



3

THE WEST VALLEY CITIZEN TASK FORCE

4

5 DATE

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

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

13 Dear Ms. Bohan,

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

17 **Background**

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

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

28 Since the issuance of the Report, we have met almost monthly with DOE and NYSERDA to stay apprised
29 of the progress on cleanup activities and planning at the West Valley Demonstration Project (WVDP) and
30 the Western New York Nuclear Service Center and to provide input on the development of a preferred

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Draft for review and discussion – May 5~~6~~, 2009

31 alternative. We believe this level on active and ongoing involvement provides us with a unique and
32 informed perspective to comment on the DEIS.

DRAFT

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Draft for review and discussion – May 5⁶, 2009

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

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

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

- 47 • If the Phased Decision making Alternative is selected, a FINAL EIS and ROD cannot be issued. A
48 Phased Decision Making Alternative would be tantamount to an Interim Remedial Action. A
49 determination of impacts for issuance of a FINAL EIS is not possible without a comprehensive
50 determination of action and subsequent impacts.
- 51 • There is significant risk associated with radionuclides remaining at the site in their present state
52 for a prolonged period. ~~We believe a~~ more thorough analysis of risks, ~~and erosion modeling,~~
53 volumes of waste and transportation methods will a) revise the current analysis, b) require
54 revision of the EIS, and c) indicate that removal of wastes is the most prudent option. ~~+~~
55 ~~addition, We contend we believe that~~
 - 56 ○ Institutional controls will probably not hold for as long as expected,
 - 57 ○ Dose modeling seems understated,
 - 58 ○ Erosion estimates seem understated,
 - 59 ○ The impacts of climate change and extreme weather events have not been adequately
60 addressed,
 - 61 ○ Impacts to engineered barriers can be unpredictable,
 - 62 ○ There is an inherent danger when dealing with radionuclides and hazardous materials,
 - 63 ○ Any event that causes a major release of material from the site will contaminate the
64 Lower Great lakes which are a priceless natural resource, and
 - 65 ○ Any event that causes a major release of material from the site will contaminate the
66 water supply for most of Western New York, other downstream communities and
67 adjacent Canadian Provinces, and ~~potentially~~ one of the largest freshwater supplies in
68 the world.

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

78 Additional general comments include:

- 79 • The Policies and Priorities articulated in the CTF 1998 Final Report support the work in the
80 proposed Preferred Alternative Phase 1 work meets the Policies and Priorities articulated in the
81 CTF 1998 Final Report. The CTF strongly encourages that this work be completed without further
82 delay and in a manner that ~~enhances-facilitates future complete future decisions regarding~~
83 cleanup of the site. The CTF desires that performance measurements for this work be clearly
84 articulated and adhered to.
- 85 • The CTF has expressed concerns with past decreases in environmental monitoring and expects
86 that environmental monitoring will be increased commensurate with Phase 1 or and other work
87 performed at the site.
- 88
- 89 • The CTF stands by the Policies and Priorities articulated in its 1998 Final Report. Including,
90 among others:
- 91 a. The protection of the long-term human health and safety and of the environment is
92 paramount.
- 93 b. Given the CTF's knowledge of the geologic, hydrologic and climate conditions, the site
94 does not appear to be suitable for long term, permanent storage or disposal of long-
95 lived radionuclides. The level of risk from exposure is such that reliance on institutional
96 controls over a prolonged period, hundreds or thousands of years, is not feasible.
- 97 c. Decisions and studies should be performed during Phase 1 that assess the best methods
98 of site decommissioning. Based on other studies and information available to us, we
99 expect that the new studies are likely to and support the eventual goal of a full cleanup
100 of the site.
- 101
- 102 • The CTF understands that not all critical information, characterizations, studies and technologies
103 may exist at this time to make a conclusive decision on the procedures and methodologies for
104 removal of wastes. The CTF also understands that no long-term storage or disposal solution
105 exists for orphan and TRU wastes at this time. The CTF further understands that technological
106 advances may increase the safety of waste retrieval processes with potentially lower costs. As its

107 name implies, the West Valley Demonstration Project, ~~is a suitable time~~ because of its size and
108 special circumstances is a suitable site to develop and pilot new and emerging technologies to
109 remove onsite waste and the HW waste tanks. As with the vitrification process, those new
110 techniques and technologies may be used elsewhere. The CTF expects that no additional wastes
111 will be brought to WVDP for treatment or storage.
112

- 113 • The Phased Decision-Making approach contained in the Preferred Alternative postpones the
114 ultimate decision as to the level of cleanup and disposition of the wastes at the site. The CTF
115 believes:
 - 116 d. ~~Such Studies and~~ the final decision should be made as soon as practicable but no later
117 than _____ten [placeholder – review DEIS].
 - 118 e. The opportunity for public review and comment contained in this DEIS is sufficient for
119 the Phase 1 decisions. Any future decisions that will result in the full cleanup and closure
120 of the WVDP and the cessation of DOE involvement or in the possible long-term storage
121 or disposal of wastes at the site should be subject to additional NEPA/SEQRA public
122 review and comment or a similarly robust public process.
 - 123 f. If an ongoing assessment period occurs, there will be many interim decisions and site
124 work which will have far reaching impacts on human health and the environment, these
125 decisions and the planning for the work should be subject to regular ongoing
126 consultation with the public.
- 127 • Regulatory reviews, permitting and licensing should contain commitments by the appropriate
128 agencies to seek and incorporate the views of the community in making decisions regarding the
129 future of the site.
- 130 • Although the CTF understands that Nuclear Regulatory Commission criteria evaluate alternatives
131 in relation to doses to a human receptor, ~~we feel that~~ the lack of discussion of environmental
132 impacts associated with non-dose related radioactive releases fails to acknowledge the potential
133 harm to other species or the cumulative impacts of slow releases.
- 134 • The CTF recognizes a number of the decisions for the Site are impacted by national
135 considerations and political decisions concerning the long-term disposition of high-level
136 radioactive wastes. Consequently, some wastes could remain at the Site for a period of several
137 decades after exhumation while awaiting relocation to a high-level radioactive waste repository.
138 The CTF expects that all decisions regarding such wastes will be guided by the belief-conclusion
139 that the only appropriate, final action with regard to these wastes is for them to be removed
140 from the Site.

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

146 structure for temporary storage where monitoring and retrieval for repackaging and
147 recontainment, if necessary, will be relatively easy. Short term studies should be conducted to
148 ensure that this temporary storage can be accomplished safely.

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

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

- 168
169 • Specific Commitments to Assessments and Pilot Studies. The CTF encourages DOE and NYSERDA
170 to conduct assessments studies and pilot projects with the purpose of assessing technologies
171 and processes for safely removing the high-level waste tanks, the NDA and the SDA. These
172 activities should be initiated at the outset of Phase 1 so as to ensure timely planning and
173 decision making. The public should be fully informed and consulted in these efforts.

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

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

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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205 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

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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 Catherine 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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