

July 13, 2006

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

RE: WVDP EA Comments

Dear Mr. Bower:

The West Valley Citizen Task Force appreciates this opportunity to comment on the *Draft Environmental Assessment for the Decontamination, Demolition, and Removal of Various Facilities at the West Valley Demonstration Project* (Draft EA), DOE/EA-1552, dated June 26, 2006. We also thank the U.S. Department of Energy (DOE) for the recent extension of the comment deadline on the Draft EA.

Our main concern is that the Draft EA does not meet the requirements of federal law such as the National Environmental Policy Act (NEPA) and the Occupational Safety and Health Act (OSHA).

The Draft EA, by allowing premature removal of buildings and other facilities that would be needed to carry out certain alternatives in the *Decommissioning and/or Long-Term Stewardship Environmental Impact Statement* (Decommissioning EIS), would prejudice the outcome of the Decommissioning EIS and thereby violate NEPA. In our view, this is a very fundamental problem. On page 4 of the Draft EA, DOE suggests that the Draft EA is compatible with the Decommissioning EIS because it would not affect whether the decommissioning criteria for the site could be met by any of the EIS alternatives. We disagree. Premature removal of buildings and other facilities under the Draft EA would not entirely prevent any alternative from being carried out, but it would bias the costs. In effect, it would be an irretrievable commitment of resources. The concern is that some of these same facilities would need to be rebuilt or replaced to achieve certain alternatives. The costs of rebuilding or replacement would prejudice the Decommissioning EIS and thus violate NEPA.

The June 30, 2006, comment letter from the New York State Energy Research and Development Authority (NYSERDA) provides examples of facilities proposed for removal that would need to be rebuilt or replaced to achieve certain decommissioning alternatives. Such facilities include waste storage structures, warehouse capacity, maintenance facilities, and training platforms for installing/removing equipment in tanks. The NYSERDA letter also indicates that the proposed removal of toilet, shower, and washing facilities may violate OSHA. NYSERDA points out that the Draft EA fails to identify the "replacement impacts" of some of these premature removals. We agree and also raise the related concern that these removals would prejudice the outcome of the Decommissioning EIS.

Since we have not yet seen drafts of the Decommissioning EIS, we cannot say how large a work force would be needed to carry out any of its alternatives. However, based on the draft issued in 1996, it is reasonable to assume that some of the decommissioning alternatives would require a much larger work force than is currently employed on the site. For these alternatives, some workers will likely be handling wastes in storage structures while others will be handling equipment in warehouses, servicing equipment in maintenance facilities, and training for further waste removal activities. All such workers will need adequate sanitary facilities. Until the Decommissioning EIS is issued and the size of the necessary work force has been identified, DOE should take no steps to remove facilities that this work force would need for its various decommissioning tasks . We ask DOE to withdraw the Draft EA and to focus instead on completion of the Decommissioning EIS.

Sincerely,