



3

THE WEST VALLEY CITIZEN TASK FORCE

4 DATE

5 Ms. Catherine Bohan, EIS Document Manager
6 West Valley Demonstration Project
7 U.S. Department of Energy
8 P.O. Box 2368, Germantown, MD 20874

9 **RE: West Valley Citizen Task Force Comments on the Revised Draft Environmental Impact**
10 **Statement for Decommissioning and/or Long-Term Stewardship at the West Valley**
11 **Demonstration Project and Western New York Nuclear Service Center – November 2008.**

12 Dear Ms. Bohan,

13 These comments on the Revised Draft Environmental Impact Statement for Decommissioning and/or
14 Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear
15 Service Center – November 2008 (DEIS) have been prepared by the West Valley Citizen Task Force.

16 **Background**

17 After being convened by NYSERDA and DOE, the West Valley Citizen Task Force (CTF) held its first
18 meeting on January 29, 1997. At that meeting we approved and adopted our Ground Rules. Those
19 Ground Rules include, as a major purpose, for the CTF to *“assist in the development of a preferred*
20 *alternative for the completion of the West Valley Demonstration Project and cleanup, closure and/or*
21 *long-term management of the facilities at the site.”*

22 The CTF met for approximately 18 months and, on July 29, 1998, issued a Final Report setting forth our
23 Policies and Priorities and Guidelines for the Preferred Alternative. We draw your attention to the Final
24 Report which is attached. Some elements of the Final Report have been implemented, such as
25 vitrification, emptying the drum cell, and removal and shipment of the spent fuel assembly. We stand by
26 the conclusions reach in our Report for the elements which have not yet been implemented.

27 Since the issuance of the Report, we have met almost monthly with DOE and NYSERDA to stay apprised
28 of the progress on cleanup activities and planning at the West Valley Demonstration Project (WVDP) and
29 the Western New York Nuclear Service Center and to provide input on the development of a preferred
30 alternative. We believe this level of active and ongoing involvement provides us with a unique and
31 informed perspective to comment on the DEIS.

West Valley Citizen Task Force
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860-521-9122

Draft for review and discussion – May 26, 2009

32 Below and attached are our comments. The General Comments, immediately following, set forth broad
33 philosophical principles and additional examples or support for our concerns. Also attached are a
34 number of specific comments on particular parts of the document.

35 The CTF appreciates the progress to date and the work of the Core Team agencies in arriving at a
36 Preferred Alternative, something that was missing from the 1996 DEIS. The Core Team agencies are to
37 be commended for overcoming significant differences and for working together. The CTF appreciates
38 that DOE and NYSERDA are planning to accomplish cleanup work at the Site that the CTF deems
39 essential including the removal of the source area of the North Plateau Groundwater Plume and a
40 significant number of the contaminated facilities. For the reasons stated below we contend that further
41 analysis will result in the sensible conclusion of site-wide removal.

42 **General Comments**

43 There are a number of themes which run through our comments and which, if addressed, would result
44 in changes we would like to see reflected in the Final EIS and Record of Decision.

45 **Concerns with Phased Decision Making and Future Public Engagement**

46 These include some fundamental concerns with the conclusions and assumptions in the DEIS, including:

- 47 • The Phased Decision Making Alternative is tantamount to an Interim Remedial Action. A
48 determination of impacts for issuance of a FINAL EIS is not possible without a comprehensive
49 determination of action and subsequent impacts. Therefore, if the Phased Decision Making
50 Alternative is selected, a FINAL EIS and ROD cannot be issued.
- 51 • The Phased Decision-Making approach contained in the Preferred Alternative postpones the
52 ultimate decision as to the level of cleanup and disposition of the wastes at the Site for an
53 unnecessarily long time. The CTF expects:
 - 54 a. Studies should be conducted starting immediately and the final decision should be made
55 a soon as practicable but no later than ten years.
 - 56 b. The opportunity for public review and comment contained in this DEIS is sufficient for
57 the Phase 1 decisions. Any future decisions that will result in the full cleanup and closure
58 of the WVDP and the cessation of DOE involvement or in the possible long-term storage
59 or disposal of wastes at the Site should be subject to additional NEPA/SEQRA public
60 review and comment or a similarly robust public process.
 - 61 c. If an ongoing assessment period occurs, there will be many interim decisions and site
62 work which will have far reaching impacts on human health and the environment, these
63 decisions and the planning for the work should be subject to regular ongoing
64 consultation with the public.
- 65 • Even if full site cleanup is selected in the FEIS and ROD, important decisions remain concerning
66 implementation. If the Phased Decision Making Alternative is selected even more significant
67 decisions about the future of the Site are deferred. In either of these events, the public should

68 not only be involved but should actively participate in influencing agency decisions. The agencies
69 should:

- 70 ○ Commit to continuing public engagement through the CTF,
- 71 ○ Allow for a public representative on the Core Team, and
- 72 ○ Commit in the FEIS to an appropriate EIS and NEPA process for any Phase 2 decision, if
73 the Phased Decision Making Approach is selected.

- 74 ● DOE and NYSERDA should make commitments in preparing for and conducting regulatory
75 reviews, permitting and licensing processes overseen by other appropriate agencies to seek and
76 incorporate the views of the community in making decisions regarding the future of the Site.
77

78 **Long Term Risks and Site Suitability**

- 79 ● Site Suitability. Underlying the CTF's goal that the cleanup result in unrestricted release of the
80 Site is the assertion that the Site is not suitable for the long-term storage of long-lived
81 radionuclides. In the years since the Site was selected and the facilities constructed, the
82 government and the public has come to more clearly understand the dangers associated with
83 radioactive wastes and the conditions and criteria that will maximize protection of human
84 health and safety and the environment during the handling, management, reprocessing, storage
85 and disposal of radioactive materials. The Western New York Nuclear Service Center Site does
86 not meet existing NRC licensing criteria. Because the Site does not meet current licensing
87 criteria, a logical assumption is that it is not safe for the long-term storage or disposal of wastes.
88 Therefore, the CTF maintains as a goal the unrestricted release of the Site and that it should not
89 be used for long-term waste storage.

- 90 ● There is significant risk associated with radionuclides remaining at the Site in their present state
91 for a prolonged period. A more thorough analysis of risks, erosion modeling, volumes of waste
92 and transportation methods will: a) revise the current analysis, b) require revision of the EIS, and
93 c) indicate that removal of wastes is the most prudent option. We contend;

- 94 ○ Institutional controls will probably not hold for as long as expected,
- 95 ○ Dose modeling seems understated,
- 96 ○ Erosion estimates seem understated,
- 97 ○ The impacts of climate change and extreme weather events have not been adequately
98 addressed,
- 99 ○ Impacts to engineered barriers can be unpredictable,
- 100 ○ There is an inherent danger when dealing with radionuclides and hazardous materials,
- 101 ○ Any event that causes a major release of material from the Site will contaminate the
102 Lower Great lakes which are a priceless natural resource, and
- 103 ○ Any event that causes a major release of material from the Site will contaminate one of
104 the largest bodies of freshwater in the world, which presently serves as the water

105 supply of Buffalo and many other communities in Western New York, as well as Ontario
106 and other downstream communities in the United States and Canada.

- 107 • The Policies and Priorities articulated in the CTF 1998 Final Report support the *work* in the
108 proposed Preferred Alternative Phase 1. The CTF strongly encourages that this work be
109 completed without further delay and in a manner that facilitates future complete cleanup of the
110 Site. The CTF desires that performance measurements for this work be clearly articulated and
111 adhered to.
112
- 113 • The CTF stands by the Policies and Priorities articulated in its 1998 Final Report. Including,
114 among others:
 - 115 ○ The protection of the long-term human health and safety and of the environment is
116 paramount.
 - 117 ○ Given the CTF's knowledge of the geologic, hydrologic and climate conditions, the Site
118 does not appear to be suitable for long term, permanent storage or disposal of long-
119 lived radionuclides. The level of risk from exposure is such that reliance on institutional
120 controls over a prolonged period, hundreds or thousands of years, is not feasible.
 - 121 ○ Analyses and studies should be performed during Phase 1 which assess the best
122 methods of site decommissioning. Based on other studies and information available to
123 us, we expect that the new studies are likely to support the eventual goal of a full
124 cleanup of the Site.
125

126 **Need for Studies and Evaluations to Support Phase II Decisions**

- 127 • The CTF understands that not all critical information, characterizations, studies and technologies
128 may exist at this time to make a conclusive decision on the procedures and methodologies for
129 removal of wastes. The CTF also understands that no long-term storage or disposal solution
130 exists for orphan and Transuranic wastes at this time. The CTF further understands that
131 technological advances may increase the safety of waste retrieval processes with potentially
132 lower costs. As its name implies, the West Valley Demonstration Project, because of its small
133 size and special circumstances as a commercial and government facility, is a suitable site to
134 develop and pilot new and emerging technologies to remove onsite buried waste and the High
135 Level Waste Tanks. As with the vitrification process, those new techniques and technologies
136 may be used elsewhere. The CTF expects that no additional wastes will be brought to WVDP for
137 treatment or storage.
- 138 • The CTF recognizes a number of the decisions for the Site are impacted by national
139 considerations and political decisions concerning the long-term disposition of high-level
140 radioactive wastes. Consequently, some wastes could remain at the Site for a period of several
141 decades after exhumation while awaiting relocation to a high-level radioactive waste repository.
142 The CTF expects that all decisions regarding such wastes will be guided by the conclusion that

143 the only appropriate, final action with regard to these wastes is for them to be removed from
144 the Site.

145 During such time as this larger question of a national high-level waste repository or the ability of
146 other facilities within the DOE complex to store wastes awaiting a determination on a national
147 repository, the CTF expects that wastes on the Site will be exhumed and temporarily stored in a
148 manner that allows for its monitoring to readily, safely and regularly determine if the materials
149 are leaking or migrating. The CTF expects that all wastes be excavated and placed in a structure
150 for temporary storage where monitoring and retrieval for repackaging and recontainment, if
151 necessary, will be relatively easy. Short term studies should be conducted to ensure that this
152 temporary storage can be accomplished safely.

153 The CTF expects that any structures built to contain wastes in the ground or above the ground at
154 the Site will be constructed to withstand severe natural events such as tornadoes, earthquakes,
155 and the hazards of flooding and erosion. The CTF expects that such structures also have the
156 ability to withstand intentionally destructive acts. The CTF expects that all wastes that remain at
157 the Site will be stored in such a way that they can be retrieved if the containment system and/or
158 packaging fail. The CTF expects that an alternative storage system will be developed so as to be
159 readily available should the primary containment system fail.

160 • Specific Commitments to Assessments and Pilot Studies. The CTF encourages DOE and NYSERDA
161 to conduct assessments studies and pilot projects with the purpose of assessing technologies
162 and processes for safely removing the high-level waste tanks, the NRC-Licensed Disposal Area
163 and the State-Licensed Disposal Area. These activities should be initiated at the outset of Phase
164 1 so as to ensure timely planning and decision making. The public should be fully informed and
165 consulted in these efforts.

166 As part of the ongoing permitting process for the Part 373/RCRA program, the New York State
167 Department of Environmental Conservation (NYSDEC) may require mechanisms for assessments
168 and continuation of work. Such permitting requirements might include activities such as pilot
169 exhumation studies and projects. The CTF encourages DOE and NYSERDA to commit to such
170 projects in the EIS and not simply through what may be required by NYSDEC. In addition, the CTF
171 understands that the RCRA process has public participation components; nonetheless, the CTF
172 strongly encourages NYSDEC, DOE and NYSERDA to make these processes robust and ensure
173 public participation beyond the minimally required processes.

174 **Other Comments**

175 • The CTF has expressed concerns with past decreases in environmental monitoring and expects
176 that environmental monitoring will be increased commensurate with Phase 1 and other work
177 performed at the Site.

178 • Although the CTF understands that Nuclear Regulatory Commission decommissioning criteria
179 evaluate alternatives in relation to doses to a human receptor, the lack of discussion of

180 environmental impacts associated with non-dose related radioactive releases fails to
181 acknowledge the potential harm to other species or the cumulative impacts of slow releases.

- 182 • We acknowledge and concur with NYSDERDA comments contained in the NYSDERDA View.

183

184 **Conclusion**

185 Additional specific comments on the DEIS are attached, as is our 1998 Final Report. In conclusion, we
186 reiterate the following key points:

- 187 1. We support the *proposed work* associated with the Phase 1 decision.
- 188 2. We consider the Phased Decision Making Alternative to be tantamount to an interim remedial
189 action.
- 190 3. We stand by the conclusions and recommendations of our 1998 Final Report.
- 191 4. We expect that additional assessments, analyses and studies will be performed, especially with
192 respect to long-term erosion modeling, the transportation analysis and waste volume
193 exhumation disposal estimates, and risk assessments. We anticipate that these will result in
194 significant recalculations of both cost and risk that will likely show full site cleanup and
195 unrestricted release as the preferred final decision. Further, we expect that these efforts could
196 begin immediately and a final decision made within 10 years.
- 197 5. We expect that the public and local communities will be consulted and that meaningful methods
198 of public engagement will be continued or established throughout the time period when
199 decisions are made and work is performed.

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201 Sincerely,

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207 The West Valley Citizen Task Force

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209 **Attachments** – Specific Comments on:

- 210 • DEIS Chapter 1
- 211 • DEIS Chapter 2
- 212 • DEIS Chapter 4
- 213 • Appendices
- 214 • West Valley Citizen Task Force Final Report – July 29, 1998

215

216 **Copy:**

217 Senator Charles E. Schumer
218 Senator Kristen E. Gillibrand
219 Representative Eric J.J. Massa
220 Representative Brian M. Higgins
221 Representative Louise M. Slaughter
222 Representative Chris Lee
223 Governor David A. Paterson
224 New York State Senator Catharine M. Young
225 New York State Representative Joseph Giglio
226 Bryan C. Bower, Director WVDP, DOE
227 Paul J. Bembia, Director, WVSMP, NYSERDA
228 Paul A. Giardina, EPA
229 Timothy Rice, NYSDEC
230 Gary H. Baker, NYSDOH
231 Rebecca Tadesse, NRC

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