

STATEMENT OF THE OREGON DEPARTMENT OF ENERGY

on Acceptance of Foreign Reactor Spent Nuclear Fuel

May 25, 1995

I am Michael Graney. I am the Assistant Director for the Oregon Department of Energy. The State of Oregon has had a longstanding interest in assuring that the shipment of radioactive materials through Oregon occurs safely

We consider both Hanford and the Idaho National Engineering Laboratories as unacceptable for storage of any shipments of foreign spent fuel. Therefore, it makes no sense to bring the shipments through the Port of Portland. Other U.S. Department of Energy sites should be selected, depending on whether USDOE will simply store the fuel or reprocess it. In our opinion, neither the Hanford site nor the Idaho site should be used for storage or reprocessing this fuel

The U S Department of Energy has included Hanford and the Idaho site as possible locations for storing some or all of the foreign research reactor spent fuel. This storage period is expected to last at least 40 years. Given the massive problems that exist already at Hanford, the State of Oregon opposes any proposal to bring large amounts of spent fuel to Hanford for long-term storage

The Hanford Site has suffered an enormous toll of environmental contamination from nearly fifty years of plutonium production. Oregon has consistently urged the U S Department of Energy to devote all its efforts at Hanford to the monumental task of environmental restoration of the site. Bringing in more spent fuel to Hanford would only serve to complicate clean-up issues and further delay restoration of the site.

Recently, a new Hanford cleanup agreement was negotiated between the State of Washington, the U S Department of Energy and the Environmental Protection Agency. That document does not take into account the receipt of additional spent fuel for long-term storage

The U S Department of Energy's own draft Environmental Impact Statement on foreign spent fuel considers Hanford an unacceptable site. That statement provides the following -- and I quote -- "The age, condition, available capacity of these facilities, and the Tri-Party Agreement milestones generally prevent the use of the existing facilities for storage of foreign reactor spent fuel. The Hanford Site has concluded that there are no existing facilities available and ready for accepting foreign research reactor spent nuclear fuel" (Page F-53)

Indeed, there are major environmental problems associated with the current storage of spent nuclear fuel at Hanford. Eleven hundred and fifty metric tons of spent fuel is now stored in a leaking basin at the K-E reactor. This has resulted in tritium contamination

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of the groundwater and of the Columbia River. This problem won't be resolved until after the turn of the century. To bring more spent fuel in -- when there is still much to be done to safely store the fuel at Hanford now -- would be folly.

While we are not as familiar with the problems at the Idaho site, we have major concerns about use of that site as well. Because of serious concerns by the State of Idaho about the storage and handling of spent fuel at the Idaho site, the U.S. Department of Energy has been under a court order that severely restricts the number of shipments allowed there. Idaho was successful in its court action because of USDOE's woeful record on waste handling and storage, that record raises serious questions about the suitability of INEL to accept more spent fuel for long-term storage.

Moreover, even if the federal court order at the Idaho site is eventually removed, we have concerns about the use of the Idaho site. Spent fuel sent to Idaho would likely be "reprocessed" in aged facilities. These facilities should be decommissioned, not restarted. Reprocessing creates more waste which would complicate the task of managing wastes at the Idaho site and cleaning it up. If the fuel is to be reprocessed, and we have concerns about reprocessing any fuel, other USDOE sites are better suited than Idaho.

In opposing shipment of foreign spent fuel through the Port of Portland, let me make clear that we believe that spent nuclear fuel can be transported safely and public confidence can be maintained as long as the federal government works cooperatively with state, Tribal, and local agencies. Emergency responders must receive adequate funding, training and equipment. Dock workers must be trained in the safe and proper handling of the spent fuel casks. State officials must receive advance notice of shipments. Independent inspections must occur at all critical points in the shipment. And, the routing and timing of shipments must avoid adverse weather and road conditions.

There have been dozens of shipments of spent fuel through the Port of Portland over the past 20 years. Our experience with Port Management and the Longshoremen has been exceptional. We have no concerns about whether the Port is professional enough to safely handle these shipments. The issue is, why ship through Portland at all? No shipments should go to Hanford or to Idaho and therefore no shipments should come through Portland.

35418

Oregon

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JUN 29 1995

COMMISSIONER OF
PUBLIC UTILITIES

DEPARTMENT OF
ENERGY

June 16, 1995

U S Department of Energy
Office of Environmental Management (EM-37)
Attn Mr Charles Head
1000 Independence Avenue, S W
Washington D C 20585-0001

Dear Mr Head

Thank you for this opportunity to offer the state of Oregon's comments on the draft Environmental Impact Statement (EIS) on a Proposed Nuclear Weapons Nonproliferation Policy Concerning Foreign Research Reactor Spent Nuclear Fuel. Our comments focus on the following four areas: potential U S storage sites, reprocessing, transport issues, and emergency preparedness.

The issue of whether or not to ship foreign spent fuel back to the United States is beyond our scope for comment. We do not have enough information to determine whether adequate security can be established at each of the foreign sites to safeguard the spent fuel. Nor do we have detailed information on the treaty agreements that were made with these countries.

POTENTIAL U.S. STORAGE SITES

We support the U S Department of Energy's (USDOE) position (as outlined in the Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Waste Management Programs Final EIS and the subsequent Record of Decision) not to use the Hanford Site as a storage site for foreign spent fuel. As we stated during hearings in Portland in December 1993 and May 1995, we oppose storage of foreign research spent nuclear fuel at the Hanford Site. Hanford does not have facilities available for storage. Further, we are concerned that bringing additional waste into the site would seriously detract from the vital clean up work currently underway.

The draft EIS lists several options in which foreign fuel is stored temporarily (for about 10 years) at one or more USDOE facilities, then moved to another USDOE facility. We oppose this approach. Although we believe spent nuclear fuel can be transported safely, we also believe it is not good public policy to move high level nuclear waste from one interim storage facility to another. There is some risk, although small,

John A. Kitzhaber
Governor



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involved with the transport of spent nuclear fuel. Shuttling it from one site to another unnecessarily increases the risk.

If shipments do come to the United States, USDOE proposes storage at the Savannah River Site and the Idaho National Engineering Laboratory (INEL). Both sites do have available storage capacity and experience in handling foreign spent fuel. However, we believe INEL has serious problems which preclude its use as a site to store additional foreign research reactor spent nuclear fuel. Because of serious concerns by the state of Idaho about the storage and handling of spent fuel at the Idaho Site, USDOE is under a court order that severely restricts transporting additional waste to INEL. Idaho was successful in its court action because USDOE's past record of waste handling and storage at INEL is less than exemplary.

REPROCESSING

We oppose the reprocessing of foreign research reactor spent fuel. Reprocessing does little to reduce the volume of high level waste. It creates new waste streams. It adds to the amount of weapons grade material that is available. We oppose reprocessing whether the spent fuel remains in Europe or is returned to the United States.

TRANSPORT ISSUES

USDOE should reassess, based on its own selection criteria, the continued study of the Port of Portland as a receiving point for foreign research reactor spent fuel. One screening criteria used by USDOE to select potential ports of entry was favorable transit from the open ocean to the selected terminal. The draft EIS states that "DOE concluded that ports meeting the intent of this criterion would have relatively short trips to port from large deep bodies of water that were either oceans, seas, or notable extensions thereof and which present no special navigational hazards to ships." Yet, the Port of Portland is more than twice as far from large deep bodies of water than any of the other ports still under consideration. Further, the draft EIS states "There are a number of cautions concerning entering and navigating the Columbia and Willamette Rivers. The U.S. Coast Guard warns that entry into the Columbia River can be dangerous because of sudden and unpredictable changes in the currents often accompanied by breakers." The draft EIS goes on to list free floating logs and submerged

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deadheads or sinkers as sources of danger. The draft EIS also cites Coast Guard statistics of 112 ship collisions and 145 (hard) groundings between 1990 and 1993. Given these warnings, it appears that USDOE disregarded its own criteria to keep Portland among the ports under consideration.

We believe that USDOE should seriously consider exclusive use of military ports for shipments. Military ports are far more suitable to meet the security needs of these shipments. The use of military ports would also eliminate the very real possibility that longshoremen would refuse to unload foreign spent fuel.

Since USDOE proposes to store spent fuel at Savannah River and INEL based on fuel type, some shipments bound for Savannah River would likely be delivered to West Coast ports and some fuel destined for INEL would likely be delivered to East Coast ports. This would necessitate cross-country shipments by rail or truck. We believe the final EIS should evaluate shipping these materials through the Panama Canal in lieu of cross-country shipments.

USDOE asked for comments on when the federal government should take title to the fuel. We believe this should occur before shipment, if shipments are to occur. This is the only way to ensure that all components of the transport system comply with U.S. transport safety regulations.

EMERGENCY PREPAREDNESS

The shipment of foreign research reactor spent fuel to and through the United States raises significant issues about the adequacy of emergency response preparedness. The draft EIS rightfully states that the primary responsibility for emergency response resides with local authorities. The draft EIS also says an emergency management and response infrastructure already exists to support these shipments. To a limited extent, that is true. However, that does not remove USDOE from its responsibility to work with states and Indian tribes along shipping routes to ensure an adequate level of preparedness exists.

Spent nuclear fuel can be transported safely and public confidence can be maintained as long as the federal government works cooperatively with state, Tribal and local agencies. Emergency responders must receive adequate funding, training and equipment. Dock workers must be trained in the safe and proper handling of spent fuel casks. State officials must

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receive advance notice of shipments. The routing and timing of shipments must avoid adverse weather and road conditions. And, USDOE must carefully select the truck, rail and steamship carriers and operators to handle these shipments. Human error and equipment failures are the main causes of accidents. Should shipments occur, USDOE should select only firms and individuals with demonstrated safety records to haul these materials.

The draft EIS lists some of the cooperative work USDOE has done with Western corridor states to prepare for cesium capsule shipments and transuranic waste shipments to the WIPP facility. That work is a good start. USDOE needs to build on those efforts and provide sufficient funding to prepare for shipment of foreign research reactor spent fuel, if it is to occur.

SUMMARY OF OREGON COMMENTS

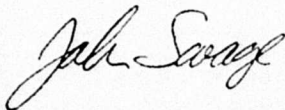
In summary, it is our position that

- Hanford not be used now or in the future as a storage site for foreign research reactor spent fuel,
- The Idaho National Engineering Laboratory has serious problems which preclude its use as a site to store additional foreign research reactor spent nuclear fuel,
- Foreign research reactor spent fuel should not be shipped to any USDOE site for interim storage with the intent of eventually moving it to another USDOE site for longer-term storage,
- The foreign research reactor spent fuel should not be reprocessed either in the United State or elsewhere,
- USDOE should re-assess, based on its own selection criteria, the continued study of the Port of Portland as a receiving point for foreign research reactor spent fuel,
- USDOE should seriously consider using only military ports for shipments of foreign research reactor spent fuel,
- USDOE should compare the risks of shipping foreign research reactor spent fuel through the Panama Canal instead of making cross-country shipments,
- If shipments are to be made to the United States, USDOE should take title to the fuel before shipment, and,

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- If shipments are to be made to the United States, USDOE must work cooperatively with state, Tribal and local officials along shipping routes to ensure an adequate level of emergency preparedness exists

Sincerely,



John Savage
Acting Director

cc Kerry Barnett, Director, Oregon Department of Consumer and Business Services
Paula Burgess, Natural Resources Advisor to Governor John Kitzhaber
Steve Marks, Senior Policy Advisor to Governor John Kitzhaber
Oregon Congressional Delegation Staff

RESOLUTION No. 35418

Join the State of Oregon in opposition to the shipment of foreign research reactor spent nuclear fuel through Portland (Resolution)

WHEREAS, the U S Department of Energy is now accepting comments on the "Draft Environmental Impact Statement (EIS) on a proposed Nuclear Weapons Nonproliferation Policy Concerning Foreign Research Reactor Spent Nuclear Fuel "

WHEREAS, the Port of Portland is one of 10 potential U S ports of entry for the foreign research reactor spent nuclear fuel

WHEREAS, there are major environmental problems and concerns associated with both the Hanford site and the Idaho National Engineering Laboratories where foreign research reactor spent nuclear fuel shipped through the Port of Portland is proposed to be stored

WHEREAS, the Oregon Department of Energy is the State's lead agency for policies relating to the disposal and transportation of nuclear waste, and is on the record in its comments on the EIS opposing the shipments stating that "no shipment should go to Hanford or to Idaho and therefore no shipments should come through Portland "

WHEREAS, the recently completed Tri-Party Agreement on the cleanup of Hanford negotiated by the state of Washington, the U S Department of Energy and the U S Environmental Protection Agency does not take into account the receipt of additional spent nuclear fuel for long-term storage and such storage would seriously detract from the vital cleanup work currently planned

WHEREAS, the U S Department of Energy Draft EIS finds that "age, condition, available capacity of the [facilities at Hanford] and the Tri-Party Agreement milestones generally prevent the use of existing facilities for the storage of foreign research reactor spent nuclear fuel "

WHEREAS, the cities of Seattle, Federal Way, Milton and Tacoma, Wash , Pierce County, Wash and the Port of Tacoma have all formally opposed the shipment of foreign research reactor spent nuclear fuel through their communities

WHEREAS, the period of public comment on the draft EIS process is open to July 20, 1995

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Portland, a municipal corporation of the state of Oregon, finds that the U S Department of Energy has failed to answer the fundamental question of why nuclear fuel should be shipped through the City of Portland to Hanford Nuclear Reservation or the Idaho National Engineering Laboratories

NOW THEREFORE BE IT FURTHER RESOLVED, by the Council of the City of Portland that the Council joins the State of Oregon in opposing the shipment of foreign research reactor spent nuclear fuel through Portland to Hanford or Idaho National Engineering Laboratories

AND BE IT FURTHER RESOLVED that copies of this resolution be transmitted immediately to office of Oregon Governor John Kitzhaber, the U S Department of Energy, the Congressional delegation of the state of Oregon and President William Jefferson Clinton

ADOPTED by the Council,
Commissioner Hales
Marc Zolton
June 29, 1995

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BARBARA CLARK
Auditor of the City of Portland
By *Brilla Olson* Deputy

RESOLUTION NO. 35418

Title

Join the State of Oregon in opposition to the shipment of foreign research reactor spent nuclear fuel through Portland.

INTRODUCED BY	DATE FILED June 29, 1995 JUN 30 1995
	Barbara Clark Auditor of the City of Portland
NOTED BY COMMISSIONER	
Affairs <i>[Signature]</i>	By <u><i>Barbara Olson</i></u> Deputy
Finance and Administration	
Safety <i>[Signature]</i>	For Meeting of _____
Utilities <i>[Signature]</i>	
Works	ACTION TAKEN:
BUREAU APPROVAL	
Bureau	
Prepared by Date Zolton 6/29/95	
Budget Impact Review	
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not Required	
Bureau Head.	

AGENDA		FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS	
			YEAS	NAYS
Consent	Regular <input checked="" type="checkbox"/>	Blumenauer	Blumenauer	<input type="checkbox"/>
NOTED BY		Hales	Hales	<input checked="" type="checkbox"/>
City Attorney		Kafoury	Kafoury	<input checked="" type="checkbox"/>
City Auditor		Landberg	Landberg	<input type="checkbox"/>
City Engineer		Katz	Katz	<input checked="" type="checkbox"/>