THE WEST VALLEY CITIZEN TASK FORCE

DATE

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


Dear Ms. Bohan,

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

Background

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

The CTF met for approximately 18 months and on July 29, 1998 issued a Final Report setting forth our Policies and Priorities and Guidelines for the Preferred Alternative. We draw your attention to the Final Report which is attached. Some elements of the Final Report have been implemented. For those that have not been implemented we stand by our Report.

Since the issuance of the Report, we have met almost monthly with DOE and NYSERDA to stay apprised of the progress on cleanup activities and planning at the West Valley Demonstration Project (WVDP) and the Western New York Nuclear Service Center and to provide input on the development of a preferred alternative. We believe this level of active and ongoing involvement provides us with a unique and 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 5, 2009
Below and attached are our comments. The General Comments, immediately following, set forth broad philosophical principles and additional examples or support for our concerns. Also attached are a number of specific comments on particular parts of the document.

The CTF appreciates the progress to date and the work of the Core Team agencies in arriving at a Preferred Alternative, something that was missing from the 1996 DEIS. The Core Team agencies are to be commended for overcoming significant differences and for working together to arrive at a Preferred Alternative. The CTF appreciates that DOE and NYSERDA are planning to accomplish cleanup work at the site that the CTF deems essential including the removal of the source area of the North Plateau Groundwater Plume and a significant number of the contaminated facilities.

**General Comments**

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

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

- If the Phased Decision making Alternative is selected, a FINAL EIS and ROD cannot be issued. A Phased Alternative would be tantamount to an Interim Remedial Action. A determination of impacts for issue of a FINAL EIS is not possible without a comprehensive determination of action and subsequent impacts.

- There is significant risk associated with radionuclides remaining at the site in their present state for a prolonged period. We believe a more thorough analysis of risks and volumes of waste and transportation methods will revise the current analysis and indicate that removal of wastes is the most prudent option. In addition, we believe that
  - Institutional controls will probably not hold for as long as expected,
  - Dose modeling seems understated,
  - Erosion estimates seem understated,
  - Impacts to engineered barriers can be unpredictable,
  - There is an inherent danger when dealing with radionuclides and hazardous materials, and
  - Any event that causes a major release of material from the site will contaminate the water supply for most of Western New York, and potentially one of the largest freshwater supplies in the world.

- Even if full site cleanup is selected in the FEIS and ROD, important decisions remain concerning implementation. If the Phased Decision Making Alternative is selected even more significant decisions about the future of the site are deferred. In either of these events, the public should not only be involved but should actively participate by the agencies: (drawn from recent email dialogue)
- Committing to continue public engagement through the CTF, [new]
- Allowing for a public representative on the Core Team, and [new]
- Committing to a second or supplemental EIS and NEPA process for any Phase 2 decision, if the Phased Decision Making Approach is selected.

Additional general comments include:

- The proposed Preferred Alternative Phase 1 work meets the Policies and Priorities articulated in the CTF 1998 Final Report. The CTF strongly encourages that this work be completed without further delay and in a manner that enhances future decisions regarding cleanup of the site. The CTF desires that performance measurements for this work be clearly articulated and adhered to.

- The CTF stands by the Policies and Priorities articulated in its 1998 Final Report. Including, among others:
  a. The protection of the long-term human health and safety and of the environment is paramount.
  b. Given the CTF’s knowledge of the geologic, hydrologic and climate conditions, the site does not appear to be suitable for long term, permanent storage or disposal of long-lived radionuclides. The level of risk from exposure is such that reliance on institutional controls over a prolonged period, hundreds or thousands of years, is not feasible.
  c. Decisions and studies should be performed during Phase 1 that assess and support the eventual goal of a full cleanup of the site.

- The CTF understands that not all critical information, characterizations, studies and technologies may exist at this time to make a conclusive decision on the procedures and methodologies for removal of wastes. The CTF also understands that no long-term storage or disposal solution exists for orphan and TRU wastes at this time. The CTF further understands that technological advances may increase the safety of waste retrieval processes with potentially lower costs. As its name implies, the West Valley Demonstration Project is a suitable site because of its size and special circumstances to develop and pilot new and emerging technologies.

- The Phased Decision-Making approach contained in the Preferred Alternative postpones the ultimate decision as to the level of cleanup and disposition of the wastes at the site. The CTF believes:
  d. Such as decision should be made a soon as practicable but no later than _____.
  e. The opportunity for public review and comment contained in this DEIS is sufficient for the Phase 1 decisions. Any future decisions that will result in the full cleanup and closure of the WVDU and the cessation of DOE involvement or in the possible long-term storage or disposal of wastes at the site should be subject to additional NEPA/SEQRA public review and comment or a similarly robust public process.
f. If an ongoing assessment period occurs, there will be many interim decisions and site work which will have far reaching impacts on human health and the environment, these decisions and the planning for the work should be subject to regular ongoing consultation with the public.

- Regulatory reviews, permitting and licensing should contain commitments by the appropriate agencies to seek and incorporate the views of the community in making decisions regarding the future of the site.

- Although the CTF understands that Nuclear Regulatory Commission criteria evaluate alternatives in relation to doses to a human receptor, we feel that the lack of discussion of environmental impacts associated with non-dose related radioactive releases fails to acknowledge the potential harm to other species or cumulative impacts of slow releases.

- The CTF recognizes a number of the decisions for the Site are impacted by national considerations and political decisions concerning the long-term disposal of high-level radioactive wastes. Consequently, some wastes could remain at the Site for a period of several decades after exhumation awaiting relocation to a high-level radioactive waste repository. The CTF expects that all decisions regarding such wastes will be guided by the belief that the only appropriate, final action with regard to these wastes is for them to be removed from the Site.

During such time as this larger question of a national high-level waste repository or the ability of other facilities within the DOE complex to store wastes awaiting a determination on a national repository, the CTF expects that wastes on the site will be exhumed and temporarily stored in a manner that allows for its monitoring to readily, safely and regularly determine if the materials are leaking or migrating. The CTF prefers that all wastes be excavated and placed in a structure where monitoring and retrieval for repackaging and recontainment, if necessary, will be relatively easy.

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

- Site Suitability. Underlying the CTF’s desire that the cleanup result in unrestricted release of the Site is the belief that the Site is not suitable for the long-term storage of long-lived radionuclides. In the years since the site was selected and the facilities constructed, the government and the public has come to more clearly understand the dangers associated with radioactive wastes and the conditions and criteria that will maximize protection of human health and safety and the environment during the handling, management, reprocessing, storage
and disposal of radioactive materials. The Western New York Nuclear Service Center Site does not meet existing NRC licensing criteria. Because the Site does not meet current licensing criteria, a logical assumption is that it is not safe for the long-term storage or disposal of wastes. Therefore, the CTF believes that the site should be closed in an unrestricted release status and that it should have long-term waste storage.

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

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

- We acknowledge and concur with NYSERDA comments contained in the NYSERDA View.(NEW)

Conclusion

Language to be added.
Sincerely,

The West Valley Citizen Task Force

Attachments – Specific Comments on:

- DEIS Chapter 1
- DEIS Chapter 2
- DEIS Chapter 4
- Appendices

Copy:

Senator Charles E. Schumer
Senator Kristen E. Gillibrand
Representative Eric J.J. Massa
Representative Brian M. Higgins
Representative Louise M. Slaughter
Representative Chris Lee
Governor David A. Paterson
New York State Senator Catherine M. Young
New York State Representative Joseph Giglio
Bryan C. Bower, Director WVDIP, DOE
Paul J. Bembia, Director, WVSMP, NYSERDA
Paul A. Giardina, EPA
Timothy Rice, NYSDEC
Gary H. Baker, NYSDOH
Rebecca Tadesse, NRC