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Mr. Martin Krentz
West Valley Demonstration Project
US Department of Energy
10282 Rock Springs Rd. AC-DOE
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Sent via email to
martin.krentz@emcbc.doe.gov
lee.gordon@nysesda.ny.gov

Re: Scoping Comments: Changes and New Information since the 2010 FEIS

Dear Mr. Krentz,

During presentations by the Agencies at the Scoping Hearings we were told that changes and new information would be included in the upcoming SEIS. We are very glad to hear this and want to stress how important a complete discussion of Changes and New Information is to the public. We provide more detail on this topic and some recommendations.

I New information regarding the consensus between DOE & NYSERDA.

In the presentations at the scoping hearings we heard that the Agencies have reached some areas of consensus, but still lack consensus in other areas. The project overview handout gives the purpose of Phase 1 studies as gathering additional information and analyses to foster interagency consensus and informing the decisions. It is critical to understand that the lack of consensus in the 2010 EIS was related to the scientific basis for the analyses in that EIS. NYSERDA laid out significant scientific issues in 2010 that remained unresolved as of the date of the Final EIS in 2010. Phase 1 studies were part of an overall plan to provide more scientific and factual bases related to key issues at West Valley in order to reach Agency consensus. An entire scientific process was set up for Phase 1 studies for this purpose. Yet at the scoping hearings we were told only that some consensus has been reached but not all areas have been resolved between the Agencies. Given the major cuts to Phase 1 studies discussed in Section II below it is hard to understand what new scientific information was developed.

Recommendation: Since science should be the foundation for decision-making the public should be told the specific scientific areas where consensus has been reached and the documentation to support the scientific consensus between the Agencies. Similarly the public needs to understand where consensus has not been reached and the additional science that is being pursued to obtain the answers.

II Since 2010 multiple changes to the established scientific process have occurred, but were not presented or discussed with the public at the scoping hearings:

1) The Phase 1 study list was cut dramatically – now only 2 are being completed-erosion & exhumation. The exhumation WG failed to study complete exhumation as required by the scope of work. Because of high radiation levels in some areas of the burial grounds, this workgroup also needs to complete a technical & economic feasibility analysis of methods to enable earlier exhumation without overexposing workers. The engineered barriers workgroup has been eliminated. It was important because in the last EIS DOE allocated minimal funds for maintenance compared to what would be needed on the Erosion prone site at WV over many years, if burial areas are closed-in-place. Stability of the West Valley site is an essential issue to study if there are any plans – other than complete exhumation and removal.

2) The independent science panel to review the work of the expert panels was apparently discontinued after the panel raised major issues related to uncertainty. No announcement of this development or explanation was provided to the public about who is now performing the review function. We learned about this at the scoping hearings. We thought the independent science panel providing clear thinking and served an important role for the Phase 1 studies. We reviewed their work products. We don't understand whether there is a plan to replace their important function.

3) The scope provides no detail about how this SEIS will handle the many necessary scientific issues, now that the Phase 1 scientific study process has been dismantled. The notice of scoping should have provided a clear and up to date explanation regarding the status of Agency consensus and how the many 2010 scientific issues will now be studied and analyzed.

4) The Process of phased decision-making enabled public review as drafts were prepared. Important questions and comments were provided by the public. However, at this time scientific information is still being gathered and as a result is not available to the public. The Erosion Modeling study has not yet been made available. In addition Characterization and Sampling of Site Contamination has not been produced. This will likely involve extensive information just for the characterization of the creeks on-site and off-site

Recommendation: A major section of the final scope should address all of these incomplete and uncertain scientific issues and exactly how they will be handled in the SEIS analysis. We recommend starting with the list of proposed studies, advanced in the 2008 Draft EIS, as necessary to answer important questions.

Recommendation: We also recommend that the Agencies consider rolling out the scientific studies and factual information as it is prepared, providing it to the public so that they can review it, prior to the release of the Draft SEIS in 2020.

III The Last EIS had a great deal of complexity—both the Draft in 2008 and Final in 2010. We believe some of this complexity can and should be eliminated from this SEIS to enable greater public understanding.

First there was a major problem associated with the construction of the last Draft EIS delivered in 2008. Not only were there multiple alternative cleanup options, but the Agencies were entertaining two Phases for Phased Decision-making (one of the alternatives) with some site facilities in Phase 1 and others in Phase 2. This alone made for a very complicated review of the material in the EIS.

However, in addition **the Draft EIS established “an imaginary starting point.”** That starting point included a bunch of projects that the Agencies merely assumed were already completed at the starting point of the EIS. We have no idea what the rationale was for doing this, since it was not provided. Of course, there was another list of projects expected to be completed during Phase 1.

As we approached 2015, a midpoint in the ten year plan, multiple public requests were made to DOE for a comprehensive project report. However, these were never fulfilled. Instead at quarterly public meetings the contractor provided project updates for their own work--- which did not reflect plans laid out in the final 2010 EIS.

We finally prepared a spreadsheet and requested that DOE fill it out for both Starting Point Projects and Phase I projects. We included space for unanticipated projects, such as the moving of a stormwater outfall, which would not be in either of these categories. We sent this spreadsheet to DOE and asked for responses that provided the status of all of the projects. We received DOE’s response in October 2017.

Starting Point Projects: Based on DOE responses, **11 projects** that were assumed to be completed at the starting point for the 2010 EIS analysis, have still not been done and are also not expected to be done until sometime after 2020. We did not count projects expected to be done by 2020.

Phase 1 projects: **34 projects** planned to be done in Phase 1 are not expected to be done until sometime after 2020. Any time after 2020 could be 10, 15 or more years. One project was changed to a likely long term delay, because no arrangements have been made for the transuranics to be moved elsewhere. Therefore the building, storing transuranics, will remain on the North Plateau for an indefinite period of time.

There are naturally some limitations to a simple listing of projects completed or not completed. There is no assessment of how long or complicated the work associated with each unfinished project might be. We would of course, like a report that is more descriptive.

Despite repeated requests, such a report, even provided orally in a presentation has not been forthcoming.

Recommendation: We recommend that the EIS establish a specific date for the start date of the SEIS reporting such as January 1, 2019. At the start date, there should be a status report for all projects completed. Other projects to be completed in the future can be listed with their estimated completion date. There should be no assumptions that a bunch of imaginary projects have already been completed at the start of the SEIS. This will at least limit some of the confusion for the public.

IV The Supplemental SEIS should present a comprehensive picture for future West Valley activities. This will aid understanding as you start presenting the alternatives for cleanup.

Recommendations: The following should be included in the analyses of the SEIS:

1. That the SEIS starts in the present at a specific date such as January 1, 2019, or other date. Given a specific date all projects, plans and studies as well as changes and new information since the FEIS in 2010 can be referenced to the specific date chosen.
2. The scope of the Supplemental SEIS should not be limited to only Phase 2 facilities and projects.
3. There is considerable new information since the Final 2010 EIS that relates to Phase 1 facilities and projects that are considerably delayed. The SEIS should not merely treat Phase 1 as fully completed in order to evaluate Phase 2 facilities. All of the remaining Phase 1 tasks and projects should be fully discussed based on the reality at West Valley as of the specific date chosen. The status of projects or plans should be presented along with expected completion dates. Facilities on the North Plateau are relatively congested and activities at one facility are likely to impact other facilities. This is why there is a need for comprehensive treatment – rather than simply ignoring all the Phase 1 projects that have not yet been completed.
4. All delays, difficulties or complications associated with planned Phase 1 projects should also be presented in detail, such as the fact that transuranics have no disposition plan at this time.
5. Additional or new projects not contemplated in the 2010 FEIS should also be presented in the SEIS.
6. The Agencies should review and consider any possible interaction between the planning for Phase 2 facilities and the completion of Phase 1 projects. In addition any maintenance projects such as the replacement of the permeable treatment wall should be integrated into the picture of future projects and their implementation.
7. The absence of a long term repository has become more apparent since the 2010 Blue Ribbon Commission. The necessity of long term storage at West Valley is a direct result of this new information. Specific attention must be paid in the SEIS to ensuring that nuclear wastes, now in storage, meet 40 CFR 191 regulations in accordance with EPA directions in 2010. This includes high level radioactive wastes, transuranic wastes, Greater than Class C wastes or GTCC-like waste. The SEIS should include a review of these nuclear wastes, their storage and how the regulations are being met.

Thank you for your attention.

Sincerely,

A handwritten signature in black ink that reads "Barbara J. Warren". The signature is written in a cursive, flowing style.

Barbara J. Warren
Executive Director