate in the development of the EIS for Tank Closure, consistent with the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA), 40 CFR 1501.6. Consistent with the CEQ guidance, ORP will use the environmental analysis and proposals of cooperating agencies with jurisdiction by law or special expertise, to the maximum extent possible, consistent with its responsibility as lead agency. ORP is requesting the State of Washington Department of Ecology provide information and analysis for those portions of the EIS in which you, as a cooperating agency, have special expertise. The addition of your specialized knowledge will be of great value to the planning process and will be incorporated into the EIS. On Friday, November 1, 2002, we provided your staff with a copy of the Memorandum of Agreement between the State of Idaho and the Idaho National Engineering and Environmental Laboratory as a frame of reference for how responsibilities could be outlined. ORP looks forward to your cooperation, involvement, and staff assistance in the planning and development of the EIS for the future disposition of tank closure at Hanford.

Your staff has participated this last week in our three internal scoping meetings and we appreciate the time taken to provide valuable input during the internal scoping process. We recognize that with many of the activities going on, all staff resources are constrained, however because of the interaction of NEPA and State Environmental Policy Act we would appreciate your participation in the development of the EIS. Please advise by return mail your acceptance of this invitation to participate, to identify your point-of-contact, and to make arrangements for consultation meetings.

WASHINGTON STATE DEPARTMENT OF ECOLOGY – November 8, 2002 *(continued)*

Mr. Michael A. Wilson -2- NOV 0 8 2002
02-ED-011

If you have any questions, please contact me, or Mary Beth Burandt, NEPA Document Manager for the Tank Closure EIS, (509) 373-9160.

Sincerely,

Woody Russell for

James E. Rasmussen, Director
Environmental Division

ED:MEB

cc: B. G. Erlandson, BNI
E. S. Aromi, CHG
J. Cox, CTUIR
S. L. Dahl, Ecology
J. J. Lyon, Ecology
J. L. Hanson, INNOV
P. Sobotta, NPT
P. F. X. Dunigan, RL
A. W. Conklin, WDOH
R. Jim, YN

WASHINGTON STATE DEPARTMENT OF ECOLOGY – March 25, 2003

U.S. Department of Energy
Office of River Protection
P.O. Box 450
Richland, Washington 99352

03-ED-045

MAR 2 5 2003

Mr. Michael A. Wilson, Program Manager
Nuclear Waste Program
State of Washington
Department of Ecology
1315 W. Fourth Avenue
Kennewick, Washington 99336

Dear Mr. Wilson:

MEMORANDUM OF UNDERSTANDING (MOU) FOR THE ENVIRONMENTAL IMPACT STATEMENT (EIS)

Attached please find the amended and signed MOU for the responsibilities of each of our respective agencies in the cooperative preparation of the Tank Closure EIS. The overall responsibility of the U.S. Department of Energy, Office of River Protection, will be Lead Agency and the overall responsibility of the State of Washington Department of Ecology will be Cooperating Agency.

Changes to the MOU which have been made since you originally signed the MOU have been discussed with your staff in Kennewick, Washington. Should you agree with the changes, please sign the attached MOU and return it for entry into the Administrative Record for the EIS.

If you have any questions, please contact me, or Mary Beth Burandt, of my staff. (509) 373-9160.

Sincerely,

James E. Rasmussen, Director
Environmental Division

ED:MEB

Attachment

cc: See page 2

WASHINGTON STATE DEPARTMENT OF ECOLOGY – March 25, 2003 *(continued)*

Mr. Michael A. Wilson -2-
03-ED-045 MAR 2 5 2003

cc w/o attach:
B. G. Erlandson, BNI
E. S. Aromi, CHG
C. J. Kemp, CHG (w/attach)
J. J. Luke, CHG
L. L. Penn, CHG
K. Tollefson, CHG
J. Cox, CTUIR
S. L. Dahl, Ecology
J. L. Hensley, Ecology
J. J. Lyon, Ecology
J. A. Bates, FHI
J. L. Hanson, INNOV
P. Sobotta, NPT
A. W. Conklin, WDOH
R. Jim, YN
Environmental Portal, LMSI

SETTLEMENT AGREEMENT RE: *STATE OF WASHINGTON V. BODMAN*, CIVIL NO. 2:03-cv-05018-AAM

SETTLEMENT AGREEMENT re: *WASHINGTON v. BODMAN*,
Civil No. 2:03-cv-05018-AAM
January 6, 2006

I. INTRODUCTION

The Department of Energy's (DOE) and the Washington State Department of Ecology's (Ecology) shared interest in the effective cleanup of the Hanford Site provides an opportunity to resolve the litigation involving the Hanford Solid Waste EIS. The overarching goal of this Settlement Agreement is to resolve the litigation and improve the relationship between DOE and Ecology to be more cooperative and collaborative. This Agreement is intended to resolve Ecology's groundwater analysis concerns in the HSW EIS and to provide an approach to analyze waste management actions at the Hanford Site. It is important to Ecology and DOE that on-going waste management operations and progress on tank waste treatment and closure continue. It is important to DOE that some off-site waste can be sent to Hanford for treatment, storage and disposal, recognizing the legal and policy objections of the State of Washington. The actions described in the following paragraphs are intended to satisfy applicable NEPA and SEPA requirements so that waste management and tank farm clean up work can continue and future permit actions are supported.

II. AGREEMENT

1. The parties agree that the existing scope of the Hanford Tank Closure EIS (TC EIS) (currently under development) will be expanded to provide a single, integrated groundwater analysis that will cover all of the waste types addressed in the Hanford Solid Waste EIS (HSW EIS) alternatives and cumulative impact analyses. The expanded TC EIS will be renamed the "Tank Closure and Waste Management EIS" (TC&WM EIS).

2. Pending finalization of the TC&WM EIS, the HSW EIS will remain in effect to support ongoing waste management activities at Hanford (including off-site waste transportation such as TRU and TRUM shipments to WIPP), in combination with other applicable Hanford Site NEPA and CERCLA documents, permits and approvals; provided, that pending finalization of the TC&WM EIS, DOE will not rely on the groundwater analysis in the HSW EIS for decision-making. When completed, the TC&WM EIS will supersede the HSW EIS. As a Cooperating Agency, Ecology will actively participate in the preparation of the TC&WM EIS as described in the *Memorandum of Understanding ("Cooperating Agency MOU" or "MOU") Between the U.S. Department of Energy and Washington State Department of Ecology for the Hanford Site Tank Closure & Waste Management EIS ("TC&WM EIS")*, dated January 6, 2006. The Cooperating Agency MOU has concurrently been developed by the parties and describes the cooperative relationship, roles, and responsibilities of the parties for purposes of preparing the TC&WM EIS.

3. Where feasible and appropriate, the TC&WM EIS will incorporate information from the HSW EIS that is not affected by the revised or updated analyses that will be performed in the TC&WM EIS, to create a single, comprehensive EIS addressing proposed tank closure

SETTLEMENT AGREEMENT RE: *STATE OF WASHINGTON V. BODMAN*, CIVIL NO. 2:03-cv-05018-AAM *(continued)*

and solid waste management activities for the Hanford Site. Such incorporation will be direct (as opposed to by reference) so that a single, integrated document is available for both public and agency reference. As mutually agreed to by the parties, the TC&WM EIS will update, revise, or re-analyze various resource areas from the HSW EIS, including providing quality assurance review as appropriate, to make them current and reflect the latest waste inventories and analytical assumptions being used for purposes of analysis in the TC&WM EIS. All updated analyses would, as appropriate, be included in the revised quantitative cumulative impact analysis in the TC&WM EIS.

4. DOE will utilize and apply the existing TC EIS procedures and requirements in expanding the scope of the current groundwater analyses in the expanded TC&WM EIS. These procedures and requirements include documentation of EIS team qualifications, required training or reading logs, and implementation of applicable provisions of DOE Order 451.1B, Chg. 1.

5. With Ecology's participation as a Cooperating Agency and consistent with the MOU, DOE will undertake additional public scoping of the expanded groundwater and other revised analyses to be included within the TC&WM EIS.

6. Ecology will remain a "Cooperating Agency" (as defined and described by 40 C.F.R. § 1501.6 and 40 C.F.R. § 1508.5) on the TC&WM EIS, just as it has been to date on the TC EIS.

7. The parties acknowledge that a revised MOU acceptable to both parties has been developed that replaces the current Ecology/DOE (ORP) Cooperating Agency MOU in place for the TC EIS. This revised MOU is a separate but related document entered into by the parties concurrent with this Settlement Agreement. The MOU expresses the likely benefits of the cooperative relationship between the agencies, and provides a full, open, and meaningful role for Ecology in the document's development. It also preserves Ecology's ability to express technical or policy points of view in a Foreword to the TC&WM EIS. The MOU provides a process for addressing such views for inclusion in the TC&WM EIS. In some cases, this process may result in additional sensitivity analyses. In the MOU, the parties also agree that periodic quality control reviews of data used to model impacts will be done and will incorporate "lessons learned" and recommendations from DOE's recent review of data quality and control issues in the HSW EIS. Finally, the MOU makes clear that Ecology's role as a Cooperating Agency does not mean that Ecology or the State of Washington agree, either from a technical or policy basis, with the scope of all waste management alternatives analyzed in the TC&WM EIS, or with the substance of all decisions DOE might make following finalization of the TC&WM EIS. While the MOU is a separate document from this agreement, the concepts captured in the MOU, as identified above, are material consideration for Ecology and DOE to enter into this Settlement Agreement.

SETTLEMENT AGREEMENT RE: *STATE OF WASHINGTON V. BODMAN*, CIVIL NO. 2:03-cv-05018-AAM *(continued)*

8. Pending finalization of the TC&WM EIS and the publication of appropriate Record(s) of Decision in the *Federal Register*, and as may be further limited by applicable law, the parties agree that DOE will not import offsite LLW/MLLW or Transuranic waste to the Hanford Site, except as permitted in the existing stipulations that have been agreed upon with the State and entered as orders of the court in the *Washington v. Bodman* litigation, provided that the exemptions that are included in the stipulations for LLW and MLLW shall also be applied to TRU and TRUM waste. These exemptions include:

   a) Naval reactor compartments, reactor core barrels, reactor closure heads, and pumps from Puget Sound Naval Shipyard or Pearl Harbor Naval Shipyard that may contain LLW or MLLW;

   b) Demolition wastes from the Emergency Decontamination Facility at Kadlec Hospital in Richland;

   c) Materials resulting from DOE-related work at Battelle Pacific Northwest National Laboratory's facilities in Richland, Washington;

   d) Materials from treatability studies conducted off-site on waste samples from the Hanford Site's underground tanks;

   e) Samples of wastes from Hanford;

   f) Materials shipped from Hanford for off-site treatment and returned to Hanford for later disposition; and

   g) Materials shipped from Hanford for off-site disposal, but returned to Hanford because the materials failed to meet Waste Acceptance Criteria or otherwise could not be disposed of at the intended disposal site.

9. With respect to current pending permit modifications for operational treatment, storage, and disposal (TSD) units (*e.g.*, T-Plant), Ecology will satisfy Washington's State Environmental Policy Act (SEPA) requirements in making permit modification decisions by relying on a SEPA checklist submitted with the modification application that combines material drawn from the HSW EIS (which has been subject to quality assurance review, as appropriate) and additional material submitted by DOE with the SEPA checklist.

III. STIPULATION AND DISMISSAL OF ACTION

In consideration of the agreements herein, the State agrees to dismiss without prejudice its claims alleging violations of the National Environmental Policy Act (NEPA) set forth in the complaint in *Washington v. Bodman*, Civil No. 2:03-cv-05018-AAM. The United States agrees to the

SETTLEMENT AGREEMENT RE: *STATE OF WASHINGTON V. BODMAN*, CIVIL NO. 2:03-cv-05018-AAM *(continued)*

dismissal, subject to agreement on an appropriate stipulation. The State agrees to file an agreed upon Stipulation within ten days of the Parties' approval of this Agreement.

The Parties agree to request in the Stipulation that the Court enter a final judgment as to the HWMA/RCRA claims in *Washington v. Bodman*, Civil No. 2:03-cv-05018-AAM. The Parties agree that this final judgment will give rise to DOE's contingent obligations under the Tri-Party Agreement's M-91 milestone series.

IV. EFFECTIVE DATE

This Agreement shall be effective after completion of all of the following: the signature by the State and the United States on this Agreement; filing the Stipulation with the Court; the Court's dismissal of the NEPA claims and entry of final judgment as to the claims under the HWMA/RCRA.

V. ATTORNEY'S FEES

Each party shall bear its own costs and fees associated with the *Washington v. Bodman* litigation through the date of dismissal and entry of judgment.

Ines Triay — DATED: 1/6/06
Ines Triay (EM-3), Office of Environmental Management
U.S. Department of Energy

Jay J. M — DATED: 1/6/06
Jay Manning, Director
Washington State Department of Ecology

APPROVED AS TO FORM:

Andrew A. Fitz, WSB #22169
Assistant Attorney General
Attorney for Plaintiff
DATED: 1/06/06

Charles R. Shockey
Charles R. Shockey, DC Bar # 914879
Attorney, U.S. Department of Justice
Attorney for Defendants
DATED: 1/6/06

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MEMORANDUM OF UNDERSTANDING: THE UNITED STATES DEPARTMENT OF ENERGY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY – January 6, 2006

MEMORANDUM OF UNDERSTANDING

BETWEEN THE

UNITED STATES DEPARTMENT OF ENERGY,

AND THE

WASHINGTON STATE DEPARTMENT OF ECOLOGY,

FOR DEVELOPMENT OF THE

HANFORD SITE TANK CLOSURE AND WASTE MANAGEMENT EIS

("TC&WM EIS")

I. INTRODUCTION

The U.S. Department of Energy (DOE) and Washington State Department of Ecology (Ecology) have mutual responsibilities for accomplishing cleanup of the Hanford Site as well as continuing ongoing waste management activities consistent with applicable federal and state laws and regulations. The *Hanford Federal Facility Agreement and Consent Order* (otherwise called the "Tri-Party Agreement", or "TPA") contains various enforceable milestones that apply to tank waste management activities. DOE is also required to comply with applicable requirements of the federal *Resource Conservation & Recovery Act* ("RCRA") and the state's *Hazardous Waste Management Act* ("HWMA") for ongoing waste management activities at Hanford. To carry out proposals for future actions and obtain necessary permits, each agency must comply with the applicable provisions of the federal *National Environmental Policy Act of 1969* ("NEPA") and the *Washington State Environmental Policy Act* ("SEPA"). There was a Cooperating Agency Memorandum of Understanding (MOU) in place for the Tank Closure Environmental Impact Statement (TC-EIS) effective March 25, 2003. This MOU is a revision to the original MOU. This MOU is entered into by the agencies to more effectively carry out their respective responsibilities in complying with the applicable provisions of NEPA and SEPA.

Concurrent with the development of this revised MOU, DOE and the Washington State Department of Ecology (Ecology) entered into a Settlement Agreement to resolve the issues in litigation brought by the State of Washington (*Washington v. Bodman*) that challenged the adequacy of DOE's *Hanford Site Solid Waste Environmental Impact Statement* (HSW EIS). As a result of the Settlement Agreement, a Stipulation and Order of dismissal of the *Washington v. Bodman* litigation was agreed to between the parties and filed with the U.S. District Court for the Eastern District of Washington. Consistent with the Settlement Agreement, and as mutually agreed to with Ecology as a "Cooperating Agency" under NEPA, DOE will revise, update, and re-analyze groundwater impacts and other resource areas related to waste disposal alternatives in the HSW EIS. These new analyses will be integrated with the TC EIS, into the expanded

MEMORANDUM OF UNDERSTANDING: THE UNITED STATES DEPARTMENT OF ENERGY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY – January 6, 2006 *(continued)*

TC&WM EIS, which is currently under development. In addition, other existing analyses within the HSW EIS that are not directly affected by the waste disposal alternatives will also be reviewed, revised, and updated as appropriate, as part of the development of the expanded TC&WM EIS. Alternatives for low-level and mixed low-level waste drawn from the HSW EIS may be simplified for analysis and presentation purposes in the TC&WM EIS, as agreeable to both parties. The result will be a single, integrated EIS addressing ongoing and proposed waste management activities that were within the original scope of the HSW EIS as well as proposed scope of the TC-EIS activities that DOE will undertake at the Hanford Site.

DOE recognizes that Ecology has special expertise and perspectives that can aid DOE in its data gathering and analysis activities. DOE acknowledges that gaining the State's input on the regulatory implications and the technical aspects of retrieving, treating, immobilizing, and disposing of Hanford Site tank waste and performing other Hanford Site solid waste management activities will likely benefit DOE's environmental analyses under NEPA. The State recognizes that cooperation with DOE will likely aid DOE's progress toward meeting the legal requirements in the *Hanford Federal Facility Agreement and Compliance Order*, as well as likely improve DOE's analyses of potential impacts from waste management and tank closure alternatives at Hanford. It is therefore appropriate for Ecology and DOE to cooperate in preparation of environmental documentation for agency actions that must fulfill applicable requirements of NEPA and SEPA.

Ecology and DOE hope that a cooperative effort will streamline the environmental impact review process; avoid duplication, delay, and extra costs; and provide a superior product. Ecology and DOE agree to cooperate in DOE's preparation of environmental documentation intended to satisfy the applicable provisions of NEPA and SEPA for evaluation of the proposed waste management and tank closure actions at the Hanford Site that have been determined by the agencies to require an EIS. Ecology's cooperation does not necessarily mean that the State of Washington agrees, either from a technical or policy basis, with the scope of all waste management alternatives analyzed in the EIS, or with the substance of all decisions DOE might make following finalization of the EIS.

Nothing in this Memorandum of Understanding (MOU) should be interpreted as Ecology's concurrence that DOE's final EIS will satisfy NEPA regulations at 40 CFR Part 1500 et seq. or the SEPA pursuant to WAC 197-11-164.

II. PURPOSE

The purpose of this MOU is to define the responsibilities of each agency in preparation of the EIS. Pursuant to the Council on Environmental Quality (CEQ) regulations implementing NEPA, 40 C.F.R. Part 1501 et seq., the agencies agree that working together on an EIS may be accomplished in several ways. For the purposes of this MOU, DOE and Ecology (the Parties) agree that the most effective relationship shall be one in which DOE serves as the "Lead Agency" and Ecology serves as the "Cooperating Agency" As defined in the CEQ regulations (40 C.F.R. Part 1508). Ecology will be the lead agency representing the State for all matters related to SEPA.

MEMORANDUM OF UNDERSTANDING: THE UNITED STATES DEPARTMENT OF ENERGY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY – January 6, 2006 *(continued)*

The roles and responsibilities of both the Lead Agency and the Cooperating Agency during the preparation of the TC&WM EIS are detailed below. The Parties will revise the existing Tank Retrieval and Closure Process Communication Plan (RPP-13334, Rev. 0), as appropriate to describe this relationship and the process that the Parties will follow to carry out these respective roles.

III. ROLES AND RESPONSIBILITIES

A. "Lead Agency" means the party that will have final responsibility to ensure that the process leading to completion of a TC&WM EIS and a Record of Decision is adequately performed. The Lead Agency coordinates with all necessary parties, provides expertise and technical review, and meets all applicable NEPA requirements. As used herein, DOE is the lead agency.

B. "Cooperating Agency" means a party that participates in the process closely to provide advice and assistance to the Lead Agency, particularly in matters relating to SEPA requirements and to regulatory impacts and requirements. The Cooperating Agency may also offer advice and assistance in other parts of the process, as agreed with the Lead Agency. As used herein, Ecology is the Cooperating Agency.

C. "Process" means the joint process by which the Lead Agency will meet its NEPA obligations and the Cooperating Agency will meet its SEPA obligations.

D. Schedule for the TC&WM EIS: Subject to Section III of this MOU, the Parties agree to act with reasonable diligence to develop and implement a schedule that will have the final TC&WM EIS issued by an estimated completion date of June 2008.

E. Administrative Record Materials: The Parties agree that the development and maintenance of a complete, current Administrative Record are crucial for the NEPA decision-making process. To further this goal, the Parties agree that DOE will assemble and maintain the Administrative Record. In addition, to the extent allowed by law, the Parties agree that DOE and Ecology will provide all relevant documents, computer records, and any other materials to DOE for this purpose on a timely (preferably weekly) basis during the preparation of the draft and final EIS.

F. Data Gathering and Analysis: the parties intend that Ecology will participate in all appropriate phases of data gathering, analysis, and interpretation activities for the EIS, to the extent possible. The Parties will share and discuss information that DOE and its contractors use in the preparation of this EIS (examples include assumptions, input parameters of modeling, calibration, validation, sensitivity analysis, assessment of groundwater flow field, alternative conceptual models, assessment of uncertainties and significance, and exposure scenarios). DOE will share computer generated data files/packages that they used for this assessment with Ecology.

The Parties agree that DOE, with cooperation from Ecology, will conduct periodic quality control reviews of the data that DOE uses to model the impacts to groundwater and human health and the environment from the alternatives included in the TC&WM EIS. This effort is also intended to reflect the "lessons learned" and recommendations made to DOE from the quality

MEMORANDUM OF UNDERSTANDING: THE UNITED STATES DEPARTMENT OF ENERGY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY – January 6, 2006 *(continued)*

assurance review conducted for the HSW EIS, as documented in the *Final Report of the Review of the Hanford Solid Waste Environmental Impact Statement (EIS) Data Quality, Control and Management Issues*. Ecology will review a representative sample of data that DOE and its NEPA contractors incorporate into any modeling of releases or impacts of releases from the tank farms and other Hanford Site waste management activities.

Ecology and DOE have already signed a Technical Guidance Document (TGD) that establishes key values and methods for critical areas of analysis in the TC EIS now under development. The Parties agree that this TGD will remain in place for the TC&WM EIS, but may be revised and, expanded as appropriate to address the additional groundwater and waste management scope being included from the HSW EIS.

Ecology's right to incorporate any technical or policy points of view in a Foreword to the TC&WM EIS is preserved. This MOU is intended to establish a balanced and open process for addressing such views for inclusion in the TC&WM EIS. In some cases, this process may result in additional sensitivity analyses.

IV. GENERAL DOE AND ECOLOGY RESPONSIBILITIES

DOE	ECOLOGY
A. Active and timely participation in all appropriate phases of the process.	A. Active and timely participation in all appropriate phases of the process.
B. Establish a time schedule for the process that meets both NEPA and SEPA requirements and allows review times for the agencies involved and effective citizen involvement.	B. Provide advice about SEPA requirements.
C. Provide for meetings with appropriate federal, state, regional, and local agencies, and concerned groups for the purpose of increasing communication and receiving comments on EIS-related documents.	C. Provide advice, assistance, and support at public meetings.
D. Maintain jointly with Ecology an issues resolution list that reflects the items about which the two agencies are not yet agreed. Either agency may add items to the list, but both must agree to delete an item. This information will be provided periodically to stakeholders, Tribal Nations, and other interested groups or individuals.	D. Maintain jointly with DOE an issues resolution list that reflects the items about which the two agencies are not yet agreed. Either agency may add items to the list, but both must agree to delete an item. This information will be provided periodically to stakeholders, Tribal Nations, and other interested groups or individuals. Ecology will post this on its "tank list serv."
E. Provide Ecology representatives with draft	E. Provide DOE with timely responses,

MEMORANDUM OF UNDERSTANDING: THE UNITED STATES DEPARTMENT OF ENERGY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY – January 6, 2006 *(continued)*

DOE	ECOLOGY
copies of relevant analyses, plans, schedules, issue papers, etc., in a timely manner. Adequate lead time normally is seven working days.	advice, or assistance as appropriate. Normally timely is seven working days.
F. In instances involving questions as to the content, accuracy or relevance of any material (including issues, data, and analyses), DOE will make the final determination on inclusion, deletion, or revision of the material. DOE will have responsibility for ensuring compliance with requirements of NEPA. DOE will attempt to produce an EIS that may be used by Ecology to satisfy SEPA.	F. Review drafts of data packages, EIS chapters, issue papers, public briefings and other such documents, and provide timely advice and assistance regarding content, accuracy, or relevance of those materials. Notify DOE if there is concern about the EIS meeting SEPA requirements.
G. DOE will conduct periodic QA/QC activities.	G. The State will cooperate with DOE in its periodic QA/QC activities.
H. Dispute Resolution	H. Dispute Resolution
• The Parties agree that they will strive to expeditiously and fairly resolve disputes at the NEPA Document Manager Level. Each party agrees to work professionally with the other to achieve closure on any issues arising during the process of preparing and processing the NEPA documents.	• The Parties agree that they will strive to expeditiously and fairly resolve disputes at the Project Manager Level. Each party agrees to work professionally with the other to achieve closure on any issues arising during the process of preparing and processing the NEPA documents.
• The Parties recognize that the essence of the NEPA process is to inform the public of different points of view on the technical matters whenever it is necessary for complete disclosure. Thus, one method of resolution under NEPA is for parties to "agree to disagree" and to so state in the NEPA documents.	• The Parties recognize that the essence of the NEPA process is to inform the public of different points of view on the technical matters whenever it is necessary for complete disclosure. Thus, one method of resolution under NEPA is for parties to "agree to disagree" and to so state in the NEPA documents.
I. Ensure compliance with requirements of NEPA and Council on Environmental Quality (CEQ) regulations, as well as other federal regulations and laws.	I. Not applicable.

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MEMORANDUM OF UNDERSTANDING: THE UNITED STATES DEPARTMENT OF ENERGY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY – January 6, 2006 *(continued)*

DOE	ECOLOGY
J. Attempt to ensure compliance with requirements of SEPA and other Washington authorities as they relate to the TC&WM EIS. As much as possible consolidate meetings, processes, and documents.	J. Consult closely with DOE to ensure that all SEPA and other state requirements are clear and known to DOE as they relate to the TC&WM EIS. Offer timely advice and assistance regarding consolidation of meetings, processes, and documents.
K. Ensure that relevant environmental issues, reasonable alternatives, and environmental impacts are addressed in the EIS.	K. Provide advice and consultation to DOE about relevant environmental issues, alternatives, and environmental impacts as they are addressed in draft documents leading up to formal documents for public review.
L. Schedule meetings with appropriate lead time and notification to Ecology project members. Provide Ecology minutes and other papers relevant to those meetings.	L. Designate at least two Ecology representatives who will participate in the EIS project as project members. At least one Ecology project member will attend all relevant meetings, including project management meetings, briefings for management, and meetings with stakeholders and Tribal Nations. Ecology project members will participate in meetings to offer Ecology positions on issues, relevant expertise, advice, and assistance.
M. Respond to challenges to subsequent decisions made based on the final EIS.	M. Provide information and advice to DOE on responding to EIS challenges.
N. Continue obligations under the Tri-Party Agreement that remain unchanged by completion of the TC&WM EIS. If decisions based on environmental analyses in the EIS indicate the need to consider Tri-Party Agreement changes, DOE will follow the Tri-Party Agreement process to submit potential changes.	N. If decisions based on environmental analyses in the EIS indicate the need to consider Tri-Party Agreement changes, Ecology will follow the Tri-Party Agreement process to evaluate the proposal.
O. Some information supporting EIS analyses may contain predecisional, deliberative process (under FOIA or OUO), non-public information or proprietary data. DOE will	O. Ecology will comply with the public disclosure requirements of Chapter 42.17 RCW, which includes exemptions from disclosure for certain public records.

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MEMORANDUM OF UNDERSTANDING: THE UNITED STATES DEPARTMENT OF ENERGY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY – January 6, 2006 *(continued)*

DOE	ECOLOGY
appropriately protect materials identified as "draft" or "proprietary" or that is labeled with other restrictive legends. DOE will limit use and dissemination of these materials to employees involved in preparation of the EIS. "Employees" includes Ecology project members with appropriate security clearances. If DOE receives a request for public disclosure, DOE will make a determination in accordance with federal laws how to respond. DOE will expeditiously process appropriate security clearances for Ecology EIS representatives.	Ecology will notify the DOE document manager of any request for public disclosure pursuant to RCW 42.17.330. In the event DOE determines that a document otherwise discloseable by Ecology under Chapter 42.17 RCW is not appropriate for public inspection, DOE may seek a protective order preventing disclosure of the document pursuant to applicable federal laws and/or RCW 42.17.330. Ecology will ensure that its EIS representatives obtain necessary security clearances.

V. PROCEDURES

DOE	ECOLOGY
A. Conduct public scoping meetings to receive comments on the proposed action and alternatives as described in the Notice of Intent.	A. Provide advice, assistance, and support at public meetings as requested by DOE.
B. Identify the primary issues and concerns arising from the scoping process including the public scoping meetings. Identify additional information acquired during the scoping process. Prepare a plan to address the issues and concerns in the draft EIS.	B. Provide advice and comment about the issues and concerns, and additional information, acquired in the scoping process, including public scoping meetings.
C. Write or rewrite sections, parts, or chapters of the EIS. Provide internal drafts to Ecology with adequate time for review and comment.	C. Review internal drafts of all sections, parts, or chapters of the EIS and offer comments or propose revisions.
D. Convene workshops as necessary or as requested with Ecology to review sections, parts, or chapters of the EIS and supporting analyses. Decide which comments and revisions should be reflected in the EIS.	D. Participate in workshops convened to review sections, parts, or chapters of the EIS and supporting analyses.
E. Accept the draft "Foreword" that Ecology provides.	E. Provide a draft "Foreword" to be included in the draft EIS.

MEMORANDUM OF UNDERSTANDING: THE UNITED STATES DEPARTMENT OF ENERGY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY – January 6, 2006 *(continued)*

DOE	ECOLOGY
F. Issue (distribute) the draft EIS to the public, and federal, state, and local agencies for review and comment using processes established by NEPA.	F. Review and provide comments on the draft EIS.
G. Receive comments resulting from the public comment period. Determine how the comments will be addressed and decide which changes to the draft EIS are necessary.	G. Participate in discussions on comment responses and proposed changes in the EIS with DOE. Provide advice and assistance. Notify DOE formally of disagreement with the final EIS.
H. Publish as a part of the "Foreword" in the final EIS a statement from Ecology which will contain its perspectives and positions on the development and content of the EIS.	H. Provide a statement in the comments and responses and changes to the EIS to DOE in a timely manner that will be included in the "Foreword" part of the final EIS that states Ecology's perspectives and positions.
I. Write the final EIS. File the final EIS with the U.S. Environmental Protection Agency. Make printed copies of the final EIS. Publish a Notice of Availability in the *Federal Register*. Distribute the final EIS to the public, and federal, state, and local agencies.	I. Review the final EIS and verify that Ecology comments on the draft EIS were adequately addressed. Determine if the final EIS can be adopted as a substitute for preparing the SEPA EIS. This adoption determination will be based on (1) whether SEPA requirements are met as specified in WAC 197-11-600 and 197-11-630, (2) whether State comments on the draft EIS were adequately incorporated into the final EIS, or (3) whether the final EIS has not been found inadequate by a court, the Council on Environmental Quality, or by the U.S. Environmental Protection Agency. Ecology will issue its determination to adopt the EIS. In the event that substantial written requests are received to hold a public hearing on the adequacy of the EIS as a substitute for the SEPA EIS, and DOE does not hold a hearing, Ecology will hold its own hearing. If necessary, Ecology may reconsider its adoption in light of comments made at the public hearing.
J. Decision Making: DOE is responsible	J. Decision Making: If Ecology has any

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MEMORANDUM OF UNDERSTANDING: THE UNITED STATES DEPARTMENT OF ENERGY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY – January 6, 2006 *(continued)*

DOE	ECOLOGY
for making decisions to take actions within the scope of the EIS and related NEPA documents. DOE will make these decisions consistent with NEPA statutory and regulatory requirements. DOE shall discuss its decisions with Ecology prior to the issuance of the Record of Decision on the EIS.	objection to DOE's decision, to the extent practicable, Ecology will notify DOE of its objection prior to issuance of the Record of Decision (ROD). Nothing in the ROD shall preclude the State's ability to make independent decisions within its jurisdiction. The State will make SEPA determinations through analysis of the Final TC&WM EIS and will adopt the EIS if it meets the requirements of WAC 197-11 SEPA Rules.

VI. COMMENT AND ISSUE RESOLUTION PROCESS

DOE	ECOLOGY
A. Prepare responses to public comments. Make those responses available in draft form to Ecology with sufficient time for review and comment. Maintain a log of formal review comments and responses as part of the Administrative Record.	A. Aid DOE in preparing responses to public comments. Give input to DOE with sufficient time for review, comment, and incorporation.
B. Receive policy, technical, and editorial comments on internal draft materials from Ecology reviewers. DOE will determine whether and how to reflect these comments in the EIS.	B. Provide policy, technical, and editorial comments on internal draft materials.

VII. EFFECT OF THIS MOU

A. The Parties agree that the sole purpose of this MOU is to set out roles, responsibilities, and expectations of the Parties during DOE's preparation of the TC&WM EIS.

B. Both Parties agree that no portion of this MOU creates, nor is it intended to create, any enforceable legal rights, either procedural or substantive, as between the Parties or any third parties in addition to any such rights that may exist under applicable provisions of NEPA and SEPA.

C. Nothing in this MOU shall be construed to restrict in any way the authority of any agency of the State of Washington to ensure that DOE complies with the *Hazardous Waste Management Act of Washington* (RCW 70.105), SEPA (RCW 43.21C) or any other applicable law, order, or agreement.

MEMORANDUM OF UNDERSTANDING: THE UNITED STATES DEPARTMENT OF ENERGY AND THE WASHINGTON STATE DEPARTMENT OF ECOLOGY – January 6, 2006 *(continued)*

D. Nothing in this MOU shall relieve DOE from its obligation to comply with any applicable federal, state or local law, order or agreement between the State of Washington and DOE.

E. Nothing in this MOU shall alter the rights and responsibilities of the Parties with regard to provisions of the Settlement Agreement and the Stipulated Order referenced in Section I of this MOU.

VIII. MODIFICATION AND TERMINATION

A. The Parties may modify this Cooperating Agency MOU by mutual written agreement.

B. This MOU will terminate when the Record of Decision for the Final TC&WM EIS appears in the *Federal Register*. However, the Parties may reinstate this MOU by mutual agreement if additional actions become necessary.

1/5/06

Roy Schepens, Manager, Office of River Protection, U.S. Department of Energy

1/5/06

Keith Klein, Manager, Richland Operations Office, U.S. Department of Energy

1/6/06

Ines Triay (EM-3), Office of Environmental Management, U.S. Department of Energy

1/5/06

Jane A. Hedges, Program Manager, Nuclear Waste Program, Washington State Department of Ecology

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C.1.2 Responses to U.S. Department of Energy Correspondence

To: Mr. James E. Rasmussen, U.S. Department of Energy
From: Mr. Mike Wilson, Washington State Department of Ecology
Date: November 27, 2002
Subject: Re: Letter to Michael A. Wilson from James E. Rasmussen, "Invitation to Participate as a Cooperating Agency in Development of the *Tank Closure, Hanford Site, Richland, Washington, Environmental Impact Statement (EIS)*"

To: Mr. James E. Rasmussen, U.S. Department of Energy
From: Mr. Jeffery J. Lyon, Washington State Department of Ecology
Date: April 25, 2003
Subject: Re: Letter to Michael Wilson, Washington State Department of Ecology, from James E. Rasmussen, United States Department of Energy, 03-ED-045, "Memorandum of Understanding (MOU) for the Environmental Impact Statement (EIS)," dated March 25, 2002, with Attachment 03-ED-045 "Memorandum of Understanding for the Environmental Impact Statement"

WASHINGTON STATE DEPARTMENT OF ECOLOGY – November 27, 2002

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

November 27, 2002

Mr. James E. Rasmussen
Environmental Management Division
United States Department of Energy
P.O. Box 450, MSIN: H6-60
Richland, Washington 99352

Dear Mr. Rasmussen:

> Re: Letter to Michael A. Wilson from James E. Rasmussen, "Invitation to Participate as a Cooperating Agency in Development of the Tank Closure, Hanford Site, Richland, Washington, Environmental Impact Statement (EIS)"

The Washington State Department of Ecology (Ecology) appreciates your invitation, and would like to accept the opportunity to participate as a cooperating agency in the development of the Tank Closure EIS. Ecology's acceptance will be contingent on the development of an agreeable Memorandum of Understanding (MOU) by December 15, 2002.

Our points of contact are Suzanne Dahl at (509) 736-5705 and Jeff Lyon at (509) 736-3098. Please feel free to contact us as appropriate.

Sincerely,

Mike Wilson
Manager
Nuclear Waste Program

JL:sdb

cc: Dave Bartus, EPA
Ellen Mattlin, USDOE
Mary Beth Burandt, USDOE/ORP
Woody Russell, USDOE/ORP
Todd Martin, HAB
Pat Sobotta, NPT
Russell Jim, YN
Ken Niles, OOE
Administrative Record

WASHINGTON STATE DEPARTMENT OF ECOLOGY – April 25, 2003

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
1315 W. 4th Avenue • Kennewick, Washington 99336-6018 • (509) 735-7581

April 25, 2003

Mr. James E. Rasmussen
Environmental Management Division
United States Department of Energy
P.O. Box 450, MSIN: H6-60
Richland, Washington 99352

Dear Mr. Rasmussen:

Re: Letter to Michael Wilson, Washington State Department of Ecology, from James E. Rasmussen, United States Department of Energy, 03-ED-045, "Memorandum of Understanding (MOU) for the Environmental Impact Statement (EIS)", dated March 25, 2002, with Attachment 03-ED-045 "Memorandum of Understanding for the Environmental Impact Statement"

The Washington State Department of Ecology (Ecology) appreciates the invitation and opportunity to participate as a cooperating agency for the Tank Waste Retrieval, Treatment, Disposal and Tank Closure EIS. Mr. Wilson has signed the Memorandum of Understanding (MOU), and we are returning it for your records.

If necessary, please feel free to contact me at (509) 736-3098, or Suzanne Dahl at (509) 736-5705. Thank you.

Sincerely,

Jeffery J. Lyon
Project Manager Tank Waste Storage
Nuclear Waste Program

JJL:nc
Enclosure

cc: See next page

RECEIVED
APR 2 9 2003
DOE-ORP/ORPCC

WASHINGTON STATE DEPARTMENT OF ECOLOGY – April 25, 2003 *(continued)*

Mr. James Rasmussen
April 25, 2003
Page 2

cc: Dave Bartus, EPA
Mary Ellen Mattlin, USDOE
Mary Beth Burandt, USDOE/ORP
Woody Russell, USDOR/ORP
Andy Stevens, USDOE/ORP
Deborah Williams, USDOE/ORP
Todd Martin, HAB
Rick Gay, CTUIR
Pat Sobotta, NPT
Russell Jim, YN
Ken Niles, Oregon Energy
Administrative Record

WASHINGTON STATE DEPARTMENT OF ECOLOGY – April 25, 2003 *(continued)*

Attachment
03-ED-045

Memorandum of Understanding
for the
Environmental Impact Statement

WASHINGTON STATE DEPARTMENT OF ECOLOGY – April 25, 2003 *(continued)*

MEMORANDUM OF UNDERSTANDING

BETWEEN

UNITED STATES DEPARTMENT OF ENERGY,
OFFICE OF RIVER PROTECTION

AND

WASHINGTON STATE DEPARTMENT OF ECOLOGY

I. INTRODUCTION

The U.S. Department of Energy, Office of River Protection (ORP) is proposing to retrieve, treat, immobilize, and dispose all Hanford Site tank wastes by 2028 and close all tank systems and tank farms by 2033. These proposed actions are subject to both the *National Environmental Policy Act of 1969* (NEPA) and the "Washington State Environmental Policy Act (SEPA)" which require consideration of potential environmental impacts in the decision making process.

It is appropriate that the State of Washington Department of Ecology (Ecology) and ORP cooperate in preparation of environmental documentation for actions that must fulfill requirements of both NEPA and SEPA. A cooperative effort will hopefully streamline the environmental impact review process and avoid duplication, delay, and extra costs as well as provide a superior product. Ecology and ORP agree to cooperate in preparation of environmental documentation to satisfy both NEPA and SEPA for actions in the Hanford tank farms determined to require an Environmental Impact Statement (EIS).

The EIS, fully named the Tank Waste Retrieval, Treatment, Disposal and Tank Closure EIS (hereafter referred to as the "Tank Closure EIS"), will be prepared to fulfill the EIS requirements of applicable Federal and state laws, executive orders, rules, and policies. In particular, it is intended to comply with requirements of NEPA and SEPA.

Ecology and ORP will cooperate to prepare a well integrated and edited Tank Closure EIS to encompass all ORP actions that are ready for environmental review and decision.

Ecology has clearly communicated elsewhere to ORP their concern that a Tank Closure EIS schedule which leads to a Record of Decision (ROD) in April 2004 is too short. Nothing in this Memorandum of Understanding (MOU) should be interpreted as Ecology's concurrence in the EIS schedule as of January 21, 2003, concurrence that the final EIS will satisfy NEPA, or concurrence that the final EIS will satisfy SEPA pursuant to Washington Administrative Code (WAC) 197-11-160.

WASHINGTON STATE DEPARTMENT OF ECOLOGY – April 25, 2003 *(continued)*

II. PURPOSE

The purpose of this MOU is to set out clearly the responsibilities of each agency in cooperative preparation of the Tank Closure EIS. The overall responsibility of ORP will be Lead Agency and the overall responsibility of Ecology will be Cooperating Agency. These terms shall have the meaning as defined in 40 CFR §1508.

III. ROLES AND RESPONSIBILITIES

A. "Lead Agency" means the party that will have final responsibility to ensure that the process leading to completion of a Final Tank Closure EIS and a ROD is adequately performed. The Lead Agency coordinates with all necessary parties, provides expertise and technical review, and meets all applicable NEPA requirements.

B. "Cooperating Agency" participates in the process closely to provide advice and assistance to the Lead Agency, particularly in matters relating to SEPA requirements and to regulatory impacts and requirements. The cooperating agency may also offer advice and assistance in other parts of the process as agreed with the Lead Agency.

C. "Process" means the joint process by which the Lead Agency will meet its NEPA obligations and the Cooperating Agency will meet its SEPA obligations.

IV. GENERAL ORP AND ECOLOGY RESPONSIBILITIES

ORP	ECOLOGY
A. Active and timely participation in all appropriate phases of the process.	A. Active and timely participation in all appropriate phases of the process.
B. Establish a time schedule for the process that meets both NEPA and SEPA requirements and allows review times for the agencies involved and effective citizen involvement.	B. Provide advice about SEPA requirements.
C. Provide for meetings with appropriate Federal, state, regional, and local agencies, and concerned groups for the purpose of increasing communication and receiving comments on EIS-related documents.	C. Provide advice and assistance.
D. Maintain jointly with Ecology an issues resolution list which reflects the items about which the two agencies are not yet agreed. Either agency may add items to the list but both must agree to delete an item. This information will be provided periodically to	D. Maintain jointly with ORP an issues resolution list that reflects the items about that the two agencies are not yet agreed. Either agency may add items to the list but both must agree to delete an item. This information will be provided periodically to stakeholders,

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WASHINGTON STATE DEPARTMENT OF ECOLOGY – April 25, 2003 *(continued)*

ORP	ECOLOGY
stakeholders, Tribal Nations, and other interested groups or individuals.	Tribal Nations, and other interested groups or individuals. Ecology will post this on their "tank list serv".
E. Provide Ecology representatives with draft copies of relevant analyses, plans, schedules, issue papers, etc., in a timely manner. Adequate lead time normally is minimally five working days.	E. Provide ORP responses, advice, or assistance as appropriate.
F. In instances involving questions as to the content, accuracy or relevance of any material (including issues, data, and analyses), ORP will make the final determination on inclusion, deletion, or revision of the material. ORP will have responsibility for ensuring compliance with requirements of NEPA. ORP will attempt to produce an EIS that may be used by Ecology to satisfy SEPA.	F. Review drafts of data packages, EIS chapters, issue papers, public briefings and other such documents, and provide advice and assistance regarding content, accuracy or relevance of those materials. Notify ORP if there is concern about the EIS meeting SEPA requirements.
G. Ensure compliance with requirements of NEPA and Council on Environmental Quality regulations, as well as other Federal regulations and laws.	G. Not applicable.
H. Attempt to ensure compliance with requirements of SEPA and other Washington authorities as they relate to the Tank Closure EIS. As much as possible consolidate meetings, processes, and documents.	H. Consult closely with ORP to ensure that all SEPA and other state requirements are clear and known to ORP as they relate to the Tank Closure EIS. Offer advice and assistance regarding consolidation of meetings, processes, and documents.
I. Ensure that relevant environmental issues, reasonable alternatives, and environmental impacts are addressed in the EIS.	I. Provide advice and consultation to ORP about relevant environmental issues, alternatives, and environmental impacts as they are addressed in draft documents leading up to formal documents for public review.
J. Schedule meetings with appropriate lead time and notification to Ecology project members. Provide Ecology	J. Designate a least two Ecology representatives who will participate in the EIS project as project members.

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WASHINGTON STATE DEPARTMENT OF ECOLOGY – April 25, 2003 *(continued)*

ORP	ECOLOGY
minutes and other papers relevant to those meetings.	At least one Ecology project member will attend all relevant meetings, including project management meetings, briefings for management, and meetings with stakeholders and Tribal Nations. Ecology project members will participate in meetings to offer Ecology positions on issues, relevant expertise, advice, and assistance.
K. Respond to challenges to decisions made in the final EIS.	K. Provide information and advice to ORP on responding to EIS challenges.
L. Continuing obligations under the *Hanford Federal Facility Agreement and Consent Order* (hereafter Tri-Party Agreement) remain unchanged by completion of the Tank Closure EIS. If decisions based on environmental analyses in the EIS indicate the consideration of Tri-Party Agreement changes, ORP will follow the Tri-Party Agreement process to submit potential changes.	L. If decisions based on environmental analyses in the EIS indicate the consideration of Tri-Party Agreement changes, Ecology will follow the Tri-Party Agreement process to evaluate the proposal.
M. Some information supporting EIS analyses may contain non-public information or proprietary data. ORP will appropriately protect materials identified as "draft" or "proprietary" or that is labeled with other restrictive legends. ORP will limit use and dissemination of these materials to employees involved in preparation of the EIS. "Employees" includes Ecology project members with appropriate security clearances. If ORP receives a request for public disclosure, ORP will cooperate with the Richland Operations Office to make a determination in accordance with Federal laws how to respond.	M. Ecology will comply with the public disclosure requirements of Chapter 42.17 RCW, which includes exemptions from disclosure for certain public records. Ecology will notify the ORP document manager of any request for public disclosure pursuant to RCW 42.17.330. In the event ORP determines that a document otherwise discloseable by Ecology under Chapter 42.17 RCW is not appropriate for public inspection, ORP may seek a protective order preventing disclosure of the document pursuant to RCW 42.17.330.

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WASHINGTON STATE DEPARTMENT OF ECOLOGY – April 25, 2003 *(continued)*

V. PROCEDURES

ORP	ECOLOGY
A. Conduct public scoping meetings to receive comments on the proposed action and alternatives as described in the Notice of Intent.	A. Provide advice and assistance as requested by ORP.
B. Identify the primary issues and concerns arising from the scoping process including the public scoping meetings. Identify additional information acquired during the scoping process. Prepare a plan to address the issues and concerns in the draft EIS.	B. Provide advice and comment about the issues and concerns, and additional information, acquired in the scoping process, including public scoping meetings.
C. Write or rewrite sections, parts, or chapters of the EIS. Provide internal drafts to Ecology with adequate time for review and comment.	C. Review internal drafts of all sections, parts, or chapters of the EIS and offer comments or propose revisions.
D. Convene workshops as necessary or as requested with Ecology to review sections, parts, or chapters of the EIS and supporting analyses. Decide which comments and revisions should be reflected in the EIS.	D. Participate in workshops convened to review sections, parts, or chapters of the EIS and supporting analyses.
E. Issue (distribute) the draft EIS to the public, and Federal, state, and local agencies for review and comment using processes established by NEPA.	E. Ecology will review and provide comments.
F. Receive comments resulting from the public comment period. Determine how the comments will be addressed and decide which changes to the draft EIS are necessary.	F. Review the comments received and the changes to the draft EIS which ORP decides are necessary. Provide advice and assistance. Notify ORP formally of disagreements with the final EIS.
G. Publish as a part of the "Forward" in the final EIS a statement from Ecology which will contain its perspectives and positions on the development and content of the EIS.	G. Provide a statement to ORP in a timely manner that will be included in the "Forward" part of the EIS which states Ecology's perspectives and positions.

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WASHINGTON STATE DEPARTMENT OF ECOLOGY – April 25, 2003 *(continued)*

ORP	ECOLOGY
H. Write the final EIS. File the final EIS with the U.S. Environmental Protection Agency. Make printed copies of the final EIS. Publish a Notice of Availability in the *Federal Register*. Distribute the final EIS to the public, and Federal, state, and local agencies	H. Review the final EIS and verify that Ecology comments on the draft EIS were adequately addressed. Determine if the final EIS can be adopted as a substitute for preparing the SEPA EIS. This adoption determination will be based on (1) whether SEPA requirements are met as laid out in WAC 197-11-600 and 197-11-630, (2) whether State comments on the draft EIS were adequately incorporated into the final EIS, or (3) whether the final EIS has not been found inadequate by a court, the Council on Environmental Quality, or by the U.S. Environmental Protection Agency. Ecology will issue its determination to adopt the EIS. In the event that substantial written requests are received to hold a public hearing on the adequacy of the EIS as a substitute for the SEPA EIS, and ORP does not hold a hearing, Ecology will hold its own hearing. If necessary Ecology reconsider its adoption in light of comments made at the public hearing.

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WASHINGTON STATE DEPARTMENT OF ECOLOGY – April 25, 2003 *(continued)*

VI. COMMENT AND ISSUE RESOLUTION PROCESS

ORP	ECOLOGY
A. Prepare responses to public comments. Make those responses available in draft form to Ecology with sufficient time for review and comment. Maintain a log of formal review comments and responses.	A. Prepare input on responses relating to the "state only" (e.g., SEPA) issues and regulatory oversight. Give input to ORP with sufficient time for review, comment, and incorporation.
B. Receive policy, technical, and editorial comments on internal draft materials from Ecology reviewers. ORP will determine whether and how to reflect these comments in the EIS.	B. Provide policy, technical, and editorial comments on internal draft materials.

V. MODIFICATION AND TERMINATION

The parties may modify this MOU by mutual written agreement. Either party may terminate the MOU after 30 days written notice. During that period, both parties will try to resolve the disagreements.

If the MOU is terminated prior to completion of the NEPA process, both parties will have access to documentation, reports, analysis, and data developed for the EIS by either party.

This MOU will terminate when the final Tank Closure EIS is issued in the Federal Register. However, the parties may reinstate this MOU by mutual agreement if additional actions become necessary.

James E. Rasmussen, Director, Environmental Division,
Office of River Protection, U.S. Department of Energy

Michael A. Wilson, Program Manager, Nuclear Waste Program,
Washington State Department of Ecology

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C.2 FEDERAL AND STATE ORGANIZATIONS CONTACTED DURING THE CONSULTATION PROCESS

C.2.1 Ecological Resources

The following are copies of the correspondence from DOE to the Federal and state organizations regarding ecological resources, as discussed in Chapter 8 of this *TC & WM EIS*. Below is a list of these letters.

To: Mr. Mark Miller, U.S. Fish and Wildlife Service
From: Ms. Mary E. Burandt, U.S. Department of Energy
Date: June 16, 2003
Subject: "Environmental Impact Statement (EIS) for Retrieval, Treatment, and Disposal of Tank Waste and Closure of Single-Shell Tanks (SST) at the Hanford Site, Richland, Washington"

To: Mr. Dennis Carlson, National Oceanic and Atmospheric Administration
From: Ms. Mary E. Burandt, U.S. Department of Energy
Date: June 16, 2003
Subject: "Environmental Impact Statement (EIS) for Retrieval, Treatment, and Disposal of Tank Waste and Closure of Single-Shell Tanks (SST) at the Hanford Site, Richland, Washington"

To: Mr. Jeff Tayer, Washington State Department of Fish and Wildlife
From: Ms. Mary E. Burandt, U.S. Department of Energy
Date: June 16, 2003
Subject: "Environmental Impact Statement (EIS) for Retrieval, Treatment, and Disposal of Tank Waste and Closure of Single-Shell Tanks (SST) at the Hanford Site, Richland, Washington"

To: Ms. Sandy Swope Moody, Washington State Department of Natural Resources
From: Ms. Mary E. Burandt, U.S. Department of Energy
Date: June 16, 2003
Subject: "Environmental Impact Statement (EIS) for Retrieval, Treatment, and Disposal of Tank Waste and Closure of Single-Shell Tanks (SST) at the Hanford Site, Richland, Washington"

To: Mr. Mark Miller, U.S. Fish and Wildlife Service
From: Mr. William J. Taylor, U.S. Department of Energy
Date: June 12, 2008
Subject: *Tank Closure and Waste Management (TC & WM) Environmental Impact Statement (EIS) for the Hanford Site, Richland, Washington*

To: Mr. Dennis Carlson, National Oceanic and Atmospheric Administration
From: Mr. William J. Taylor, U.S. Department of Energy
Date: June 12, 2008
Subject: *Tank Closure and Waste Management (TC & WM) Environmental Impact Statement (EIS) for the Hanford Site, Richland, Washington*

To: Mr. Jeff Tayer, Washington State Department of Fish and Wildlife
From: Mr. William J. Taylor, U.S. Department of Energy
Date: June 12, 2008
Subject: *Tank Closure and Waste Management (TC & WM) Environmental Impact Statement (EIS) for the Hanford Site, Richland, Washington*

To: Ms. Sandy Swope Moody, Washington State Department of Natural Resources
From: Mr. William J. Taylor, U.S. Department of Energy
Date: June 12, 2008
Subject: *Tank Closure and Waste Management (TC & WM) Environmental Impact Statement (EIS) for the Hanford Site, Richland, Washington*

U.S. FISH AND WILDLIFE SERVICE – June 16, 2003

U.S. Department of Energy
Office of River Protection
P.O. Box 450
Richland, Washington 99352

03-ED-096

JUN 16 2003

Mr. Mark Miller, Supervisor Central Washington
Ecological Services Office
U.S. Fish and Wildlife Service
215 Melody Lane, Suite 119
Wenatchee, Washington 98801

Dear Mr. Miller:

ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR RETRIEVAL, TREATMENT, AND DISPOSAL OF TANK WASTE AND CLOSURE OF SINGLE-SHELL TANKS (SST) AT THE HANFORD SITE, RICHLAND, WASHINGTON

The U.S. Department of Energy, Office of River Protection (ORP) is preparing an EIS for the retrieval, treatment, and disposal of tank waste and closure of the SST at the Hanford Site near Richland, Washington. The EIS will also address the closure of the 149 SST and associated facilities in the tank farms. The Tanks contain both hazardous and radioactive waste. The tank farms and proposed treatment and storage facilities are located within the 200 West Area and 200 East Area. Attachment 1 shows the location of the 200 Areas, including the potential location of supplemental technology treatment facilities. The Notice of Intent to prepare the EIS, which further explains the project, is Attachment 2.

In compliance with the Endangered Species Act, the EIS will contain an analysis of the proposed action as it relates to listed and proposed, threatened and endangered species. In support of the preparation of this EIS, ORP requests the U.S. Fish and Wildlife Service to provide a current list of species that may be affected by the proposed action.

If you have any questions, please contact me, (509) 373-9160.

Sincerely,

Mary E. Burandt

Mary E. Burandt
NEPA Document Manager

ED:MEB

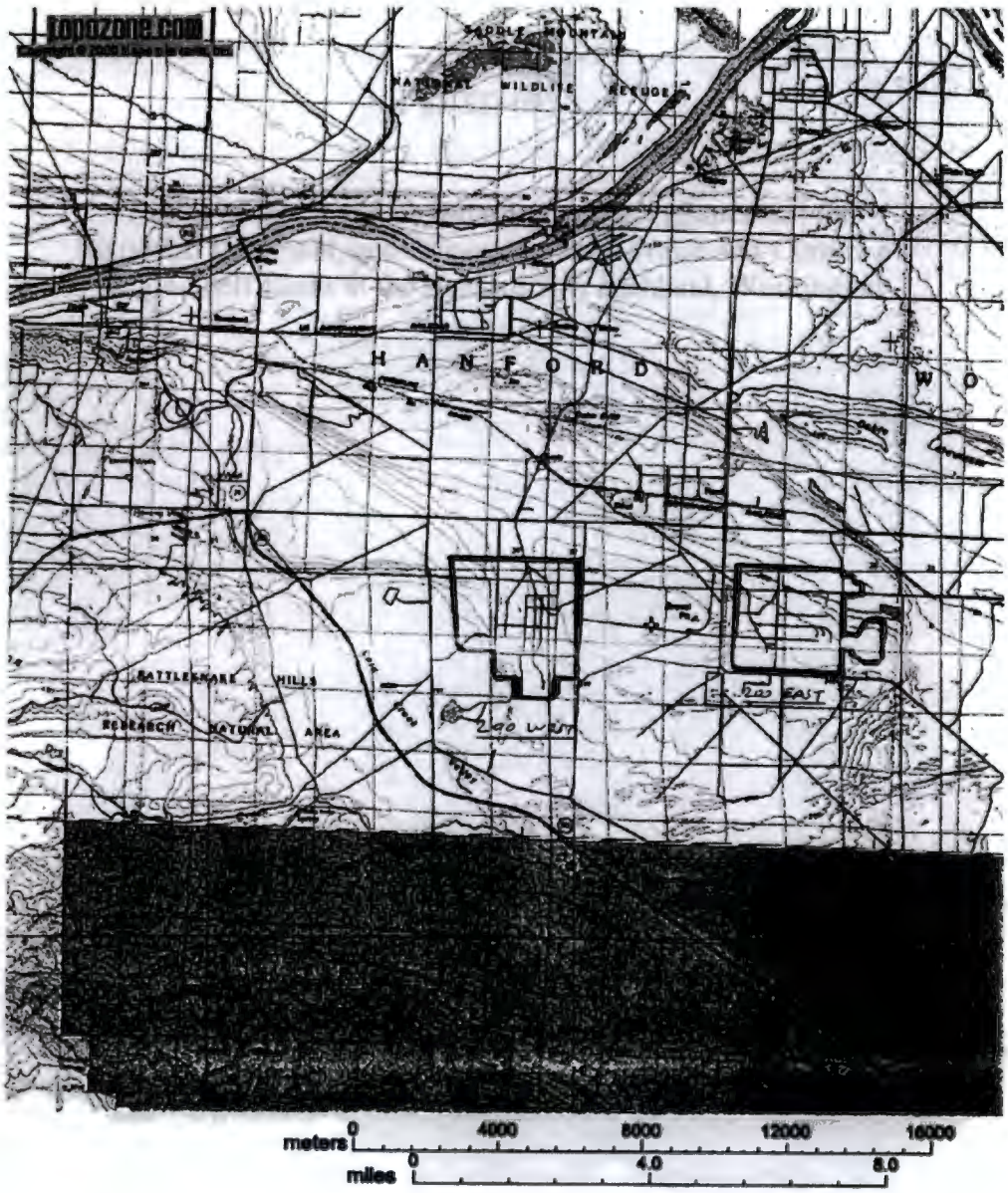
Attachments: (2)

cc w/attachs:
P. F. X. Dunigan, Jr., RL
D. C. Ward, RL
G. Hughes, USFWS
Administrative Record (w/attach)

Attachment 1 to U.S. Fish and Wildlife Service, June 16, 2003 – Topographic Map

TopoZone.com

Target is UTM 11 302157E 5158679N - **GABLE BUTTE** quad [Quad Info]



Attachment 2 to U.S. Fish and Wildlife Service, June 16, 2003 – Notice of Intent

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Note: The official version of this document is published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html.*

Dated: January 6, 2003.

Rod Paige,

Secretary of Education.

[FR Doc. 03–386 Filed 1–7–03; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Notice of Intent To Prepare an Environmental Impact Statement for Retrieval, Treatment, and Disposal of Tank Waste and Closure of Single-Shell Tanks at the Hanford Site, Richland, WA

AGENCY: Department of Energy.

ACTION: Notice of intent.

SUMMARY: The U.S. Department of Energy (DOE) intends to prepare an environmental impact statement (EIS) on the proposed retrieval, treatment, and disposal of the waste being managed in the high-level waste (HLW) tank farms at the Hanford Site near Richland, Washington, and closure of the 149 single-shell tanks (SSTs) and associated facilities in the HLW tank farms. The HLW tanks contain both hazardous and radioactive waste (mixed waste).

This EIS will be prepared in accordance with the National Environmental Policy Act (NEPA) and its implementing regulations (40 CFR parts 1500–1508 and 10 CFR part 1021). DOE's proposed action is to remove waste from the tanks to the extent that retrieval is technically and economically feasible, treat the waste through vitrification in the planned Waste Treatment Plant (WTP) and/or one of several other treatment processes such as bulk vitrification, grout, steam reforming and sulfate removal, depending on waste type and waste characteristics. DOE proposes to package the waste for offsite shipment and disposal or onsite disposal. The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access.

The 149 underground SSTs and 28 underground double-shell tanks (DSTs) are grouped in 18 tank farms that are regulated under the Resource Conservation and Recovery Act of 1976 (RCRA) as treatment, storage, and disposal units that, for closure purposes, include tanks, associated ancillary equipment, and contaminated soils. DOE proposes to close the tanks in accordance with the Hanford Federal Facility Agreement and Consent Order (also known as the Tri-Party Agreement or TPA). DOE invites public comments on the proposed scope of this EIS.

DATES: The public scoping period begins with the publication of this Notice and concludes March 10, 2003. DOE invites Federal agencies, Native American tribes, State and local governments, and members of the public to comment on the scope of this EIS. DOE will consider fully all comments received by the close of the scoping period and will consider comments received after that date to the extent practicable.

Public meetings will be held during the scoping period. Meetings will be held in Seattle and Richland, Washington and in Portland and Hood River, Oregon on the following dates.

Richland: February 5, 2003.

Hood River: February 18, 2003.

Portland: February 19, 2003.

Seattle: February 20, 2003.

At least 15 days prior to the meetings, DOE will notify the public of the meeting locations and times and will provide additional information about each meeting through press releases, advertisements, mailings and other methods of encouraging public participation in the NEPA process. At these scoping meetings, DOE will provide information about the tank waste program and alternatives for retrieving, treating, and disposing of the waste, along with alternatives for closing the SSTs. The meetings will provide opportunities to comment orally or in writing on the EIS scope, including the alternatives and issues that DOE should consider in the EIS.

ADDRESSES: DOE invites public comment on the proposed scope of this EIS. Comments may be submitted by mail, electronic mail, fax, or voice mail and addressed as follows: Mary Beth Burandt, Document Manager, DOE Office of River Protection, U.S. Department of Energy, Post Office Box 450, Mail Stop H6–60, Richland, Washington, 99352, Attention: Tank Retrieval and Closure EIS, Electronic mail: *Mary_E_Burandt@rl.gov*, Fax: (509) 376–2002, Telephone and voice mail: (509) 373–9160.

FOR FURTHER INFORMATION CONTACT: To request information about this EIS and the public scoping workshops or to be placed on the EIS distribution list, use any of the methods identified in **ADDRESSES** above. For general information about the DOE NEPA process, contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC, 20585–0119, Fax: (202) 586–7031, Telephone: (202) 586–4600, Voice mail: (800) 472–2756.

SUPPLEMENTARY INFORMATION

Background

The Hanford Site defense activities related to nuclear weapons production created a wide variety of waste. Over 50 million gallons of waste are presently stored in the HLW tank farms, which are located in the 200 Area of the Site. The waste is stored in 149 underground SSTs (ranging in capacity from approximately 55,000 to 1 million gallons) and 28 underground DSTs (ranging in capacity from approximately one to 1.16 million gallons) grouped in 18 tank farms, and approximately 60 smaller miscellaneous underground storage tanks. This waste has been processed and transferred between tanks, and as a result, the chemical, physical (*i.e.*, liquid, solid and sludge) and radiological characteristics of the waste vary greatly among and within individual tanks. In addition, the tank waste contains chemicals or has characteristics classified as hazardous waste under RCRA regulations (40 CFR Parts 260–268 and Parts 270–272) and as dangerous waste under the Washington Administrative Code "Dangerous Waste Regulations" (WAC 173–303).

In 1996, DOE issued the Tank Waste Remediation System (TWRS) EIS (DOE/EIS–0189), which included analyses of alternatives for retrieving and treating (*e.g.*, immobilizing) the waste stored in the tank farms. Because sufficient data were not available to evaluate a range of closure actions, tank system closure alternatives were not evaluated in the TWRS EIS. Among the uncertainties were data regarding past leak losses from the SSTs and how retrieval technology would perform to meet retrieval objectives.

In 1997, DOE issued its Record of Decision (ROD, 62 FR 8693, February

Attachment 2 to U.S. Fish and Wildlife Service, June 16, 2003 – Notice of Intent *(continued)*

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26) in which DOE decided that it would proceed with tank waste retrieval and treatment. In the ROD and subsequent supplemental analyses, DOE acknowledged that there were substantial technical uncertainties that required resolution. Nevertheless, to make progress while resolving the technical uncertainties, DOE decided to implement waste treatment using a phased approach as identified in the TWRS ROD. During the initial phase (Phase I), DOE planned to design, construct and operate demonstration-scale waste treatment facilities. Following the demonstration phase, DOE would construct full-scale facilities to treat the remaining tank waste (Phase II).

DOE's decision in the TWRS ROD was consistent with modifications to the Tri-Party Agreement contained in the M–62, "Complete Pretreatment, Processing and Vitrification of Hanford High-level (HLW) and Low-activity (LAW) Tank Wastes" series of milestones. Accordingly, DOE proceeded with plans to design, construct, and operate facilities that would separate waste into high-level and low-activity waste streams, vitrify the high-level waste stream and vitrify or similarly immobilize the LAW stream. These facilities are now under construction and are collectively referred to as the "Waste Treatment Plant" or WTP.

DOE's strategy for retrieving, treating and disposing of the tank waste and closing the tank farms has continued to evolve, based on information becoming available since the TWRS ROD was issued. New information and proposed changes to DOE's strategy include the following:

- Design of and preliminary performance projections for the WTP support DOE's proposal to extend operations beyond the original plan to operate the WTP for a ten-year period and to enhance throughput compared to facilities planned for in the 1997 ROD.
- New information indicates that deployment of large-scale treatment facilities in approximately 2012 to immobilize waste not processed by the WTP currently under construction, as identified in the TWRS ROD, may be prohibitively expensive (DOE/EIS–0189–SA–3).
- Under DOE Order 435.1 (Radioactive Waste Management), as applicable, DOE may determine that some tank wastes should be managed as low-level waste (LLW) and transuranic (TRU) waste, which may result in changes in how DOE may treat and dispose of portions of the SST and DST wastes from the HLW tank farms.
- DOE wants to consider non-vitrification treatment technologies for LAW and LLW, if these wastes could be immobilized and disposed of onsite or offsite, while providing protection to the human environment comparable to LAW and LLW immobilized by vitrification.

In developing its Performance Management Plan for the Accelerated Cleanup of the Hanford Site (PMP, DOE/RL–2000–47, August 2002), DOE stated its intent to meet its commitments under the Tri-Party Agreement, and identified its plan to complete tank waste retrieval, treatment and disposal by 2028, and to close all of the tanks and associated facilities, including the WTP, by 2033. DOE's current plans call for closing all of the SSTs by 2028.

DOE stated in the PMP that to achieve these objectives, increased capacity will be needed for the WTP, along with additional treatment capacity provided by other waste immobilization technologies, referred to herein as "supplemental" technologies (bulk vitrification, containerized grout, steam reforming, or sulfate removal are examples). Also in the PMP and in the Supplement Analysis for the Tank Waste Remediation System (DOE/EIS–0189–SA3, 2001), DOE concluded that its evolving strategy for treating and disposing of the tank wastes by 2028 and closing the SSTs by 2028 requires NEPA analysis of proposed tank waste retrieval, treatment and disposal, and proposed tank closure actions.

Further, under the TPA Milestone M–45, "Complete Closure of All Single-Shell Tank (SST) Farms," DOE and the Washington State Department of Ecology (Ecology) have identified a process to start discussing how SST closure would occur. An important part of the process DOE and Ecology have defined for closing tank systems is compliance with Washington State Dangerous Waste regulations that require approval of a closure plan and modification of the Hanford Site Dangerous Waste Permit. Before Ecology can approve either a closure plan or modification of DOE's permit, the State of Washington must fulfill its State Environmental Policy Act (SEPA) requirements. As SEPA is very similar to NEPA, Ecology can adopt a NEPA document if it determines that the document is sufficient to meet SEPA requirements. Ecology has agreed to be a cooperating agency in preparing this EIS.

Need for Action

To meet its commitments under the Tri-Party Agreement and implement its plans to close the tank systems and associated facilities in a timely manner to reduce existing and potential future risk to the public, site workers, and the environment, DOE needs to complete waste retrieval, treatment and disposal of the waste from the SST and DST systems by 2028 and close all SST systems by 2028.

Although DOE is addressing safety and environmental issues posed by tank wastes to minimize current potential risks to human health and the environment, DOE must also implement long-term actions to safely manage and dispose of waste from the tank waste systems, including waste associated with inactive miscellaneous underground storage tanks, and close the SST systems to reduce permanently the potential risk to human health and the environment. These long-term actions also are needed to ensure compliance with applicable Federal requirements regulating the management and disposal of radioactive waste, as well as Federal and Washington State requirements regulating hazardous and mixed waste.

Proposed Action

DOE proposes to retrieve waste from the 149 SST and 28 DST systems and close the SST tank farms in a manner that complies with Federal and Washington State requirements and protects the human environment. (Closure of the DSTs and closure of the WTP are not part of the proposed action because they are active facilities needed to complete waste treatment. Closure of the DSTs and WTP would be addressed at a later date, after appropriate NEPA analysis.) DOE proposes to immobilize the retrieved waste in the WTP and through supplemental treatment technologies such as bulk vitrification, grout, steam reforming and sulfate removal, and to package the immobilized waste for offsite shipment and disposal in licensed and/or permitted facilities or disposal onsite. DOE proposes to close the SST farms (including tanks, ancillary equipment and soils) within the tank farm area by 2028. The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access. Associated support buildings, structures, laboratories, and the treatment facilities would be decontaminated and decommissioned in a cost-effective, legally compliant, and environmentally sound manner. Under the proposed action, DOE would use existing, modified, or, if required, new systems to assure capability to store and manage waste during retrieval and treatment.

Attachment 2 to U.S. Fish and Wildlife Service, June 16, 2003 – Notice of Intent *(continued)*

Background on Development of Alternatives

The proposed action could result in changes to DOE's tank waste management program with respect to waste storage, waste retrieval, waste treatment, waste disposal, and tank farm closure at the Hanford Site. These key variables were evaluated to develop the range of reasonable alternatives identified below. In terms of waste storage, the EIS would analyze the use of the existing waste storage systems and evaluate the need for new storage systems. With regard to waste retrieval, DOE would evaluate a range of timing of retrieval and the technologies used, from past-practice sluicing as analyzed in the TWRS EIS to dry retrieval. Treatment and disposal alternatives for portions of the SST and DST waste would be evaluated based on some volume of the waste being classified as LLW or TRU waste pursuant to DOE Order 435.1. The waste identified as LLW could be treated and packaged for onsite or offsite disposal. The waste identified as TRU waste could be treated and packaged for transport and disposal at the Waste Isolation Pilot Plant (WIPP) near Carlsbad, New Mexico.

Unless a specific alternative identifies a waste type as LLW and/or TRU waste, the waste would be analyzed as HLW or LAW for the purposes of treatment and disposal. The alternatives for waste treatment include: 1) Treating all wastes via an enhanced WTP as vitrified waste; 2) treating HLW via the WTP and LAW via WTP or supplemental treatments; or 3) treating the waste as stated in #2 and/or supplemental treatment for LLW and TRU waste in the tank farms, in which case some waste would not be processed through the WTP. The options for waste disposal include disposing of the waste onsite using existing or new facilities, disposing of the waste at offsite government facilities (*e.g.*, a geological repository, WIPP, DOE's Nevada Test Site) or using onsite and offsite commercial facilities (such as Envirocare in Utah) for disposal of Hanford waste. Alternatives for tank closure would be evaluated based on broad closure strategies including clean closure (removal of the tanks, ancillary facilities, and contaminated soils) and landfill closure (residual waste left in place and post closure care).

Proposed Alternatives

Each of the six alternatives contains a waste storage, retrieval, treatment and disposal component. Alternatives 3 through 6 also include a tank closure component. The main differences among the alternatives include the extent of waste retrieval, the waste treatment and disposal approach, the tank closure approach, and timing to complete the necessary activities.

1. No Action

The Council on Environmental Quality NEPA Regulations (40 CFR parts 1500–1508), and the DOE NEPA Regulations (10 CFR part 1021) require analysis of a No Action alternative.

Storage: DOE would continue current waste management operations using existing storage facilities. Immobilized (*i.e.*, vitrified) High-level Waste (IHLW) would be stored onsite pending disposal at a geologic repository. Once WTP operations are completed, all tank waste system storage (SSTs and DSTs), treatment, and disposal facilities at the Hanford Site would be placed in a stand-by operational condition.

Retrieval: Waste would be retrieved to the extent required to provide waste feed to the WTP using currently available liquid-based retrieval and leak detection technologies (approximately 25–50% of the total waste volume would be retrieved).

Treatment: No new vitrification or treatment capacity beyond that anticipated in the WTP would be deployed. However, the WTP would be modified within parameters provided for in the TWRS ROD to increase throughput. The WTP would continue to operate until its design life ends in 2046.

Disposal: The residual waste in tanks and the waste remaining in tanks that had not been retrieved (approximately 50 to 75% of the total waste volume) would remain in the tank farm indefinitely. Immobilized Low Activity Waste (ILAW) (by vitrification) would be disposed of onsite. IHLW would be stored onsite pending disposal at a geological repository. For purposes of analysis, administrative control of the tank farms would end following a 100-year period.

Closure: Tank closure would not be addressed; under this alternative, some waste would be left in the tanks indefinitely.

2. Implement the 1997 Record of Decision (With Modifications)

This alternative would continue implementation of decisions made in the TWRS ROD and as considered in three supplement analyses completed through 2001. (*See* "RELATED NEPA DECISIONS AND DOCUMENTS" below for references.) Under these supplement analyses, DOE concluded that changes in the design and operation of the WTP, as defined in its contracts and program plans, were within the bounds of analysis of environmental impacts in the TWRS EIS. Among the key modifications that would occur under this alternative are: (1) Implementing the initial phase of waste treatment with one ILAW facility rather than two, (2) expanding the design capacity of the ILAW facility from 20 metric tons of glass per day to 30 metric tons of glass per day, and (3) extending the design life of the Phase I facilities from 10 years to 40 years. Under this alternative, no new actions would be taken beyond those previously described in the TWRS ROD and supplement analyses regarding the tank waste.

Storage: DOE would continue current waste management operations using existing storage facilities as described under No Action.

Retrieval: Waste would be retrieved to the Tri-Party Agreement goal (*i.e.*, residual waste would not exceed 360 cubic feet for 100 series tanks or 36 cubic feet for 200 series tanks, which would correspond to 99% retrieval) using currently available liquid-based retrieval and leak detection systems.

Treatment: The existing WTP would be modified to enhance throughput and supplemented with additional vitrification capacity, as needed, to complete waste treatment by 2028. Under this alternative, all waste retrieved from tanks (approximately 99%) would be vitrified.

Disposal: Retrieved and treated waste would be disposed of onsite (ILAW) or stored onsite pending disposal at a geologic repository (IHLW). Once operations are completed, all tank waste system waste storage, treatment, and disposal facilities at the Hanford Site would be placed in a stand-by operational condition. The residual waste would remain in the tank farm indefinitely. For purposes of analysis, DOE assumes under this alternative that it would cease to maintain administrative control after a 100-year period.

Closure: Tank closure would not be addressed under this alternative. Some waste would be left in the tanks indefinitely.

3.0 Landfill Closure of Tank Farms/ Onsite and Offsite Waste Disposal

Storage: DOE would continue current waste management operations using existing storage facilities.

Retrieval: Waste would be retrieved to the Tri-Party Agreement goal (*i.e.*, residual waste would not exceed 360 cubic feet for 100 series tanks or 36 cubic feet for 200 series tanks, which would correspond to 99% retrieval) using currently available liquid-based retrieval and leak detection systems.

Attachment 2 to U.S. Fish and Wildlife Service, June 16, 2003 – Notice of Intent *(continued)*

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Treatment: Retrieved waste would be treated with the WTP capacity based on enhanced and/or modified performance of operating systems (*e.g.*, modifications to melters to increase throughput). WTP capacity would be supplemented with additional waste treatment capacity to immobilize LAW using a non-vitrification technology. New non-vitrification supplemental treatment capacity would be developed external to the WTP to immobilize a portion of the tank waste that would be designated as LLW pursuant to DOE Order 435.1 and/or prepare a portion of the tank waste that would be designated as TRU waste for disposal. Waste treatment under this alternative would be completed in 2028 and all SST tank systems would be closed by 2028.

Disposal: ILAW immobilized via the WTP would be disposed of onsite or at offsite commercial (*e.g.*, U.S. Ecology of Washington or Envirocare of Utah) or DOE facilities (Nevada Test Site). IHLW would be stored onsite pending disposal at a national geologic repository. LLW immobilized external to the WTP would be disposed of onsite or at offsite commercial or DOE facilities. TRU waste would be packaged and stored onsite in an existing or new facility pending disposal at the Waste Isolation Pilot Plant (WIPP).

Closure: As operations are completed, SST waste system, waste storage, treatment and disposal facilities at the Hanford Site would be closed as a RCRA landfill unit under Dangerous Waste Regulations under WAC 173–303 and DOE Order 435.1, as applicable, or decommissioned (waste treatment facilities under DOE Order 430.1A). The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access. Tanks, ancillary equipment, and contaminated soils would be remediated and remain in place and the closed tank systems would be covered with an engineered barrier that exceeds RCRA landfill requirements and is the more protective of the landfill options being evaluated (*i.e.*, Hanford barrier).

The main differences between this alternative and other alternatives involve: 1) Using a more robust barrier for closure of tank systems that would provide longer term protection from contaminant releases from closed tank systems and limit intrusion into the closed system compared to the barrier evaluated under Alternatives 5 and 6 (tanks would not be closed under Alternatives 1 and 2, thus no barriers would be used); and 2) Treatment and disposal of treated waste would be the same for Alternatives 3 through 5 allowing for a comparison of the impacts associated with deployment of systems to treat and dispose of transuranic waste (Alternatives 3 through 5) to treatment of waste via the WTP and subsequent management as ILAW and IHLW (Alternatives 2 and 6).

4.0 Clean Closure of Tank Farms/ Onsite and Offsite Waste Disposal

Storage: DOE would continue current waste management operations using existing storage facilities that would be modified, as needed, to support minimizing liquid losses from SSTs and accelerating SST waste retrieval into safer storage pending retrieval for treatment.

Retrieval: Waste would be retrieved using multiple waste retrieval campaigns using various retrieval technologies (*e.g.*, confined sluicing, crawlers), to the extent needed to support clean closure requirements (*i.e.*, 0.1% residual in the tanks or 99.9% waste retrieved from tanks) using liquid and non-liquid retrieval and enhanced in-tank and/or ex-tank leak detection systems.

Treatment: Retrieved waste would be treated with the WTP capacity based on enhanced and/or modified performance of operating systems (see Alternative 3). New alternative treatment capacity to immobilize LLW (*e.g.*, bulk vitrification, containerized grout, steam reforming, sulfate removal) and/or prepare TRU waste for disposition would be developed external to the WTP. Waste treatment under this alternative would be completed in 2028 and all SST tank systems would be closed by 2028.

Disposal: LAW immobilized via the WTP would be disposed of onsite or at offsite commercial or DOE facilities (see Alternative 3). IHLW would be stored onsite pending disposal at a national geologic repository. LLW immobilized external to the WTP would be disposed of onsite or at offsite commercial or DOE facilities (See Alternative 3). TRU waste would be retrieved from tanks, packaged in a new facility, and stored onsite in existing or new storage facilities pending shipment to and disposal at the WIPP.

Closure: Clean closure reflects minimal residual waste in tanks and ancillary equipment, and contaminated soils remediated in place and/or removed from the tank system to be treated and disposed of in accordance with RCRA requirements. As operations are completed, all SST system storage, treatment, and disposal facilities at the Hanford Site would be closed. Waste storage and disposal facilities would be closed in a manner that supported future use on an unrestricted basis and that did not require post-closure care.

The main differences between this alternative and the other alternatives are: 1) The greatest amount of waste is retrieved from tanks based on multiple technology deployments; and 2) tank systems would be closed to meet clean closure standards. Treatment and disposal of treated waste would be the same for Alternatives 3 through 5, allowing a comparison of the impacts associated with deployment of systems to treat and dispose of TRU waste (Alternatives 3 through 5) to treatment of TRU waste via the waste treatment plant (Alternatives 2 and 6).

5.0 Accelerated Landfill Closure/ Onsite and Offsite Waste Disposal

Storage: DOE would continue current waste management operations using existing storage facilities that would be modified or supplemented with new waste storage facilities, to support actions regarding near-term acceleration of tank waste retrieval and treatment. Under this alternative, some SSTs would be retrieved and closed by 2006, exceeding the existing TPA M–45 commitments.

Retrieval: Waste would be retrieved to the Tri-Party Agreement goal to the extent feasible using currently available liquid-based retrieval and leak detection systems (residual waste would correspond to 90–99% retrieval).

Treatment: Waste treatment would be completed no later than 2024 and SST systems would be closed by 2028. Retrieved waste would be treated with the WTP capacity based on enhanced and/or modified performance of operating systems, as described under Alternative 2. WTP capacity would be supplemented with new treatment capacity to immobilize LLW. New treatment capacity to immobilize LLW and/or prepare TRU waste for disposition would be developed external to the WTP.

Disposal: LAW immobilized via the WTP would be disposed of onsite or at offsite commercial or DOE facilities. IHLW would be stored onsite pending disposal at the proposed national geologic repository. LLW immobilized external to the WTP would be disposed of onsite or at offsite commercial or DOE facilities. Transuranic waste would be packaged and stored onsite pending disposal at the WIPP.

Closure: As operations are completed, SST tank waste system waste storage, treatment, and disposal facilities would be closed as a RCRA landfill unit under Dangerous Waste Regulations under WAC 173–303 and DOE Order 435.1, or decommissioned (waste treatment

Attachment 2 to U.S. Fish and Wildlife Service, June 16, 2003 – Notice of Intent *(continued)*

facilities under DOE Order 430.1A). Waste storage and disposal facilities would be closed as RCRA landfill units under applicable state Dangerous Waste Regulations (WAC 173–303). The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access. Tank systems (tanks, ancillary equipment, and soils) would be closed in place and would be covered with a modified RCRA barrier (*i.e.*, a barrier with performance characteristics that exceed RCRA requirements for disposal of hazardous waste).

The main difference between this alternative and the other alternatives are (1) completion of some SST closure actions by 2006, completion of all waste treatment by 2024, and closure of all SST systems by 2028 in contrast to Alternatives 2, 3 and 6, which would complete waste treatment in 2028 and SST tank systems closure in 2028 and; (2) no remediation of ancillary equipment and contaminated soil, allowing a comparison with the more extensive remediation analyzed under Alternative 3. Another main difference between this alternative and Alternative 3 is the use of a modified RCRA barrier. Treatment and disposal of treated waste would be the same for Alternatives 3 through 5, allowing for a comparison of the impacts associated with deployment of systems to treat and dispose of transuranic waste (Alternatives 3 through 5) to treatment of transuranic waste via the WTP (Alternatives 2 and 6).

6.0 Landfill Closure/Onsite and Offsite Waste Disposal

Storage: DOE would continue current waste management operations using existing storage facilities that would be modified, as needed, to support SST waste retrieval and treatment.

Retrieval: Waste would be retrieved to the Tri-Party Agreement goal (*i.e.*, residual waste would not exceed 360 cubic feet for 100 series tanks or 36 cubic feet for 200 series tanks, which corresponds to retrieval of 99%) using liquid and non-liquid based retrieval and enhanced leak detection systems.

Treatment: Retrieved waste would be treated with the WTP capacity based on enhanced and/or modified performance of operating systems. Supplemental treatment technologies would be used to immobilize LLW. New non-vitrification treatment capacity to immobilize LLW for disposition would be developed external to the WTP. Waste treatment under this alternative would be completed in 2028, and all SST systems would be closed by 2028.

Disposal: ILAW immobilized via the WTP would be disposed of onsite or at offsite commercial or DOE facilities. IHLW would be stored onsite pending disposal at a national geologic repository. LLW immobilized external to the WTP would be disposed of onsite or at offsite commercial or DOE facilities.

Closure: As operations are completed, all tank waste system waste storage, treatment, and disposal facilities at the Hanford Site would be closed (tank farm systems) or decommissioned (waste treatment facilities). The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access. Waste storage and disposal facilities would be closed as RCRA landfill units under applicable state Dangerous Waste Regulations (WAC 173–303). Residual waste in tanks, ancillary equipment, and contaminated soils would be remediated in place as needed in accordance with RCRA requirements, and the closed tank systems would be covered with a modified RCRA barrier.

The main difference between this alternative and the other alternatives is that under this alternative there would not be a separate TRU waste stream (Alternatives 3 through 5). As with Alternative 2, waste would be treated in the WTP and subsequently managed as either ILAW or IHLW.

Preliminary Identification of EIS Issues: The following issues have been tentatively identified for analysis in the EIS. The list is presented to facilitate comment on the scope of the EIS; it is not intended to be all-inclusive or to predetermine the potential impacts of any of the alternatives.

- Effects on the public and onsite workers from releases of radiological and nonradiological materials during normal operations and reasonably foreseeable accidents.
- Long-term risks to human populations resulting from waste disposal and residual tank system wastes.
- Effects on air and water quality from normal operations and reasonably foreseeable accidents, including long-term impacts on groundwater.
- Cumulative effects, including impacts from other past, present, and reasonably foreseeable actions at the Hanford Site.
- Effects on endangered species, archaeological/cultural/historical sites, floodplains and wetlands, and priority habitat.
- Effects from onsite and offsite transportation and from reasonably foreseeable transportation accidents.
- Socioeconomic impacts on surrounding communities.
- Disproportionately high and adverse effects on low-income and minority populations (Environmental Justice).
- Unavoidable adverse environmental effects.
- Short-term uses of the environment versus long-term productivity.
- Potential irretrievable and irreversible commitment of resources.
- The consumption of natural resources and energy, including water, natural gas, and electricity.
- Pollution prevention, waste minimization, and potential mitigative measures.

Related NEPA Decisions and Documents: The following lists DOE other NEPA documents that are related to this proposed Hanford Site Tank Retrieval and Closure EIS.

45 FR 46155, 1980, "Double-Shell Tanks for Defense High-Level Radioactive Waste Storage, Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

53 FR 12449, 1988, "Disposal of Hanford Defense High-Level Transuranic, and Tank Wastes, Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

60 FR 28680, 1995, "Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Program, Part III; Record of Decision," **Federal Register**.

60 FR 54221, 1995, "Final Environmental Impact Statement for the Safe Interim Storage of Hanford Tank Wastes at the Hanford Site, Richland, WA; Record of Decision," **Federal Register**.

60 FR 61687, 1995, "Record of Decision Safe Interim Storage of Hanford Tank Wastes, Hanford Site, Richland, Washington," **Federal Register**.

61 FR 3922, 1996, "Availability of the Final Environmental Impact Statement for Management of Spent Nuclear Fuel from the K Basins at the Hanford Site, Richland, WA; Notice of Availability of Final Environmental Impact Statement," **Federal Register**.

61 FR 10736, 1996, "Management of Spent Nuclear Fuel from the K Basins at the Hanford Site, Richland, WA. ACTION: Notice of Record of Decision," **Federal Register**.

62 FR 8693, 1997, "Record of Decision for the Tank Waste Remediation System, Hanford Site, Richland, Washington," **Federal Register**.

DOE/EA–0479, 1990, Collecting Crust Samples from Level Detectors in Tank

Attachment 2 to U.S. Fish and Wildlife Service, June 16, 2003 – Notice of Intent *(continued)*

SY–101 at the Hanford Site, U.S. Department of Energy, Richland, Washington.

DOE/EA–0495, 1991, Preparation of Crust Sampling of Tank 241–SY–101, U.S. Department of Energy, Richland, Washington.

DOE/EA–0511, 1991, Characterization of Tank 241–SY–101, U.S. Department of Energy, Richland, Washington.

DOE/EA–0581, 1991, Upgrading of the Ventilation System at the 241–SY Tank Farm, U.S. Department of Energy, Richland, Washington.

DOE/EA–0802, 1992, Tank 241–SY–101 Equipment Installation and Operation to Enhance Tank Safety, U.S. Department of Energy, Richland, Washington.

DOE/EA–0803, 1992, Proposed Pump Mixing Operations to Mitigate Episodic Gas Releases in Tank 241–SY–101, U.S. Department of Energy, Richland, Washington.

DOE/EA–0881, 1993, Tank 241–C–103 Organic Vapor and Liquid Characterization and Supporting Activities, U.S. Department of Energy, Richland, Washington.

DOE/EA–0933, 1995, Tank 241–C–106 Past Practice Sluicing Waste Retrieval, U.S. Department of Energy, Richland, Washington.

DOE/EA–0981, 1995, Solid Waste Retrieval Complex, Enhanced Radioactive and Mixed Waste Storage Facility, U.S. Department of Energy, Richland, Washington.

DOE/EA–1203, 1997, Trench 33 Widening in 218–W–5 Low-Level Burial Ground, U.S. Department of Energy, Richland, Washington.

DOE/EA–1276, 1999, Widening Trench 36 of the 218–E–12B Low-Level Burial Ground, U.S. Department of Energy, Richland, Washington.

DOE/EA–1405, 2002, Transuranic Waste Retrieval from the 218–W–4B and 218–W–4C Low-Level Burial Grounds, Finding of No Significant Impact, U.S. Department of Energy, Richland, Washington.

DOE/EIS–0113, 1987, Final Environmental Impact Statement. Disposal of Hanford Defense High-Level, Transuranic and Tank Wastes Hanford Site Richland, Washington, U.S. Department of Energy, Washington, DC.

DOE/EIS–0189, 1996, Tank Waste Remediation System, Hanford Site, Richland, Washington, Final Environmental Impact Statement, U.S. Department of Energy and Washington State Department of Ecology, Washington, DC.

DOE/EIS–0189–SA1, 1997, Supplement Analysis for the Proposed Upgrades to the Tank Farm Ventilation, Instrumentation, and Electrical Systems under Project W–314 in Support of Tank Farm Restoration and Safe Operations, U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS–0189–SA2, 1998, Supplement Analysis for the Tank Waste Remediation System, U.S. Department of Energy, Washington, DC.

DOE/EIS–0189–SA3, 2001, Supplement Analysis for the Tank Waste Remediation System, U.S. Department of Energy, Washington, DC.

DOE/EIS–0200, 1997, Final Waste Management Programmatic Environmental Impact Statement, U.S. Department of Energy, Washington, DC.

DOE/EIS–0212, 1995, Safe Interim Storage of Hanford's Tank Waste Final Environmental Impact Statement, U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS–0222, 1999, Final Hanford Remedial Action Environmental Impact Statement and Comprehensive Land Use Plan, U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS–0250, 2002, Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada, U.S. Department of Energy Office of Civilian Radioactive Waste Management, Washington, DC.

DOE/EIS–0286D, 2000, Draft Hanford Site Solid (Radioactive and Hazardous) Waste Program Environmental Impact Statement, U.S. Department of Energy, Richland, Washington.

DOE/EIS–0287, 2002, Idaho High-Level Waste and Facilities Disposition Environmental Impact Statement, U.S. Department of Energy, Washington, DC.

Ecology, 2000, Draft Environmental Impact Statement for Commercial Low-Level Radioactive Waste Disposal Site, Richland, Washington, Washington State Department of Ecology, Olympia, Washington.

Ecology, EPA, and DOE, 1989, Hanford Federal Facility Agreement and Consent Order, as amended, Washington State Department of Ecology, U.S. Environmental Protection Agency, and U.S. Department of Energy, Olympia, Washington.

Issued in Washington, DC on this 3rd day of January, 2003.

Beverly A. Cook,

Assistant Secretary, Environment, Safety and Health.

[FR Doc. 03–318 Filed 1–7–03; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC03–37–000, et al.]

Exelon Generation Company, LLC, et al. Electric Rate and Corporate Filings

January 2, 2003.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Exelon Generation Company, LLC

[Docket No. EC03–37–000]

Take notice that on December 23, 2002, Exelon Corporation, Exelon Ventures Company, LLC, and Exelon Generation Company, LLC, filed an application with the Federal Energy Regulatory Commission (Commission) requesting authorization from the Commission to implement a plan of corporate reorganization.

Comment Date: January 13, 2003.

2. Idaho Power Company andIDACORP Energy, L.P.,

[Docket No. EC03–38–000]

Take notice that on December 23, 2002, Idaho Power Company (Idaho Power) and IDACORP Energy, L.P. (IELP, collectively, Applicants) filed an Application for Commission Approval of Disposition of Jurisdictional Facilities under Section 203 of the Federal Power Act. The jurisdictional facilities that are the subject of the Application are a wholesale power sales agreement and transactions (Truckee Agreement and Transactions) between Idaho Power and Truckee-Donner Public Utility District. By their Application, Applicants seek Commission approval for the assignment of the Truckee Agreement and Transactions from Idaho Power to IELP.

Comment Date: January 13, 2003.

3. Calpine Energy Services, L.P. Calpine Northbrook Energy Marketing, LLC

[Docket No. EC03–39–000]

Take notice that on December 24, 2002, Calpine Energy Services, L.P. (CES) and Calpine Northbrook Energy Marketing, LLC (CNEM) tendered for filing an application under section 203 of the Federal Power Act for approval of

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION – June 16, 2003

U.S. Department of Energy

[redacted]

P.O. Box 450
Richland, Washington 99352

JUN 16 2003

03-ED-095

Mr. Dennis Carlson
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
510 Desmond Drive S.E., Suite 103
Lacey, Washington 98503

Dear Mr. Carlson:

ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR RETRIEVAL, TREATMENT, AND DISPOSAL OF TANK WASTE AND CLOSURE OF SINGLE-SHELL TANKS (SST) AT THE HANFORD SITE, RICHLAND, WASHINGTON

The U.S. Department of Energy, Office of River Protection (ORP) is preparing an EIS for the retrieval, treatment, and disposal of tank waste and closure of the SST at the Hanford Site near Richland, Washington. The EIS will also address the closure of the 149 SST and associated facilities in the tank farms. The Tanks contain both hazardous and radioactive waste. The tank farms and proposed treatment and storage facilities are located within the 200 West Area and 200 East Area. Attachment 1 shows the location of the 200 Areas, including the potential location of supplemental technology treatment facilities. The Notice of Intent to prepare the EIS, which further explains the project, is Attachment 2.

In support of the preparation of this EIS, ORP requests the National Marine Fisheries Service to provide a current list of species that may be affected by the proposed action. Activities covered by the EIS may impact the Columbia River and its fisheries' resources due to leaks from the tanks reaching the river via the groundwater pathway.

If you have any questions, please contact me, (509) 373-9160.

Sincerely,

Mary E. Burandt

Mary E. Burandt
NEPA Document Manager

ED:MEB

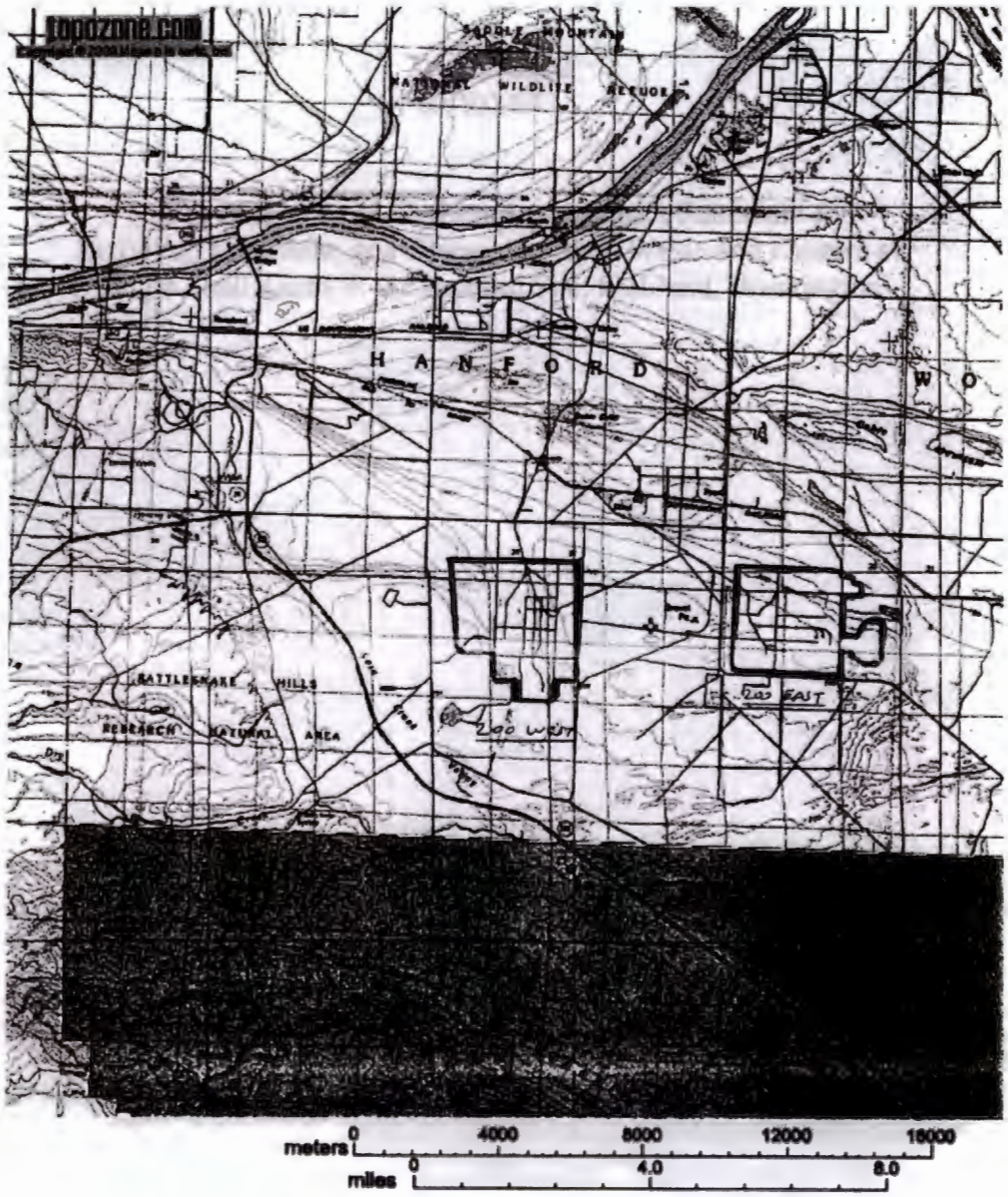
Attachments: (2)

cc w/attachs:
P. F. X. Dunigan, Jr., RL
D. C. Ward, RL
Administrative Record

Attachment 1 to National Oceanic and Atmospheric Administration, June 16, 2003 – Topographic Map

TopoZone.com

Target is UTM 11 302157E 5158679N - **GABLE BUTTE** quad [Quad Info]



Attachment 2 to National Oceanic and Atmospheric Administration, June 16, 2003 – Notice of Intent

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Dated: January 6, 2003.

Rod Paige,

Secretary of Education.

[FR Doc. 03–386 Filed 1–7–03; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Notice of Intent To Prepare an Environmental Impact Statement for Retrieval, Treatment, and Disposal of Tank Waste and Closure of Single-Shell Tanks at the Hanford Site, Richland, WA

AGENCY: Department of Energy.

ACTION: Notice of intent.

SUMMARY: The U.S. Department of Energy (DOE) intends to prepare an environmental impact statement (EIS) on the proposed retrieval, treatment, and disposal of the waste being managed in the high-level waste (HLW) tank farms at the Hanford Site near Richland, Washington, and closure of the 149 single-shell tanks (SSTs) and associated facilities in the HLW tank farms. The HLW tanks contain both hazardous and radioactive waste (mixed waste).

This EIS will be prepared in accordance with the National Environmental Policy Act (NEPA) and its implementing regulations (40 CFR parts 1500–1508 and 10 CFR part 1021). DOE's proposed action is to remove waste from the tanks to the extent that retrieval is technically and economically feasible, treat the waste through vitrification in the planned Waste Treatment Plant (WTP) and/or one of several other treatment processes such as bulk vitrification, grout, steam reforming and sulfate removal, depending on waste type and waste characteristics. DOE proposes to package the waste for offsite shipment and disposal or onsite disposal. The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access.

The 149 underground SSTs and 28 underground double-shell tanks (DSTs) are grouped in 18 tank farms that are regulated under the Resource Conservation and Recovery Act of 1976 (RCRA) as treatment, storage, and disposal units that, for closure purposes, include tanks, associated ancillary equipment, and contaminated soils. DOE proposes to close the tanks in accordance with the Hanford Federal Facility Agreement and Consent Order (also known as the Tri-Party Agreement or TPA). DOE invites public comments on the proposed scope of this EIS.

DATES: The public scoping period begins with the publication of this Notice and concludes March 10, 2003. DOE invites Federal agencies, Native American tribes, State and local governments, and members of the public to comment on the scope of this EIS. DOE will consider fully all comments received by the close of the scoping period and will consider comments received after that date to the extent practicable.

Public meetings will be held during the scoping period. Meetings will be held in Seattle and Richland, Washington and in Portland and Hood River, Oregon on the following dates.

Richland: February 5, 2003.

Hood River: February 18, 2003.

Portland: February 19, 2003.

Seattle: February 20, 2003.

At least 15 days prior to the meetings, DOE will notify the public of the meeting locations and times and will provide additional information about each meeting through press releases, advertisements, mailings and other methods of encouraging public participation in the NEPA process. At these scoping meetings, DOE will provide information about the tank waste program and alternatives for retrieving, treating, and disposing of the waste, along with alternatives for closing the SSTs. The meetings will provide opportunities to comment orally or in writing on the EIS scope, including the alternatives and issues that DOE should consider in the EIS.

ADDRESSES: DOE invites public comment on the proposed scope of this EIS. Comments may be submitted by mail, electronic mail, fax, or voice mail and addressed as follows: Mary Beth Burandt, Document Manager, DOE Office of River Protection, U.S. Department of Energy, Post Office Box 450, Mail Stop H6–60, Richland, Washington, 99352, Attention: Tank Retrieval and Closure EIS, Electronic mail: *Mary_E_Burandt@rl.gov*, Fax: (509) 376–2002, Telephone and voice mail: (509) 373–9160.

FOR FURTHER INFORMATION CONTACT: To request information about this EIS and the public scoping workshops or to be placed on the EIS distribution list, use any of the methods identified in **ADDRESSES** above. For general information about the DOE NEPA process, contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC, 20585–0119, Fax: (202) 586–7031, Telephone: (202) 586–4600, Voice mail: (800) 472–2756.

SUPPLEMENTARY INFORMATION

Background

The Hanford Site defense activities related to nuclear weapons production created a wide variety of waste. Over 50 million gallons of waste are presently stored in the HLW tank farms, which are located in the 200 Area of the Site. The waste is stored in 149 underground SSTs (ranging in capacity from approximately 55,000 to 1 million gallons) and 28 underground DSTs (ranging in capacity from approximately one to 1.16 million gallons) grouped in 18 tank farms, and approximately 60 smaller miscellaneous underground storage tanks. This waste has been processed and transferred between tanks, and as a result, the chemical, physical (*i.e.*, liquid, solid and sludge) and radiological characteristics of the waste vary greatly among and within individual tanks. In addition, the tank waste contains chemicals or has characteristics classified as hazardous waste under RCRA regulations (40 CFR Parts 260–268 and Parts 270–272) and as dangerous waste under the Washington Administrative Code "Dangerous Waste Regulations" (WAC 173–303).

In 1996, DOE issued the Tank Waste Remediation System (TWRS) EIS (DOE/EIS–0189), which included analyses of alternatives for retrieving and treating (*e.g.*, immobilizing) the waste stored in the tank farms. Because sufficient data were not available to evaluate a range of closure actions, tank system closure alternatives were not evaluated in the TWRS EIS. Among the uncertainties were data regarding past leak losses from the SSTs and how retrieval technology would perform to meet retrieval objectives.

In 1997, DOE issued its Record of Decision (ROD, 62 FR 8693, February

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26) in which DOE decided that it would proceed with tank waste retrieval and treatment. In the ROD and subsequent supplemental analyses, DOE acknowledged that there were substantial technical uncertainties that required resolution. Nevertheless, to make progress while resolving the technical uncertainties, DOE decided to implement waste treatment using a phased approach as identified in the TWRS ROD. During the initial phase (Phase I), DOE planned to design, construct and operate demonstration-scale waste treatment facilities. Following the demonstration phase, DOE would construct full-scale facilities to treat the remaining tank waste (Phase II).

DOE's decision in the TWRS ROD was consistent with modifications to the Tri-Party Agreement contained in the M–62, "Complete Pretreatment, Processing and Vitrification of Hanford High-level (HLW) and Low-activity (LAW) Tank Wastes" series of milestones. Accordingly, DOE proceeded with plans to design, construct, and operate facilities that would separate waste into high-level and low-activity waste streams, vitrify the high-level waste stream and vitrify or similarly immobilize the LAW stream. These facilities are now under construction and are collectively referred to as the "Waste Treatment Plant" or WTP.

DOE's strategy for retrieving, treating and disposing of the tank waste and closing the tank farms has continued to evolve, based on information becoming available since the TWRS ROD was issued. New information and proposed changes to DOE's strategy include the following:

- Design of and preliminary performance projections for the WTP support DOE's proposal to extend operations beyond the original plan to operate the WTP for a ten-year period and to enhance throughput compared to facilities planned for in the 1997 ROD.
- New information indicates that deployment of large-scale treatment facilities in approximately 2012 to immobilize waste not processed by the WTP currently under construction, as identified in the TWRS ROD, may be prohibitively expensive (DOE/EIS–0189–SA–3).
- Under DOE Order 435.1 (Radioactive Waste Management), as applicable, DOE may determine that some tank wastes should be managed as low-level waste (LLW) and transuranic (TRU) waste, which may result in changes in how DOE may treat and dispose of portions of the SST and DST wastes from the HLW tank farms.
- DOE wants to consider non-vitrification treatment technologies for LAW and LLW, if these wastes could be immobilized and disposed of onsite or offsite, while providing protection to the human environment comparable to LAW and LLW immobilized by vitrification.

In developing its Performance Management Plan for the Accelerated Cleanup of the Hanford Site (PMP, DOE/RL–2000–47, August 2002), DOE stated its intent to meet its commitments under the Tri-Party Agreement, and identified its plan to complete tank waste retrieval, treatment and disposal by 2028, and to close all of the tanks and associated facilities, including the WTP, by 2033. DOE's current plans call for closing all of the SSTs by 2028.

DOE stated in the PMP that to achieve these objectives, increased capacity will be needed for the WTP, along with additional treatment capacity provided by other waste immobilization technologies, referred to herein as "supplemental" technologies (bulk vitrification, containerized grout, steam reforming, or sulfate removal are examples). Also in the PMP and in the Supplement Analysis for the Tank Waste Remediation System (DOE/EIS–0189–SA3, 2001), DOE concluded that its evolving strategy for treating and disposing of the tank wastes by 2028 and closing the SSTs by 2028 requires NEPA analysis of proposed tank waste retrieval, treatment and disposal, and proposed tank closure actions.

Further, under the TPA Milestone M–45, "Complete Closure of All Single-Shell Tank (SST) Farms," DOE and the Washington State Department of Ecology (Ecology) have identified a process to start discussing how SST closure would occur. An important part of the process DOE and Ecology have defined for closing tank systems is compliance with Washington State Dangerous Waste regulations that require approval of a closure plan and modification of the Hanford Site Dangerous Waste Permit. Before Ecology can approve either a closure plan or modification of DOE's permit, the State of Washington must fulfill its State Environmental Policy Act (SEPA) requirements. As SEPA is very similar to NEPA, Ecology can adopt a NEPA document if it determines that the document is sufficient to meet SEPA requirements. Ecology has agreed to be a cooperating agency in preparing this EIS.

Need for Action

To meet its commitments under the Tri-Party Agreement and implement its plans to close the tank systems and associated facilities in a timely manner to reduce existing and potential future risk to the public, site workers, and the environment, DOE needs to complete waste retrieval, treatment and disposal of the waste from the SST and DST systems by 2028 and close all SST systems by 2028.

Although DOE is addressing safety and environmental issues posed by tank wastes to minimize current potential risks to human health and the environment, DOE must also implement long-term actions to safely manage and dispose of waste from the tank waste systems, including waste associated with inactive miscellaneous underground storage tanks, and close the SST systems to reduce permanently the potential risk to human health and the environment. These long-term actions also are needed to ensure compliance with applicable Federal requirements regulating the management and disposal of radioactive waste, as well as Federal and Washington State requirements regulating hazardous and mixed waste.

Proposed Action

DOE proposes to retrieve waste from the 149 SST and 28 DST systems and close the SST tank farms in a manner that complies with Federal and Washington State requirements and protects the human environment. (Closure of the DSTs and closure of the WTP are not part of the proposed action because they are active facilities needed to complete waste treatment. Closure of the DSTs and WTP would be addressed at a later date, after appropriate NEPA analysis.) DOE proposes to immobilize the retrieved waste in the WTP and through supplemental treatment technologies such as bulk vitrification, grout, steam reforming and sulfate removal, and to package the immobilized waste for offsite shipment and disposal in licensed and/or permitted facilities or disposal onsite. DOE proposes to close the SST farms (including tanks, ancillary equipment and soils) within the tank farm area by 2028. The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access. Associated support buildings, structures, laboratories, and the treatment facilities would be decontaminated and decommissioned in a cost-effective, legally compliant, and environmentally sound manner. Under the proposed action, DOE would use existing, modified, or, if required, new systems to assure capability to store and manage waste during retrieval and treatment.

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Background on Development of Alternatives

The proposed action could result in changes to DOE's tank waste management program with respect to waste storage, waste retrieval, waste treatment, waste disposal, and tank farm closure at the Hanford Site. These key variables were evaluated to develop the range of reasonable alternatives identified below. In terms of waste storage, the EIS would analyze the use of the existing waste storage systems and evaluate the need for new storage systems. With regard to waste retrieval, DOE would evaluate a range of timing of retrieval and the technologies used, from past-practice sluicing as analyzed in the TWRS EIS to dry retrieval. Treatment and disposal alternatives for portions of the SST and DST waste would be evaluated based on some volume of the waste being classified as LLW or TRU waste pursuant to DOE Order 435.1. The waste identified as LLW could be treated and packaged for onsite or offsite disposal. The waste identified as TRU waste could be treated and packaged for transport and disposal at the Waste Isolation Pilot Plant (WIPP) near Carlsbad, New Mexico.

Unless a specific alternative identifies a waste type as LLW and/or TRU waste, the waste would be analyzed as HLW or LAW for the purposes of treatment and disposal. The alternatives for waste treatment include: 1) Treating all wastes via an enhanced WTP as vitrified waste; 2) treating HLW via the WTP and LAW via WTP or supplemental treatments; or 3) treating the waste as stated in #2 and/or supplemental treatment for LLW and TRU waste in the tank farms, in which case some waste would not be processed through the WTP. The options for waste disposal include disposing of the waste onsite using existing or new facilities, disposing of the waste at offsite government facilities (*e.g.*, a geological repository, WIPP, DOE's Nevada Test Site) or using onsite and offsite commercial facilities (such as Envirocare in Utah) for disposal of Hanford waste. Alternatives for tank closure would be evaluated based on broad closure strategies including clean closure (removal of the tanks, ancillary facilities, and contaminated soils) and landfill closure (residual waste left in place and post closure care).

Proposed Alternatives

Each of the six alternatives contains a waste storage, retrieval, treatment and disposal component. Alternatives 3 through 6 also include a tank closure component. The main differences among the alternatives include the extent of waste retrieval, the waste treatment and disposal approach, the tank closure approach, and timing to complete the necessary activities.

1. No Action

The Council on Environmental Quality NEPA Regulations (40 CFR parts 1500–1508), and the DOE NEPA Regulations (10 CFR part 1021) require analysis of a No Action alternative.

Storage: DOE would continue current waste management operations using existing storage facilities. Immobilized (*i.e.*, vitrified) High-level Waste (IHLW) would be stored onsite pending disposal at a geologic repository. Once WTP operations are completed, all tank waste system storage (SSTs and DSTs), treatment, and disposal facilities at the Hanford Site would be placed in a stand-by operational condition.

Retrieval: Waste would be retrieved to the extent required to provide waste feed to the WTP using currently available liquid-based retrieval and leak detection technologies (approximately 25–50% of the total waste volume would be retrieved).

Treatment: No new vitrification or treatment capacity beyond that anticipated in the WTP would be deployed. However, the WTP would be modified within parameters provided for in the TWRS ROD to increase throughput. The WTP would continue to operate until its design life ends in 2046.

Disposal: The residual waste in tanks and the waste remaining in tanks that had not been retrieved (approximately 50 to 75% of the total waste volume) would remain in the tank farm indefinitely. Immobilized Low Activity Waste (ILAW) (by vitrification) would be disposed of onsite. IHLW would be stored onsite pending disposal at a geological repository. For purposes of analysis, administrative control of the tank farms would end following a 100-year period.

Closure: Tank closure would not be addressed; under this alternative, some waste would be left in the tanks indefinitely.

2. Implement the 1997 Record of Decision (With Modifications)

This alternative would continue implementation of decisions made in the TWRS ROD and as considered in three supplement analyses completed through 2001. (*See* "RELATED NEPA DECISIONS AND DOCUMENTS" below for references.) Under these supplement analyses, DOE concluded that changes in the design and operation of the WTP, as defined in its contracts and program plans, were within the bounds of analysis of environmental impacts in the TWRS EIS. Among the key modifications that would occur under this alternative are: (1) Implementing the initial phase of waste treatment with one ILAW facility rather than two, (2) expanding the design capacity of the ILAW facility from 20 metric tons of glass per day to 30 metric tons of glass per day, and (3) extending the design life of the Phase I facilities from 10 years to 40 years. Under this alternative, no new actions would be taken beyond those previously described in the TWRS ROD and supplement analyses regarding the tank waste.

Storage: DOE would continue current waste management operations using existing storage facilities as described under No Action.

Retrieval: Waste would be retrieved to the Tri-Party Agreement goal (*i.e.*, residual waste would not exceed 360 cubic feet for 100 series tanks or 36 cubic feet for 200 series tanks, which would correspond to 99% retrieval) using currently available liquid-based retrieval and leak detection systems.

Treatment: The existing WTP would be modified to enhance throughput and supplemented with additional vitrification capacity, as needed, to complete waste treatment by 2028. Under this alternative, all waste retrieved from tanks (approximately 99%) would be vitrified.

Disposal: Retrieved and treated waste would be disposed of onsite (ILAW) or stored onsite pending disposal at a geologic repository (IHLW). Once operations are completed, all tank waste system waste storage, treatment, and disposal facilities at the Hanford Site would be placed in a stand-by operational condition. The residual waste would remain in the tank farm indefinitely. For purposes of analysis, DOE assumes under this alternative that it would cease to maintain administrative control after a 100-year period.

Closure: Tank closure would not be addressed under this alternative. Some waste would be left in the tanks indefinitely.

3.0 Landfill Closure of Tank Farms/ Onsite and Offsite Waste Disposal

Storage: DOE would continue current waste management operations using existing storage facilities.

Retrieval: Waste would be retrieved to the Tri-Party Agreement goal (*i.e.*, residual waste would not exceed 360 cubic feet for 100 series tanks or 36 cubic feet for 200 series tanks, which would correspond to 99% retrieval) using currently available liquid-based retrieval and leak detection systems.

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Treatment: Retrieved waste would be treated with the WTP capacity based on enhanced and/or modified performance of operating systems (*e.g.*, modifications to melters to increase throughput). WTP capacity would be supplemented with additional waste treatment capacity to immobilize LAW using a non-vitrification technology. New non-vitrification supplemental treatment capacity would be developed external to the WTP to immobilize a portion of the tank waste that would be designated as LLW pursuant to DOE Order 435.1 and/or prepare a portion of the tank waste that would be designated as TRU waste for disposal. Waste treatment under this alternative would be completed in 2028 and all SST tank systems would be closed by 2028.

Disposal: ILAW immobilized via the WTP would be disposed of onsite or at offsite commercial (*e.g.*, U.S. Ecology of Washington or Envirocare of Utah) or DOE facilities (Nevada Test Site). IHLW would be stored onsite pending disposal at a national geologic repository. LLW immobilized external to the WTP would be disposed of onsite or at offsite commercial or DOE facilities. TRU waste would be packaged and stored onsite in an existing or new facility pending disposal at the Waste Isolation Pilot Plant (WIPP).

Closure: As operations are completed, SST waste system, waste storage, treatment and disposal facilities at the Hanford Site would be closed as a RCRA landfill unit under Dangerous Waste Regulations under WAC 173–303 and DOE Order 435.1, as applicable, or decommissioned (waste treatment facilities under DOE Order 430.1A). The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access. Tanks, ancillary equipment, and contaminated soils would be remediated and remain in place and the closed tank systems would be covered with an engineered barrier that exceeds RCRA landfill requirements and is the more protective of the landfill options being evaluated (*i.e.*, Hanford barrier).

The main differences between this alternative and other alternatives involve: 1) Using a more robust barrier for closure of tank systems that would provide longer term protection from contaminant releases from closed tank systems and limit intrusion into the closed system compared to the barrier evaluated under Alternatives 5 and 6 (tanks would not be closed under Alternatives 1 and 2, thus no barriers would be used); and 2) Treatment and disposal of treated waste would be the same for Alternatives 3 through 5 allowing for a comparison of the impacts associated with deployment of systems to treat and dispose of transuranic waste (Alternatives 3 through 5) to treatment of waste via the WTP and subsequent management as ILAW and IHLW (Alternatives 2 and 6).

4.0 Clean Closure of Tank Farms/ Onsite and Offsite Waste Disposal

Storage: DOE would continue current waste management operations using existing storage facilities that would be modified, as needed, to support minimizing liquid losses from SSTs and accelerating SST waste retrieval into safer storage pending retrieval for treatment.

Retrieval: Waste would be retrieved using multiple waste retrieval campaigns using various retrieval technologies (*e.g.*, confined sluicing, crawlers), to the extent needed to support clean closure requirements (*i.e.*, 0.1% residual in the tanks or 99.9% waste retrieved from tanks) using liquid and non-liquid retrieval and enhanced in-tank and/or ex-tank leak detection systems.

Treatment: Retrieved waste would be treated with the WTP capacity based on enhanced and/or modified performance of operating systems (see Alternative 3). New alternative treatment capacity to immobilize LLW (*e.g.*, bulk vitrification, containerized grout, steam reforming, sulfate removal) and/or prepare TRU waste for disposition would be developed external to the WTP. Waste treatment under this alternative would be completed in 2028 and all SST tank systems would be closed by 2028.

Disposal: LAW immobilized via the WTP would be disposed of onsite or at offsite commercial or DOE facilities (see Alternative 3). IHLW would be stored onsite pending disposal at a national geologic repository. LLW immobilized external to the WTP would be disposed of onsite or at offsite commercial or DOE facilities (See Alternative 3). TRU waste would be retrieved from tanks, packaged in a new facility, and stored onsite in existing or new storage facilities pending shipment to and disposal at the WIPP.

Closure: Clean closure reflects minimal residual waste in tanks and ancillary equipment, and contaminated soils remediated in place and/or removed from the tank system to be treated and disposed of in accordance with RCRA requirements. As operations are completed, all SST system storage, treatment, and disposal facilities at the Hanford Site would be closed. Waste storage and disposal facilities would be closed in a manner that supported future use on an unrestricted basis and that did not require post-closure care.

The main differences between this alternative and the other alternatives are: 1) The greatest amount of waste is retrieved from tanks based on multiple technology deployments; and 2) tank systems would be closed to meet clean closure standards. Treatment and disposal of treated waste would be the same for Alternatives 3 through 5, allowing a comparison of the impacts associated with deployment of systems to treat and dispose of TRU waste (Alternatives 3 through 5) to treatment of TRU waste via the waste treatment plant (Alternatives 2 and 6).

5.0 Accelerated Landfill Closure/ Onsite and Offsite Waste Disposal

Storage: DOE would continue current waste management operations using existing storage facilities that would be modified or supplemented with new waste storage facilities, to support actions regarding near-term acceleration of tank waste retrieval and treatment. Under this alternative, some SSTs would be retrieved and closed by 2006, exceeding the existing TPA M–45 commitments.

Retrieval: Waste would be retrieved to the Tri-Party Agreement goal to the extent feasible using currently available liquid-based retrieval and leak detection systems (residual waste would correspond to 90–99% retrieval).

Treatment: Waste treatment would be completed no later than 2024 and SST systems would be closed by 2028. Retrieved waste would be treated with the WTP capacity based on enhanced and/or modified performance of operating systems, as described under Alternative 2. WTP capacity would be supplemented with new treatment capacity to immobilize LLW. New treatment capacity to immobilize LLW and/or prepare TRU waste for disposition would be developed external to the WTP.

Disposal: LAW immobilized via the WTP would be disposed of onsite or at offsite commercial or DOE facilities. IHLW would be stored onsite pending disposal at the proposed national geologic repository. LLW immobilized external to the WTP would be disposed of onsite or at offsite commercial or DOE facilities. Transuranic waste would be packaged and stored onsite pending disposal at the WIPP.

Closure: As operations are completed, SST tank waste system waste storage, treatment, and disposal facilities would be closed as a RCRA landfill unit under Dangerous Waste Regulations under WAC 173–303 and DOE Order 435.1, or decommissioned (waste treatment

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facilities under DOE Order 430.1A). Waste storage and disposal facilities would be closed as RCRA landfill units under applicable state Dangerous Waste Regulations (WAC 173–303). The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access. Tank systems (tanks, ancillary equipment, and soils) would be closed in place and would be covered with a modified RCRA barrier (*i.e.*, a barrier with performance characteristics that exceed RCRA requirements for disposal of hazardous waste).

The main difference between this alternative and the other alternatives are (1) completion of some SST closure actions by 2006, completion of all waste treatment by 2024, and closure of all SST systems by 2028 in contrast to Alternatives 2, 3 and 6, which would complete waste treatment in 2028 and SST tank systems closure in 2028 and; (2) no remediation of ancillary equipment and contaminated soil, allowing a comparison with the more extensive remediation analyzed under Alternative 3. Another main difference between this alternative and Alternative 3 *is* the use of a modified RCRA barrier. Treatment and disposal of treated waste would be the same for Alternatives 3 through 5, allowing for a comparison of the impacts associated with deployment of systems to treat and dispose of transuranic waste (Alternatives 3 through 5) to treatment of transuranic waste via the WTP (Alternatives 2 and 6).

6.0 Landfill Closure/Onsite and Offsite Waste Disposal

Storage: DOE would continue current waste management operations using existing storage facilities that would be modified, as needed, to support SST waste retrieval and treatment.

Retrieval: Waste would be retrieved to the Tri-Party Agreement goal (*i.e.*, residual waste would not exceed 360 cubic feet for 100 series tanks or 36 cubic feet for 200 series tanks, which corresponds to retrieval of 99%) using liquid and non-liquid based retrieval and enhanced leak detection systems.

Treatment: Retrieved waste would be treated with the WTP capacity based on enhanced and/or modified performance of operating systems. Supplemental treatment technologies would be used to immobilize LLW. New non-vitrification treatment capacity to immobilize LLW for disposition would be developed external to the WTP. Waste treatment under this alternative would be completed in 2028, and all SST systems would be closed by 2028.

Disposal: ILAW immobilized via the WTP would be disposed of onsite or at offsite commercial or DOE facilities. IHLW would be stored onsite pending disposal at a national geologic repository. LLW immobilized external to the WTP would be disposed of onsite or at offsite commercial or DOE facilities.

Closure: As operations are completed, all tank waste system waste storage, treatment, and disposal facilities at the Hanford Site would be closed (tank farm systems) or decommissioned (waste treatment facilities). The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access. Waste storage and disposal facilities would be closed as RCRA landfill units under applicable state Dangerous Waste Regulations (WAC 173–303). Residual waste in tanks, ancillary equipment, and contaminated soils would be remediated in place as needed in accordance with RCRA requirements, and the closed tank systems would be covered with a modified RCRA barrier.

The main difference between this alternative and the other alternatives is that under this alternative there would not be a separate TRU waste stream (Alternatives 3 through 5). As with Alternative 2, waste would be treated in the WTP and subsequently managed as either ILAW or IHLW.

Preliminary Identification of EIS Issues: The following issues have been tentatively identified for analysis in the EIS. The list is presented to facilitate comment on the scope of the EIS; it is not intended to be all-inclusive or to predetermine the potential impacts of any of the alternatives.

- Effects on the public and onsite workers from releases of radiological and nonradiological materials during normal operations and reasonably foreseeable accidents.
- Long-term risks to human populations resulting from waste disposal and residual tank system wastes.
- Effects on air and water quality from normal operations and reasonably foreseeable accidents, including long-term impacts on groundwater.
- Cumulative effects, including impacts from other past, present, and reasonably foreseeable actions at the Hanford Site.
- Effects on endangered species, archaeological/cultural/historical sites, floodplains and wetlands, and priority habitat.
- Effects from onsite and offsite transportation and from reasonably foreseeable transportation accidents.
- Socioeconomic impacts on surrounding communities.
- Disproportionately high and adverse effects on low-income and minority populations (Environmental Justice).
- Unavoidable adverse environmental effects.
- Short-term uses of the environment versus long-term productivity.
- Potential irretrievable and irreversible commitment of resources.
- The consumption of natural resources and energy, including water, natural gas, and electricity.
- Pollution prevention, waste minimization, and potential mitigative measures.

Related NEPA Decisions and Documents: The following lists DOE other NEPA documents that are related to this proposed Hanford Site Tank Retrieval and Closure EIS.

45 FR 46155, 1980, "Double-Shell Tanks for Defense High-Level Radioactive Waste Storage, Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

53 FR 12449, 1988, "Disposal of Hanford Defense High-Level Transuranic, and Tank Wastes, Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

60 FR 28680, 1995, "Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Program, Part III; Record of Decision," **Federal Register**.

60 FR 54221, 1995, "Final Environmental Impact Statement for the Safe Interim Storage of Hanford Tank Wastes at the Hanford Site, Richland, WA; Record of Decision," **Federal Register**.

60 FR 61687, 1995, "Record of Decision Safe Interim Storage of Hanford Tank Wastes, Hanford Site, Richland, Washington," **Federal Register**.

61 FR 3922, 1996, "Availability of the Final Environmental Impact Statement for Management of Spent Nuclear Fuel from the K Basins at the Hanford Site, Richland, WA; Notice of Availability of Final Environmental Impact Statement," **Federal Register**.

61 FR 10736, 1996, "Management of Spent Nuclear Fuel from the K Basins at the Hanford Site, Richland, WA. ACTION: Notice of Record of Decision," **Federal Register**.

62 FR 8693, 1997, "Record of Decision for the Tank Waste Remediation System, Hanford Site, Richland, Washington," **Federal Register**.

DOE/EA–0479, 1990, Collecting Crust Samples from Level Detectors in Tank

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SY–101 at the Hanford Site, U.S. Department of Energy, Richland, Washington.
DOE/EA–0495, 1991, Preparation of Crust Sampling of Tank 241–SY–101, U.S. Department of Energy, Richland, Washington.
DOE/EA–0511, 1991, Characterization of Tank 241–SY–101, U.S. Department of Energy, Richland, Washington.
DOE/EA–0581, 1991, Upgrading of the Ventilation System at the 241–SY Tank Farm, U.S. Department of Energy, Richland, Washington.
DOE/EA–0802, 1992, Tank 241–SY–101 Equipment Installation and Operation to Enhance Tank Safety, U.S. Department of Energy, Richland, Washington.
DOE/EA–0803, 1992, Proposed Pump Mixing Operations to Mitigate Episodic Gas Releases in Tank 241–SY–101, U.S. Department of Energy, Richland, Washington.
DOE/EA–0881, 1993, Tank 241–C–103 Organic Vapor and Liquid Characterization and Supporting Activities, U.S. Department of Energy, Richland, Washington.
DOE/EA–0933, 1995, Tank 241–C–106 Past Practice Sluicing Waste Retrieval, U.S. Department of Energy, Richland, Washington.
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Issued in Washington, DC on this 3rd day of January, 2003.

Beverly A. Cook,

Assistant Secretary, Environment, Safety and Health.

[FR Doc. 03–318 Filed 1–7–03; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC03–37–000, et al.]

Exelon Generation Company, LLC, et al. Electric Rate and Corporate Filings

January 2, 2003.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Exelon Generation Company, LLC

[Docket No. EC03–37–000]

Take notice that on December 23, 2002, Exelon Corporation, Exelon Ventures Company, LLC, and Exelon Generation Company, LLC, filed an application with the Federal Energy Regulatory Commission (Commission) requesting authorization from the Commission to implement a plan of corporate reorganization.

Comment Date: January 13, 2003.

2. Idaho Power Company andIDACORP Energy, L.P.,

[Docket No. EC03–38–000]

Take notice that on December 23, 2002, Idaho Power Company (Idaho Power) and IDACORP Energy, L.P. (IELP, collectively, Applicants) filed an Application for Commission Approval of Disposition of Jurisdictional Facilities under Section 203 of the Federal Power Act. The jurisdictional facilities that are the subject of the Application are a wholesale power sales agreement and transactions (Truckee Agreement and Transactions) between Idaho Power and Truckee-Donner Public Utility District. By their Application, Applicants seek Commission approval for the assignment of the Truckee Agreement and Transactions from Idaho Power to IELP.

Comment Date: January 13, 2003.

3. Calpine Energy Services, L.P. Calpine Northbrook Energy Marketing, LLC

[Docket No. EC03–39–000]

Take notice that on December 24, 2002, Calpine Energy Services, L.P. (CES) and Calpine Northbrook Energy Marketing, LLC (CNEM) tendered for filing an application under section 203 of the Federal Power Act for approval of

WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE – June 16, 2003

U.S. Department of Energy

[redacted]

P.O. Box 450
Richland, Washington 99352

JUN 16 2003

03-ED-097

Mr. Jeff Tayer, Regional Program Director, Yakima Office
Washington State Department of Fish and Wildlife
1701 South 24th Avenue
Yakima, Washington 98902

Dear Mr. Tayer:

ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR RETRIEVAL, TREATMENT, AND DISPOSAL OF TANK WASTE AND CLOSURE OF SINGLE-SHELL TANKS (SST) AT THE HANFORD SITE, RICHLAND, WASHINGTON

The U.S. Department of Energy, Office of River Protection (ORP) is preparing an EIS for the retrieval, treatment, and disposal of tank waste and closure of the SST at the Hanford Site near Richland, Washington. The EIS will also address the closure of the 149 SST and associated facilities in the tank farms. The Tanks contain both hazardous and radioactive waste. The tank farms and proposed treatment and storage facilities are located within the 200 West Area and 200 East Area. Attachment 1 shows the location of the 200 Areas, including the potential location of supplemental technology treatment facilities. The Notice of Intent to prepare the EIS, which further explains the project, is Attachment 2.

In support of the preparation of this EIS, ORP requests the Washington Department of Fish and Wildlife to provide a current list of endangered, threatened, and other special status animals that may be affected by the proposed action.

If you have any questions, please contact me, (509) 373-9160.

Sincerely,

Mary E. Burandt

Mary E. Burandt
NEPA Document Manager

ED:MEB

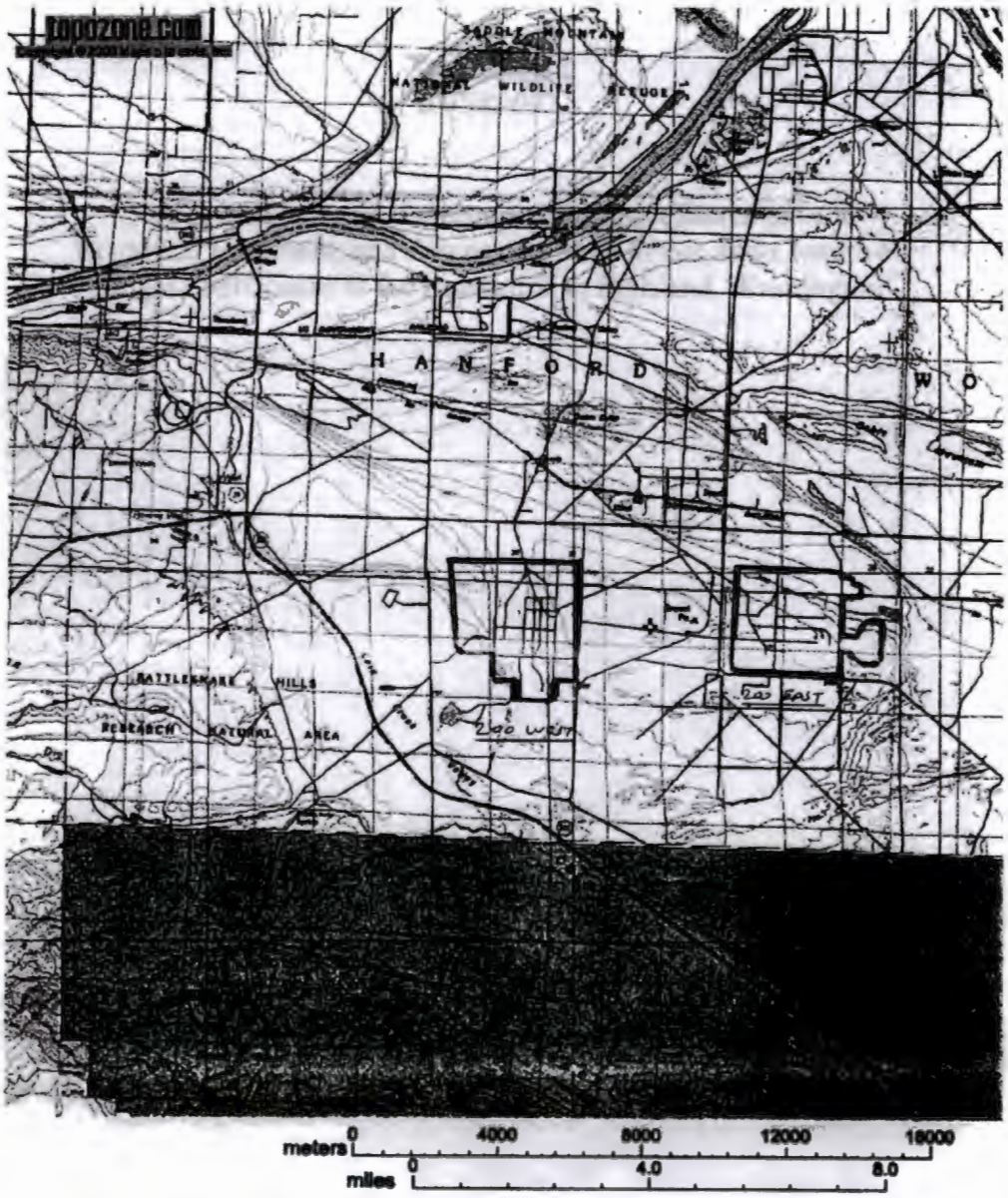
Attachments: (2)

cc w/attachs:
P. F. X. Dunigan, Jr., RL
D. C. Ward, RL
L. Vigue, WA Dept. Fish and Wildlife
Administrative Record

Attachment 1 to Washington State Department of Fish and Wildlife, June 16, 2003 – Topographic Map

TopoZone.com

Target is UTM 11 302157E 5158679N - **GABLE BUTTE** quad [Quad Info]



Attachment 2 to Washington State Department of Fish and Wildlife, June 16, 2003 – Notice of Intent

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Dated: January 6, 2003.

Rod Paige,

Secretary of Education.

[FR Doc. 03–386 Filed 1–7–03; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Notice of Intent To Prepare an Environmental Impact Statement for Retrieval, Treatment, and Disposal of Tank Waste and Closure of Single-Shell Tanks at the Hanford Site, Richland, WA

AGENCY: Department of Energy.

ACTION: Notice of intent.

SUMMARY: The U.S. Department of Energy (DOE) intends to prepare an environmental impact statement (EIS) on the proposed retrieval, treatment, and disposal of the waste being managed in the high-level waste (HLW) tank farms at the Hanford Site near Richland, Washington, and closure of the 149 single-shell tanks (SSTs) and associated facilities in the HLW tank farms. The HLW tanks contain both hazardous and radioactive waste (mixed waste).

This EIS will be prepared in accordance with the National Environmental Policy Act (NEPA) and its implementing regulations (40 CFR parts 1500–1508 and 10 CFR part 1021). DOE's proposed action is to remove waste from the tanks to the extent that retrieval is technically and economically feasible, treat the waste through vitrification in the planned Waste Treatment Plant (WTP) and/or one of several other treatment processes such as bulk vitrification, grout, steam reforming and sulfate removal, depending on waste type and waste characteristics. DOE proposes to package the waste for offsite shipment and disposal or onsite disposal. The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access.

The 149 underground SSTs and 28 underground double-shell tanks (DSTs) are grouped in 18 tank farms that are regulated under the Resource Conservation and Recovery Act of 1976 (RCRA) as treatment, storage, and disposal units that, for closure purposes, include tanks, associated ancillary equipment, and contaminated soils. DOE proposes to close the tanks in accordance with the Hanford Federal Facility Agreement and Consent Order (also known as the Tri-Party Agreement or TPA). DOE invites public comments on the proposed scope of this EIS.

DATES: The public scoping period begins with the publication of this Notice and concludes March 10, 2003. DOE invites Federal agencies, Native American tribes, State and local governments, and members of the public to comment on the scope of this EIS. DOE will consider fully all comments received by the close of the scoping period and will consider comments received after that date to the extent practicable.

Public meetings will be held during the scoping period. Meetings will be held in Seattle and Richland, Washington and in Portland and Hood River, Oregon on the following dates.

Richland: February 5, 2003.

Hood River: February 18, 2003.

Portland: February 19, 2003.

Seattle: February 20, 2003.

At least 15 days prior to the meetings, DOE will notify the public of the meeting locations and times and will provide additional information about each meeting through press releases, advertisements, mailings and other methods of encouraging public participation in the NEPA process. At these scoping meetings, DOE will provide information about the tank waste program and alternatives for retrieving, treating, and disposing of the waste, along with alternatives for closing the SSTs. The meetings will provide opportunities to comment orally or in writing on the EIS scope, including the alternatives and issues that DOE should consider in the EIS.

ADDRESSES: DOE invites public comment on the proposed scope of this EIS. Comments may be submitted by mail, electronic mail, fax, or voice mail and addressed as follows: Mary Beth Burandt, Document Manager, DOE Office of River Protection, U.S. Department of Energy, Post Office Box 450, Mail Stop H6–60, Richland, Washington, 99352, Attention: Tank Retrieval and Closure EIS, Electronic mail: *Mary_E_Burandt@rl.gov*, Fax: (509) 376–2002, Telephone and voice mail: (509) 373–9160.

FOR FURTHER INFORMATION CONTACT: To request information about this EIS and the public scoping workshops or to be placed on the EIS distribution list, use any of the methods identified in **ADDRESSES** above. For general information about the DOE NEPA process, contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC, 20585–0119, Fax: (202) 586–7031, Telephone: (202) 586–4600, Voice mail: (800) 472–2756.

SUPPLEMENTARY INFORMATION

Background

The Hanford Site defense activities related to nuclear weapons production created a wide variety of waste. Over 50 million gallons of waste are presently stored in the HLW tank farms, which are located in the 200 Area of the Site. The waste is stored in 149 underground SSTs (ranging in capacity from approximately 55,000 to 1 million gallons) and 28 underground DSTs (ranging in capacity from approximately one to 1.16 million gallons) grouped in 18 tank farms, and approximately 60 smaller miscellaneous underground storage tanks. This waste has been processed and transferred between tanks, and as a result, the chemical, physical (*i.e.*, liquid, solid and sludge) and radiological characteristics of the waste vary greatly among and within individual tanks. In addition, the tank waste contains chemicals or has characteristics classified as hazardous waste under RCRA regulations (40 CFR Parts 260–268 and Parts 270–272) and as dangerous waste under the Washington Administrative Code "Dangerous Waste Regulations" (WAC 173–303).

In 1996, DOE issued the Tank Waste Remediation System (TWRS) EIS (DOE/EIS–0189), which included analyses of alternatives for retrieving and treating (*e.g.*, immobilizing) the waste stored in the tank farms. Because sufficient data were not available to evaluate a range of closure actions, tank system closure alternatives were not evaluated in the TWRS EIS. Among the uncertainties were data regarding past leak losses from the SSTs and how retrieval technology would perform to meet retrieval objectives.

In 1997, DOE issued its Record of Decision (ROD, 62 FR 8693, February

Attachment 2 to Washington State Department of Fish and Wildlife, June 16, 2003 – Notice of Intent *(continued)*

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26) in which DOE decided that it would proceed with tank waste retrieval and treatment. In the ROD and subsequent supplemental analyses, DOE acknowledged that there were substantial technical uncertainties that required resolution. Nevertheless, to make progress while resolving the technical uncertainties, DOE decided to implement waste treatment using a phased approach as identified in the TWRS ROD. During the initial phase (Phase I), DOE planned to design, construct and operate demonstration-scale waste treatment facilities. Following the demonstration phase, DOE would construct full-scale facilities to treat the remaining tank waste (Phase II).

DOE's decision in the TWRS ROD was consistent with modifications to the Tri-Party Agreement contained in the M–62, "Complete Pretreatment, Processing and Vitrification of Hanford High-level (HLW) and Low-activity (LAW) Tank Wastes" series of milestones. Accordingly, DOE proceeded with plans to design, construct, and operate facilities that would separate waste into high-level and low-activity waste streams, vitrify the high-level waste stream and vitrify or similarly immobilize the LAW stream. These facilities are now under construction and are collectively referred to as the "Waste Treatment Plant" or WTP.

DOE's strategy for retrieving, treating and disposing of the tank waste and closing the tank farms has continued to evolve, based on information becoming available since the TWRS ROD was issued. New information and proposed changes to DOE's strategy include the following:

- Design of and preliminary performance projections for the WTP support DOE's proposal to extend operations beyond the original plan to operate the WTP for a ten-year period and to enhance throughput compared to facilities planned for in the 1997 ROD.
- New information indicates that deployment of large-scale treatment facilities in approximately 2012 to immobilize waste not processed by the WTP currently under construction, as identified in the TWRS ROD, may be prohibitively expensive (DOE/EIS–0189–SA–3).
- Under DOE Order 435.1 (Radioactive Waste Management), as applicable, DOE may determine that some tank wastes should be managed as low-level waste (LLW) and transuranic (TRU) waste, which may result in changes in how DOE may treat and dispose of portions of the SST and DST wastes from the HLW tank farms.
- DOE wants to consider non-vitrification treatment technologies for LAW and LLW, if these wastes could be immobilized and disposed of onsite or offsite, while providing protection to the human environment comparable to LAW and LLW immobilized by vitrification.

In developing its Performance Management Plan for the Accelerated Cleanup of the Hanford Site (PMP, DOE/RL–2000–47, August 2002), DOE stated its intent to meet its commitments under the Tri-Party Agreement, and identified its plan to complete tank waste retrieval, treatment and disposal by 2028, and to close all of the tanks and associated facilities, including the WTP, by 2033. DOE's current plans call for closing all of the SSTs by 2028.

DOE stated in the PMP that to achieve these objectives, increased capacity will be needed for the WTP, along with additional treatment capacity provided by other waste immobilization technologies, referred to herein as "supplemental" technologies (bulk vitrification, containerized grout, steam reforming, or sulfate removal are examples). Also in the PMP and in the Supplement Analysis for the Tank Waste Remediation System (DOE/EIS–0189–SA3, 2001), DOE concluded that its evolving strategy for treating and disposing of the tank wastes by 2028 and closing the SSTs by 2028 requires NEPA analysis of proposed tank waste retrieval, treatment and disposal, and proposed tank closure actions.

Further, under the TPA Milestone M–45, "Complete Closure of All Single-Shell Tank (SST) Farms," DOE and the Washington State Department of Ecology (Ecology) have identified a process to start discussing how SST closure would occur. An important part of the process DOE and Ecology have defined for closing tank systems is compliance with Washington State Dangerous Waste regulations that require approval of a closure plan and modification of the Hanford Site Dangerous Waste Permit. Before Ecology can approve either a closure plan or modification of DOE's permit, the State of Washington must fulfill its State Environmental Policy Act (SEPA) requirements. As SEPA is very similar to NEPA, Ecology can adopt a NEPA document if it determines that the document is sufficient to meet SEPA requirements. Ecology has agreed to be a cooperating agency in preparing this EIS.

Need for Action

To meet its commitments under the Tri-Party Agreement and implement its plans to close the tank systems and associated facilities in a timely manner to reduce existing and potential future risk to the public, site workers, and the environment, DOE needs to complete waste retrieval, treatment and disposal of the waste from the SST and DST systems by 2028 and close all SST systems by 2028.

Although DOE is addressing safety and environmental issues posed by tank wastes to minimize current potential risks to human health and the environment, DOE must also implement long-term actions to safely manage and dispose of waste from the tank waste systems, including waste associated with inactive miscellaneous underground storage tanks, and close the SST systems to reduce permanently the potential risk to human health and the environment. These long-term actions also are needed to ensure compliance with applicable Federal requirements regulating the management and disposal of radioactive waste, as well as Federal and Washington State requirements regulating hazardous and mixed waste.

Proposed Action

DOE proposes to retrieve waste from the 149 SST and 28 DST systems and close the SST tank farms in a manner that complies with Federal and Washington State requirements and protects the human environment. (Closure of the DSTs and closure of the WTP are not part of the proposed action because they are active facilities needed to complete waste treatment. Closure of the DSTs and WTP would be addressed at a later date, after appropriate NEPA analysis.) DOE proposes to immobilize the retrieved waste in the WTP and through supplemental treatment technologies such as bulk vitrification, grout, steam reforming and sulfate removal, and to package the immobilized waste for offsite shipment and disposal in licensed and/or permitted facilities or disposal onsite. DOE proposes to close the SST farms (including tanks, ancillary equipment and soils) within the tank farm area by 2028. The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access. Associated support buildings, structures, laboratories, and the treatment facilities would be decontaminated and decommissioned in a cost-effective, legally compliant, and environmentally sound manner. Under the proposed action, DOE would use existing, modified, or, if required, new systems to assure capability to store and manage waste during retrieval and treatment.

Attachment 2 to Washington State Department of Fish and Wildlife, June 16, 2003 – Notice of Intent *(continued)*

Background on Development of Alternatives

The proposed action could result in changes to DOE's tank waste management program with respect to waste storage, waste retrieval, waste treatment, waste disposal, and tank farm closure at the Hanford Site. These key variables were evaluated to develop the range of reasonable alternatives identified below. In terms of waste storage, the EIS would analyze the use of the existing waste storage systems and evaluate the need for new storage systems. With regard to waste retrieval, DOE would evaluate a range of timing of retrieval and the technologies used, from past-practice sluicing as analyzed in the TWRS EIS to dry retrieval. Treatment and disposal alternatives for portions of the SST and DST waste would be evaluated based on some volume of the waste being classified as LLW or TRU waste pursuant to DOE Order 435.1. The waste identified as LLW could be treated and packaged for onsite or offsite disposal. The waste identified as TRU waste could be treated and packaged for transport and disposal at the Waste Isolation Pilot Plant (WIPP) near Carlsbad, New Mexico.

Unless a specific alternative identifies a waste type as LLW and/or TRU waste, the waste would be analyzed as HLW or LAW for the purposes of treatment and disposal. The alternatives for waste treatment include: 1) Treating all wastes via an enhanced WTP as vitrified waste; 2) treating HLW via the WTP and LAW via WTP or supplemental treatments; or 3) treating the waste as stated in #2 and/or supplemental treatment for LLW and TRU waste in the tank farms, in which case some waste would not be processed through the WTP. The options for waste disposal include disposing of the waste onsite using existing or new facilities, disposing of the waste at offsite government facilities (*e.g.*, a geological repository, WIPP, DOE's Nevada Test Site) or using onsite and offsite commercial facilities (such as Envirocare in Utah) for disposal of Hanford waste. Alternatives for tank closure would be evaluated based on broad closure strategies including clean closure (removal of the tanks, ancillary facilities, and contaminated soils) and landfill closure (residual waste left in place and post closure care).

Proposed Alternatives

Each of the six alternatives contains a waste storage, retrieval, treatment and disposal component. Alternatives 3 through 6 also include a tank closure component. The main differences among the alternatives include the extent of waste retrieval, the waste treatment and disposal approach, the tank closure approach, and timing to complete the necessary activities.

1. No Action

The Council on Environmental Quality NEPA Regulations (40 CFR parts 1500–1508), and the DOE NEPA Regulations (10 CFR part 1021) require analysis of a No Action alternative.

Storage: DOE would continue current waste management operations using existing storage facilities. Immobilized (*i.e.*, vitrified) High-level Waste (IHLW) would be stored onsite pending disposal at a geologic repository. Once WTP operations are completed, all tank waste system storage (SSTs and DSTs), treatment, and disposal facilities at the Hanford Site would be placed in a stand-by operational condition.

Retrieval: Waste would be retrieved to the extent required to provide waste feed to the WTP using currently available liquid-based retrieval and leak detection technologies (approximately 25–50% of the total waste volume would be retrieved).

Treatment: No new vitrification or treatment capacity beyond that anticipated in the WTP would be deployed. However, the WTP would be modified within parameters provided for in the TWRS ROD to increase throughput. The WTP would continue to operate until its design life ends in 2046.

Disposal: The residual waste in tanks and the waste remaining in tanks that had not been retrieved (approximately 50 to 75% of the total waste volume) would remain in the tank farm indefinitely. Immobilized Low Activity Waste (ILAW) (by vitrification) would be disposed of onsite. IHLW would be stored onsite pending disposal at a geological repository. For purposes of analysis, administrative control of the tank farms would end following a 100-year period.

Closure: Tank closure would not be addressed; under this alternative, some waste would be left in the tanks indefinitely.

2. Implement the 1997 Record of Decision (With Modifications)

This alternative would continue implementation of decisions made in the TWRS ROD and as considered in three supplement analyses completed through 2001. (*See* "RELATED NEPA DECISIONS AND DOCUMENTS" below for references.) Under these supplement analyses, DOE concluded that changes in the design and operation of the WTP, as defined in its contracts and program plans, were within the bounds of analysis of environmental impacts in the TWRS EIS. Among the key modifications that would occur under this alternative are: (1) Implementing the initial phase of waste treatment with one ILAW facility rather than two, (2) expanding the design capacity of the ILAW facility from 20 metric tons of glass per day to 30 metric tons of glass per day, and (3) extending the design life of the Phase I facilities from 10 years to 40 years. Under this alternative, no new actions would be taken beyond those previously described in the TWRS ROD and supplement analyses regarding the tank waste.

Storage: DOE would continue current waste management operations using existing storage facilities as described under No Action.

Retrieval: Waste would be retrieved to the Tri-Party Agreement goal (*i.e.*, residual waste would not exceed 360 cubic feet for 100 series tanks or 36 cubic feet for 200 series tanks, which would correspond to 99% retrieval) using currently available liquid-based retrieval and leak detection systems.

Treatment: The existing WTP would be modified to enhance throughput and supplemented with additional vitrification capacity, as needed, to complete waste treatment by 2028. Under this alternative, all waste retrieved from tanks (approximately 99%) would be vitrified.

Disposal: Retrieved and treated waste would be disposed of onsite (ILAW) or stored onsite pending disposal at a geologic repository (IHLW). Once operations are completed, all tank waste system waste storage, treatment, and disposal facilities at the Hanford Site would be placed in a stand-by operational condition. The residual waste would remain in the tank farm indefinitely. For purposes of analysis, DOE assumes under this alternative that it would cease to maintain administrative control after a 100-year period.

Closure: Tank closure would not be addressed under this alternative. Some waste would be left in the tanks indefinitely.

3.0 Landfill Closure of Tank Farms/ Onsite and Offsite Waste Disposal

Storage: DOE would continue current waste management operations using existing storage facilities.

Retrieval: Waste would be retrieved to the Tri-Party Agreement goal (*i.e.*, residual waste would not exceed 360 cubic feet for 100 series tanks or 36 cubic feet for 200 series tanks, which would correspond to 99% retrieval) using currently available liquid-based retrieval and leak detection systems.

Attachment 2 to Washington State Department of Fish and Wildlife, June 16, 2003 – Notice of Intent *(continued)*

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Treatment: Retrieved waste would be treated with the WTP capacity based on enhanced and/or modified performance of operating systems (*e.g.*, modifications to melters to increase throughput). WTP capacity would be supplemented with additional waste treatment capacity to immobilize LAW using a non-vitrification technology. New non-vitrification supplemental treatment capacity would be developed external to the WTP to immobilize a portion of the tank waste that would be designated as LLW pursuant to DOE Order 435.1 and/or prepare a portion of the tank waste that would be designated as TRU waste for disposal. Waste treatment under this alternative would be completed in 2028 and all SST tank systems would be closed by 2028.

Disposal: ILAW immobilized via the WTP would be disposed of onsite or at offsite commercial (*e.g.*, U.S. Ecology of Washington or Envirocare of Utah) or DOE facilities (Nevada Test Site). IHLW would be stored onsite pending disposal at a national geologic repository. LLW immobilized external to the WTP would be disposed of onsite or at offsite commercial or DOE facilities. TRU waste would be packaged and stored onsite in an existing or new facility pending disposal at the Waste Isolation Pilot Plant (WIPP).

Closure: As operations are completed, SST waste system, waste storage, treatment and disposal facilities at the Hanford Site would be closed as a RCRA landfill unit under Dangerous Waste Regulations under WAC 173–303 and DOE Order 435.1, as applicable, or decommissioned (waste treatment facilities under DOE Order 430.1A). The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access. Tanks, ancillary equipment, and contaminated soils would be remediated and remain in place and the closed tank systems would be covered with an engineered barrier that exceeds RCRA landfill requirements and is the more protective of the landfill options being evaluated (*i.e.*, Hanford barrier).

The main differences between this alternative and other alternatives involve: 1) Using a more robust barrier for closure of tank systems that would provide longer term protection from contaminant releases from closed tank systems and limit intrusion into the closed system compared to the barrier evaluated under Alternatives 5 and 6 (tanks would not be closed under Alternatives 1 and 2, thus no barriers would be used); and 2) Treatment and disposal of treated waste would be the same for Alternatives 3 through 5 allowing for a comparison of the impacts associated with deployment of systems to treat and dispose of transuranic waste (Alternatives 3 through 5) to treatment of waste via the WTP and subsequent management as ILAW and IHLW (Alternatives 2 and 6).

4.0 Clean Closure of Tank Farms/ Onsite and Offsite Waste Disposal

Storage: DOE would continue current waste management operations using existing storage facilities that would be modified, as needed, to support minimizing liquid losses from SSTs and accelerating SST waste retrieval into safer storage pending retrieval for treatment.

Retrieval: Waste would be retrieved using multiple waste retrieval campaigns using various retrieval technologies (*e.g.*, confined sluicing, crawlers), to the extent needed to support clean closure requirements (*i.e.*, 0.1% residual in the tanks or 99.9% waste retrieved from tanks) using liquid and non-liquid retrieval and enhanced in-tank and/or ex-tank leak detection systems.

Treatment: Retrieved waste would be treated with the WTP capacity based on enhanced and/or modified performance of operating systems (see Alternative 3). New alternative treatment capacity to immobilize LLW (*e.g.*, bulk vitrification, containerized grout, steam reforming, sulfate removal) and/or prepare TRU waste for disposition would be developed external to the WTP. Waste treatment under this alternative would be completed in 2028 and all SST tank systems would be closed by 2028.

Disposal: LAW immobilized via the WTP would be disposed of onsite or at offsite commercial or DOE facilities (see Alternative 3). IHLW would be stored onsite pending disposal at a national geologic repository. LLW immobilized external to the WTP would be disposed of onsite or at offsite commercial or DOE facilities (See Alternative 3). TRU waste would be retrieved from tanks, packaged in a new facility, and stored onsite in existing or new storage facilities pending shipment to and disposal at the WIPP.

Closure: Clean closure reflects minimal residual waste in tanks and ancillary equipment, and contaminated soils remediated in place and/or removed from the tank system to be treated and disposed of in accordance with RCRA requirements. As operations are completed, all SST system storage, treatment, and disposal facilities at the Hanford Site would be closed. Waste storage and disposal facilities would be closed in a manner that supported future use on an unrestricted basis and that did not require post-closure care.

The main differences between this alternative and the other alternatives are: 1) The greatest amount of waste is retrieved from tanks based on multiple technology deployments; and 2) tank systems would be closed to meet clean closure standards. Treatment and disposal of treated waste would be the same for Alternatives 3 through 5, allowing a comparison of the impacts associated with deployment of systems to treat and dispose of TRU waste (Alternatives 3 through 5) to treatment of TRU waste via the waste treatment plant (Alternatives 2 and 6).

5.0 Accelerated Landfill Closure/ Onsite and Offsite Waste Disposal

Storage: DOE would continue current waste management operations using existing storage facilities that would be modified or supplemented with new waste storage facilities, to support actions regarding near-term acceleration of tank waste retrieval and treatment. Under this alternative, some SSTs would be retrieved and closed by 2006, exceeding the existing TPA M–45 commitments.

Retrieval: Waste would be retrieved to the Tri-Party Agreement goal to the extent feasible using currently available liquid-based retrieval and leak detection systems (residual waste would correspond to 90–99% retrieval).

Treatment: Waste treatment would be completed no later than 2024 and SST systems would be closed by 2028. Retrieved waste would be treated with the WTP capacity based on enhanced and/or modified performance of operating systems, as described under Alternative 2. WTP capacity would be supplemented with new treatment capacity to immobilize LLW. New treatment capacity to immobilize LLW and/or prepare TRU waste for disposition would be developed external to the WTP.

Disposal: LAW immobilized via the WTP would be disposed of onsite or at offsite commercial or DOE facilities. IHLW would be stored onsite pending disposal at the proposed national geologic repository. LLW immobilized external to the WTP would be disposed of onsite or at offsite commercial or DOE facilities. Transuranic waste would be packaged and stored onsite pending disposal at the WIPP.

Closure: As operations are completed, SST tank waste system waste storage, treatment, and disposal facilities would be closed as a RCRA landfill unit under Dangerous Waste Regulations under WAC 173–303 and DOE Order 435.1, or decommissioned (waste treatment

Attachment 2 to Washington State Department of Fish and Wildlife, June 16, 2003 – Notice of Intent *(continued)*

facilities under DOE Order 430.1A). Waste storage and disposal facilities would be closed as RCRA landfill units under applicable state Dangerous Waste Regulations (WAC 173–303). The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access. Tank systems (tanks, ancillary equipment, and soils) would be closed in place and would be covered with a modified RCRA barrier (*i.e.*, a barrier with performance characteristics that exceed RCRA requirements for disposal of hazardous waste).

The main difference between this alternative and the other alternatives are (1) completion of some SST closure actions by 2006, completion of all waste treatment by 2024, and closure of all SST systems by 2028 in contrast to Alternatives 2, 3 and 6, which would complete waste treatment in 2028 and SST tank systems closure in 2028 and: (2) no remediation of ancillary equipment and contaminated soil, allowing a comparison with the more extensive remediation analyzed under Alternative 3. Another main difference between this alternative and Alternative 3 is the use of a modified RCRA barrier. Treatment and disposal of treated waste would be the same for Alternatives 3 through 5, allowing for a comparison of the impacts associated with deployment of systems to treat and dispose of transuranic waste (Alternatives 3 through 5) to treatment of transuranic waste via the WTP (Alternatives 2 and 6).

6.0 Landfill Closure/Onsite and Offsite Waste Disposal

Storage: DOE would continue current waste management operations using existing storage facilities that would be modified, as needed, to support SST waste retrieval and treatment.

Retrieval: Waste would be retrieved to the Tri-Party Agreement goal (*i.e.*, residual waste would not exceed 360 cubic feet for 100 series tanks or 36 cubic feet for 200 series tanks, which corresponds to retrieval of 99%) using liquid and non-liquid based retrieval and enhanced leak detection systems.

Treatment: Retrieved waste would be treated with the WTP capacity based on enhanced and/or modified performance of operating systems. Supplemental treatment technologies would be used to immobilize LLW. New non-vitrification treatment capacity to immobilize LLW for disposition would be developed external to the WTP. Waste treatment under this alternative would be completed in 2028, and all SST systems would be closed by 2028.

Disposal: ILAW immobilized via the WTP would be disposed of onsite or at offsite commercial or DOE facilities. IHLW would be stored onsite pending disposal at a national geologic repository. LLW immobilized external to the WTP would be disposed of onsite or at offsite commercial or DOE facilities.

Closure: As operations are completed, all tank waste system waste storage, treatment, and disposal facilities at the Hanford Site would be closed (tank farm systems) or decommissioned (waste treatment facilities). The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access. Waste storage and disposal facilities would be closed as RCRA landfill units under applicable state Dangerous Waste Regulations (WAC 173–303). Residual waste in tanks, ancillary equipment, and contaminated soils would be remediated in place as needed in accordance with RCRA requirements, and the closed tank systems would be covered with a modified RCRA barrier.

The main difference between this alternative and the other alternatives is that under this alternative there would not be a separate TRU waste stream (Alternatives 3 through 5). As with Alternative 2, waste would be treated in the WTP and subsequently managed as either ILAW or IHLW.

Preliminary Identification of EIS Issues: The following issues have been tentatively identified for analysis in the EIS. The list is presented to facilitate comment on the scope of the EIS; it is not intended to be all-inclusive or to predetermine the potential impacts of any of the alternatives.

- Effects on the public and onsite workers from releases of radiological and nonradiological materials during normal operations and reasonably foreseeable accidents.
- Long-term risks to human populations resulting from waste disposal and residual tank system wastes.
- Effects on air and water quality from normal operations and reasonably foreseeable accidents, including long-term impacts on groundwater.
- Cumulative effects, including impacts from other past, present, and reasonably foreseeable actions at the Hanford Site.
- Effects on endangered species, archaeological/cultural/historical sites, floodplains and wetlands, and priority habitat.
- Effects from onsite and offsite transportation and from reasonably foreseeable transportation accidents.
- Socioeconomic impacts on surrounding communities.
- Disproportionately high and adverse effects on low-income and minority populations (Environmental Justice).
- Unavoidable adverse environmental effects.
- Short-term uses of the environment versus long-term productivity.
- Potential irretrievable and irreversible commitment of resources.
- The consumption of natural resources and energy, including water, natural gas, and electricity.
- Pollution prevention, waste minimization, and potential mitigative measures.

Related NEPA Decisions and Documents: The following lists DOE other NEPA documents that are related to this proposed Hanford Site Tank Retrieval and Closure EIS.

45 FR 46155, 1980, "Double-Shell Tanks for Defense High-Level Radioactive Waste Storage, Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

53 FR 12449, 1988, "Disposal of Hanford Defense High-Level Transuranic, and Tank Wastes, Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

60 FR 28680, 1995, "Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Program, Part III; Record of Decision," **Federal Register**.

60 FR 54221, 1995, "Final Environmental Impact Statement for the Safe Interim Storage of Hanford Tank Wastes at the Hanford Site, Richland, WA; Record of Decision," **Federal Register**.

60 FR 61687, 1995, "Record of Decision Safe Interim Storage of Hanford Tank Wastes, Hanford Site, Richland, Washington," **Federal Register**.

61 FR 3922, 1996, "Availability of the Final Environmental Impact Statement for Management of Spent Nuclear Fuel from the K Basins at the Hanford Site, Richland, WA; Notice of Availability of Final Environmental Impact Statement," **Federal Register**.

61 FR 10736, 1996, "Management of Spent Nuclear Fuel from the K Basins at the Hanford Site, Richland, WA. ACTION: Notice of Record of Decision," **Federal Register**.

62 FR 8693, 1997, "Record of Decision for the Tank Waste Remediation System, Hanford Site, Richland, Washington," **Federal Register**.

DOE/EA–0479, 1990, Collecting Crust Samples from Level Detectors in Tank

Attachment 2 to Washington State Department of Fish and Wildlife, June 16, 2003 – Notice of Intent *(continued)*

SY–101 at the Hanford Site, U.S. Department of Energy, Richland, Washington.
DOE/EA–0495, 1991, Preparation of Crust Sampling of Tank 241–SY–101, U.S. Department of Energy, Richland, Washington.
DOE/EA–0511, 1991, Characterization of Tank 241–SY–101, U.S. Department of Energy, Richland, Washington.
DOE/EA–0581, 1991, Upgrading of the Ventilation System at the 241–SY Tank Farm, U.S. Department of Energy, Richland, Washington.
DOE/EA–0802, 1992, Tank 241–SY–101 Equipment Installation and Operation to Enhance Tank Safety, U.S. Department of Energy, Richland, Washington.
DOE/EA–0803, 1992, Proposed Pump Mixing Operations to Mitigate Episodic Gas Releases in Tank 241–SY–101, U.S. Department of Energy, Richland, Washington.
DOE/EA–0881, 1993, Tank 241–C–103 Organic Vapor and Liquid Characterization and Supporting Activities, U.S. Department of Energy, Richland, Washington.
DOE/EA–0933, 1995, Tank 241–C–106 Past Practice Sluicing Waste Retrieval, U.S. Department of Energy, Richland, Washington.
DOE/EA–0981, 1995, Solid Waste Retrieval Complex, Enhanced Radioactive and Mixed Waste Storage Facility, U.S. Department of Energy, Richland, Washington.
DOE/EA–1203, 1997, Trench 33 Widening in 218–W–5 Low-Level Burial Ground, U.S. Department of Energy, Richland, Washington.
DOE/EA–1276, 1999, Widening Trench 36 of the 218–E–12B Low-Level Burial Ground, U.S. Department of Energy, Richland, Washington.
DOE/EA–1405, 2002, Transuranic Waste Retrieval from the 218–W–4B and 218–W–4C Low-Level Burial Grounds, Finding of No Significant Impact, U.S. Department of Energy, Richland, Washington.
DOE/EIS–0113, 1987, Final Environmental Impact Statement. Disposal of Hanford Defense High-Level, Transuranic and Tank Wastes Hanford Site Richland, Washington, U.S. Department of Energy, Washington, DC.
DOE/EIS–0189, 1996, Tank Waste Remediation System, Hanford Site, Richland, Washington, Final Environmental Impact Statement, U.S. Department of Energy and Washington State Department of Ecology, Washington, DC.
DOE/EIS–0189–SA1, 1997, Supplement Analysis for the Proposed Upgrades to the Tank Farm Ventilation, Instrumentation, and Electrical Systems under Project W–314 in Support of Tank Farm Restoration and Safe Operations, U.S. Department of Energy, Richland Operations Office, Richland, Washington.
DOE/EIS–0189–SA2, 1998, Supplement Analysis for the Tank Waste Remediation System, U.S. Department of Energy, Washington, DC.
DOE/EIS–0189–SA3, 2001, Supplement Analysis for the Tank Waste Remediation System, U.S. Department of Energy, Washington, DC.
DOE/EIS–0200, 1997, Final Waste Management Programmatic Environmental Impact Statement, U.S. Department of Energy, Washington, DC.
DOE/EIS–0212, 1995, Safe Interim Storage of Hanford's Tank Waste Final Environmental Impact Statement, U.S. Department of Energy, Richland Operations Office, Richland, Washington.
DOE/EIS–0222, 1999, Final Hanford Remedial Action Environmental Impact Statement and Comprehensive Land Use Plan, U.S. Department of Energy, Richland Operations Office, Richland, Washington.
DOE/EIS–0250, 2002, Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada, U.S. Department of Energy Office of Civilian Radioactive Waste Management, Washington, DC.
DOE/EIS–0286D, 2000, Draft Hanford Site Solid (Radioactive and Hazardous) Waste Program Environmental Impact Statement, U.S. Department of Energy, Richland, Washington.
DOE/EIS–0287, 2002, Idaho High-Level Waste and Facilities Disposition Environmental Impact Statement, U.S. Department of Energy, Washington, DC.
Ecology, 2000, Draft Environmental Impact Statement for Commercial Low-Level Radioactive Waste Disposal Site, Richland, Washington, Washington State Department of Ecology, Olympia, Washington.
Ecology, EPA, and DOE, 1989, Hanford Federal Facility Agreement and Consent Order, as amended, Washington State Department of Ecology, U.S. Environmental Protection Agency, and U.S. Department of Energy, Olympia, Washington.

Issued in Washington, DC on this 3rd day of January, 2003.

Beverly A. Cook,

Assistant Secretary, Environment, Safety and Health.

[FR Doc. 03–318 Filed 1–7–03; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC03–37–000, et al.]

Exelon Generation Company, LLC, et al. Electric Rate and Corporate Filings

January 2, 2003.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Exelon Generation Company, LLC

[Docket No. EC03–37–000]

Take notice that on December 23, 2002, Exelon Corporation, Exelon Ventures Company, LLC, and Exelon Generation Company, LLC, filed an application with the Federal Energy Regulatory Commission (Commission) requesting authorization from the Commission to implement a plan of corporate reorganization.

Comment Date: January 13, 2003.

2. Idaho Power Company andIDACORP Energy, L.P.,

[Docket No. EC03–38–000]

Take notice that on December 23, 2002, Idaho Power Company (Idaho Power) and IDACORP Energy, L.P. (IELP, collectively, Applicants) filed an Application for Commission Approval of Disposition of Jurisdictional Facilities under Section 203 of the Federal Power Act. The jurisdictional facilities that are the subject of the Application are a wholesale power sales agreement and transactions (Truckee Agreement and Transactions) between Idaho Power and Truckee-Donner Public Utility District. By their Application, Applicants seek Commission approval for the assignment of the Truckee Agreement and Transactions from Idaho Power to IELP.

Comment Date: January 13, 2003.

3. Calpine Energy Services, L.P. Calpine Northbrook Energy Marketing, LLC

[Docket No. EC03–39–000]

Take notice that on December 24, 2002, Calpine Energy Services, L.P. (CES) and Calpine Northbrook Energy Marketing, LLC (CNEM) tendered for filing an application under section 203 of the Federal Power Act for approval of

WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES – June 16, 2003

U.S. Department of Energy
[redacted]
P.O. Box 450
Richland, Washington 99352

JUN 1 6 2003

03-ED-098

Ms. Sandy Swope Moody
Washington Natural Heritage Program
Department of Natural Resources
P.O. Box 47014
Olympia, Washington 98504

Dear Ms. Swope Moody:

ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR RETRIEVAL, TREATMENT, AND DISPOSAL OF TANK WASTE AND CLOSURE OF SINGLE-SHELL TANKS (SST) AT THE HANFORD SITE, RICHLAND, WASHINGTON

The U.S. Department of Energy, Office of River Protection (ORP) is preparing an EIS for the retrieval, treatment, and disposal of tank waste and closure of the SST at the Hanford Site near Richland, Washington. The EIS will also address the closure of the 149 SST and associated facilities in the tank farms. The Tanks contain both hazardous and radioactive waste. The tank farms and proposed treatment and storage facilities are located within the 200 West Area and 200 East Area. Attachment 1 shows the location of the 200 Areas, including the potential location of supplemental technology treatment facilities. The Notice of Intent to prepare the EIS, which further explains the project, is Attachment 2.

In support of the preparation of this EIS, ORP requests the Washington Natural Heritage Program to provide a current list of endangered, threatened, and other special status plants that may be affected by the proposed action.

If you have any questions, please contact me, (509) 373-9160.

Sincerely,

Mary E. Burandt

Mary E. Burandt
NEPA Document Manager

ED:MEB

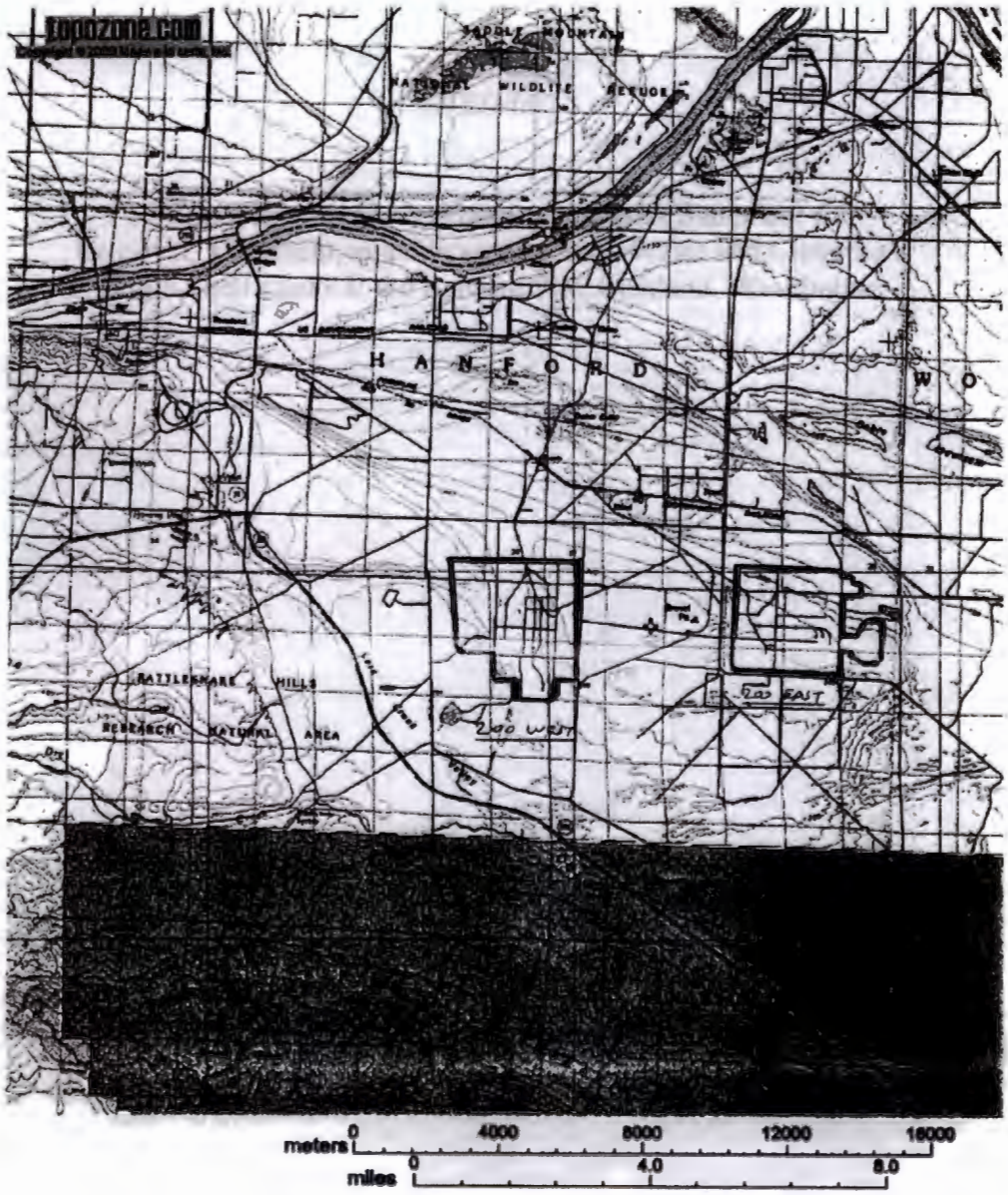
Attachments: (2)

cc w/attachs:
P. F. X. Dunigan, Jr., RL
D. C. Ward, RL
L. Vigue, WA Dept. Fish and Wildlife
Administrative Record

Attachment 1 to Washington State Department of Natural Resources, June 16, 2003 – Topographic Map

TopoZone.com

Target is UTM 11 302157E 5158679N - **GABLE BUTTE** quad [Quad Info]



Attachment 2 to Washington State Department of Natural Resources, June 16, 2003 – Notice of Intent

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Dated: January 6, 2003.

Rod Paige,

Secretary of Education.

[FR Doc. 03–386 Filed 1–7–03; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Notice of Intent To Prepare an Environmental Impact Statement for Retrieval, Treatment, and Disposal of Tank Waste and Closure of Single-Shell Tanks at the Hanford Site, Richland, WA

AGENCY: Department of Energy.

ACTION: Notice of intent.

SUMMARY: The U.S. Department of Energy (DOE) intends to prepare an environmental impact statement (EIS) on the proposed retrieval, treatment, and disposal of the waste being managed in the high-level waste (HLW) tank farms at the Hanford Site near Richland, Washington, and closure of the 149 single-shell tanks (SSTs) and associated facilities in the HLW tank farms. The HLW tanks contain both hazardous and radioactive waste (mixed waste).

This EIS will be prepared in accordance with the National Environmental Policy Act (NEPA) and its implementing regulations (40 CFR parts 1500–1508 and 10 CFR part 1021). DOE's proposed action is to remove waste from the tanks to the extent that retrieval is technically and economically feasible, treat the waste through vitrification in the planned Waste Treatment Plant (WTP) and/or one of several other treatment processes such as bulk vitrification, grout, steam reforming and sulfate removal, depending on waste type and waste characteristics. DOE proposes to package the waste for offsite shipment and disposal or onsite disposal. The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access.

The 149 underground SSTs and 28 underground double-shell tanks (DSTs) are grouped in 18 tank farms that are regulated under the Resource Conservation and Recovery Act of 1976 (RCRA) as treatment, storage, and disposal units that, for closure purposes, include tanks, associated ancillary equipment, and contaminated soils. DOE proposes to close the tanks in accordance with the Hanford Federal Facility Agreement and Consent Order (also known as the Tri-Party Agreement or TPA). DOE invites public comments on the proposed scope of this EIS.

DATES: The public scoping period begins with the publication of this Notice and concludes March 10, 2003. DOE invites Federal agencies, Native American tribes, State and local governments, and members of the public to comment on the scope of this EIS. DOE will consider fully all comments received by the close of the scoping period and will consider comments received after that date to the extent practicable.

Public meetings will be held during the scoping period. Meetings will be held in Seattle and Richland, Washington and in Portland and Hood River, Oregon on the following dates.

Richland: February 5, 2003.

Hood River: February 18, 2003.

Portland: February 19, 2003.

Seattle: February 20, 2003.

At least 15 days prior to the meetings, DOE will notify the public of the meeting locations and times and will provide additional information about each meeting through press releases, advertisements, mailings and other methods of encouraging public participation in the NEPA process. At these scoping meetings, DOE will provide information about the tank waste program and alternatives for retrieving, treating, and disposing of the waste, along with alternatives for closing the SSTs. The meetings will provide opportunities to comment orally or in writing on the EIS scope, including the alternatives and issues that DOE should consider in the EIS.

ADDRESSES: DOE invites public comment on the proposed scope of this EIS. Comments may be submitted by mail, electronic mail, fax, or voice mail and addressed as follows: Mary Beth Burandt, Document Manager, DOE Office of River Protection, U.S. Department of Energy, Post Office Box 450, Mail Stop H6–60, Richland, Washington, 99352, Attention: Tank Retrieval and Closure EIS, Electronic mail: *Mary_E_Burandt@rl.gov*, Fax: (509) 376–2002, Telephone and voice mail: (509) 373–9160.

FOR FURTHER INFORMATION CONTACT: To request information about this EIS and the public scoping workshops or to be placed on the EIS distribution list, use any of the methods identified in **ADDRESSES** above. For general information about the DOE NEPA process, contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC, 20585–0119, Fax: (202) 586–7031, Telephone: (202) 586–4600, Voice mail: (800) 472–2756.

SUPPLEMENTARY INFORMATION

Background

The Hanford Site defense activities related to nuclear weapons production created a wide variety of waste. Over 50 million gallons of waste are presently stored in the HLW tank farms, which are located in the 200 Area of the Site. The waste is stored in 149 underground SSTs (ranging in capacity from approximately 55,000 to 1 million gallons) and 28 underground DSTs (ranging in capacity from approximately one to 1.16 million gallons) grouped in 18 tank farms, and approximately 60 smaller miscellaneous underground storage tanks. This waste has been processed and transferred between tanks, and as a result, the chemical, physical (*i.e.*, liquid, solid and sludge) and radiological characteristics of the waste vary greatly among and within individual tanks. In addition, the tank waste contains chemicals or has characteristics classified as hazardous waste under RCRA regulations (40 CFR Parts 260–268 and Parts 270–272) and as dangerous waste under the Washington Administrative Code "Dangerous Waste Regulations" (WAC 173–303).

In 1996, DOE issued the Tank Waste Remediation System (TWRS) EIS (DOE/EIS–0189), which included analyses of alternatives for retrieving and treating (*e.g.*, immobilizing) the waste stored in the tank farms. Because sufficient data were not available to evaluate a range of closure actions, tank system closure alternatives were not evaluated in the TWRS EIS. Among the uncertainties were data regarding past leak losses from the SSTs and how retrieval technology would perform to meet retrieval objectives.

In 1997, DOE issued its Record of Decision (ROD, 62 FR 8693, February

Attachment 2 to Washington State Department of Natural Resources, June 16, 2003 – Notice of Intent *(continued)*

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26) in which DOE decided that it would proceed with tank waste retrieval and treatment. In the ROD and subsequent supplemental analyses, DOE acknowledged that there were substantial technical uncertainties that required resolution. Nevertheless, to make progress while resolving the technical uncertainties, DOE decided to implement waste treatment using a phased approach as identified in the TWRS ROD. During the initial phase (Phase I), DOE planned to design, construct and operate demonstration-scale waste treatment facilities. Following the demonstration phase, DOE would construct full-scale facilities to treat the remaining tank waste (Phase II).

DOE's decision in the TWRS ROD was consistent with modifications to the Tri-Party Agreement contained in the M–62, "Complete Pretreatment, Processing and Vitrification of Hanford High-level (HLW) and Low-activity (LAW) Tank Wastes" series of milestones. Accordingly, DOE proceeded with plans to design, construct, and operate facilities that would separate waste into high-level and low-activity waste streams, vitrify the high-level waste stream and vitrify or similarly immobilize the LAW stream. These facilities are now under construction and are collectively referred to as the "Waste Treatment Plant" or WTP.

DOE's strategy for retrieving, treating and disposing of the tank waste and closing the tank farms has continued to evolve, based on information becoming available since the TWRS ROD was issued. New information and proposed changes to DOE's strategy include the following:

- Design of and preliminary performance projections for the WTP support DOE's proposal to extend operations beyond the original plan to operate the WTP for a ten-year period and to enhance throughput compared to facilities planned for in the 1997 ROD.
- New information indicates that deployment of large-scale treatment facilities in approximately 2012 to immobilize waste not processed by the WTP currently under construction, as identified in the TWRS ROD, may be prohibitively expensive (DOE/EIS–0189–SA–3).
- Under DOE Order 435.1 (Radioactive Waste Management), as applicable, DOE may determine that some tank wastes should be managed as low-level waste (LLW) and transuranic (TRU) waste, which may result in changes in how DOE may treat and dispose of portions of the SST and DST wastes from the HLW tank farms.
- DOE wants to consider non-vitrification treatment technologies for LAW and LLW, if these wastes could be immobilized and disposed of onsite or offsite, while providing protection to the human environment comparable to LAW and LLW immobilized by vitrification.

In developing its Performance Management Plan for the Accelerated Cleanup of the Hanford Site (PMP, DOE/RL–2000–47, August 2002), DOE stated its intent to meet its commitments under the Tri-Party Agreement, and identified its plan to complete tank waste retrieval, treatment and disposal by 2028, and to close all of the tanks and associated facilities, including the WTP, by 2033. DOE's current plans call for closing all of the SSTs by 2028.

DOE stated in the PMP that to achieve these objectives, increased capacity will be needed for the WTP, along with additional treatment capacity provided by other waste immobilization technologies, referred to herein as "supplemental" technologies (bulk vitrification, containerized grout, steam reforming, or sulfate removal are examples). Also in the PMP and in the Supplement Analysis for the Tank Waste Remediation System (DOE/EIS–0189–SA3, 2001), DOE concluded that its evolving strategy for treating and disposing of the tank wastes by 2028 and closing the SSTs by 2028 requires NEPA analysis of proposed tank waste retrieval, treatment and disposal, and proposed tank closure actions.

Further, under the TPA Milestone M–45, "Complete Closure of All Single-Shell Tank (SST) Farms," DOE and the Washington State Department of Ecology (Ecology) have identified a process to start discussing how SST closure would occur. An important part of the process DOE and Ecology have defined for closing tank systems is compliance with Washington State Dangerous Waste regulations that require approval of a closure plan and modification of the Hanford Site Dangerous Waste Permit. Before Ecology can approve either a closure plan or modification of DOE's permit, the State of Washington must fulfill its State Environmental Policy Act (SEPA) requirements. As SEPA is very similar to NEPA, Ecology can adopt a NEPA document if it determines that the document is sufficient to meet SEPA requirements. Ecology has agreed to be a cooperating agency in preparing this EIS.

Need for Action

To meet its commitments under the Tri-Party Agreement and implement its plans to close the tank systems and associated facilities in a timely manner to reduce existing and potential future risk to the public, site workers, and the environment, DOE needs to complete waste retrieval, treatment and disposal of the waste from the SST and DST systems by 2028 and close all SST systems by 2028.

Although DOE is addressing safety and environmental issues posed by tank wastes to minimize current potential risks to human health and the environment, DOE must also implement long-term actions to safely manage and dispose of waste from the tank waste systems, including waste associated with inactive miscellaneous underground storage tanks, and close the SST systems to reduce permanently the potential risk to human health and the environment. These long-term actions also are needed to ensure compliance with applicable Federal requirements regulating the management and disposal of radioactive waste, as well as Federal and Washington State requirements regulating hazardous and mixed waste.

Proposed Action

DOE proposes to retrieve waste from the 149 SST and 28 DST systems and close the SST tank farms in a manner that complies with Federal and Washington State requirements and protects the human environment. (Closure of the DSTs and closure of the WTP are not part of the proposed action because they are active facilities needed to complete waste treatment. Closure of the DSTs and WTP would be addressed at a later date, after appropriate NEPA analysis.) DOE proposes to immobilize the retrieved waste in the WTP and through supplemental treatment technologies such as bulk vitrification, grout, steam reforming and sulfate removal, and to package the immobilized waste for offsite shipment and disposal in licensed and/or permitted facilities or disposal onsite. DOE proposes to close the SST farms (including tanks, ancillary equipment and soils) within the tank farm area by 2028. The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access. Associated support buildings, structures, laboratories, and the treatment facilities would be decontaminated and decommissioned in a cost-effective, legally compliant, and environmentally sound manner. Under the proposed action, DOE would use existing, modified, or, if required, new systems to assure capability to store and manage waste during retrieval and treatment.

Attachment 2 to Washington State Department of Natural Resources, June 16, 2003 – Notice of Intent *(continued)*

Background on Development of Alternatives

The proposed action could result in changes to DOE's tank waste management program with respect to waste storage, waste retrieval, waste treatment, waste disposal, and tank farm closure at the Hanford Site. These key variables were evaluated to develop the range of reasonable alternatives identified below. In terms of waste storage, the EIS would analyze the use of the existing waste storage systems and evaluate the need for new storage systems. With regard to waste retrieval, DOE would evaluate a range of timing of retrieval and the technologies used, from past-practice sluicing as analyzed in the TWRS EIS to dry retrieval. Treatment and disposal alternatives for portions of the SST and DST waste would be evaluated based on some volume of the waste being classified as LLW or TRU waste pursuant to DOE Order 435.1. The waste identified as LLW could be treated and packaged for onsite or offsite disposal. The waste identified as TRU waste could be treated and packaged for transport and disposal at the Waste Isolation Pilot Plant (WIPP) near Carlsbad, New Mexico.

Unless a specific alternative identifies a waste type as LLW and/or TRU waste, the waste would be analyzed as HLW or LAW for the purposes of treatment and disposal. The alternatives for waste treatment include: 1) Treating all wastes via an enhanced WTP as vitrified waste; 2) treating HLW via the WTP and LAW via WTP or supplemental treatments; or 3) treating the waste as stated in #2 and/or supplemental treatment for LLW and TRU waste in the tank farms, in which case some waste would not be processed through the WTP. The options for waste disposal include disposing of the waste onsite using existing or new facilities, disposing of the waste at offsite government facilities (*e.g.*, a geological repository, WIPP, DOE's Nevada Test Site) or using onsite and offsite commercial facilities (such as Envirocare in Utah) for disposal of Hanford waste. Alternatives for tank closure would be evaluated based on broad closure strategies including clean closure (removal of the tanks, ancillary facilities, and contaminated soils) and landfill closure (residual waste left in place and post closure care).

Proposed Alternatives

Each of the six alternatives contains a waste storage, retrieval, treatment and disposal component. Alternatives 3 through 6 also include a tank closure component. The main differences among the alternatives include the extent of waste retrieval, the waste treatment and disposal approach, the tank closure approach, and timing to complete the necessary activities.

1. No Action

The Council on Environmental Quality NEPA Regulations (40 CFR parts 1500–1508), and the DOE NEPA Regulations (10 CFR part 1021) require analysis of a No Action alternative.

Storage: DOE would continue current waste management operations using existing storage facilities. Immobilized (*i.e.*, vitrified) High-level Waste (IHLW) would be stored onsite pending disposal at a geologic repository. Once WTP operations are completed, all tank waste system storage (SSTs and DSTs), treatment, and disposal facilities at the Hanford Site would be placed in a stand-by operational condition.

Retrieval: Waste would be retrieved to the extent required to provide waste feed to the WTP using currently available liquid-based retrieval and leak detection technologies (approximately 25–50% of the total waste volume would be retrieved).

Treatment: No new vitrification or treatment capacity beyond that anticipated in the WTP would be deployed. However, the WTP would be modified within parameters provided for in the TWRS ROD to increase throughput. The WTP would continue to operate until its design life ends in 2046.

Disposal: The residual waste in tanks and the waste remaining in tanks that had not been retrieved (approximately 50 to 75% of the total waste volume) would remain in the tank farm indefinitely. Immobilized Low Activity Waste (ILAW) (by vitrification) would be disposed of onsite. IHLW would be stored onsite pending disposal at a geological repository. For purposes of analysis, administrative control of the tank farms would end following a 100-year period.

Closure: Tank closure would not be addressed; under this alternative, some waste would be left in the tanks indefinitely.

2. Implement the 1997 Record of Decision (With Modifications)

This alternative would continue implementation of decisions made in the TWRS ROD and as considered in three supplement analyses completed through 2001. (*See* "RELATED NEPA DECISIONS AND DOCUMENTS" below for references.) Under these supplement analyses, DOE concluded that changes in the design and operation of the WTP, as defined in its contracts and program plans, were within the bounds of analysis of environmental impacts in the TWRS EIS. Among the key modifications that would occur under this alternative are: (1) Implementing the initial phase of waste treatment with one ILAW facility rather than two, (2) expanding the design capacity of the ILAW facility from 20 metric tons of glass per day to 30 metric tons of glass per day, and (3) extending the design life of the Phase I facilities from 10 years to 40 years. Under this alternative, no new actions would be taken beyond those previously described in the TWRS ROD and supplement analyses regarding the tank waste.

Storage: DOE would continue current waste management operations using existing storage facilities as described under No Action.

Retrieval: Waste would be retrieved to the Tri-Party Agreement goal (*i.e.*, residual waste would not exceed 360 cubic feet for 100 series tanks or 36 cubic feet for 200 series tanks, which would correspond to 99% retrieval) using currently available liquid-based retrieval and leak detection systems.

Treatment: The existing WTP would be modified to enhance throughput and supplemented with additional vitrification capacity, as needed, to complete waste treatment by 2028. Under this alternative, all waste retrieved from tanks (approximately 99%) would be vitrified.

Disposal: Retrieved and treated waste would be disposed of onsite (ILAW) or stored onsite pending disposal at a geologic repository (IHLW). Once operations are completed, all tank waste system waste storage, treatment, and disposal facilities at the Hanford Site would be placed in a stand-by operational condition. The residual waste would remain in the tank farm indefinitely. For purposes of analysis, DOE assumes under this alternative that it would cease to maintain administrative control after a 100-year period.

Closure: Tank closure would not be addressed under this alternative. Some waste would be left in the tanks indefinitely.

3.0 Landfill Closure of Tank Farms/ Onsite and Offsite Waste Disposal

Storage: DOE would continue current waste management operations using existing storage facilities.

Retrieval: Waste would be retrieved to the Tri-Party Agreement goal (*i.e.*, residual waste would not exceed 360 cubic feet for 100 series tanks or 36 cubic feet for 200 series tanks, which would correspond to 99% retrieval) using currently available liquid-based retrieval and leak detection systems.

Attachment 2 to Washington State Department of Natural Resources, June 16, 2003 – Notice of Intent *(continued)*

Treatment: Retrieved waste would be treated with the WTP capacity based on enhanced and/or modified performance of operating systems (*e.g.*, modifications to melters to increase throughput). WTP capacity would be supplemented with additional waste treatment capacity to immobilize LAW using a non-vitrification technology. New non-vitrification supplemental treatment capacity would be developed external to the WTP to immobilize a portion of the tank waste that would be designated as LLW pursuant to DOE Order 435.1 and/or prepare a portion of the tank waste that would be designated as TRU waste for disposal. Waste treatment under this alternative would be completed in 2028 and all SST tank systems would be closed by 2028.

Disposal: ILAW immobilized via the WTP would be disposed of onsite or at offsite commercial (*e.g.*, U.S. Ecology of Washington or Envirocare of Utah) or DOE facilities (Nevada Test Site). IHLW would be stored onsite pending disposal at a national geologic repository. LLW immobilized external to the WTP would be disposed of onsite or at offsite commercial or DOE facilities. TRU waste would be packaged and stored onsite in an existing or new facility pending disposal at the Waste Isolation Pilot Plant (WIPP).

Closure: As operations are completed, SST waste system, waste storage, treatment and disposal facilities at the Hanford Site would be closed as a RCRA landfill unit under Dangerous Waste Regulations under WAC 173–303 and DOE Order 435.1, as applicable, or decommissioned (waste treatment facilities under DOE Order 430.1A). The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access. Tanks, ancillary equipment, and contaminated soils would be remediated and remain in place and the closed tank systems would be covered with an engineered barrier that exceeds RCRA landfill requirements and is the more protective of the landfill options being evaluated (*i.e.*, Hanford barrier).

The main differences between this alternative and other alternatives involve: 1) Using a more robust barrier for closure of tank systems that would provide longer term protection from contaminant releases from closed tank systems and limit intrusion into the closed system compared to the barrier evaluated under Alternatives 5 and 6 (tanks would not be closed under Alternatives 1 and 2, thus no barriers would be used); and 2) Treatment and disposal of treated waste would be the same for Alternatives 3 through 5 allowing for a comparison of the impacts associated with deployment of systems to treat and dispose of transuranic waste (Alternatives 3 through 5) to treatment of waste via the WTP and subsequent management as ILAW and IHLW (Alternatives 2 and 6).

4.0 Clean Closure of Tank Farms/ Onsite and Offsite Waste Disposal

Storage: DOE would continue current waste management operations using existing storage facilities that would be modified, as needed, to support minimizing liquid losses from SSTs and accelerating SST waste retrieval into safer storage pending retrieval for treatment.

Retrieval: Waste would be retrieved using multiple waste retrieval campaigns using various retrieval technologies (*e.g.*, confined sluicing, crawlers), to the extent needed to support clean closure requirements (*i.e.*, 0.1% residual in the tanks or 99.9% waste retrieved from tanks) using liquid and non-liquid retrieval and enhanced in-tank and/or ex-tank leak detection systems.

Treatment: Retrieved waste would be treated with the WTP capacity based on enhanced and/or modified performance of operating systems (see Alternative 3). New alternative treatment capacity to immobilize LLW (*e.g.*, bulk vitrification, containerized grout, steam reforming, sulfate removal) and/or prepare TRU waste for disposition would be developed external to the WTP. Waste treatment under this alternative would be completed in 2028 and all SST tank systems would be closed by 2028.

Disposal: LAW immobilized via the WTP would be disposed of onsite or at offsite commercial or DOE facilities (see Alternative 3). IHLW would be stored onsite pending disposal at a national geologic repository. LLW immobilized external to the WTP would be disposed of onsite or at offsite commercial or DOE facilities (See Alternative 3). TRU waste would be retrieved from tanks, packaged in a new facility, and stored onsite in existing or new storage facilities pending shipment to and disposal at the WIPP.

Closure: Clean closure reflects minimal residual waste in tanks and ancillary equipment, and contaminated soils remediated in place and/or removed from the tank system to be treated and disposed of in accordance with RCRA requirements. As operations are completed, all SST system storage, treatment, and disposal facilities at the Hanford Site would be closed. Waste storage and disposal facilities would be closed in a manner that supported future use on an unrestricted basis and that did not require post-closure care.

The main differences between this alternative and the other alternatives are: 1) The greatest amount of waste is retrieved from tanks based on multiple technology deployments; and 2) tank systems would be closed to meet clean closure standards. Treatment and disposal of treated waste would be the same for Alternatives 3 through 5, allowing a comparison of the impacts associated with deployment of systems to treat and dispose of TRU waste (Alternatives 3 through 5) to treatment of TRU waste via the waste treatment plant (Alternatives 2 and 6).

5.0 Accelerated Landfill Closure/ Onsite and Offsite Waste Disposal

Storage: DOE would continue current waste management operations using existing storage facilities that would be modified or supplemented with new waste storage facilities, to support actions regarding near-term acceleration of tank waste retrieval and treatment. Under this alternative, some SSTs would be retrieved and closed by 2006, exceeding the existing TPA M–45 commitments.

Retrieval: Waste would be retrieved to the Tri-Party Agreement goal to the extent feasible using currently available liquid-based retrieval and leak detection systems (residual waste would correspond to 90–99% retrieval).

Treatment: Waste treatment would be completed no later than 2024 and SST systems would be closed by 2028. Retrieved waste would be treated with the WTP capacity based on enhanced and/or modified performance of operating systems, as described under Alternative 2. WTP capacity would be supplemented with new treatment capacity to immobilize LLW. New treatment capacity to immobilize LLW and/or prepare TRU waste for disposition would be developed external to the WTP.

Disposal: LAW immobilized via the WTP would be disposed of onsite or at offsite commercial or DOE facilities. IHLW would be stored onsite pending disposal at the proposed national geologic repository. LLW immobilized external to the WTP would be disposed of onsite or at offsite commercial or DOE facilities. Transuranic waste would be packaged and stored onsite pending disposal at the WIPP.

Closure: As operations are completed, SST tank waste system waste storage, treatment, and disposal facilities would be closed as a RCRA landfill unit under Dangerous Waste Regulations under WAC 173–303 and DOE Order 435.1, or decommissioned (waste treatment

Attachment 2 to Washington State Department of Natural Resources, June 16, 2003 – Notice of Intent *(continued)*

facilities under DOE Order 430.1A). Waste storage and disposal facilities would be closed as RCRA landfill units under applicable state Dangerous Waste Regulations (WAC 173–303). The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access. Tank systems (tanks, ancillary equipment, and soils) would be closed in place and would be covered with a modified RCRA barrier (*i.e.*, a barrier with performance characteristics that exceed RCRA requirements for disposal of hazardous waste).

The main difference between this alternative and the other alternatives are (1) completion of some SST closure actions by 2006, completion of all waste treatment by 2024, and closure of all SST systems by 2028 in contrast to Alternatives 2, 3 and 6, which would complete waste treatment in 2028 and SST tank systems closure in 2028 and; (2) no remediation of ancillary equipment and contaminated soil, allowing a comparison with the more extensive remediation analyzed under Alternative 3. Another main difference between this alternative and Alternative 3 is the use of a modified RCRA barrier. Treatment and disposal of treated waste would be the same for Alternatives 3 through 5, allowing for a comparison of the impacts associated with deployment of systems to treat and dispose of transuranic waste (Alternatives 3 through 5) to treatment of transuranic waste via the WTP (Alternatives 2 and 6).

6.0 Landfill Closure/Onsite and Offsite Waste Disposal

Storage: DOE would continue current waste management operations using existing storage facilities that would be modified, as needed, to support SST waste retrieval and treatment.

Retrieval: Waste would be retrieved to the Tri-Party Agreement goal (*i.e.*, residual waste would not exceed 360 cubic feet for 100 series tanks or 36 cubic feet for 200 series tanks, which corresponds to retrieval of 99%) using liquid and non-liquid based retrieval and enhanced leak detection systems.

Treatment: Retrieved waste would be treated with the WTP capacity based on enhanced and/or modified performance of operating systems. Supplemental treatment technologies would be used to immobilize LLW. New non-vitrification treatment capacity to immobilize LLW for disposition would be developed external to the WTP. Waste treatment under this alternative would be completed in 2028, and all SST systems would be closed by 2028.

Disposal: ILAW immobilized via the WTP would be disposed of onsite or at offsite commercial or DOE facilities. IHLW would be stored onsite pending disposal at a national geologic repository. LLW immobilized external to the WTP would be disposed of onsite or at offsite commercial or DOE facilities.

Closure: As operations are completed, all tank waste system waste storage, treatment, and disposal facilities at the Hanford Site would be closed (tank farm systems) or decommissioned (waste treatment facilities). The tanks would be filled with materials to immobilize the residual waste and prevent long-term degradation of the tanks and discourage intruder access. Waste storage and disposal facilities would be closed as RCRA landfill units under applicable state Dangerous Waste Regulations (WAC 173–303). Residual waste in tanks, ancillary equipment, and contaminated soils would be remediated in place as needed in accordance with RCRA requirements, and the closed tank systems would be covered with a modified RCRA barrier.

The main difference between this alternative and the other alternatives is that under this alternative there would not be a separate TRU waste stream (Alternatives 3 through 5). As with Alternative 2, waste would be treated in the WTP and subsequently managed as either ILAW or IHLW.

Preliminary Identification of EIS Issues: The following issues have been tentatively identified for analysis in the EIS. The list is presented to facilitate comment on the scope of the EIS; it is not intended to be all-inclusive or to predetermine the potential impacts of any of the alternatives.

- Effects on the public and onsite workers from releases of radiological and nonradiological materials during normal operations and reasonably foreseeable accidents.
- Long-term risks to human populations resulting from waste disposal and residual tank system wastes.
- Effects on air and water quality from normal operations and reasonably foreseeable accidents, including long-term impacts on groundwater.
- Cumulative effects, including impacts from other past, present, and reasonably foreseeable actions at the Hanford Site.
- Effects on endangered species, archaeological/cultural/historical sites, floodplains and wetlands, and priority habitat.
- Effects from onsite and offsite transportation and from reasonably foreseeable transportation accidents.
- Socioeconomic impacts on surrounding communities.
- Disproportionately high and adverse effects on low-income and minority populations (Environmental Justice).
- Unavoidable adverse environmental effects.
- Short-term uses of the environment versus long-term productivity.
- Potential irretrievable and irreversible commitment of resources.
- The consumption of natural resources and energy, including water, natural gas, and electricity.
- Pollution prevention, waste minimization, and potential mitigative measures.

Related NEPA Decisions and Documents: The following lists DOE other NEPA documents that are related to this proposed Hanford Site Tank Retrieval and Closure EIS.

45 FR 46155, 1980, "Double-Shell Tanks for Defense High-Level Radioactive Waste Storage, Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

53 FR 12449, 1988, "Disposal of Hanford Defense High-Level Transuranic, and Tank Wastes, Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

60 FR 28680, 1995, "Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Program, Part III; Record of Decision," **Federal Register**.

60 FR 54221, 1995, "Final Environmental Impact Statement for the Safe Interim Storage of Hanford Tank Wastes at the Hanford Site, Richland, WA; Record of Decision," **Federal Register**.

60 FR 61687, 1995, "Record of Decision Safe Interim Storage of Hanford Tank Wastes, Hanford Site, Richland, Washington," **Federal Register**.

61 FR 3922, 1996, "Availability of the Final Environmental Impact Statement for Management of Spent Nuclear Fuel from the K Basins at the Hanford Site, Richland, WA; Notice of Availability of Final Environmental Impact Statement," **Federal Register**.

61 FR 10736, 1996, "Management of Spent Nuclear Fuel from the K Basins at the Hanford Site, Richland, WA. ACTION: Notice of Record of Decision," **Federal Register**.

62 FR 8693, 1997, "Record of Decision for the Tank Waste Remediation System, Hanford Site, Richland, Washington," **Federal Register**.

DOE/EA–0479, 1990, Collecting Crust Samples from Level Detectors in Tank

Attachment 2 to Washington State Department of Natural Resources, June 16, 2003 – Notice of Intent *(continued)*

SY–101 at the Hanford Site, U.S. Department of Energy, Richland, Washington.

DOE/EA–0495, 1991, Preparation of Crust Sampling of Tank 241–SY–101, U.S. Department of Energy, Richland, Washington.

DOE/EA–0511, 1991, Characterization of Tank 241–SY–101, U.S. Department of Energy, Richland, Washington.

DOE/EA–0581, 1991, Upgrading of the Ventilation System at the 241–SY Tank Farm, U.S. Department of Energy, Richland, Washington.

DOE/EA–0802, 1992, Tank 241–SY–101 Equipment Installation and Operation to Enhance Tank Safety, U.S. Department of Energy, Richland, Washington.

DOE/EA–0803, 1992, Proposed Pump Mixing Operations to Mitigate Episodic Gas Releases in Tank 241–SY–101, U.S. Department of Energy, Richland, Washington.

DOE/EA–0881, 1993, Tank 241–C–103 Organic Vapor and Liquid Characterization and Supporting Activities, U.S. Department of Energy, Richland, Washington.

DOE/EA–0933, 1995, Tank 241–C–106 Past Practice Sluicing Waste Retrieval, U.S. Department of Energy, Richland, Washington.

DOE/EA–0981, 1995, Solid Waste Retrieval Complex, Enhanced Radioactive and Mixed Waste Storage Facility, U.S. Department of Energy, Richland, Washington.

DOE/EA–1203, 1997, Trench 33 Widening in 218–W–5 Low-Level Burial Ground, U.S. Department of Energy, Richland, Washington.

DOE/EA–1276, 1999, Widening Trench 36 of the 218–E–12B Low-Level Burial Ground, U.S. Department of Energy, Richland, Washington.

DOE/EA–1405, 2002, Transuranic Waste Retrieval from the 218–W–4B and 218–W–4C Low-Level Burial Grounds, Finding of No Significant Impact, U.S. Department of Energy, Richland, Washington.

DOE/EIS–0113, 1987, Final Environmental Impact Statement, Disposal of Hanford Defense High-Level, Transuranic and Tank Wastes Hanford Site Richland, Washington, U.S. Department of Energy, Washington, DC.

DOE/EIS–0189, 1996, Tank Waste Remediation System, Hanford Site, Richland, Washington, Final Environmental Impact Statement, U.S. Department of Energy and Washington State Department of Ecology, Washington, DC.

DOE/EIS–0189–SA1, 1997, Supplement Analysis for the Proposed Upgrades to the Tank Farm Ventilation, Instrumentation, and Electrical Systems under Project W–314 in Support of Tank Farm Restoration and Safe Operations, U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS–0189–SA2, 1998, Supplement Analysis for the Tank Waste Remediation System, U.S. Department of Energy, Washington, DC.

DOE/EIS–0189–SA3, 2001, Supplement Analysis for the Tank Waste Remediation System, U.S. Department of Energy, Washington, DC.

DOE/EIS–0200, 1997, Final Waste Management Programmatic Environmental Impact Statement, U.S. Department of Energy, Washington, DC.

DOE/EIS–0212, 1995, Safe Interim Storage of Hanford's Tank Waste Final Environmental Impact Statement, U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS–0222, 1999, Final Hanford Remedial Action Environmental Impact Statement and Comprehensive Land Use Plan, U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS–0250, 2002, Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada, U.S. Department of Energy Office of Civilian Radioactive Waste Management, Washington, DC.

DOE/EIS–0286D, 2000, Draft Hanford Site Solid (Radioactive and Hazardous) Waste Program Environmental Impact Statement, U.S. Department of Energy, Richland, Washington.

DOE/EIS–0287, 2002, Idaho High-Level Waste and Facilities Disposition Environmental Impact Statement, U.S. Department of Energy, Washington, DC.

Ecology, 2000, Draft Environmental Impact Statement for Commercial Low-Level Radioactive Waste Disposal Site, Richland, Washington, Washington State Department of Ecology, Olympia, Washington.

Ecology, EPA, and DOE, 1989, Hanford Federal Facility Agreement and Consent Order, as amended, Washington State Department of Ecology, U.S. Environmental Protection Agency, and U.S. Department of Energy, Olympia, Washington.

Issued in Washington, DC on this 3rd day of January, 2003.

Beverly A. Cook,

Assistant Secretary, Environment, Safety and Health.

[FR Doc. 03–318 Filed 1–7–03; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC03–37–000, et al.]

Exelon Generation Company, LLC, et al. Electric Rate and Corporate Filings

January 2, 2003.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Exelon Generation Company, LLC

[Docket No. EC03–37–000]

Take notice that on December 23, 2002, Exelon Corporation, Exelon Ventures Company, LLC, and Exelon Generation Company, LLC, filed an application with the Federal Energy Regulatory Commission (Commission) requesting authorization from the Commission to implement a plan of corporate reorganization.

Comment Date: January 13, 2003.

2. Idaho Power Company andIDACORP Energy, L.P.,

[Docket No. EC03–38–000]

Take notice that on December 23, 2002, Idaho Power Company (Idaho Power) and IDACORP Energy, L.P. (IELP, collectively, Applicants) filed an Application for Commission Approval of Disposition of Jurisdictional Facilities under Section 203 of the Federal Power Act. The jurisdictional facilities that are the subject of the Application are a wholesale power sales agreement and transactions (Truckee Agreement and Transactions) between Idaho Power and Truckee-Donner Public Utility District. By their Application, Applicants seek Commission approval for the assignment of the Truckee Agreement and Transactions from Idaho Power to IELP.

Comment Date: January 13, 2003.

3. Calpine Energy Services, L.P. Calpine Northbrook Energy Marketing, LLC

[Docket No. EC03–39–000]

Take notice that on December 24, 2002, Calpine Energy Services, L.P. (CES) and Calpine Northbrook Energy Marketing, LLC (CNEM) tendered for filing an application under section 203 of the Federal Power Act for approval of

U.S. FISH AND WILDLIFE SERVICE – June 12, 2008

U.S. Department of Energy
Office of River Protection
P.O. Box 450, MSIN H6-60
Richland, Washington 99352

JUN 12 2008

08-ESQ-128

Mr. Mark Miller, Supervisor Central Washington
Ecological Services Office
U.S. Fish and Wildlife Service
215 Melody Lane, Suite 119
Wenatchee, Washington 98801

Dear Mr. Miller:

TANK CLOSURE AND WASTE MANAGEMENT (TC & WM) ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR THE HANFORD SITE, RICHLAND, WASHINGTON

The U.S. Department of Energy, Office of River Protection (ORP) is preparing the TC & WM EIS for the Hanford Site, near Richland, Washington, pursuant to the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations at 40 Code of Federal Regulations (CFR) Parts 1500–1508 and 10 CFR Part 1021. This EIS expands the scope of the original retrieval, treatment, and disposal of Tank Waste and Closure of Single-Shell Tanks (SST) NEPA documentation as described in 68 Federal Register 1052 and for which ORP consulted with your office on June 16, 2003.

Similar to the earlier proposed EIS, this new document will analyze the environmental impacts of the retrieval, treatment, and disposal of tank waste and the closure of 149 SSTs within the 200 Areas. Additional scope was added including the management and disposal of solid wastes resulting from other Hanford activities, and the closure of the Fast Flux Test Facility. The areas of the Site where actions are occurring are depicted in Attachment 1. The Notice of Intent to prepare the EIS, which further explains the project, is Attachment 2.

In compliance with the Endangered Species Act, this EIS will contain an analysis of the proposed action as it relates to listed and proposed threatened and endangered species. In support of the preparation of the EIS, ORP requests that the U.S. Fish and Wildlife Service provide a current list of species that may be affected by the proposed actions.

If you have any questions, please contact Mary Beth Burandt TC & WM EIS NEPA Document Manager of my staff at (509) 372-7772.

Sincerely,

W.J. Taylor

William J. Taylor, Assistant Manager
Office of Environmental Safety and Quality

ESQ:MEB

Attachments: (2)

cc: See page 2

U.S. FISH AND WILDLIFE SERVICE – June 12, 2008 *(continued)*

Mr. Mark Miller -2- JUN 12 2008
08-ESQ-128

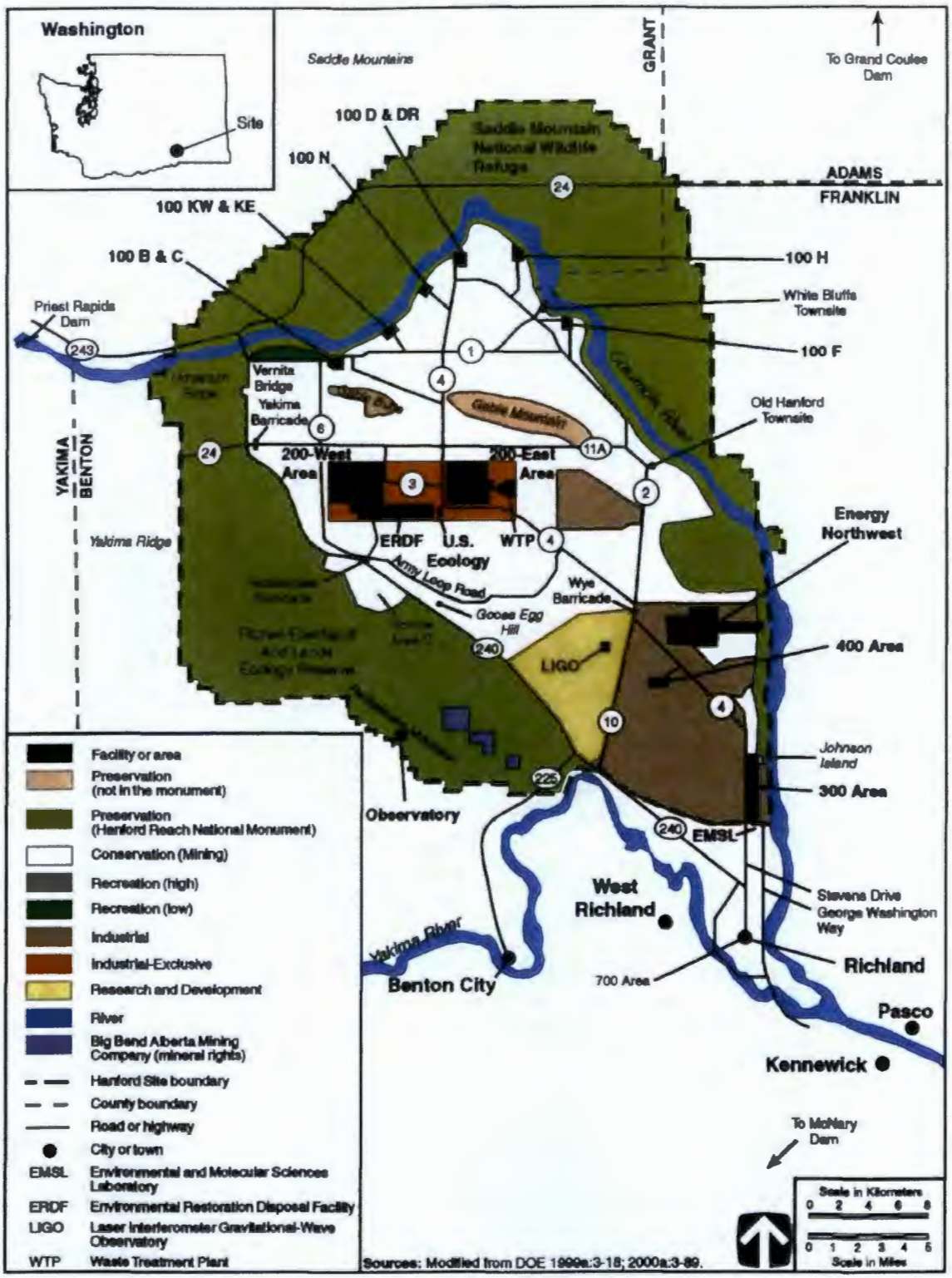
cc w/attachs:
D. Stock, SAIC

Attachment 1 to U.S. Fish and Wildlife Service, June 12, 2008 – Hanford Site, Richland, Washington

Attachment 1
08-ESQ-128

Hanford Site, Richland, Washington

Attachment 1 to U.S. Fish and Wildlife Service, June 12, 2008 – Hanford Site, Richland, Washington *(continued)*



Attachment 2 to U.S. Fish and Wildlife Service, June 12, 2008 – Notice of Intent

Attachment 2
08-ESQ-128

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Attachment 2 to U.S. Fish and Wildlife Service, June 12, 2008 – Notice of Intent *(continued)*

Federal Register / Vol. 71, No. 22 / Thursday, February 2, 2006 / Notices 5655

addressed as follows: Office of Electricity Delivery & Energy Reliability (Mail Code OE–20), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350 (FAX 202–586–5860).

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202–586–9624 or Michael Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On December 14, 2005, the Department of Energy (DOE) received an application from MAG E.S. to transmit electric energy from the United States to Canada. MAG E.S. is a Canadian corporation with its principal place of business in Montreal, Quebec. MAG E.S. has requested an electricity export authorization with a 5-year term. MAG E.S. does not own or control any transmission or distribution assets, nor does it have a franchised service area. The electric energy which MAG E.S. proposes to export to Canada would be purchased from electric utilities and Federal power marketing agencies within the U.S.

MAG E.S. will arrange for the delivery of exports to Canada over the international transmission facilities owned by Basin Electric Power Cooperative, Booneville Power Administration, Eastern Maine Electric Cooperative, International Transmission Co., Joint Owners of the Highgate Project, Long Sault, Inc., Maine Electric Power Company, Maine Public Service Company, Minnesota Power, Inc., Minnkota Power Cooperative, Inc., New York Power Authority, Niagara Mohawk Power Corp., Northern States Power Company and Vermont Electric Transmission Co.

The construction, operation, maintenance, and connection of each of the international transmission facilities to be utilized by MAG E.S. has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

Procedural Matters: Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with DOE on or before the date listed above.

Comments on the MAG E.S. application to export electric energy to Canada should be clearly marked with Docket EA–306. Additional copies are to be filed directly with Martin Gauthier, Director, MAG E.S. Energy Solutions Inc., 486 Ste-Catherine W, #402, Montreal, QC, Canada H3B 1A6.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the program's Home Page at *http://www.electricity.doe.gov.* Upon reaching the Home page, select "Divisions," then "Permitting Siting & Analysis," then "Electricity Imports/Exports," and then "Pending Proceedings" from the options menus.

Issued in Washington, DC, on January 26, 2006.

Anthony J. Como,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. E6–1392 Filed 2–1–06; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Intent To Prepare the Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, WA

AGENCY: Department of Energy.

ACTION: Notice of intent.

SUMMARY: The U.S. Department of Energy (DOE) announces its intent to prepare a new environmental impact statement (EIS) for its Hanford Site (Hanford) near Richland, Washington, pursuant to the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations at 40 CFR Parts 1500–1508 and 10 CFR Part 1021. The new EIS, to be titled the *Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, Washington* (TC & WM EIS), will implement a Settlement Agreement announced on January 9, 2006, among DOE, the Washington State Department of Ecology (Ecology) and the State of Washington Attorney General's office. The Agreement serves as settlement of NEPA claims in the case *State of Washington* v. *Bodman* (Civil No. 2:03–cv–05018–AAM), which addressed the *Final Hanford Site Solid (Radioactive and Hazardous) Waste Program EIS, Richland, Washington* (HSW EIS, DOE/EIS–0286, January 2004).

Ecology will continue its role as a Cooperating Agency in the preparation of the TC & WM EIS. Ecology already was acting in that capacity during the ongoing preparation of the *EIS for Retrieval, Treatment and Disposal of Tank Waste and Closure of the Single-Shell Tanks at the Hanford Site, Richland, Washington* (TC EIS, DOE/EIS–0356, Notice of Intent [NOI] at 68 FR 1052, January 8, 2003). The TC & WM EIS will revise, update and reanalyze groundwater impacts previously addressed in the HSW EIS. That is, the TC & WM EIS will provide a single, integrated analysis of groundwater at Hanford for all waste types addressed in the HSW EIS and the TC EIS. As a result, the TC & WM EIS will include a reanalysis of onsite disposal alternatives for Hanford's low-level radioactive waste (LLW) and mixed low-level radioactive waste (MLLW) and LLW and MLLW from other DOE sites. The TC & WM EIS will revise and update other potential impact areas previously addressed in the HSW EIS as appropriate. Finally, the TC & WM EIS will incorporate existing analyses from the HSW EIS that do not affect and are not directly affected by the waste disposal alternatives after review or revision as appropriate. DOE will continue its ongoing analysis of alternatives for the retrieval, treatment, storage, and disposal of underground tank wastes and closure of underground single-shell tanks (SST). In addition, DOE plans to include the ongoing *Fast Flux Test Facility Decommissioning EIS* (FFTF EIS, DOE/EIS–0364, NOI at 69 FR 50178, August 13, 2004) in the scope of the new TC & WM EIS, in order to provide an integrated presentation of currently foreseeable activities related to waste management and cleanup at Hanford.

In accordance with the Settlement Agreement, DOE will not ship offsite waste to Hanford for storage, processing, or disposal until a Record of Decision (ROD) is issued pursuant to the TC & WM EIS, except under certain limited exemptions as provided in the Settlement Agreement.

DOE is soliciting comments on the proposed scope of the new TC & WM EIS. Comments previously submitted in response to the 2003 NOI for the TC EIS and the 2004 NOI for the FFTF EIS are being considered and need not be resubmitted.

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DATES: DOE invites Federal agencies, American Indian tribal nations, state and local governments, and the public to comment on the scope of the planned TC & WM EIS. DOE will consider all comments received by March 6, 2006, as well as comments received after that date to the extent practicable. DOE plans to hold public meetings at the following locations:

Hood River, Oregon; February 21, 2006.

Portland, Oregon; February 22, 2006.

Seattle, Washington; February 23, 2006.

Richland, Washington, February 28, 2006.

The public meetings will address the scope of the planned TC & WM EIS. DOE will provide additional notification of the meeting times and locations through newspaper advertisements and other appropriate media.

ADDRESSES: To submit comments on the scope of the TC & WM EIS or to request copies of the references listed herein, including references listed in Appendix A, contact: Mary Beth Burandt, Document Manager, Office of River Protection, U.S. Department of Energy, Post Office Box 450, Mail Stop H6–60, Richland, WA 99352. Electronic mail: *TC&WMEIS@saic.com*. Fax: 509–376–3661. Telephone and voice mail: 509–373–9160.

FOR FURTHER INFORMATION CONTACT: For information on DOE's NEPA process, contact: Carol Borgstrom, Director, Office of NEPA Policy and Compliance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. Telephone 202–586–4600, or leave a message at 1–800–472–2756.

This NOI will be available on DOE's NEPA Web site at *http://www.eh.doe.gov/nepa* and the TC & WM EIS Web site at *http://www.hanford.gov/orp/* (click on Public Involvement).

SUPPLEMENTARY INFORMATION:

I. Background

The Hanford Site is located in southeastern Washington State along the Columbia River, and is approximately 586 square miles in size. Hanford's mission included defense-related nuclear research, development, and weapons production activities from the early 1940s to approximately 1989. During that period, Hanford operated a plutonium production complex with nine nuclear reactors and associated processing facilities. These activities created a wide variety of chemical and radioactive wastes. Hanford's mission now is focused on the cleanup of those wastes and ultimate closure of Hanford. To this end, DOE manages several types of radioactive wastes at Hanford: (1) High-level radioactive waste (HLW) as defined under the Nuclear Waste Policy Act [42 U.S.C. 10101]; (2) transuranic (TRU) waste, which is waste containing alpha-particle-emitting radionuclides with atomic numbers greater than uranium (*i.e.*, 92) and half-lives greater than 20 years in concentrations greater than 100 nanocuries per gram of waste; (3) LLW, which is radioactive waste that is neither HLW nor TRU waste; and (4) MLLW, which is LLW containing hazardous constituents as defined under the Resource Conservation and Recovery Act of 1976 (RCRA, 42 U.S.C. 6901 *et seq.*).

At present, DOE is constructing a Waste Treatment Plant (WTP) in the 200-East Area of the site. The WTP will separate waste stored in Hanford's underground tanks into HLW and low-activity waste (LAW) fractions. HLW will be treated in the WTP and stored at Hanford until it can be shipped to the proposed repository at Yucca Mountain, Nevada. Immobilized LAW waste would be treated in the WTP and disposed of at Hanford as decided in the ROD issued in 1997 (62 FR 8693), pursuant to the *Tank Waste Remediation System, Hanford Site, Richland, Washington, Final EIS* (TWRS EIS, DOE/EIS–0189, August 1996). DOE is processing Hanford's contact-handled TRU waste (which does not require special protective shielding) for shipment to the Waste Isolation Pilot Plant (WIPP) near Carlsbad, New Mexico, consistent with the 1998 RODs (63 FR 3624 and 63 FR 3629) for treatment and disposal of TRU waste under the *Final Waste Management Programmatic EIS for Managing Treatment, Storage, and Disposal of Radioactive and Hazardous Waste* (WM PEIS, DOE/EIS–0200) and the *Waste Isolation Pilot Plant Disposal Phase Final Supplemental Environmental Impact Statement* (WIPP SEIS-II, DOE/EIS–0026–S–2, September 1997). DOE is disposing of Hanford's LLW and MLLW onsite, consistent with the ROD for treatment and disposal of these wastes under the WM PEIS (65 FR 10061). This ROD also designates Hanford as a regional disposal site for LLW and MLLW from other DOE sites.

In January 2003, DOE issued an NOI (68 FR 1052) to prepare the TC EIS (DOE/EIS–0356). The proposed scope of the TC EIS included closure of the 149 underground SSTs and newly available information on supplemental treatment for the LAW from all 177 tanks, which contain a total of approximately 53 million gallons of waste.

In March 2003, Ecology initiated litigation on issues related to importation, treatment, and disposal of radioactive and hazardous waste generated offsite as a result of nuclear defense and research activities. The Court enjoined shipment of offsite TRU waste to Hanford for processing and storage pending shipment to WIPP.

In January 2004, DOE issued the HSW EIS and a ROD (69 FR 39449), which addressed ongoing solid waste management operations, and announced DOE's decision to dispose of Hanford and a limited volume of offsite LLW and MLLW in a new Integrated Disposal Facility in the 200-East Area of Hanford. DOE also decided to continue sending Hanford's MLLW offsite for treatment and to modify Hanford's T-Plant for processing remote-handled TRU waste and MLLW (which require protective shielding).

Ecology amended its March 2003 complaint in 2004, challenging the adequacy of the HSW EIS analysis of offsite waste importation. In May 2005, the Court granted a limited discovery period, continuing the injunction against shipping offsite wastes to Hanford, including LLW and MLLW (*State of Washington* v. *Bodman* [Civil No. 2:03–cv–05018–AAM]). In July 2005, while preparing responses to discovery requests from Ecology, Battelle Memorial Institute, DOE's contractor who assisted in preparing the HSW EIS, advised DOE of several differences in groundwater analyses between the HSW EIS and its underlying data.

DOE promptly notified the Court and the State and, in September 2005, convened a team of DOE experts in quality assurance and groundwater analysis, as well as transportation and human health and safety impacts analysis, to conduct a quality assurance review of the HSW EIS. The team completed its *Report of the Review of the Hanford Solid Waste Environmental Impact Statement* (EIS) *Data Quality, Control and Management Issues*, January 2006 (hereafter referred to as the Quality Review).

Because both Ecology and DOE have a shared interest in the effective cleanup of Hanford, DOE and Ecology announced a Settlement Agreement ending the NEPA litigation on January 9, 2006. The Agreement is intended to resolve Ecology's concerns about HSW EIS groundwater analyses and to address other concerns about the HSW EIS, including those identified in the *Quality Review*.

The Agreement calls for an expansion of the TC EIS to provide a single, integrated set of analyses that will include all waste types analyzed in the HSW EIS (LLW, MLLW, and TRU

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waste). The expanded EIS will be renamed the TC & WM EIS. Pending finalization of the TC & WM EIS, the HSW EIS will remain in effect to support ongoing waste management activities at Hanford (including transportation of TRU waste to WIPP) in accordance with applicable regulatory requirements. The Agreement also stipulates that when the TC & WM EIS has been completed, it will supersede the HSW EIS. Until that time, DOE will not rely on HSW EIS groundwater analyses for decision-making, and DOE will not import offsite waste to Hanford, with certain limited exemptions as specified in the Agreement.

DOE and Ecology have mutual responsibilities for accomplishing cleanup of Hanford, as well as continuing ongoing waste management activities consistent with applicable Federal and state laws and regulations. *The Hanford Federal Facility Agreement and Consent Order* (also called the Tri-Party Agreement [TPA]) among the state, DOE, and the U.S. Environmental Protection Agency (EPA) contains various enforceable milestones that apply to waste management activities. DOE also is required to comply with applicable requirements of RCRA and the state's Hazardous Waste Management Act of 1976 as amended (Chapter 70.105 Revised Code of Washington). To carry out proposals for future actions and obtain necessary permits, each agency must comply with the applicable provisions of NEPA and the Washington State Environmental Policy Act (SEPA) respectively. The agencies have revised their Memorandum of Understanding for the TC EIS (effective March 25, 2003), which identified Ecology as a Cooperating Agency in the preparation of the TC EIS. The Memorandum of Understanding revision is consistent with the Settlement Agreement and provides for Ecology's continuing participation as a Cooperating Agency in preparation of the TC & WM EIS to assist both agencies in meeting their respective responsibilities under NEPA and SEPA.

II. Purpose and Need for Action

Recognizing the potential risks to human health and the environment from Hanford tank wastes, DOE needs to retrieve waste from the 149 SSTs and 28 double-shell tanks (DST), treat and dispose of the waste, and close the SST farms in a manner that complies with Federal and Washington State requirements. Some waste from tanks and LLW and MLLW from Hanford and other DOE sites that do not have appropriate facilities must be disposed of to facilitate cleanup of Hanford and these sites.

III. Proposed Action

DOE proposes to retrieve and treat waste from 177 underground tanks and ancillary equipment and dispose of this waste in compliance with applicable regulatory requirements. Vitrified HLW waste would be stored onsite until it can be disposed of in the proposed repository at Yucca Mountain. DOE proposes to provide additional treatment capacity for the tank LAW that can supplement the planned WTP capacity in fulfillment of DOE's obligations under the TPA in as timely a manner as possible. DOE would dispose of Hanford's immobilized LAW, LLW and MLLW, and LLW and MLLW from other DOE sites, in lined trenches onsite. These trenches would be closed in accordance with applicable regulatory requirements.

DOE also proposes to complete the final decontamination and decommissioning of the FFTF. DOE decided, in January 2001, (ROD at 66 FR 7877) that the permanent closure of FFTF was to be resumed with no new missions, based on the *Final Programmatic Environmental Impact Statement for Accomplishing Expanded Civilian Nuclear Energy Research and Development and Isotope Production Missions in the United States, Including the Role of the Fast Flux Test Facility (DOE/EIS–0310, December 2000).*

IV. Proposed Scope of the TC & WM EIS

In accordance with the Settlement Agreement, DOE intends to prepare a single, comprehensive EIS addressing tank waste retrieval, treatment, storage, and disposal; tank closure; and management of all waste types analyzed in the HSW EIS as an integrated document for public and agency review and reference. The TC & WM EIS will update, revise, or reanalyze resource areas (such as groundwater and transportation) from the HSW EIS as necessary to make them current and reflect the waste inventories and analytical assumptions being used for environmental impact assessment in the TC & WM EIS. All updated analyses would be included in the revised quantitative groundwater and other cumulative impact analyses in the TC & WM EIS.

The proposed scope of the TC & WM EIS includes alternatives for onsite disposal of LLW, MLLW, and LAW; transportation of offsite LLW and MLLW to Hanford for disposal; and current or revised information for ongoing operations, such as those involving Hanford's Central Waste Complex, that were included in the HSW EIS.

DOE proposes to retain all of the scope identified in the 2003 NOI for the TC EIS as modified by public scoping comments. Proposed modifications to the alternatives identified in the 2003 NOI are provided in Section VI. That is, the new TC & WM EIS would address management of the approximately 53 million gallons of waste stored in 149 underground SSTs (ranging in capacity from approximately 55,000 to 1 million gallons) and 28 underground DSTs (ranging in capacity from approximately 1 to 1.16 million gallons) grouped in 18 tank farms, and approximately 60 smaller miscellaneous underground storage tanks, along with ancillary equipment.

DOE proposes to retain all of the scope identified in its August 2004 NOI to evaluate alternatives for the final disposition of the FFTF and proposes to integrate that scope into the TC & WM EIS. The TC & WM EIS will thus provide an integrated presentation of currently foreseeable activities related to waste management and cleanup at Hanford.

V. Potential Decisions To Be Made

DOE plans to make decisions on the following topics.

- *Retrieval of Tank Waste*—A reasonable waste retrieval range is comprised of three levels: 90 percent, 99 percent, and 99.9 percent. The 99 percent retrieval is the goal established by the TPA (Milestone M–45–00); 90 percent retrieval evaluates a risk analysis of the tank farms as defined in the M–45–00, Appendix H, process; and 99.9 percent retrieval reflects uses of multiple retrieval technologies to support clean closure of the tank farms.
- *Treatment of Tank Waste*—WTP waste treatment capability can be augmented by supplemental treatment technologies and constructing new treatment facilities that are part of, or separate from, the WTP. The two primary choices that could fulfill DOE's TPA commitments are to treat all waste in an expanded WTP or provide supplemental treatment to be used in conjunction with, but separate from, the WTP. DOE has conducted preliminary tests on three supplemental treatment technologies—cast stone (a form of grout), steam reforming, and bulk vitrification—to determine if one or more could be used to provide the additional, supplemental waste treatment capability needed to complete waste treatment.
- *Disposal of Treated Tank Waste*—Onsite disposal includes treated tank waste such as immobilized LAW and

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waste generated from closure activities that meets onsite disposal criteria; the decision to be made involves the onsite location of disposal facilities. Decisions to be made related to offsite disposal include the length of time and facilities required for storage of immobilized high-level radioactive waste (IHLW) prior to disposal at the proposed Yucca Mountain repository.

• *Storage of Tank Waste*—Depending on the alternative being analyzed, storing tank waste for different lengths of time may be necessary. This may require the construction, operation, and deactivation of waste transfer infrastructures, including waste receiver facilities (below-grade lag storage and minimal waste treatment facilities), waste transfer line upgrades, and new or replacement DSTs. Also depending on the alternative, construction and operation of additional immobilized HLW storage vaults, melter pads, and TRU waste storage facilities needed to store treated tank waste.

• *Closure of SSTs*—Decisions to be made include closing the SSTs by clean closure, selective clean closure/landfill closure, and landfill closure with or without any soil contamination removal. Decisions regarding barriers (engineered modified RCRA Subtitle C barrier or Hanford barrier) to prevent water intrusion will be made. A closure configuration for the original 28 DSTs will be evaluated in the TC & WM EIS for engineering reasons related to barrier placement for the SSTs. This evaluation also is provided to aid Ecology in evaluating the impacts which might result in closing DSTs to a debris rule standard. However, DOE is deferring a decision on closure of DSTs and decommissioning of the WTP until a later date when the mission for those facilities is nearing completion.

• *Disposal of Hanford's and DOE Offsite LLW and MLLW*—The decision to be made concerns the onsite location of disposal facilities for Hanford's waste and other DOE sites' LLW and MLLW. DOE committed in the HSW EIS ROD that henceforth LLW would be disposed of in lined trenches. Thus, the decision would concern whether to dispose of the waste in the 200-West Area or at the Integrated Disposal Facility in the 200-East Area.

• *Final Decontamination and Decommissioning of the FFTF*—The decision would identify the final end state for the above-ground, below-ground, and ancillary support structures.

VI. Potential Range of Alternatives

Six alternatives were originally proposed for TC EIS and are listed below. The initial scope of the TC EIS was provided in the January 2003 NOI and at each public scoping meeting.

• No Action Alternative, which was to implement the 1997 TWRS EIS ROD;

• Implement the 1997 TWRS EIS ROD with Modifications;

• Landfill Closure of Tank Farms/Onsite and Offsite Waste Disposal;

• Clean Closure of Tank Farms/Onsite and Offsite Waste Disposal;

• Accelerated Landfill Closure/Onsite and Offsite Waste Disposal; and

• Landfill Closure/Onsite and Offsite Waste Disposal.

Onsite disposal would include immobilized LAW, LLW, and MLLW resulting from tank retrieval and treatment. Offsite disposal of HLW would occur at Yucca Mountain. No determination has been made as to whether any of the tanks contain TRU waste. If it is determined that any tank waste is TRU waste, offsite disposal at WIPP would be appropriate, provided the required approvals from EPA and the New Mexico Environment Department were obtained.

As a result of the 2003 scoping for the TC EIS, a number of changes are being made to those identified in the NOI. The major changes are:

• The No Action Alternative was modified to address a traditional "no action" rather than the action from the TWRS EIS ROD;

• The alternative addressing implementation of the 1997 TWRS EIS ROD was modified to address both the currently planned vitrification capacity and the currently planned capacity supplemented with additional vitrification capacity as the supplemental treatment;

• A partial tank removal option was added, which analyzes leaving some of the SSTs in place and exhuming the SSTs completely in the SX and BX tank farms;

• The Landfill Closure of Tank Farms/Onsite and Offsite Waste Disposal Alternative has been modified to more clearly evaluate the No Separations (of HLW and LAW waste) with Onsite Storage and Offsite Disposal Alternative; and

• A suboption has been added to both the All Vitrification with Separations and All Vitrification/No Separations (of HLW and LAW waste) Alternatives to address closure of the cribs and trenches proximal to tanks within identified waste management areas in place as opposed to removing them.

For Hanford and offsite LLW and MLLW analyzed in the HSW EIS, DOE proposes to simplify the alternatives. Both waste types would be disposed of in lined trenches. DOE plans to update the volumes to be disposed of, approximating those volumes for offsite waste in the 2004 HSW EIS ROD, and to update the waste information. DOE also intends to update the transportation analysis of shipping offsite waste to Hanford for disposal. The onsite disposal alternatives are:

• Construction of a new disposal facility in the 200-West Area burial grounds; and

• Construction of new LLW and MLLW capacity in the Integrated Disposal Facility in the 200-East Area.

For the FFTF, the 2004 NOI identified three alternatives as listed below.

• No Action—actions consistent with previous DOE NEPA decisions would be completed; final decommissioning would not occur.

• Entombment—above-ground structures would be decontaminated and dismantled, below-ground structures would be grouted and left in place.

• Removal—above-ground structures would be decontaminated and dismantled, below-ground structures would be removed and disposed of at Hanford.

VII. Potential Environmental Issues for Analysis

The following issues have been tentatively identified for analysis in the TC & WM EIS. This list is presented to facilitate comment on the scope of the TC & WM EIS, but is not intended to be all-inclusive or to predetermine potential impacts of any alternative.

• Effects on the public and onsite workers of radiological and nonradiological material releases during normal operations and reasonably foreseeable accidents;

• Long-term risks to human populations resulting from waste disposal and residual tank system wastes;

• Effects on air and water quality of normal operations and reasonably foreseeable accidents, including long-term impacts on groundwater;

• Cumulative effects, including impacts of other past, present, and reasonably foreseeable actions at Hanford, including past discharges to cribs and trenches, groundwater remediation activities, activities subject to TPA requirements and cleanup activities under the Comprehensive Environmental Response, Compensation, and Liability Act;

• Effects on endangered species, archaeological/cultural/historical sites, floodplains and wetlands, and priority habitat;

• Effects of on- and offsite transportation and of reasonably

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foreseeable transportation accidents; and

• Socioeconomic impacts on surrounding communities.

VIII. Public Scoping

DOE invites Federal agencies, American Indian tribal nations, state and local governments, and the general public to comment on the scope of the planned TC & WM EIS. Information on the scoping comment period is provided in the **DATES** section above. Comments previously submitted in response to the 2003 NOI for the TC EIS and the 2004 NOI for the FFTF EIS are being considered and need not be resubmitted.

Issued in Washington, DC, on January 30, 2006.

John Spitaleri Shaw,

Assistant Secretary for Environment, Safety and Health.

Appendix A—Related National Environmental Policy Act Documents

45 FR 46155, 1980, "Double-Shell Tanks for Defense High-Level Radioactive Waste Storage, Hanford Site, Richland, Washington; Record of Decision," **Federal Register.**

53 FR 12449, 1988, "Disposal of Hanford Defense High-Level, Transuranic, and Tank Wastes, Hanford Site, Richland, Washington; Record of Decision," **Federal Register.**

60 FR 28680, 1995, "Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Program, Part III; Record of Decision," **Federal Register.**

60 FR 54221, 1995, "Final Environmental Impact Statement for the Safe Interim Storage of Hanford Tank Wastes at the Hanford Site, Richland, Washington; Record of Decision," **Federal Register.**

60 FR 61687, 1995, "Record of Decision; Safe Interim Storage of Hanford Tank Wastes, Hanford Site, Richland, Washington," **Federal Register.**

61 FR 3922, 1996, "Availability of the Final Environmental Impact Statement for Management of Spent Nuclear Fuel from the K Basins at the Hanford Site, Richland, Washington; Notice of Availability of Final Environmental Impact Statement," **Federal Register.**

61 FR 10736, 1996, "Management of Spent Nuclear Fuel from the K Basins at the Hanford Site, Richland, Washington; Record of Decision," **Federal Register.**

62 FR 8693, 1997, "Record of Decision for the Tank Waste Remediation System, Hanford Site, Richland, Washington," **Federal Register.**

63 FR 3624, 1998, "Record of Decision for the Department of Energy's Waste Isolation Pilot Plant Disposal Phase," **Federal Register.**

63 FR 3629, 1998, "Record of Decision for the Department of Energy's Waste Management Program: Treatment and Storage of Transuranic Waste," **Federal Register.**

65 FR 10061, 2000, "Record of Decision for the Department of Energy's Waste Management Program: Treatment and Disposal of Low-Level Waste and Mixed Low-Level Waste; Amendment to the Record of Decision for the Nevada Test Site," **Federal Register.**

69 FR 39449, 2004, "Record of Decision for the Solid Waste Program, Hanford Site, Richland, Washington: Storage and Treatment of Low-Level Waste and Mixed Low-Level Waste; Disposal of Low-Level Waste and Mixed Low-Level Waste, and Storage, Processing, and Certification of Transuranic Waste for Shipment to the Waste Isolation Pilot Plant, **Federal Register.**

DOE/EA–0479, 1990, *Collecting Crust Samples from Level Detectors in Tank SY–101 at the Hanford Site,* U.S. Department of Energy, Richland, Washington.

DOE/EA–0495, 1991, *Preparation of Crust Sampling of Tank 241–SY–101,* U.S. Department of Energy, Richland, Washington.

DOE/EA–0511, 1991, *Characterization of Tank 241–SY–101,* U.S. Department of Energy, Richland, Washington.

DOE/EA–0581, 1991, *Upgrading of the Ventilation System at the 241–SY Tank Farm,* U.S. Department of Energy, Richland, Washington.

DOE/EA–0802, 1992, *Tank 241–SY–101 Equipment Installation and Operation to Enhance Tank Safety,* U.S. Department of Energy, Richland, Washington.

DOE/EA–0803, 1992, *Proposed Pump Mixing Operations to Mitigate Episodic Gas Releases in Tank 241–SY–101,* U.S. Department of Energy, Richland, Washington.

DOE/EA–0881, 1993, Tank 241–C–103 *Organic Vapor and Liquid Characterization and Supporting Activities,* U.S. Department of Energy, Richland, Washington.

DOE/EA–0933, 1995, *Tank 241–C–106 Past Practice Sluicing Waste Retrieval,* U.S. Department of Energy, Richland, Washington.

DOE/EA–0993, 1995, *Shutdown of the Fast Flux Test Facility, Hanford Site, Richland, Washington and Finding of No Significant Impact.*

DOE/EA–0981, 1995, *Environmental Assessment—Solid Waste Retrieval Complex, Enhanced Radioactive and Mixed Waste Storage Facility, Infrastructure Upgrades, and Central Waste Support Complex, Hanford Site, Richland, Washington,* U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EA–1203, 1997, *Trench 33 Widening in 218–W–5 Low-Level Burial Ground,* U.S. Department of Energy, Richland, Washington.

DOE/EA–1276, 1999, *Widening Trench 36 of the 218–E–12B Low-Level Burial Ground,* U.S. Department of Energy, Richland, Washington.

DOE/EA–1405, 2002, *Transuranic Waste Retrieval from the 218–W–4B and 218–W–4C Low-Level Burial Grounds, Hanford Site, Richland, Washington,* Finding of No Significant Impact, U.S. Department of Energy, Richland, Washington.

DOE/EIS–0113, 1987, *Final Environmental Impact Statement—Disposal of Hanford Defense High-Level, Transuranic, and Tank Wastes, Hanford Site, Richland, Washington,* U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS–0212, 1995, *Safe Interim Storage of Hanford Tank Wastes—Final Environmental Impact Statement,* U.S. Department of Energy, Richland Operations Office, Richland, Washington, and Washington State Department of Ecology, Olympia, Washington.

DOE/EIS–0189, 1996, *Tank Waste Remediation System, Hanford Site, Richland, Washington, Final Environmental Impact Statement,* U.S. Department of Energy, Richland Operations Office, Richland, Washington, and Washington State Department of Ecology, Olympia, Washington.

DOE/EIS–0189–SA1, 1997, *Supplement Analysis for the Proposed Upgrades to the Tank Farm Ventilation, Instrumentation, and Electrical Systems under Project W–314 in Support of Tank Farm Restoration and Safe Operations,* U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS–0189–SA2, 1998, *Supplement Analysis for the Tank Waste Remediation System,* U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS–0189–SA3, 2001, *Supplement Analysis for the Tank Waste Remediation System,* U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS–0200, 1997, *Final Waste Management Programmatic Environmental Impact Statement for Managing Treatment, Storage, and Disposal of Radioactive and Hazardous Waste,* U.S. Department of Energy, Office of Environmental Management, Washington, DC.

DOE/EIS–0026–S–2, 1997, *Waste Isolation Pilot Plant Disposal Phase Final Supplemental Environmental Impact Statement II,* U.S. Department of Energy, Carlsbad, New Mexico.

DOE/EIS–0222, 1999, *Final Hanford Comprehensive Land-Use Plan Environmental Impact Statement,* U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS–0310, 2000, *Final Programmatic Environmental Impact Statement for Accomplishing Expanded Civilian Nuclear Energy Research and Development and Isotope Production Missions in the United States, Including the Role of the Fast Flux Test Facility.*

DOE/EIS–0250, 2002, *Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada,* U.S. Department of Energy, Office of Civilian Radioactive Waste Management, Yucca Mountain Site Characterization Office, North Las Vegas, Nevada.

DOE/EIS–0287, 2002, *Idaho High-Level Waste and Facilities Disposition Final Environmental Impact Statement,* U.S. Department of Energy, Idaho Operations Office, Idaho Falls, Idaho.

DOE/EIS–0286, 2004, *Final Hanford Site Solid (Radioactive and Hazardous) Waste Program Environmental Impact Statement, Richland, Washington,* U.S. Department of Energy, Richland Operations Office, Richland, Washington.

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DOH Publication 320–031, 2004, *Final Environmental Impact Statement—Commercial Low-Level Radioactive Waste Disposal Site, Richland, Washington*, Washington State Department of Health, Olympia, Washington, and Washington State Department of Ecology, Olympia, Washington.

U.S. Department of Energy, 2006, *Report of the Review of the Hanford Solid Waste Environmental Impact Statement (EIS) Data Quality, Control and Management Issues*, Washington, DC.

[FR Doc. E6–1404 Filed 2–1–06; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Considerations for Transmission Congestion Study and Designation of National Interest Electric Transmission Corridors

AGENCY: Office of Electricity Delivery and Energy Reliability ("OE"), Department of Energy.

ACTION: Notice of inquiry requesting comment and providing notice of a technical conference.

SUMMARY: The Department of Energy (the "Department") seeks comment and information from the public concerning its plans for an electricity transmission congestion study and possible designation of National Interest Electric Transmission Corridors ("NIETCs") in a report based on the study pursuant to section 1221(a) of the Energy Policy Act of 2005. Through this notice of inquiry, the Department invites comment on draft criteria for gauging the suitability of geographic areas as NIETCs and announces a public technical conference concerning the criteria for evaluation of candidate areas as NIETCs.

DATES: Written comments may be filed electronically in MS Word and PDF formats by e-mailing to: *EPACT1221@hq.doe.gov* no later than 5 p.m. EDT March 6, 2006. Also, comments can be filed by mail at the address listed below. The technical conference will be held in Chicago on March 29, 2006. For further information, please visit the Department's Web site at *http://www.electricity.doe.gov/1221*.

ADDRESSES: Written comments via mail should be submitted to:

Office of Electricity Delivery and Energy Reliability, OE–20, Attention: EPACT 1221 Comments, U.S. Department of Energy, Forestall Building, Room 6H–050, 1000 Independence Avenue, SW., Washington, DC 20585.

Note: U.S. Postal Service mail sent to the Department continues to be delayed by several weeks due to security screening. Electronic submission is therefore encouraged. Copies of written comments received and other relevant documents and information may be reviewed at *http://www.electricity.doe.gov/1221*.

FOR FURTHER INFORMATION CONTACT: Ms. Poonum Agrawal, Office of Electricity Delivery and Energy Reliability, OE–20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–1411, *poonum.agrawal@hq.doe.gov*, or Lot Cooke, Office of the General Counsel, GC–76, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–0503, *lot.cooke@hq.doe.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

A. Overview

The Nation's electric system includes over 150,000 miles of interconnected high-voltage transmission lines that link generators to load centers.[1] The electric system has been built by electric utilities over a period of 100 years, primarily to serve local customers and support reliability; the system generally was not constructed with a primary emphasis on moving large amounts of power across multi-state regions.[2] Due to a doubling of electricity demand and generation over the past three decades and the advent of wholesale electricity markets, transfers of large amounts of electricity across the grid have increased significantly in recent years. The increase in regional electricity transfers saves electricity consumers billions of dollars,[3] but significantly increases transmission facility loading.

Investment in new transmission facilities has not kept pace with the increasing economic and operational importance of transmission service.[4] Today, congestion in the transmission system impedes economically efficient electricity transactions and in some cases threatens the system's safe and reliable operation.[5] The Department has estimated that this congestion costs consumers several billion dollars per year by forcing wholesale electricity purchasers to buy from higher-cost suppliers.[6] That estimate did not include the reliability costs associated with such bottlenecks.

The National Energy Policy (May 2001),[7] the Department's National Transmission Grid Study (May 2002),[8] and the Secretary of Energy's Electricity Advisory Board's Transmission Grid Solutions Report (September 2002),[9] recommended that the Department address regulatory obstacles in the planning and construction of electric transmission and distribution lines. In response to these recommendations, the Department held a "Workshop on Designation of National Interest Electric Transmission Bottlenecks" on July 14, 2004, in Salt Lake City, Utah. The Department also issued a **Federal Register** notice of inquiry on July 22, 2004.[10] The purpose of the workshop and the notice of inquiry was to learn stakeholders' views concerning transmission bottlenecks, identify how designation of such bottlenecks may benefit the users of the grid and electricity consumers, and recognize key bottlenecks. In its plans for implementation of subsection 1221(a), the Department notes that it has considered the comments received via the notice and the workshop.

B. Summary of Relevant Provisions From the Statute

On August 8, 2005, the President signed into law the Energy Policy Act of 2005, Public Law 109–58, (the "Act"). Title XII of the Act, entitled "The Electricity Modernization Act of 2005" includes provisions relating to the siting of interstate electric transmission facilities and promoting advanced power system technologies. Subsection 1221(a) of the Act amends the Federal Power Act ("FPA") by adding a new section 216 which requires the Secretary of Energy (the "Secretary") to conduct a nationwide study of electric transmission congestion ("congestion study"), and issue a report based on the study in which the Secretary may designate "any geographic area experiencing electric energy transmission capacity constraints or congestion that adversely affects

[1] North American Electric Reliability Council, Electricity Supply and Demand Database (2003) available at *http://www.nerc.com/esd*.

[2] Edison Electric Institute, *Survey of Transmission Investment* at 1 (May 2005).

[3] Department of Energy, *National Transmission Grid Study*, at 19 (May 2002) available at *http://www.eh.doe.gov/ntgs/reports.html*.

[4] *Id.* at 7; *see also* Hirst, U.S. Transmission Capacity Present Status and Future Prospects, 7 (June 2004).

[5] *National Transmission Grid Study, supra note* 3, at 10–20.

[6] *Id.* at 16–18.

[7] *The National Energy Policy Development Group Report*, available at *http://www.energy.gov/engine/content.do?BT_CODE=ADAP*.

[8] *National Transmission Grid Study, supra* note 3.

[9] Department of Energy Electricity Advisory Board, *Transmission Grid Solutions*, available at *http://www.eab.energy.gov/index.cfm?fuseaction=home.publicotions*.

[10] Designation of National Interest Electric Transmission Bottlenecks, 69 FR 43833 (July 22, 2004) also available at *http://www.electricity.doe.gov/bottlenecks*.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION – June 12, 2008

U.S. Department of Energy
Office of River Protection
P.O. Box 450, MSIN H6-60
Richland, Washington 99352

JUN 12 2008

08-ESQ-129

Mr. Dennis Carlson
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
510 Desmond Drive S.E., Suite 103
Lacey, Washington 98503

Dear Mr. Carlson:

TANK CLOSURE AND WASTE MANAGEMENT (TC & WM) ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR THE HANFORD SITE, RICHLAND, WASHINGTON

The U.S. Department of Energy, Office of River Protection (ORP) is preparing the TC & WM EIS for the Hanford Site, near Richland, Washington, pursuant to the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations at 40 Code of Federal Regulations (CFR) Parts 1500–1508 and 10 CFR Part 1021. This EIS expands the scope of the original retrieval, treatment, and disposal of Tank Waste and Closure of Single-Shell Tanks (SST) NEPA documentation as described in 68 Federal Register 1052 and for which ORP consulted with your office on June 16, 2003.

Similar to the earlier proposed EIS, this new document will analyze the environmental impacts of the retrieval, treatment, and disposal of tank waste and the closure of 149 SSTs within the 200 Areas. Additional scope was added including the management and disposal of solid wastes resulting from other Hanford activities, and the closure of the Fast Flux Test Facility. The areas of the Site where actions are occurring are depicted in Attachment 1. The Notice of Intent to prepare the EIS, which further explains the project, is Attachment 2.

In support of the preparation of the EIS, ORP requests that the National Marine Fisheries Service provide a current list of species that may be affected by the proposed actions, specifically those which could be impacted by the Columbia River.

If you have any questions, please contact Mary Beth Burandt TC & WM EIS NEPA Document Manager of my staff at (509) 372-7772.

Sincerely,

W.J. Taylor

William J. Taylor, Assistant Manager
Office of Environmental Safety and Quality

ESQ:MEB

Attachments: (2)

cc: See page 2

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION – June 12, 2008 *(continued)*

Mr. Dennis Carlson -2- JUN 12 2008
08-ESQ-129

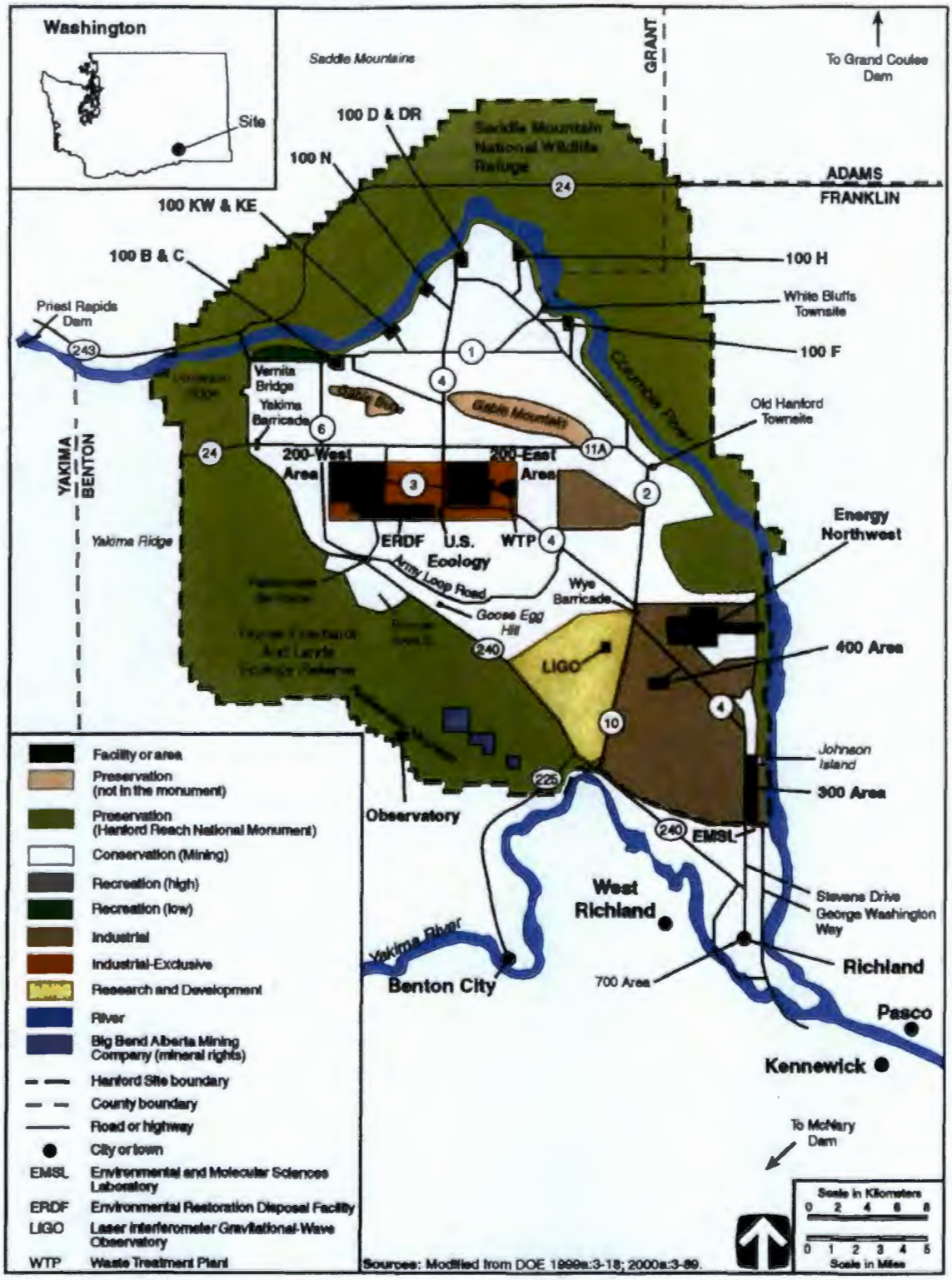
cc w/attachs:
D. Stock, SAIC

Attachment 1 to National Oceanic and Atmospheric Administration, June 12, 2008 – Hanford Site, Richland, Washington

Attachment 1
08-ESQ-129

Hanford Site, Richland, Washington

Attachment 1 to National Oceanic and Atmospheric Administration, June 12, 2008 – Hanford Site, Richland, Washington *(continued)*



Attachment 2 to National Oceanic and Atmospheric Administration, June 12, 2008 – Notice of Intent

Attachment 2
08-ESQ-129

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Attachment 2 to National Oceanic and Atmospheric Administration, June 12, 2008 – Notice of Intent *(continued)*

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addressed as follows: Office of Electricity Delivery & Energy Reliability (Mail Code OE–20), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350 (FAX 202–586–5860).

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202–586–9624 or Michael Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On December 14, 2005, the Department of Energy (DOE) received an application from MAG E.S. to transmit electric energy from the United States to Canada. MAG E.S. is a Canadian corporation with its principal place of business in Montreal, Quebec. MAG E.S. has requested an electricity export authorization with a 5-year term. MAG E.S. does not own or control any transmission or distribution assets, nor does it have a franchised service area. The electric energy which MAG E.S. proposes to export to Canada would be purchased from electric utilities and Federal power marketing agencies within the U.S.

MAG E.S. will arrange for the delivery of exports to Canada over the international transmission facilities owned by Basin Electric Power Cooperative, Booneville Power Administration, Eastern Maine Electric Cooperative, International Transmission Co., Joint Owners of the Highgate Project, Long Sault, Inc., Maine Electric Power Company, Maine Public Service Company, Minnesota Power, Inc., Minnkota Power Cooperative, Inc., New York Power Authority, Niagara Mohawk Power Corp., Northern States Power Company and Vermont Electric Transmission Co.

The construction, operation, maintenance, and connection of each of the international transmission facilities to be utilized by MAG E.S. has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

Procedural Matters: Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with DOE on or before the date listed above.

Comments on the MAG E.S. application to export electric energy to Canada should be clearly marked with Docket EA–306. Additional copies are to be filed directly with Martin Gauthier, Director, MAG E.S. Energy Solutions Inc., 486 Ste-Catherine W, #402, Montreal, QC, Canada H3B 1A6.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the program's Home Page at *http://www.electricity.doe.gov*. Upon reaching the Home page, select "Divisions," then "Permitting Siting & Analysis," then "Electricity Imports/Exports," and then "Pending Proceedings" from the options menus.

Issued in Washington, DC, on January 26, 2006.

Anthony J. Como,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. E6–1392 Filed 2–1–06; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Intent To Prepare the Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, WA

AGENCY: Department of Energy.

ACTION: Notice of intent.

SUMMARY: The U.S. Department of Energy (DOE) announces its intent to prepare a new environmental impact statement (EIS) for its Hanford Site (Hanford) near Richland, Washington, pursuant to the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations at 40 CFR Parts 1500–1508 and 10 CFR Part 1021. The new EIS, to be titled the *Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, Washington* (TC & WM EIS), will implement a Settlement Agreement announced on January 9, 2006, among DOE, the Washington State Department of Ecology (Ecology) and the State of Washington Attorney General's office. The Agreement serves as settlement of NEPA claims in the case *State of Washington* v. *Bodman* (Civil No. 2:03–cv–05018–AAM), which addressed the *Final Hanford Site Solid (Radioactive and Hazardous) Waste Program EIS, Richland, Washington* (HSW EIS, DOE/EIS–0286, January 2004).

Ecology will continue its role as a Cooperating Agency in the preparation of the TC & WM EIS. Ecology already was acting in that capacity during the ongoing preparation of the *EIS for Retrieval, Treatment and Disposal of Tank Waste and Closure of the Single-Shell Tanks at the Hanford Site, Richland, Washington* (TC EIS, DOE/EIS–0356, Notice of Intent [NOI] at 68 FR 1052, January 8, 2003). The TC & WM EIS will revise, update and reanalyze groundwater impacts previously addressed in the HSW EIS. That is, the TC & WM EIS will provide a single, integrated analysis of groundwater at Hanford for all waste types addressed in the HSW EIS and the TC EIS. As a result, the TC & WM EIS will include a reanalysis of onsite disposal alternatives for Hanford's low-level radioactive waste (LLW) and mixed low-level radioactive waste (MLLW) and LLW and MLLW from other DOE sites. The TC & WM EIS will revise and update other potential impact areas previously addressed in the HSW EIS as appropriate. Finally, the TC & WM EIS will incorporate existing analyses from the HSW EIS that do not affect and are not directly affected by the waste disposal alternatives after review or revision as appropriate. DOE will continue its ongoing analysis of alternatives for the retrieval, treatment, storage, and disposal of underground tank wastes and closure of underground single-shell tanks (SST). In addition, DOE plans to include the ongoing *Fast Flux Test Facility Decommissioning EIS* (FFTF EIS, DOE/EIS–0364, NOI at 69 FR 50178, August 13, 2004) in the scope of the new TC & WM EIS, in order to provide an integrated presentation of currently foreseeable activities related to waste management and cleanup at Hanford.

In accordance with the Settlement Agreement, DOE will not ship offsite waste to Hanford for storage, processing, or disposal until a Record of Decision (ROD) is issued pursuant to the TC & WM EIS, except under certain limited exemptions as provided in the Settlement Agreement.

DOE is soliciting comments on the proposed scope of the new TC & WM EIS. Comments previously submitted in response to the 2003 NOI for the TC EIS and the 2004 NOI for the FFTF EIS are being considered and need not be resubmitted.

Attachment 2 to National Oceanic and Atmospheric Administration, June 12, 2008 – Notice of Intent *(continued)*

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DATES: DOE invites Federal agencies, American Indian tribal nations, state and local governments, and the public to comment on the scope of the planned TC & WM EIS. DOE will consider all comments received by March 6, 2006, as well as comments received after that date to the extent practicable. DOE plans to hold public meetings at the following locations:

Hood River, Oregon; February 21, 2006.

Portland, Oregon; February 22, 2006.

Seattle, Washington; February 23, 2006.

Richland, Washington, February 28, 2006.

The public meetings will address the scope of the planned TC & WM EIS. DOE will provide additional notification of the meeting times and locations through newspaper advertisements and other appropriate media.

ADDRESSES: To submit comments on the scope of the TC & WM EIS or to request copies of the references listed herein, including references listed in Appendix A, contact: Mary Beth Burandt, Document Manager, Office of River Protection, U.S. Department of Energy, Post Office Box 450, Mail Stop H6–60, Richland, WA 99352. Electronic mail: *TC&WMEIS@saic.com*. Fax: 509–376–3661. Telephone and voice mail: 509–373–9160.

FOR FURTHER INFORMATION CONTACT: For information on DOE's NEPA process, contact: Carol Borgstrom, Director, Office of NEPA Policy and Compliance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. Telephone 202–586–4600, or leave a message at 1–800–472–2756.

This NOI will be available on DOE's NEPA Web site at *http://www.eh.doe.gov/nepa* and the TC & WM EIS Web site at *http://www.hanford.gov/orp/* (click on Public Involvement).

SUPPLEMENTARY INFORMATION:

I. Background

The Hanford Site is located in southeastern Washington State along the Columbia River, and is approximately 586 square miles in size. Hanford's mission included defense-related nuclear research, development, and weapons production activities from the early 1940s to approximately 1989. During that period, Hanford operated a plutonium production complex with nine nuclear reactors and associated processing facilities. These activities created a wide variety of chemical and radioactive wastes. Hanford's mission now is focused on the cleanup of those wastes and ultimate closure of Hanford. To this end, DOE manages several types of radioactive wastes at Hanford: (1) High-level radioactive waste (HLW) as defined under the Nuclear Waste Policy Act [42 U.S.C. 10101]; (2) transuranic (TRU) waste, which is waste containing alpha-particle-emitting radionuclides with atomic numbers greater than uranium (*i.e.*, 92) and half-lives greater than 20 years in concentrations greater than 100 nanocuries per gram of waste; (3) LLW, which is radioactive waste that is neither HLW nor TRU waste; and (4) MLLW, which is LLW containing hazardous constituents as defined under the Resource Conservation and Recovery Act of 1976 (RCRA, 42 U.S.C. 6901 *et seq.*).

At present, DOE is constructing a Waste Treatment Plant (WTP) in the 200-East Area of the site. The WTP will separate waste stored in Hanford's underground tanks into HLW and low-activity waste (LAW) fractions. HLW will be treated in the WTP and stored at Hanford until it can be shipped to the proposed repository at Yucca Mountain, Nevada. Immobilized LAW waste would be treated in the WTP and disposed of at Hanford as decided in the ROD issued in 1997 (62 FR 8693), pursuant to the *Tank Waste Remediation System, Hanford Site, Richland, Washington, Final EIS* (TWRS EIS, DOE/EIS–0189, August 1996). DOE is processing Hanford's contact-handled TRU waste (which does not require special protective shielding) for shipment to the Waste Isolation Pilot Plant (WIPP) near Carlsbad, New Mexico, consistent with the 1998 RODs (63 FR 3624 and 63 FR 3629) for treatment and disposal of TRU waste under the *Final Waste Management Programmatic EIS for Managing Treatment, Storage, and Disposal of Radioactive and Hazardous Waste* (WM PEIS, DOE/EIS–0200) and the *Waste Isolation Pilot Plant Disposal Phase Final Supplemental Environmental Impact Statement* (WIPP SEIS-II, DOE/EIS–0026–S–2, September 1997). DOE is disposing of Hanford's LLW and MLLW onsite, consistent with the ROD for treatment and disposal of these wastes under the WM PEIS (65 FR 10061). This ROD also designates Hanford as a regional disposal site for LLW and MLLW from other DOE sites.

In January 2003, DOE issued an NOI (68 FR 1052) to prepare the TC EIS (DOE/EIS–0356). The proposed scope of the TC EIS included closure of the 149 underground SSTs and newly available information on supplemental treatment for the LAW from all 177 tanks, which contain a total of approximately 53 million gallons of waste.

In March 2003, Ecology initiated litigation on issues related to importation, treatment, and disposal of radioactive and hazardous waste generated offsite as a result of nuclear defense and research activities. The Court enjoined shipment of offsite TRU waste to Hanford for processing and storage pending shipment to WIPP.

In January 2004, DOE issued the HSW EIS and a ROD (69 FR 39449), which addressed ongoing solid waste management operations, and announced DOE's decision to dispose of Hanford and a limited volume of offsite LLW and MLLW in a new Integrated Disposal Facility in the 200-East Area of Hanford. DOE also decided to continue sending Hanford's MLLW offsite for treatment and to modify Hanford's T-Plant for processing remote-handled TRU waste and MLLW (which require protective shielding).

Ecology amended its March 2003 complaint in 2004, challenging the adequacy of the HSW EIS analysis of offsite waste importation. In May 2005, the Court granted a limited discovery period, continuing the injunction against shipping offsite wastes to Hanford, including LLW and MLLW (*State of Washington* v. *Bodman* [Civil No. 2:03–cv–05018–AAM]). In July 2005, while preparing responses to discovery requests from Ecology, Battelle Memorial Institute, DOE's contractor who assisted in preparing the HSW EIS, advised DOE of several differences in groundwater analyses between the HSW EIS and its underlying data.

DOE promptly notified the Court and the State and, in September 2005, convened a team of DOE experts in quality assurance and groundwater analysis, as well as transportation and human health and safety impacts analysis, to conduct a quality assurance review of the HSW EIS. The team completed its *Report of the Review of the Hanford Solid Waste Environmental Impact Statement* (EIS) *Data Quality, Control and Management Issues*, January 2006 (hereafter referred to as the Quality Review).

Because both Ecology and DOE have a shared interest in the effective cleanup of Hanford, DOE and Ecology announced a Settlement Agreement ending the NEPA litigation on January 9, 2006. The Agreement is intended to resolve Ecology's concerns about HSW EIS groundwater analyses and to address other concerns about the HSW EIS, including those identified in the *Quality Review*.

The Agreement calls for an expansion of the TC EIS to provide a single, integrated set of analyses that will include all waste types analyzed in the HSW EIS (LLW, MLLW, and TRU

Attachment 2 to National Oceanic and Atmospheric Administration, June 12, 2008 – Notice of Intent *(continued)*

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waste). The expanded EIS will be renamed the TC & WM EIS. Pending finalization of the TC & WM EIS, the HSW EIS will remain in effect to support ongoing waste management activities at Hanford (including transportation of TRU waste to WIPP) in accordance with applicable regulatory requirements. The Agreement also stipulates that when the TC & WM EIS has been completed, it will supersede the HSW EIS. Until that time, DOE will not rely on HSW EIS groundwater analyses for decision-making, and DOE will not import offsite waste to Hanford, with certain limited exemptions as specified in the Agreement.

DOE and Ecology have mutual responsibilities for accomplishing cleanup of Hanford, as well as continuing ongoing waste management activities consistent with applicable Federal and state laws and regulations. *The Hanford Federal Facility Agreement and Consent Order* (also called the Tri-Party Agreement [TPA]) among the state, DOE, and the U.S. Environmental Protection Agency (EPA) contains various enforceable milestones that apply to waste management activities. DOE also is required to comply with applicable requirements of RCRA and the state's Hazardous Waste Management Act of 1976 as amended (Chapter 70.105 Revised Code of Washington). To carry out proposals for future actions and obtain necessary permits, each agency must comply with the applicable provisions of NEPA and the Washington State Environmental Policy Act (SEPA) respectively. The agencies have revised their Memorandum of Understanding for the TC EIS (effective March 25, 2003), which identified Ecology as a Cooperating Agency in the preparation of the TC EIS. The Memorandum of Understanding revision is consistent with the Settlement Agreement and provides for Ecology's continuing participation as a Cooperating Agency in preparation of the TC & WM EIS to assist both agencies in meeting their respective responsibilities under NEPA and SEPA.

II. Purpose and Need for Action

Recognizing the potential risks to human health and the environment from Hanford tank wastes, DOE needs to retrieve waste from the 149 SSTs and 28 double-shell tanks (DST), treat and dispose of the waste, and close the SST farms in a manner that complies with Federal and Washington State requirements. Some waste from tanks and LLW and MLLW from Hanford and other DOE sites that do not have appropriate facilities must be disposed of to facilitate cleanup of Hanford and these sites.

III. Proposed Action

DOE proposes to retrieve and treat waste from 177 underground tanks and ancillary equipment and dispose of this waste in compliance with applicable regulatory requirements. Vitrified HLW waste would be stored onsite until it can be disposed of in the proposed repository at Yucca Mountain. DOE proposes to provide additional treatment capacity for the tank LAW that can supplement the planned WTP capacity in fulfillment of DOE's obligations under the TPA in as timely a manner as possible. DOE would dispose of Hanford's immobilized LAW, LLW and MLLW, and LLW and MLLW from other DOE sites, in lined trenches onsite. These trenches would be closed in accordance with applicable regulatory requirements.

DOE also proposes to complete the final decontamination and decommissioning of the FFTF. DOE decided, in January 2001, (ROD at 66 FR 7877) that the permanent closure of FFTF was to be resumed with no new missions, based on the *Final Programmatic Environmental Impact Statement for Accomplishing Expanded Civilian Nuclear Energy Research and Development and Isotope Production Missions in the United States, Including the Role of the Fast Flux Test Facility (DOE/EIS–0310, December 2000).*

IV. Proposed Scope of the TC & WM EIS

In accordance with the Settlement Agreement, DOE intends to prepare a single, comprehensive EIS addressing tank waste retrieval, treatment, storage, and disposal; tank closure; and management of all waste types analyzed in the HSW EIS as an integrated document for public and agency review and reference. The TC & WM EIS will update, revise, or reanalyze resource areas (such as groundwater and transportation) from the HSW EIS as necessary to make them current and reflect the waste inventories and analytical assumptions being used for environmental impact assessment in the TC & WM EIS. All updated analyses would be included in the revised quantitative groundwater and other cumulative impact analyses in the TC & WM EIS.

The proposed scope of the TC & WM EIS includes alternatives for onsite disposal of LLW, MLLW, and LAW; transportation of offsite LLW and MLLW to Hanford for disposal; and current or revised information for ongoing operations, such as those involving Hanford's Central Waste Complex, that were included in the HSW EIS.

DOE proposes to retain all of the scope identified in the 2003 NOI for the TC EIS as modified by public scoping comments. Proposed modifications to the alternatives identified in the 2003 NOI are provided in Section VI. That is, the new TC & WM EIS would address management of the approximately 53 million gallons of waste stored in 149 underground SSTs (ranging in capacity from approximately 55,000 to 1 million gallons) and 28 underground DSTs (ranging in capacity from approximately 1 to 1.16 million gallons) grouped in 18 tank farms, and approximately 60 smaller miscellaneous underground storage tanks, along with ancillary equipment.

DOE proposes to retain all of the scope identified in its August 2004 NOI to evaluate alternatives for the final disposition of the FFTF and proposes to integrate that scope into the TC & WM EIS. The TC & WM EIS will thus provide an integrated presentation of currently foreseeable activities related to waste management and cleanup at Hanford.

V. Potential Decisions To Be Made

DOE plans to make decisions on the following topics.

- *Retrieval of Tank Waste*—A reasonable waste retrieval range is comprised of three levels: 90 percent, 99 percent, and 99.9 percent. The 99 percent retrieval is the goal established by the TPA (Milestone M–45–00); 90 percent retrieval evaluates a risk analysis of the tank farms as defined in the M–45–00, Appendix H, process; and 99.9 percent retrieval reflects uses of multiple retrieval technologies to support clean closure of the tank farms.
- *Treatment of Tank Waste*—WTP waste treatment capability can be augmented by supplemental treatment technologies and constructing new treatment facilities that are part of, or separate from, the WTP. The two primary choices that could fulfill DOE's TPA commitments are to treat all waste in an expanded WTP or provide supplemental treatment to be used in conjunction with, but separate from, the WTP. DOE has conducted preliminary tests on three supplemental treatment technologies—cast stone (a form of grout), steam reforming, and bulk vitrification—to determine if one or more could be used to provide the additional, supplemental waste treatment capability needed to complete waste treatment.
- *Disposal of Treated Tank Waste*—Onsite disposal includes treated tank waste such as immobilized LAW and

Attachment 2 to National Oceanic and Atmospheric Administration, June 12, 2008 – Notice of Intent *(continued)*

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waste generated from closure activities that meets onsite disposal criteria; the decision to be made involves the onsite location of disposal facilities. Decisions to be made related to offsite disposal include the length of time and facilities required for storage of immobilized high-level radioactive waste (IHLW) prior to disposal at the proposed Yucca Mountain repository.

• *Storage of Tank Waste*—Depending on the alternative being analyzed, storing tank waste for different lengths of time may be necessary. This may require the construction, operation, and deactivation of waste transfer infrastructures, including waste receiver facilities (below-grade lag storage and minimal waste treatment facilities), waste transfer line upgrades, and new or replacement DSTs. Also depending on the alternative, construction and operation of additional immobilized HLW storage vaults, melter pads, and TRU waste storage facilities needed to store treated tank waste.

• *Closure of SSTs*—Decisions to be made include closing the SSTs by clean closure, selective clean closure/landfill closure, and landfill closure with or without any soil contamination removal. Decisions regarding barriers (engineered modified RCRA Subtitle C barrier or Hanford barrier) to prevent water intrusion will be made. A closure configuration for the original 28 DSTs will be evaluated in the TC & WM EIS for engineering reasons related to barrier placement for the SSTs. This evaluation also is provided to aid Ecology in evaluating the impacts which might result in closing DSTs to a debris rule standard. However, DOE is deferring a decision on closure of DSTs and decommissioning of the WTP until a later date when the mission for those facilities is nearing completion.

• *Disposal of Hanford's and DOE Offsite LLW and MLLW*—The decision to be made concerns the onsite location of disposal facilities for Hanford's waste and other DOE sites' LLW and MLLW. DOE committed in the HSW EIS ROD that henceforth LLW would be disposed of in lined trenches. Thus, the decision would concern whether to dispose of the waste in the 200-West Area or at the Integrated Disposal Facility in the 200-East Area.

• *Final Decontamination and Decommissioning of the FFTF*—The decision would identify the final end state for the above-ground, below-ground, and ancillary support structures.

VI. Potential Range of Alternatives

Six alternatives were originally proposed for TC EIS and are listed below. The initial scope of the TC EIS was provided in the January 2003 NOI and at each public scoping meeting.

• No Action Alternative, which was to implement the 1997 TWRS EIS ROD;

• Implement the 1997 TWRS EIS ROD with Modifications;

• Landfill Closure of Tank Farms/ Onsite and Offsite Waste Disposal;

• Clean Closure of Tank Farms/Onsite and Offsite Waste Disposal;

• Accelerated Landfill Closure/Onsite and Offsite Waste Disposal; and

• Landfill Closure/Onsite and Offsite Waste Disposal.

Onsite disposal would include immobilized LAW, LLW, and MLLW resulting from tank retrieval and treatment. Offsite disposal of HLW would occur at Yucca Mountain. No determination has been made as to whether any of the tanks contain TRU waste. If it is determined that any tank waste is TRU waste, offsite disposal at WIPP would be appropriate, provided the required approvals from EPA and the New Mexico Environment Department were obtained.

As a result of the 2003 scoping for the TC EIS, a number of changes are being made to those identified in the NOI. The major changes are:

• The No Action Alternative was modified to address a traditional "no action" rather than the action from the TWRS EIS ROD;

• The alternative addressing implementation of the 1997 TWRS EIS ROD was modified to address both the currently planned vitrification capacity and the currently planned capacity supplemented with additional vitrification capacity as the supplemental treatment;

• A partial tank removal option was added, which analyzes leaving some of the SSTs in place and exhuming the SSTs completely in the SX and BX tank farms;

• The Landfill Closure of Tank Farms/Onsite and Offsite Waste Disposal Alternative has been modified to more clearly evaluate the No Separations (of HLW and LAW waste) with Onsite Storage and Offsite Disposal Alternative; and

• A suboption has been added to both the All Vitrification with Separations and All Vitrification/No Separations (of HLW and LAW waste) Alternatives to address closure of the cribs and trenches proximal to tanks within identified waste management areas in place as opposed to removing them.

For Hanford and offsite LLW and MLLW analyzed in the HSW EIS, DOE proposes to simplify the alternatives. Both waste types would be disposed of in lined trenches. DOE plans to update the volumes to be disposed of, approximating those volumes for offsite waste in the 2004 HSW EIS ROD, and to update the waste information. DOE also intends to update the transportation analysis of shipping offsite waste to Hanford for disposal. The onsite disposal alternatives are:

• Construction of a new disposal facility in the 200-West Area burial grounds; and

• Construction of new LLW and MLLW capacity in the Integrated Disposal Facility in the 200-East Area.

For the FFTF, the 2004 NOI identified three alternatives as listed below.

• No Action—actions consistent with previous DOE NEPA decisions would be completed; final decommissioning would not occur.

• Entombment—above-ground structures would be decontaminated and dismantled, below-ground structures would be grouted and left in place.

• Removal—above-ground structures would be decontaminated and dismantled, below-ground structures would be removed and disposed of at Hanford.

VII. Potential Environmental Issues for Analysis

The following issues have been tentatively identified for analysis in the TC & WM EIS. This list is presented to facilitate comment on the scope of the TC & WM EIS, but is not intended to be all-inclusive or to predetermine potential impacts of any alternative.

• Effects on the public and onsite workers of radiological and nonradiological material releases during normal operations and reasonably foreseeable accidents;

• Long-term risks to human populations resulting from waste disposal and residual tank system wastes;

• Effects on air and water quality of normal operations and reasonably foreseeable accidents, including long-term impacts on groundwater;

• Cumulative effects, including impacts of other past, present, and reasonably foreseeable actions at Hanford, including past discharges to cribs and trenches, groundwater remediation activities, activities subject to TPA requirements and cleanup activities under the Comprehensive Environmental Response, Compensation, and Liability Act;

• Effects on endangered species, archaeological/cultural/historical sites, floodplains and wetlands, and priority habitat;

• Effects of on- and offsite transportation and of reasonably

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foreseeable transportation accidents; and

- Socioeconomic impacts on surrounding communities.

VIII. Public Scoping

DOE invites Federal agencies, American Indian tribal nations, state and local governments, and the general public to comment on the scope of the planned TC & WM EIS. Information on the scoping comment period is provided in the **DATES** section above. Comments previously submitted in response to the 2003 NOI for the TC EIS and the 2004 NOI for the FFTF EIS are being considered and need not be resubmitted.

Issued in Washington, DC, on January 30, 2006.

John Spitaleri Shaw,

Assistant Secretary for Environment, Safety and Health.

Appendix A—Related National Environmental Policy Act Documents

45 FR 46155, 1980, "Double-Shell Tanks for Defense High-Level Radioactive Waste Storage, Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

53 FR 12449, 1988, "Disposal of Hanford Defense High-Level, Transuranic, and Tank Wastes, Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

60 FR 28680, 1995, "Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Program, Part III; Record of Decision," **Federal Register**.

60 FR 54221, 1995, "Final Environmental Impact Statement for the Safe Interim Storage of Hanford Tank Wastes at the Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

60 FR 61687, 1995, "Record of Decision; Safe Interim Storage of Hanford Tank Wastes, Hanford Site, Richland, Washington," **Federal Register**.

61 FR 3922, 1996, "Availability of the Final Environmental Impact Statement for Management of Spent Nuclear Fuel from the K Basins at the Hanford Site, Richland, Washington; Notice of Availability of Final Environmental Impact Statement," **Federal Register**.

61 FR 10736, 1996, "Management of Spent Nuclear Fuel from the K Basins at the Hanford Site, Richland, Washington; Record of Decision," **Federal Register**.

62 FR 8693, 1997, "Record of Decision for the Tank Waste Remediation System, Hanford Site, Richland, Washington," **Federal Register**.

63 FR 3624, 1998, "Record of Decision for the Department of Energy's Waste Isolation Pilot Plant Disposal Phase," **Federal Register**.

63 FR 3629, 1998, "Record of Decision for the Department of Energy's Waste Management Program: Treatment and Storage of Transuranic Waste," **Federal Register**.

65 FR 10061, 2000, "Record of Decision for the Department of Energy's Waste Management Program: Treatment and Disposal of Low-Level Waste and Mixed Low-Level Waste; Amendment to the Record of Decision for the Nevada Test Site," **Federal Register**.

69 FR 39449, 2004, "Record of Decision for the Solid Waste Program, Hanford Site, Richland, Washington: Storage and Treatment of Low-Level Waste and Mixed Low-Level Waste; Disposal of Low-Level Waste and Mixed Low-Level Waste, and Storage, Processing, and Certification of Transuranic Waste for Shipment to the Waste Isolation Pilot Plant, **Federal Register**.

DOE/EA-0479, 1990, *Collecting Crust Samples from Level Detectors in Tank SY-101 at the Hanford Site*, U.S. Department of Energy, Richland, Washington.

DOE/EA-0495, 1991, *Preparation of Crust Sampling of Tank 241-SY-101*, U.S. Department of Energy, Richland, Washington.

DOE/EA-0511, 1991, *Characterization of Tank 241-SY-101*, U.S. Department of Energy, Richland, Washington.

DOE/EA-0581, 1991, *Upgrading of the Ventilation System at the 241-SY Tank Farm*, U.S. Department of Energy, Richland, Washington.

DOE/EA-0802, 1992, *Tank 241-SY-101 Equipment Installation and Operation to Enhance Tank Safety*, U.S. Department of Energy, Richland, Washington.

DOE/EA-0803, 1992, *Proposed Pump Mixing Operations to Mitigate Episodic Gas Releases in Tank 241-SY-101*, U.S. Department of Energy, Richland, Washington.

DOE/EA-0881, 1993, Tank 241-C-103 *Organic Vapor and Liquid Characterization and Supporting Activities*, U.S. Department of Energy, Richland, Washington.

DOE/EA-0933, 1995, *Tank 241-C-106 Past Practice Sluicing Waste Retrieval*, U.S. Department of Energy, Richland, Washington.

DOE/EA-0993, 1995, *Shutdown of the Fast Flux Test Facility, Hanford Site, Richland, Washington and Finding of No Significant Impact.*

DOE/EA-0981, 1995, *Environmental Assessment—Solid Waste Retrieval Complex, Enhanced Radioactive and Mixed Waste Storage Facility, Infrastructure Upgrades, and Central Waste Support Complex, Hanford Site, Richland, Washington*, U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EA-1203, 1997, *Trench 33 Widening in 218-W-5 Low-Level Burial Ground*, U.S. Department of Energy, Richland, Washington.

DOE/EA-1276, 1999, *Widening Trench 36 of the 218-E-12B Low-Level Burial Ground*, U.S. Department of Energy, Richland, Washington.

DOE/EA-1405, 2002, *Transuranic Waste Retrieval from the 218-W-4B and 218-W-4C Low-Level Burial Grounds, Hanford Site, Richland, Washington*, Finding of No Significant Impact, U.S. Department of Energy, Richland, Washington.

DOE/EIS-0113, 1987, *Final Environmental Impact Statement—Disposal of Hanford Defense High-Level, Transuranic, and Tank Wastes, Hanford Site, Richland, Washington*, U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS-0212, 1995, *Safe Interim Storage of Hanford Tank Wastes—Final Environmental Impact Statement*, U.S. Department of Energy, Richland Operations Office, Richland, Washington, and Washington State Department of Ecology, Olympia, Washington.

DOE/EIS-0189, 1996, *Tank Waste Remediation System, Hanford Site, Richland, Washington, Final Environmental Impact Statement*, U.S. Department of Energy, Richland Operations Office, Richland, Washington, and Washington State Department of Ecology, Olympia, Washington.

DOE/EIS-0189-SA1, 1997, *Supplement Analysis for the Proposed Upgrades to the Tank Farm Ventilation, Instrumentation, and Electrical Systems under Project W-314 in Support of Tank Farm Restoration and Safe Operations*, U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS-0189-SA2, 1998, *Supplement Analysis for the Tank Waste Remediation System*, U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS-0189-SA3, 2001, *Supplement Analysis for the Tank Waste Remediation System*, U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS-0200, 1997, *Final Waste Management Programmatic Environmental Impact Statement for Managing Treatment, Storage, and Disposal of Radioactive and Hazardous Waste*, U.S. Department of Energy, Office of Environmental Management, Washington, DC.

DOE/EIS-0026-S-2, 1997, *Waste Isolation Pilot Plant Disposal Phase Final Supplemental Environmental Impact Statement II*, U.S. Department of Energy, Carlsbad, New Mexico.

DOE/EIS-0222, 1999, *Final Hanford Comprehensive Land-Use Plan Environmental Impact Statement*, U.S. Department of Energy, Richland Operations Office, Richland, Washington.

DOE/EIS-0310, 2000, *Final Programmatic Environmental Impact Statement for Accomplishing Expanded Civilian Nuclear Energy Research and Development and Isotope Production Missions in the United States, Including the Role of the Fast Flux Test Facility.*

DOE/EIS-0250, 2002, *Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada*, U.S. Department of Energy, Office of Civilian Radioactive Waste Management, Yucca Mountain Site Characterization Office, North Las Vegas, Nevada.

DOE/EIS-0287, 2002, *Idaho High-Level Waste and Facilities Disposition Final Environmental Impact Statement*, U.S. Department of Energy, Idaho Operations Office, Idaho Falls, Idaho.

DOE/EIS-0286, 2004, *Final Hanford Site Solid (Radioactive and Hazardous) Waste Program Environmental Impact Statement, Richland, Washington*, U.S. Department of Energy, Richland Operations Office, Richland, Washington.

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DOH Publication 320–031, 2004, *Final Environmental Impact Statement—Commercial Low-Level Radioactive Waste Disposal Site, Richland, Washington*, Washington State Department of Health, Olympia, Washington, and Washington State Department of Ecology, Olympia, Washington.

U.S. Department of Energy, 2006, *Report of the Review of the Hanford Solid Waste Environmental Impact Statement (EIS) Data Quality, Control and Management Issues*, Washington, DC.

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BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Considerations for Transmission Congestion Study and Designation of National Interest Electric Transmission Corridors

AGENCY: Office of Electricity Delivery and Energy Reliability ("OE"), Department of Energy.

ACTION: Notice of inquiry requesting comment and providing notice of a technical conference.

SUMMARY: The Department of Energy (the "Department") seeks comment and information from the public concerning its plans for an electricity transmission congestion study and possible designation of National Interest Electric Transmission Corridors ("NIETCs") in a report based on the study pursuant to section 1221(a) of the Energy Policy Act of 2005. Through this notice of inquiry, the Department invites comment on draft criteria for gauging the suitability of geographic areas as NIETCs and announces a public technical conference concerning the criteria for evaluation of candidate areas as NIETCs.

DATES: Written comments may be filed electronically in MS Word and PDF formats by e-mailing to: *EPACT1221@hq.doe.gov* no later than 5 p.m. EDT March 6, 2006. Also; comments can be filed by mail at the address listed below. The technical conference will be held in Chicago on March 29, 2006. For further information, please visit the Department's Web site at *http://www.electricity.doe.gov/1221*.

ADDRESSES: Written comments via mail should be submitted to:

Office of Electricity Delivery and Energy Reliability, OE–20, Attention: EPACT 1221 Comments, U.S. Department of Energy, Forestall Building, Room 6H–050, 1000 Independence Avenue, SW., Washington, DC 20585.

Note: U.S. Postal Service mail sent to the Department continues to be delayed by several weeks due to security screening. Electronic submission is therefore encouraged. Copies of written comments received and other relevant documents and information may be reviewed at *http://www.electricity.doe.gov/1221*.

FOR FURTHER INFORMATION CONTACT: Ms. Poonum Agrawal, Office of Electricity Delivery and Energy Reliability, OE–20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–1411, *poonum.agrawal@hq.doe.gov*, or Lot Cooke, Office of the General Counsel, GC–76, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–0503, *lot.cooke@hq.doe.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

A. Overview

The Nation's electric system includes over 150,000 miles of interconnected high-voltage transmission lines that link generators to load centers.[1] The electric system has been built by electric utilities over a period of 100 years, primarily to serve local customers and support reliability; the system generally was not constructed with a primary emphasis on moving large amounts of power across multi-state regions.[2] Due to a doubling of electricity demand and generation over the past three decades and the advent of wholesale electricity markets, transfers of large amounts of electricity across the grid have increased significantly in recent years. The increase in regional electricity transfers saves electricity consumers billions of dollars,[3] but significantly increases transmission facility loading.

Investment in new transmission facilities has not kept pace with the increasing economic and operational importance of transmission service.[4] Today, congestion in the transmission system impedes economically efficient electricity transactions and in some cases threatens the system's safe and reliable operation.[5] The Department has estimated that this congestion costs consumers several billion dollars per year by forcing wholesale electricity purchasers to buy from higher-cost suppliers.[6] That estimate did not include the reliability costs associated with such bottlenecks.

The National Energy Policy (May 2001),[7] the Department's National Transmission Grid Study (May 2002),[8] and the Secretary of Energy's Electricity Advisory Board's Transmission Grid Solutions Report (September 2002),[9] recommended that the Department address regulatory obstacles in the planning and construction of electric transmission and distribution lines. In response to these recommendations, the Department held a "Workshop on Designation of National Interest Electric Transmission Bottlenecks" on July 14, 2004, in Salt Lake City, Utah. The Department also issued a **Federal Register** notice of inquiry on July 22, 2004.[10] The purpose of the workshop and the notice of inquiry was to learn stakeholders' views concerning transmission bottlenecks, identify how designation of such bottlenecks may benefit the users of the grid and electricity consumers, and recognize key bottlenecks. In its plans for implementation of subsection 1221(a), the Department notes that it has considered the comments received via the notice and the workshop.

B. Summary of Relevant Provisions From the Statute

On August 8, 2005, the President signed into law the Energy Policy Act of 2005, Public Law 109–58, (the "Act"). Title XII of the Act, entitled "The Electricity Modernization Act of 2005" includes provisions relating to the siting of interstate electric transmission facilities and promoting advanced power system technologies. Subsection 1221(a) of the Act amends the Federal Power Act ("FPA") by adding a new section 216 which requires the Secretary of Energy (the "Secretary") to conduct a nationwide study of electric transmission congestion ("congestion study"), and issue a report based on the study in which the Secretary may designate "any geographic area experiencing electric energy transmission capacity constraints or congestion that adversely affects

[1] North American Electric Reliability Council, Electricity Supply and Demand Database (2003) available at *http://www.nerc.com/esd*.

[2] Edison Electric Institute, *Survey of Transmission Investment* at 1 (May 2005).

[3] Department of Energy, *National Transmission Grid Study*, at 19 (May 2002) available at *http://www.eh.doe.gov/ntgs/reports.html*.

[4] *Id.* at 7; *see also* Hirst, U.S. Transmission Capacity Present Status and Future Prospects, 7 (June 2004).

[5] *National Transmission Grid Study, supra note* 3, at 10–20.

[6] *Id.* at 16–18.

[7] *The National Energy Policy Development Group Report*, available at *http://www.energy.gov/engine/content.do?BT_CODE=ADAP*.

[8] *National Transmission Grid Study, supra* note 3.

[9] Department of Energy Electricity Advisory Board, *Transmission Grid Solutions*, available at *http://www.eab.energy.gov/index.cfm?fuseaction=home.publications*.

[10] Designation of National Interest Electric Transmission Bottlenecks, 69 FR 43833 (July 22, 2004) also available at *http://www.electricity.doe.gov/bottlenecks*.