



**Nuclear Information and Resource Service**

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## Comments of Nuclear Information and Resource Service (NIRS)

Decommissioning and/or Long-Term Stewardship at West Valley  
Demonstration Project and Western New York Nuclear Service Center,  
Notice of Floodplain and Wetlands Involvement, and Draft Scope

### Draft Supplemental Environmental Impact Statement (SEIS) SCOPING

DOE/EIS-0226-S1; DOE\_FRDOC\_0001; DOE\_FRDOC\_0001-3550

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[https://www.regulations.gov/document?D=DOE\\_FRDOC\\_0001-3550](https://www.regulations.gov/document?D=DOE_FRDOC_0001-3550)

The Purpose of the Supplemental Environmental Impact Statement (SEIS) should be to determine the final disposition of the entire West Valley nuclear waste site. It is the process by which DOE and NYSERDA will make "Phase 2" cleanup decisions about the site. How much radioactive and hazardous waste can the governments get away with leaving at, on and in the eroding West Valley north and south plateaus?

From a public and environmental perspective, all of the waste and materials-- wherever they end up--need active management and institutional control with intent to sequester them from the environment, food chains and webs and current and future generations. That is the moral, responsible thing to do with the waste generated by this and previous generations. Simply put, the computer models and studies and projections cannot guarantee that waste at West Valley will stay in the boundaries and that the site itself won't erode away. This SEIS

process and PPA accompanying it appears to be geared to convincing us that the ground and waste won't move by the means the agencies have chosen to consider so it is safe enough to leave the waste in place or remove only some of it. If the agencies want to try to convince the public they are using science, they need to share the data, reports, inputs and assumptions and the means by which they are assessed and "balanced." It is essential to set up a system to provide the information and mechanisms and the attempts at "quantifying uncertainty." Until we are convinced otherwise, we remain very concerned that efforts at "managing uncertainty" are really expensive guessing about what might happen in the future. Two documents describing this concern in greater detail are provided. They are from both authored by one of the West Valley Independent Science Panel Members, who had been contracted to help with this process but have apparently been secretly or quietly dismissed.

Some of the most important things right now at West Valley are

- ➔ Public input in the selection of the radioactive cleanup goals
- ➔ Public access to information on the EIS inputs and decision-making
- ➔ Acceptance of the fact that "managing uncertainty" is the same as guessing
- ➔ Use of zero discounting in the SEIS and cost benefit decisions at West Valley
- ➔ Inclusion of climate change and severe weather in all analysis of the West Valley site
- ➔ Real time offsite monitoring before, during and after demolition of intensely radioactive building(s)

## **RADIOACTIVE CLEANUP GOALS, MEANINGFUL PUBLIC PARTICIPATION in the decisions**

The US Nuclear Regulatory Commission (NRC) has proscribed roles under the West Valley Demonstration Project Act. NRC's License Termination Rule (10 CFR 20 Subpart E). This regulation calls for public involvement and collective discussions about the cleanup levels and whether the site is released or not, restricted or unrestricted. The West Valley Citizen Task force has been clear that

it favors unrestricted release but it is not clear whether that will be achievable. It certainly should be the goal. However, DOE and NYSED appear to have already agreed verbally at least that the site will be released at DOE levels, not NRC or NYS. Pleas from the public to have the discussion about the cleanup goals have been abruptly refused.

The public was excluded from selection of the high level waste casks and is being excluded from the decision on how clean the site needs to be and the kind of release. These decisions may seem far down the road, but they are used to design and carry out the cleanup plans and part of the decommissioning plans.

NYS does have a much more protective 10 mrem/year guidance level that should be respected and enforced.

Since there is no safe level of additional radiation exposure above background (which is not without risk itself), the goal should be to prevent exposures above previously existing background. Yet the federal agencies have chosen various legal contamination levels and doses that they deem are 'acceptable' (NOT SAFE) so that the government and corporate waste generators can be freed from liability. The goal should be zero additional doses. Most agree however that the nuclear genie simply will not stay in the proverbial bottle and reality is that some radioactivity and radiation will get away or get out of regulatory control.

We call on New York State to assert its state authority to enforce its more protective radioactive waste cleanup guidance. We call on DOE to respect that guidance and use it as a secondary goal beyond that of primarily working to prevent all releases.

The SEIS should look at the amounts of radioactive waste/materials/emissions that will have to be removed and how much would be allowed to remain at the site if the whole site (not segmented portions each calculated separately) is cleaned up to meet complete cleanup goals, NYS Guidance, to NRC License Termination Rule levels and to DOE levels.

- ➔ NRC Unrestricted release (up to 25 millirems EDE/ year calculated dose rate to the average member of the critical group) (10 CFR 20.1402)
- ➔ NRC Restricted release (up to 100 millirems or even up to 500 millirems EDE/year calculated dose rate to the average member of the critical group) (10 CFR 20.1403)

THE PPA and SEIS should also consider how much radioactivity in waste, materials, equipment and raw materials will be released to destinations that do not control or regulate for radioactivity—regular landfills, industrial and hazardous waste landfills, recycling, incinerators, reuse and others.

We oppose the deliberate release of radioactive wastes, materials emissions and practice. The SEIS should be explicit about whether and how much radioactivity and radiation can be given off, released, allowed to leak and deliberately sent to sites that are not licensed or intended to isolate and control for the radioactive characteristics.

As previously stated, 10 CFR 20 Subpart E is the NRC License Termination Rule. The NRC in 2002 determined that flexibility would be required for the West Valley site to meet even the most lax parts of the License Termination Rule. This is of great concern and needs to be addressed in the SEIS.

The SCOPE of the Supplemental Environmental Impact Statement should include analysis of COMPLETE cleanup to previously existing background levels, rather than acquiescing to the Department of Energy's (DOE) unconscionable levels such as 500 millirems per year EDE and NRC (10 CFR 20 Subpart E- License Termination Rule) levels of 25, 100 or 500 millirems per year and even more horrific, EPA's Protective Action Guides that would allow 1 in 3 or 4 exposed for a 70 year lifetime to get cancer. DOE and New York State Energy Research and Development Authority (NYSERDA) should be planning to fully isolate the radioactive waste, materials, emissions and practices while on the site, potentially recapturing that which has escaped the site and at the final destination.

Radioactive materials routinely leak from the site legally and intentionally as well. Over time they and will leak out unintentionally and potentially in excess of legal release levels. Since **legal release levels are not safe levels**, the goal must

be to prevent any releases from the site into unregulated air, soil, plants, animals, microorganisms and both surface and ground water which flow into underground pathways threatening the sole source aquifer, streams, creeks, the Great Lakes, the St. Lawrence and beyond and all along the way.

The decision on how much if any of the radioactive waste at West Valley is left there is a "major federal action affecting the environment," which mandates public input.

We believe it is important in the SEIS to put radiation risk in some perspective, especially as the eventual 'cleaned up' site will be permitted to give off manmade radiation about previously existing natural background. Using the US Environmental Protection Agency's "Blue Book" radiation risk information, 1 in every 2500 people exposed will get cancer from exposure to an additional 5 millirems/year lifetime dose. The NY Guidance would allow twice that and DOE, NRC and EPA levels are exponentially higher, meaning exponentially more cancers. This ignores non-cancer health effects completely.

We support the efforts to cleanup the site and do not mean to disable the process by calling for better cleanup and less contamination left at the site. We realize this is a long way off but call for the agencies to be clear and open and to engage with local public input especially from those downstream and downwind and in the vicinity.

### **PUBLIC ACCESS TO INFORMATION AND ASSUMPTIONS in STUDIES, PPA and SEIS ( and for future West Valley nuclear activities)**

We reiterate our call for DOE, NYSERDA and their contractors and subcontractors to set up a publically accessible, easily searchable, complete Electronic data base or Library for all studies, probabilistic performance assessment (PPA), the SEIS and for all future decision-making at the site.

Some specifics on the concept of an Electronic Library for the West Valley studies, PPA and Supplemental Environmental Impact Statement are listed below. In addition we call for public access to Goldsym and all other Computer

models being used by the agencies, contractors and subcontractors. Rather than or in addition to providing thousands of printout pages of the conclusions, the way to enable verification and independent review of the computer analyses is to provide the ability to run the models with full access to the inputs and the assumptions.

The Agencies have reported to the public that the studies and analysis will continue during the SEIS process.

For the continuing studies, probabilistic performance assessment, SEIS and future processes, it is essential that there be the opportunity for independent evaluation and review of the inputs, assumptions, studies, information, reports and expert elicitations. The public will not blindly accept black-box expert opinions and conclusions. We have been asking the DOE and NYSERDA to establish an electronic, real-time searchable library that is publicly accessible so the work of the contractors and agencies can be followed, understood and contributed to by the public.

Some of the important features of the electronic library include:

- Rapid speed for access, search, filter, view and download
- Centralized search capability—single portal access to the entire library/dbase
- Accessible to all users via the web, using commonly used web browsers (not just internet explorer)
- Equal access by agencies, participants, researcher and members of the public
- Stable collection of documents and headers
- Transparent process for adding, revising and deleting documents
- Add New versions of documents; don't replace previous versions; identify versions appropriately
- Search templates with logical search properties (ex: date, title, topic, type and logical document numbers)
- Content search of entire documents
- Search items highlighted in search results and search results list
- Ability to narrow and filter search results

Ability to set number of documents displayed per search page  
Printable search results (one-click printing, not requiring copying, pasting)  
View the actual document without having to download it first  
Easy and rapid download of documents

Another topic that is important is real time, publically accessible monitoring before during and after the demolition of the Main Plant Process Building MPPB—the most contaminated building on the site. It sounds like that demolition is being delayed into the next DOE contract. This means we have time to achieve better offsite monitoring and can build that along with air support weather shields or other physical protections into the updated contract that will be let for the demolition.

## MANAGING UNCERTAINTY IS JUST GUESSING

Two chapters by Kristen Schrader Frechete of the West Valley Independent Study Panel call into serious question the ability to manage uncertainty to justify future risks.

**How Some Scientists and Engineers Contribute to Environmental Injustice** from *The Bridge*, Spring 2017 pp. 36-44 summarizes how “flawed or misused analytic techniques for assessing pollution risk can allow environmental injustice, disproportionate health harm to children and to poor or minority communities.” (This has been submitted to the docket.)

The other is specifically on the West Valley site, Kristin Shrader-Frechette, “**Uncertainty Analysis, Nuclear Waste, and Million-Predictions,**” in Sven Ove Hansson and Gertrude Hirsch Hadorn, eds., *The Argumentative Turn in Policy Analysis* (New York: Springer, 2016), pp. 291-304.

**USE A ZERO DISCOUNT RATE FOR SEIS AND PPA, etc. at West Valley**

If the DOE, NYSERDA and contractor studies, PPA and models use a Discount Rate above ZERO they will be diminishing the impacts of future damage from potential radioactive releases and damage. See Chapter 5 of the Synapse Report, *The Real Costs of Cleaning Up Nuclear Waste: A Full Cost Accounting of Cleanup Options for the West Valley Nuclear Waste Site* Nov 2008 by Frank Ackerman, PhD of the Global Development and Environmental Institute at Tufts University. <https://www.nirs.org/wp-content/uploads/radwaste/decommissioning/wvfcareport1108.pdf>

### **CLIMATE CHANGE**

We express support for all comments regarding Climate Change by our partners in the West Valley Action Network. It is unbelievable that the studies are so remiss in not including these vital obvious concerns.

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