

NYSERDA New York State Energy Research and Development Authority

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August 28, 2006

Mr. Bryan C. Bower, Director
U. S. Department of Energy
West Valley Demonstration Project
10282 Rock Springs Road
West Valley, NY 14171-0191

Subject: Letter from Bryan Bower, DOE to G. Baker, L. W. Camper, P. A. Giardina, S. Hammond
and P. L. Piciulo, dated August 10, 2006

Dear Mr. Bower:

I am in receipt of your August 10 letter requesting the participation of the New York State Energy Research and Development Authority (NYSERDA) in a "Core Team Process" to resolve comments on the most recent preliminary draft of the West Valley Environmental Impact Statement (EIS). NYSERDA must reluctantly decline to participate.

At a June 15, 2006, meeting of the cooperating agencies regarding the EIS process, NYSERDA made it clear that we do not believe that further progress can be made on the EIS in the absence of agreement on a preferred alternative, and an allocation of responsibilities for the West Valley cleanup. At that same meeting, the United States Environmental Protection Agency (EPA) made a very constructive proposal for a preferred alternative that would include a high-level waste tank exhumation demonstration. NYSERDA's President, Peter Smith, wrote to DOE's Under Secretary, David Garman, on June 22, expressing support for the EPA proposal and indicating that NYSERDA hoped for a positive response from DOE soon. Not only have we not received a positive response, we have not received any response at all.

NYSERDA submitted extensive comments on the preliminary draft EIS. Many of our most significant concerns had been raised two years earlier when we commented on draft EIS performance assessment appendices but our concerns with the analysis were not addressed during the preparation of the preliminary draft EIS. In addition, a Peer Review Group of national experts raised many of the same concerns. While we believe that some of those comments could be resolved through an effective Core Team Process, we do not believe that erosion modeling can support a preferred alternative that requires a demonstration that a substantial closed-in-place inventory will comply with decommissioning criteria over thousands of years. We believe that the erosion modeling problem can only be resolved through agreement on a preferred alternative, like the proposed EPA alternative, that does not require such a demonstration.

PLP#06amd041.bb

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In the absence of agreement on the larger issues, NYSERDA believes that the substantial effort required to resolve lesser comments will be unproductive. Given DOE's unwillingness to address these larger issues, NYSERDA must reconsider its participation in the Joint EIS process. The issue of whether NYSERDA will continue in this process will be before NYSERDA's Board at its September 25 meeting. We will advise you of the results of that meeting. Until that decision is made, NYSERDA will not participate in the Core Team Process.

Sincerely,

WEST VALLEY SITE MANAGEMENT PROGRAM



Paul L. Piciulo, Ph.D.
Director

PLP/amd

cc: S. Hammond, NYSDEC
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L. W. Camper, USNRC
G. Baker, NYSDOH
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