

June 30, 2006

Bryan C. Bower, Acting Director
U. S. Department of Energy
West Valley Demonstration Project
10282 Rock Springs Road
West Valley, NY 14171-9799

Dear Mr. Bower:

SUBJECT: NYSERDA Comments on the *Draft Environmental Assessment for the Decontamination, Demolition, and Removal of Various Facilities at the West Valley Demonstration Project (DOE/EA-1552)*, dated June 26, 2006

The New York State Energy Research and Development Authority (NYSERDA) has reviewed the *Draft Environmental Assessment for the Decontamination, Demolition, and Removal of Various Facilities at the West Valley Demonstration Project (DOE/EA-1552)*, dated June 26, 2006 and is submitting the attached comments.

While NYSERDA supports the U. S. Department of Energy's (DOE's) efforts to remove facilities that are no longer needed, to remove wastes from the site, and, most importantly, to continue decontamination efforts at the site, we request clarification of the governing the National Environmental Policy Act (NEPA) documentation for the various actions. NYSERDA assumes this EA replaces and supercedes the 2004 and 2005 categorical exclusions. We would appreciate DOE confirmation or correction of this assumption.

Thank you for providing NYSERDA and the public with an opportunity to comment on DOE/EA-1552 and for considering and responding to NYSERDA's comments on the preliminary draft of this document.

If you have any questions regarding the attached comments, please contact Colleen Gerwitz of my staff at (716) 942-9960 at extension 4435.

Sincerely,

WEST VALLEY SITE MANAGEMENT PROGRAM

Paul L. Piciulo, Ph.D.

Director

PLP/06end030.clg

Main Office**Albany**

17 Columbia Circle
Albany, NY 12203-6399
Toll Free: 1 (866) NYSERDA
Phone: (518) 862-1090
Fax: (518) 862-1091

West Valley Site**Management Program**

10282 Rock Springs Road
West Valley, NY 14171-9799
Phone: (716) 942-9960
Fax: (716) 942-9961

New York City

485 Seventh Ave., Suite 1006
New York, NY 10018
Phone: (212) 971-5342
Fax: (212) 971-5349

Buffalo

617 Main Street, Suite 105
Buffalo, NY 14203
Phone: (716) 842-1522
Fax: (716) 842-0156

Messr. Bryan C. Bower

Page 2

June 30, 2006

CLG/end

Attachment:

NYSERDA Comments on the *Draft Environmental Assessment for the Decontamination, Demolition, and Removal of Various Facilities at the West Valley Demonstration Project (DOE/EA-1552)*, dated June 16, 2006

cc: P. R. Smith, NYSERDA-ALB (w/atts.)
F. Marcinowski, III, DOE-EM-10 (w/atts.)
C. V. Anderson, DOE-HQ (w/atts.)
J. E. Loving, DOE-HQ (w/atts.)
M. N. Maloney, DOE-WV (w/atts.)
C. M. Bohan, DOE-WV(w/atts.)
D. W. Sullivan, DOE-WV(w/atts.)
E. E. Dassatti, NYSDEC - Albany (w/atts.)
R. J. Phaneuf, NYSDEC, Albany (w/atts.)
J. Zeh, NYSDEC-Albany (w/atts.)
T. B. Rice, NYSDEC - Albany (w/atts.)
West Valley Citizen Task Force
L. Camper, NRC (w/atts.)
C. J. Glenn, NRC (w/atts.)
P. A. Giardina, EPA, Region II (w/atts.)
J. Eng, EPA, Region II (w/atts.)
H. Brodie, NYSERDA-Albany (w/atts.)
P. J. Bembia, NYSERDA-WV (w/atts.)
C. L. Gerwitz, NYSERDA-WV (w/atts.)
T. L. Sonntag, NYSERDA-WV (w/atts.)
T. H. Attridge NYSERDA-WV (w/atts.)

NYSERDA Comments on the
Draft Environmental Assessment for the Decontamination, Demolition, and Removal of Various
Facilities at the West Valley Demonstration Project (DOE/EA-1552),
dated June 16, 2006

1. Decommissioning Assumptions are Needed

As NYSERDA has previously stated, we support DOE's effort to remove facilities that are no longer needed to complete the WVDP Act. The facilities that are needed to support WVDP completion, (i.e., facilities that are needed to support decontamination and decommissioning and/or storage and transportation of the HLW canisters) should be retained until these activities are completed. DOE has not, however, provided a publically available document, that would explain why the buildings that are still currently in use will no longer be needed to complete implementation of the WVDP Act. A publically available description of DOE's assumptions regarding decommissioning and closure actions would help reviewers of this EA understand why DOE believes the functions served by these 42 buildings are no longer needed and/or how these functions will be replaced during site decommissioning activities.

2. Some EA Buildings and Structures are Still Needed to Support Decommissioning Alternatives

The description of the 42 buildings and other structures at the WVDP that are the subject of this Environmental Assessment (EA) as "unneeded and unused" is not entirely accurate. While Footnote 1 on Page 1 of the draft EA acknowledges that some of the buildings are currently used to store low-level radioactive waste and Table 2 describes in general terms how functions served by certain of the EA buildings and structures will be replaced, the EA appears to lack a thoughtful consideration of the consequences of removing certain facilities or combinations of facilities prior to selecting and/or completing implementation of a WVDP decommissioning alternative. NYSERDA does not believe that removal of certain facilities or the removal of certain combinations of facilities can be independently justified from the actions that are currently within the scope of the Decommissioning and/or Long-Term Stewardship EIS. In addition, the "replacement impacts," which were to have been addressed in the EA for any function that would still be required (see DOE Response to NYSERDA Comment #1, 1/4/06) are not included in this draft EA. Comments 3 through 7 present specific examples of NYSERDA's concern.

3. Radioactive Waste Storage Capacity is Still Needed

Footnote 1 on Page 1 of the EA acknowledges that some of the 42 buildings that are the subject of this EA are currently being used to store low-level waste (11 of the 42 buildings included in this EA are currently used to store low-level waste and/or are permitted to store low-level mixed waste) and further states that when shipments of the waste inventory covered by the WVDP Waste Management EIS Record of Decision (ROD) "... are complete, the buildings will be empty and ready for decontamination (if needed), demolition, and removal from the WVDP site." The footnote seems to imply that there is no future need for low-level radioactive waste storage capacity once the current low-level waste inventory is shipped off-site and/or the WM EIS ROD is fully implemented. In addition, Table 2, *Facility Functions to be Replaced*, does not identify low-level waste storage as a function that needs to be replaced. NYSERDA believes that future decommissioning actions will continue to generate low-level waste and that this waste will need to be stored in preparation for off-site shipment. This belief is supported by the information in Table 2-11, *Comparison of Waste Generation Under the Different Alternatives*, of the Predecisional Draft of the Decommissioning and/or Long-Term Stewardship EIS which present's estimates of the amount of radioactive low-level waste that will be generated under the different decommissioning alternatives. The low-level waste generation estimates for the various Decommissioning EIS alternatives range from 27,000 cubic meters under Alternative 3 to 1,700,000 cubic meters under Alternative 1. In addition to removing all the low-level radioactive waste storage areas, this EA also proposes to remove all other buildings that could potentially be used to replace this function, excluding the Main Process Building, the Vitrification Facility, and the RHWF. Due to the difficulty of moving wastes in and out of these buildings as well as a much greater potential for dose and contamination concerns, these buildings should not be used as the primary low-level waste storage facilities. Any assumptions that DOE will ship radioactive wastes as they are generated, without some period of storage prior to shipment, are not supported by DOE's recent actions (i.e., as DOE emptied the vitrification cell, wastes were not packaged and shipped as they were generated; instead additional waste storage capacity, in the form of aboveground concrete vaults, were constructed). NYSERDA urges DOE to reconsider the removal of all low-level waste storage capacity. Some amount of low-level waste storage capacity will be needed to support implementation of future decommissioning actions and some portion of the existing low-level waste storage capacity should be retained to support these future decommissioning actions.

4. Sanitary Sewage Facility is Still Needed

Table 2, *Facility Functions to be Replaced*, indicates that portable sanitary facilities to be provided by an off-site contractor once a week would be the replacement for the sewage treatment plant. NYSERDA questions the wisdom of closing all existing washing facilities, shower facilities and toilet facilities that are currently tied into the sewage treatment plant. OSHA has specific sanitation requirements which are applicable to permanent places of employment (see 29 CFR 1910.141) such as the WVDP. The OSHA regulations require that six water closets, which are defined as toilet fixtures that is flushed with water, be maintained for every 111 to 150 employees with one additional fixture required for each

additional 40 employees. The number of workers estimated to be needed for the various Decommissioning EIS alternatives ranges from 157 to 467 which means that 7 to 15 water closets would need to be maintained on-site if all these employees were located at the site. OSHA also requires that lavatories with hot and cold running water be made available in all permanent places of employment. Regardless, running water is also needed for eye wash stations and decontamination showering. NYSERDA is aware that the existing sewage treatment plant may be oversized for the size of the current work force and thus may not function as well as it should, but why would the WVDP elect to replace all the existing sanitation facilities with portable units instead of just continuing to use a contracted transport and disposal service to bulk ship the sewage off-site, as is done now? In addition, there is no assessment or discussion of the replacement impacts.

5. Warehouse Capacity is Still Needed

There are three warehouses on the site that have been used by the WVDP (i.e., the Old Warehouse, the Bulk Storage Warehouse and the New Warehouse) and all three are proposed for removal. Table 2, *Facility Functions to be Replaced*, indicates that the warehouse function will be replaced by renting or otherwise using other locally available warehouse capacity. NYSERDA questions the merit of removing all three warehouses and would propose that DOE retain the largest and newest warehouse located on the Project Premises to support future decommissioning activities. In addition, there is no assessment or discussion of replacement impacts (e.g., rental costs, fuel use and employee hours to transport materials to and from an off-site warehouse, etc.).

6. One WTF Training Platform Should Be Retained

NYSERDA believes that one of the two WTF Training Platforms should be retained to facilitate mockups of the installation and removal of equipment from the HLW tanks. Additional equipment, such as the zeolite columns or tank pumps may need to be removed from the tanks. Additional equipment, such as sampling equipment or waste removal equipment may need to be put in the tanks. One of the WTF training platforms should be retained to facilitate proper planning of this important work.

7. “Maintenance-Type” Facilities Will Still Be Needed

NYSERDA believes that one or more “maintenance-type” facilities (e.g., Fab Shop, Maintenance Shop, Test and Storage Building, Vehicle Repair Shop, MSM Repair Shop) should be retained to support future site decommissioning activities. Radiological and non-radiological equipment will still need to be maintained, modified, mocked-up, etc. during decontamination and decommissioning activities that are within the scope of the Decommissioning EIS. NYSERDA urges DOE to retain one or more of the existing “maintenance-type” facilities to fulfill this future need.

8. Page 7, Table 1, Bulk Storage Warehouse - A waste volume estimate for the Bulk Storage Warehouse (BSW) appears to be missing from the table. The only waste volume estimated for the BSW is the volume associated with the concrete slab. Shouldn't an estimated volume of industrial waste be associated with the building?
9. Page 7, Table 1, Equalization Tank - A waste volume estimate for the Equalization Tank appears to be missing from the table.
10. Page 7, Table 1, Live Fire Range - Based on the WVDP use of this area and the expected hazardous waste contamination, why hasn't the live fire range been declared and assessed as a SWMU under the RCRA 3008(h) Consent Order?
11. Page 7, Table 1, Old Sewage Treatment Plant - The old sewage treatment plant is known to have received radiologically contaminated liquids from the Process Plant and is currently posted as a radiologically contaminated area. If DOE intends to remove this slab, how does DOE plan to address contaminated soils? What cleanup standard will be applied to determine when enough radiological soil has been removed? A predetermined exhumation depth or volume of soil is not an acceptable way to demonstrate adequate cleanup. NYSERDA does not want clean fill placed over contaminated soil in the area of the sewage treatment plant or any other area of the site. This practice will lead to the generation of additional contaminated soil volumes and may lead to the loss of institutional knowledge of the presence of subsurface contamination. NYSERDA requests that contaminated soil and contaminated surface features be completely characterized and/or remediated so they are not left to be "rediscovered" at some point in the future.
12. Appendix B, *WVDP Facility Map and Facility Name Crosswalk* - The facility name crosswalk table may lead to significant confusion and misunderstanding because it includes all of the site facilities, as opposed to just the EA facilities. In addition, the following acronyms are not defined and references or citations to the relevant documents are not provided: "GOAT," "SAR," "ORPS" and "SUMP." Also, it is unclear if the RCRA column was intended to list only the RCRA HWMUs or the RCRA HWMUs and RCRA SWMUs. Either way, the RCRA column is incomplete.