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# THE WEST VALLEY CITIZEN TASK FORCE

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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. For those that  
26 have not been implemented we stand by our Report.

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 on 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 5, 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 to arrive at a Preferred  
38 Alternative. The CTF appreciates that DOE and NYSERDA are planning to accomplish cleanup work at the  
39 site that the CTF deems essential including the removal of the source area of the North Plateau  
40 Groundwater Plume and a significant number of the contaminated facilities.

#### 41 **General Comments**

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

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

- 45 • If the Phased Decision making Alternative is selected, a FINAL EIS and ROD cannot be issued. A  
46 Phased Alternative would be tantamount to an Interim Remedial Action. A determination of  
47 impacts for issue of a FINAL EIS is not possible without a comprehensive determination of action  
48 and subsequent impacts.
- 49 • There is significant risk associated with radionuclides remaining at the site in their present state  
50 for a prolonged period. We believe a more thorough analysis of risks and volumes of waste and  
51 transportation methods will revise the current analysis and indicate that removal of wastes is  
52 the most prudent option. In addition, we believe that
  - 53 ○ Institutional controls will probably not hold for as long as expected,
  - 54 ○ Dose modeling seems understated,
  - 55 ○ Erosion estimates seem understated,
  - 56 ○ Impacts to engineered barriers can be unpredictable,
  - 57 ○ There is an inherent danger when dealing with radionuclides and hazardous materials,  
58 and
  - 59 ○ Any event that causes a major release of material from the site will contaminate the  
60 water supply for most of Western New York, and potentially one of the largest  
61 freshwater supplies in the world.
- 62 • Even if full site cleanup is selected in the FEIS and ROD, important decisions remain concerning  
63 implementation. If the Phased Decision Making Alternative is selected even more significant  
64 decisions about the future of the site are deferred. In either of these events, the public should  
65 not only be involved but should actively participate by the agencies: (drawn from recent email  
66 dialogue)

- 67 ○ Committing to continue public engagement through the CTF, [new]
- 68 ○ Allowing for a public representative on the Core Team, and [new]
- 69 ○ Committing to a second or supplemental EIS and NEPA process for any Phase 2 decision,
- 70 if the Phased Decision Making Approach is selected.

71 Additional general comments include:

- 72 ● The proposed Preferred Alternative Phase 1 work meets the Policies and Priorities articulated in  
73 the CTF 1998 Final Report. The CTF strongly encourages that this work be completed without  
74 further delay and in a manner that enhances future decisions regarding cleanup of the site. The  
75 CTF desires that performance measurements for this work be clearly articulated and adhered to.  
76
- 77 ● The CTF stands by the Policies and Priorities articulated in its 1998 Final Report. Including,  
78 among others:
  - 79 a. The protection of the long-term human health and safety and of the environment is  
80 paramount.
  - 81 b. Given the CTF's knowledge of the geologic, hydrologic and climate conditions, the site  
82 does not appear to be suitable for long term, permanent storage or disposal of long-  
83 lived radionuclides. The level of risk from exposure is such that reliance on institutional  
84 controls over a prolonged period, hundreds or thousands of years, is not feasible.
  - 85 c. Decisions and studies should be performed during Phase 1 that assess and support the  
86 eventual goal of a full cleanup of the site.  
87
- 88 ● The CTF understands that not all critical information, characterizations, studies and technologies  
89 may exist at this time to make a conclusive decision on the procedures and methodologies for  
90 removal of wastes. The CTF also understands that no long-term storage or disposal solution  
91 exists for orphan and TRU wastes at this time. The CTF further understands that technological  
92 advances may increase the safety of waste retrieval processes with potentially lower costs. As its  
93 name implies, the West Valley Demonstration Project is a suitable site because of its size and  
94 special circumstances to develop and pilot new and emerging technologies.  
95
- 96 ● The Phased Decision-Making approach contained in the Preferred Alternative postpones the  
97 ultimate decision as to the level of cleanup and disposition of the wastes at the site. The CTF  
98 believes:
  - 99 d. Such as decision should be made as soon as practicable but no later than \_\_\_\_.
  - 100 e. The opportunity for public review and comment contained in this DEIS is sufficient for  
101 the Phase 1 decisions. Any future decisions that will result in the full cleanup and closure  
102 of the WVDP and the cessation of DOE involvement or in the possible long-term storage  
103 or disposal of wastes at the site should be subject to additional NEPA/SEQRA public  
104 review and comment or a similarly robust public process.

105 f. If an ongoing assessment period occurs, there will be many interim decisions and site  
106 work which will have far reaching impacts on human health and the environment, these  
107 decisions and the planning for the work should be subject to regular ongoing  
108 consultation with the public.

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

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

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

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

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

136 • Site Suitability. Underlying the CTF's desire that the cleanup result in unrestricted release of the  
137 Site is the belief that the Site is not suitable for the long-term storage of long-lived  
138 radionuclides. In the years since the site was selected and the facilities constructed, the  
139 government and the public has come to more clearly understand the dangers associated with  
140 radioactive wastes and the conditions and criteria that will maximize protection of human  
141 health and safety and the environment during the handling, management, reprocessing, storage

142 and disposal of radioactive materials. The Western New York Nuclear Service Center Site does  
143 not meet existing NRC licensing criteria. Because the Site does not meet current licensing  
144 criteria, a logical assumption is that it is not safe for the long-term storage or disposal of  
145 wastes. Therefore, the CTF believes that the site should be closed in an unrestricted release  
146 status and that it should have long-term waste storage.

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

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

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

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## 162 **Conclusion**

163 Language to be added.

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Sincerely,

The West Valley Citizen Task Force

**Attachments** – Specific Comments on:

- DEIS Chapter 1
- DEIS Chapter 2
- DEIS Chapter 4
- Appendices
- West Valley Citizen Task Force Final Report – July 29, 1998

**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 WVDP, DOE  
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Timothy Rice, NYSDEC  
Gary H. Baker, NYSDOH  
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