

**Citizens' Campaign for the Environment
Citizens' Environmental Coalition
Coalition on West Valley Nuclear Wastes
Concerned Citizens of Cattaraugus County
Nuclear Information and Resource Service
Sierra Club**

March 31, 2015

Paul Bembia, Lee Gordon
New York State Energy Research and Development Authority
Bryan Bower, Moira Maloney
US Department of Energy, West Valley
Ashford Office Complex, 10282 Rock Springs Rd
West Valley, NY 14171

RE: Proposed Probabilistic Performance Assessment (PPA) at West Valley Nuclear Waste Site

Dear Bryan Bower, Moira Maloney, Paul Bembia and Lee Gordon:

Since the announcement that DOE & NYSERDA (the Agencies) intend to hire a contractor to perform a Probabilistic Performance Assessment or PPA at the West Valley Nuclear Waste Site, we have expressed concerns including how the promised transparency will be guaranteed.

We understand that computer codes or models will be used to develop a Probabilistic Performance Assessment or PPA from the previous deterministic assessment developed for the 2010 Environmental Impact Statement and that additional information from the 3 study teams will be included, although no mention has been made of the ISP- Science Panel role if any. The PPA will be used to prepare the Supplemental Environmental Impact Statement (SEIS) to be carried out by 2020. In fact the PPA contractor appears to have a role in preparing the SEIS.

We have conscientiously worked within the Phase 1 framework that the Agencies set up, hoping to increase the chances that the Phase I studies being conducted would have a strong scientific foundation. The new plan for a PPA contract is another layer that will affect the final decision at the site. Since it is proceeding, we want provisions included that make clear what information is involved, how it is to be managed, what assumptions are made and how the assessment is carried out. This will give greater likelihood that the assessment will be grounded in science and factual information, as the Phase I study process was promised to be. Computer modeling frequently gets the wrong answer and has given rise to familiar truths- "garbage in, garbage out."

Since the Agencies appear to have made a final decision and taken steps to involve potential contractors in aspects of developing the contract to perform a Probabilistic Performance Assessment (PPA) for the West Valley Nuclear Waste Site, we believe it is necessary that the following provisions be made to afford the best possible chance for public understanding, scrutiny, and verification. These provisions must be made for understanding of the methodology, data, inputs and assumptions for every step.

We want to ensure that the Probabilistic Performance Assessment is not conducted in a “Black Box” with limited ability for the public to understand the assumptions used as inputs and how the conclusions are reached. We want the Agencies to guarantee an open and democratic process.

Provisions to Include in PPA Contract:

1) Electronic Library:

A complete, searchable electronic library that can be accessed by the public will enable all documentary material, studies, references, assumptions and information provided to and collected by the PPA contractor(s) to be publicly available and accessible

(a) in a searchable format

(b) at the same time it is provided to the contractor and at the same time information the contractor acquires is brought in.

Require the contractor to make all of its research and information public at the time it is entered into the project.

2) Real-Time Notification and Provision of Information:

Notify the public as to provision and inclusion of all documentary material, references, assumptions, and information as it is entered into the project. It is especially important to clearly reveal all assumptions and basis for assumptions as well as how the contractor will be directed and/or permitted to deal with “uncertainty” and how that is carried out.

3) Methodology Document with opportunity for public input:

In addition to the requirements in the statement of work and sources sought documents, we believe it would be helpful to the contractor, the Agencies and the public to have a detailed, stepwise methodology document that fully describes the scope of work and how the tasks interrelate, how they will be carried out, all assumptions and the basis for those assumptions (ex: research documents or actual field work at the West Valley site), which identifies categories/factors considered and those not evaluated. Provide the opportunity for public comment and identification of the points at which the public will receive presentations on the methodologies and the progress of the work.

4) Reporting on Categories, Assumption and Bases for Assumptions:

Specifically report on Categories (such as rainfall, meteorological conditions, amount of slumping, amount of sediment) that will be assessed probabilistically (assigned probabilistic numbers) and all assumptions made in the assigning of those values. Provide all assumptions used in setting probabilities for all categories. Where a quantitative assessment is not possible, fully describe and discuss qualitatively.

5) Access to Computer Codes and Models:

Provide access to all Codes and Computer Models used (including proprietary codes such as GoldSim, which was suggested in the Statement of Work). Provide access to or funding for access to all Codes and Computer Models that are used by the contractor for this contract.

6) Expert Elicitations:

If the contractor engages expert elicitations, provide all protocols and guidance for how the experts are selected and the elicitations managed, how those are carried out and the results thereof. Consider public recommendations.

7) Funding for Independent PPA Review:

Provide funding for independent PPA experts selected by public interest groups to independently review the work and conclusions.

8) Scoping of the SEIS:

Clarify that there will be public scoping for the Supplemental Environmental Impact Statement with public comment period and public hearings. Clarify the roles of the PPA, the PPA contractor(s), PAS Study Teams, and ISP Science Panel in the SEIS.

Considering the scope of work being assigned to a contractor, especially since the contractor selection is being done without public input, these provisions are crucial steps to acquire public confidence. Since the contractor is expected to produce assessments that will have very large impacts on the contents of the Supplemental Environmental Impact Statement, DOE Record of Decision and NYSERDA Findings Statement, the public should have continuous access and understanding of the data and assumptions throughout the process.

Recall our and other organizations worked to affect the makeup of a study team and the science panel because we understand the roles they will play in the final decision for West Valley. Thus our concern increases as this new step in the process is being arranged. IF DOE and NYSERDA proceed to carry out the PPA contract we strongly encourage you to include all of these provisions.

Sincerely,

Brian Smith,
Citizens' Campaign for the Environment

Barbara Warren,
Citizens' Environmental Coalition

Joanne Hameister,
Coalition on West Valley Nuclear Wastes

Kathy Boser,
Concerned Citizens of Cattaraugus County

Diane D'Arrigo,
Nuclear Information and Resource Service

Lynda Schneekloth,
Sierra Club

cc: West Valley Citizens Task Force via Bill Logue
West Valley ISP Science Panel: Chris Whipple ; John Garrick; James Clarke; Kristin Shrader-Frechette