Document #0001: Comment 1.1
Tim S. Waddell

From: "Tim S Waddell" <twaddell@mnsci.com>
To: <allens@wvnsco.com>
Date: 6/11/03 8:40AM
Subject: Comment on WVDP Waste Management EIS

I am not in favor of sending TRU waste to the Oak Ridge Reservation.] 1.1

Regards,

Tim Waddell
110 Newport Drive
Oak Ridge, TN 37830

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Document #0001: Response

1.1. The shipment of waste to offsite locations for interim storage such as at the Oak Ridge Reservation is not DOE's preferred alternative. Under the preferred alternative (Alternative A), TRU waste and HLW would continue to be stored at the WVDP site until such time as disposal offsite could be arranged.

Document #0002: Comments 2.1 – 2.11
James L. Pickering, LLB, JD, PhD

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0002, 1of 3
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2.

JOHN CHAMBERLAIN
WEST VALLEY DEMONSTRATION PROJECT
10282 ROCK SPRINGS ROAD
WEST VALLEY,NEW YORK
14171-9799

PUBLIC COMMENT ON
DRAFT WASTE MANAGEMENT EIS

1.STAKEHOLDER LETTER ACCOMPANING DRAFT AND SUMMERY VIA WILLIAMS STATES IN PAR 2 **"ACTIVELY MANAGE WASTE STORAGE ***LONG TERM STEWARDSHIP"**

PL96-368 MANDATES OFF SITE DISPOSAL OF WASTE STORAGE TANKS. 2.1

LONG TERM STEWARDSHIP IS NOT AN OPTION UNDER PL.96-368.

2 . 1 ABOVE INDICATES THAT STAFF DOES NOT KNOW HOW TO DEAL WITH TANKS FOR TRANSHIPMENT OFFSITE
AND

INTENDS TO PERSUE A JOB SECURITY COURSE OF ACTION VIA THESE TANKS. 2.2

3. 1.ABOVE IS A VIOLATION OF PL96-368 WHICH MANDATES ONLY ONE EIS 2.3

4. S-1 PAR 1.0 CONTINUES 2 ABOVE IN VIOLATION OF PL.96-368 2.4

2

5. P-S-11 PAR 2 IS ABOLD FACE LIE IN THAT WYOMING COUNTY SOIL AND WATER CONSERVATION DISTRICT OFFICE HAS ACQUIFER MAPS FOR WERSTERN NEW YORK CLEARLY SHOWING THAT ACQUIFERS OF VARIOUS LEVELS OVERLAP EACH OTHER SUCH THAT THERE IS A POTENTIAL FOR CONTAMINATION.

FURTHER OTHER DOCUMENTATION IS AVALIABLE FROM OTHER GOVERNMENT SOURCES THAT CLEARLY SAHOW THAT THE STATE FACILITIES AT GOWANDA DO TAKE WATER FROM THE CATTARAGUS CREEK BASIN AND THAT AN ANDMINISTRATIVE MIRACLE WAS ACCOMLISHED WHICH CHANGEF THE CREEK CLASSIFICATION FROM "C" TO "B"(DRINKABLE) THE BACK TO "C" SO THAT THAT WATER COULD BE USED AT THE FACILITIES. 2.5

6.ANOTHER BOLD FACE LIE APPEARS ON PAGE S-11 PAR 4 I THE LAST SENTENCE IN THAT WVDP PUBLIC PRESENTATION UNDER CONSENT DECREE DASTED 5-13-03 PUBLIC WAS PRESENTED WITH NEW CONSTRUCTION REQUIRING EPA REVIEW AND THE FACT THAT EPA WAS MADCE A CO – CONSPIRATOR TO THE PROCESS OF AVOIDING RESPONSIBILITIES UNDER PL 96-368 2.6

7. PAGE S-12 PAR CONCERNING ASSUMPTION OF ISOLATION IS UNFOUNDED IN VIEW OF 5 ABOVE. 2.7

8.ABANDONED AGRICULTURAL LANDS MENTIONED ON PAGE S-14 PAR 3 SHOULD HAVE BEEN UTILIZED AS TEST FARM TO IDENTIFY WHAT IF ANY CROPS COULKD BE GROWN ON THESE SITES AFTER RELEASE FOR PUBLIC USE. 2.8

9.ONCE AGAIN DOE USES FALSE MATH TO PRESENT ALLEGED DATEA RESPECTING LATENT CANCER ON PAGE S-18 PAR 2 IN THAT THERE IS NO SUCH THING AS LESS THAN 1 2.9

10 . DOE ATTEMPTS TO JUSTIFY THE DEATH OF A SINGLE CITIZEN BY THE USE OF FALSE DATA OF 9 ABOVE IN ALL OF THE SO CALLED ALTERNATIVES AS AN EXCUSE FOR NOT TOTALLY REMOVING RADIOACTIVE WASTE FROM THE SITE. 2.10

11.PAGE S-26 DOCUMENT IN TOTAL IS FRAUDULENTLY PRESENTED ,ILLEGAL AND UNFOUNDED IN FACT AS IT IS SUMMARIZED IN 7.0 2.11

0002, 2of 2
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Document #0002: Comment 2.12
James L. Pickering, LLB, JD, PhD

3

THIS DRAFT EIS SHOULD BE SCRAPPED AS ILLEGAL, UNSUBSTANTIATED IN FACT AND FRAUDULENTED PRESENTED BY DOE STAFF. 2.12

RESPECTFULLY SUBMITTED FOR THE RECORD TO BE READ AT THE PUBLIC HEARING ON JUNE 11,03 AT WHEN EVEW THIS CITIZEN SHOWS UP.

5-15-03
JAMES L. PICKERING .

0002, 3 of 3
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Document #0002: Responses

2.1. This comment relates to scope of the Decommissioning and/or Long-Term Stewardship EIS and will be addressed in that ongoing NEPA process.

2.2. The disposition of WVDP HLW tanks will be addressed in the Decommissioning and/or Long-Term Stewardship EIS.

2.3. The West Valley Demonstration Project Act (Public Law No. 96-368, included in Appendix A of this EIS) requires DOE to decontaminate and decommission the tanks and other facilities of the Western New York Service Center in which the HLW solidified under the project was stored (Section 2(a)(5)). The statute also states that DOE must prepare required environmental impact analyses of the project (Section 2(b)(3)(D)). In DOE's view, the West Valley Demonstration Project Act allows the preparation of more than one EIS.

2.4. DOE has met or will meet all of the vitrification, waste management, and decommissioning requirements set forth in the West Valley Demonstration Project Act. This WVDP Waste Management EIS addresses the continued onsite storage of waste and the shipment of waste for offsite disposal or for offsite storage. The *Waste Isolation Pilot Plant Disposal Phase Final Supplemental Environmental Impact Statement* (WIPP SEIS-II) analyzed the transportation and disposal of TRU waste, including waste generated and stored at the WVDP site. The *Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-level Radioactive Waste at Yucca Mountain, Nye County, Nevada* (Yucca Mountain Repository EIS) analyzed the transportation and disposal of HLW, including waste generated and stored at the WVDP site. The

Decommissioning and/or Long-Term Stewardship EIS will evaluate alternatives for completing DOE's obligations under the Act.

2.5. DOE reviewed its original sources and confirmed that information provided in the Draft EIS regarding hydrologic conditions at the site is correct. Minor changes, for clarity, were added to the Final EIS in the discussion of surface water (Section 3.2.1) and groundwater (Section 3.2.2).

2.6. As stated in response to Comment 2.4, DOE believes that it has or is meeting its responsibilities under the West Valley Demonstration Project Act.

2.7. DOE reviewed its original sources and confirmed that information provided in the Draft EIS regarding hydrologic conditions at the site is correct. Minor changes, for clarity, were added to the Final EIS in the discussion of groundwater (Section 3.2.2).

2.8. The utilization of abandoned lands as a test farm is outside of the scope of the Waste Management EIS.

2.9. The calculations conducted for the human health assessment show that, based on the expected doses, no latent cancer fatalities would be expected for the maximally exposed worker or member of the public or for the worker or public populations affected by the no action or action alternatives. Using the appropriate risk factors (see Appendix C) and multiplying those by the anticipated doses results in numbers less than 1.

2.10. The data show that no deaths (latent cancer fatalities) would be expected as a result of doses received in the implementation of any of the alternatives analyzed in this EIS. DOE's preferred alternative (Alternative A) is to ship LLW and mixed LLW offsite for disposal and to continue to store TRU waste and HLW until offsite disposal facilities are available.

2.11. DOE believes that its conclusion as stated in the Summary is accurately stated and based on the analysis described in the EIS.

2.12. DOE believes that the WVDP Waste Management EIS fully complies with NEPA and is based on referenced, factual information.

Document #0003: Comments 3.1 – 3.4
New York State Energy Research and Development Authority

Comments of the New York State Energy Research and Development Authority on the West Valley Demonstration Project Draft Waste Management Environmental Impact Statement
Presented at the Public Comment Session on June 11, 2003
Ashford Office Complex

My name is Paul Piciulo and I am Director of the West Valley Site Management Program for the New York State Energy Research and Development Authority, more commonly referred to as NYSERDA. I am here to provide oral comments on the Waste Management Environmental Impact Statement on behalf of NYSERDA. NYSERDA also will be submitting written comments to the U.S. Department of Energy (DOE) prior to closure of the formal public comment period.

Our most important issue of concern regarding the Waste Management EIS is inclusion of the analysis to add grout to High-Level Waste Tanks 8D-1 and 8D-2 and the annulus surrounding each tank. NYSERDA believes that this activity, and alternatives for grouting the tanks, should not have been included in this Waste Management EIS. Long-term management options for the High-Level Waste Tanks are more appropriately analyzed in the *Environmental Impact Statement to Evaluate Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center*. The reasons for this are threefold. First, the March 26, 2001 scoping for this Waste Management EIS did not include grouting of the high-level waste tanks. Second, the analysis of grouting the High-Level Waste Tanks in the Waste Management EIS is inconsistent with policy announced by the U.S. Nuclear Regulatory Commission (NRC) stating that the impacts of making a Waste Incidental to Reprocessing determination, which is a prerequisite for grouting the tanks, should be analyzed in the Decommissioning EIS. Lastly, Resource Conservation and Recovery Act regulations preclude treatment by grout stabilization until NRC has rendered its final decision on whether the Decommissioning EIS preferred alternative meets the criteria in the Commission's Policy Statement. I will now provide a more detailed explanation of these three concerns. 3.1 3.2 3.3 3.4

The proposed scope for the Waste Management EIS, as published in the Federal Register on March 26, 2001 (66 Fed. Reg. 16447), did not include grouting the tanks. The scope 3.2

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0003, 1 of 3

indicated that the Waste Management EIS would "include such activities as removal of loose contamination; removal of hardware and equipment; nonstructural decontamination of walls, ceilings, and floors; and flushing and/or removal of vessels and piping." Grouting of the tanks was not included in the description of the proposed action or the preliminary alternatives to be evaluated. Thus, it appears that evaluation of grouting the tanks is beyond the scope of this Waste Management EIS. The Federal Register Notice indicated that: "The remaining facilities for which the DOE is responsible, along with all final decommissioning and/or long-term stewardship actions to be taken by the DOE and NYSERDA, will be evaluated in [the Decommissioning EIS]." 3.2

Additionally, the residual waste in the High-Level Waste Tanks remains high-level waste, at the very least until a determination is made that such waste is incidental to reprocessing, in accordance with the requirements established by the NRC in the *U.S. Nuclear Regulatory Commission Decommissioning Criteria for the West Valley Demonstration Project at the West Valley Site; Final Policy Statement*, on February 1, 2002 (67 Fed. Reg. 5003). The Final Policy Statement makes it clear that the NRC intends to use the Decommissioning EIS to render a decision on the acceptability of DOE's Waste Incidental to Reprocessing determinations. NRC states that: 3.3

> "The resulting calculated dose from the incidental waste is to be integrated with all the other calculated doses from the remaining material at the entire NRC-licensed site to ensure that the License Termination Rule criteria are met. This is appropriate because the Commission does not intend to establish separate dose standards for various sections of the NRC-licensed site."
>
> "It is the Commission's expectation that it will apply this criteria at the WVDP site following the completion of DOE's site activities. In this regard, the impacts of identifying waste as incidental to reprocessing and not high-level waste should be considered in the DOE's environmental reviews."

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JUN 11 2003
0003, 2 of 3

Document #0003: Comments 3.3 – 3.5
New York State Energy Research and Development Authority

NRC even more clearly defines its expectations in a June 17, 2002 letter from Richard A. Meserve to myself.

> "The Decommissioning EIS will address DOE Waste Incidental to Reprocessing determinations. NRC will review and comment on DOE Waste Incidental to Reprocessing determinations as a Cooperating Agency. NRC will also be rendering its final decision on DOE's Waste Incidental to Reprocessing determination in NRC's decision on whether the preferred alternative meets the criteria in the Commission's Policy Statement." 3.3

Thus, until the Decommissioning EIS is completed and NRC has made its determination regarding the tank residuals, such materials must continue to be managed as high-level waste and any decision to grout the tanks based on the Waste Management EIS would be premature.

Finally, the residual waste in the High-Level Waste Tanks is both high-level waste and Resource Conservation and Recovery Act (RCRA) characteristic waste. It is NYSERDA's understanding that, at this time, the only form of treatment accepted for such waste is vitrification. As long as the tank residual waste is high-level waste, in other words until NRC has rendered its final decision on DOE's Waste Incidental to Reprocessing determination in its decision on whether the Decommissioning EIS preferred alternative meets the criteria in the Commission's Policy Statement, current RCRA requirements preclude treatment by grout stabilization. Thus, under RCRA regulations, a determination must be made with respect to the Waste Incidental to Reprocessing issue before a decision to grout the tanks can be made. 3.4

NYSERDA requests that DOE reconsider its inclusion of High-Level Waste Tank grouting in the Waste Management EIS. As I mentioned earlier, NYSERDA will be providing more detailed written comments prior to the closure of the formal public comment period. Thank you for this opportunity to share our concerns. 3.5

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0003, 3 of 3

Document #0003: Responses

3.1. The Draft WVDP Waste Management EIS analyzed the use of retrievable, low-strength grouting for the interim stabilization of the HLW tanks should that become necessary before decisionmaking about the site is completed. As stated in the Draft EIS, this grout would be sufficiently flexible to provide shielding and would not prohibit exhumation of the tanks should DOE decide to remove the tanks in the future. However, DOE decided to remove the option under Alternative B to place retrievable grout in the HLW tanks as an interim stabilization measure. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.

3.2. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.

3.3. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.

3.4. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.

3.5. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.

Document #0004: Comments 4.1 –4.7
Kathy McGoldrick

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Comments on West Valley Demonstration Project Waste Management Environmental Impact Statement

- I would suggest that this DEIS being commented on is not a valid document. The splitting of the 1996 DEIS into two separate EISs may not be a legitimate NEPA action. This split also violates the 1987 Stipulation of Compromise Settlement between the US Department of Energy and the United States of American and the Coalition on West Valley Nuclear Wastes. 4.1
- Both Alternatives A and B rely on shipment of classes B and C low-level waste off-site without completion of the entire EIS process, a clear violation of the 1987 contract signed with the Coalition and of NEPA. 4.2
- The 45-day comment period is a violation under the terms of the Stipulation of Compromise. In that Stipulation, a six month comment period was agreed upon. 4.3
- The following are comments regarding the alternatives being presented in the 2003 Waste Management DEIS:
  - Shipment offsite for interim management (Alternative B) would increase transportation risks because each shipment would have to be made twice. 4.4
  - Interim storage, as we have suggested many times in the past, would avoid this problem. In comments on the 1996 DEIS, it was suggested that there be an alternative which would store packaged waste onsite for a limited amount of time (say 25 years). This would be true "interim" storage with the real intent of eventual shipment. We need to be cognizant of the time lag that may entail due to the reticence of other political and geographic entities to accept this waste, or even to allow it to be transported through these entities, due to the serious threat of terrorism. Our interim storage alternative should take this factor into account. **However, when waste can leave West Valley, it must. For many reasons, West Valley is not a suitable site for permanent disposal of radioactive waste.** 4.5
  - For obvious reasons, management of the high level waste tanks (under Alternative A) must not include changing the groundwater patterns or pressures around the tanks without first closely studying the effects of such. 4.6
  - The grouting of the high level waste storage tanks and their surrounding vaults (in Alternative B) would violate NEPA because it could limit closure alternatives yet to be considered in the Closure EIS now being written. 4.7

Document #0004: Responses

4.1. The scope of the EIS that DOE began in 1988, with a draft in 1996, is now addressed in two EISs: the WVDP Waste Management EIS and the Decommissioning and/or Long-Term Stewardship EIS. Waste management activities, including offsite shipment for disposal, have utility independent from actions that might be taken to decommission WVDP and the requirements for long-term stewardship. In addition, the waste management activities described in the WVDP Waste Management EIS will not affect the range of alternatives available for decommissioning or long-term stewardship. Therefore, DOE does not believe that its NEPA strategy represents impermissible segmentation of the action.

The Stipulation of Compromise (included in Appendix A of this EIS) does not preclude the preparation of more than one EIS. DOE believes that it has complied and continues to comply with the Stipulation.

4.2. The Stipulation of Compromise (included in Appendix A of this EIS) does not preclude the preparation of more than one EIS. DOE would not ship any Class B or C LLW, TRU waste, or HLW until the Final EIS and a Record of Decision are issued, completing the NEPA process for this proposed action.

4.3. The 6-month comment period in the Stipulation applies to an EIS prepared for the decommissioning of the site and is not applicable to the Draft WVDP Waste Management EIS prepared for the offsite transportation and disposal (or storage) of LLW, mixed LLW, TRU waste, and HLW. DOE has committed to a 6-month comment period for the Decommissioning and/or Long-Term Stewardship Draft EIS.

4.4. DOE recognizes the increased environmental impacts inherent in shipping waste offsite for storage prior to disposal, including increased transportation risk and human health risks to workers and the public at the offsite locations. These impacts are analyzed and acknowledged in the Draft and Final WVDP Waste Management EISs. Under DOE's preferred alternative (Alternative A), TRU waste and HLW would continue to be stored at the WVDP site until such time as disposal offsite could be arranged.

4.5. Under DOE's preferred alternative (Alternative A), TRU waste and HLW would continue to be stored at the WVDP site until such time as disposal offsite could be arranged. In the context of this EIS, DOE does not intend to dispose of radioactive or hazardous waste at the WVDP site.

4.6. Neither the active ventilation of the HLW tanks and the annulus surrounding the tanks under the No Action Alternative and Alternative A nor the use of retrievable grout for interim stabilization of the tanks under Alternative B as analyzed in the Draft EIS would change the groundwater patterns or pressures around the tanks. DOE decided to remove the option under Alternative B to place retrievable grout in the HLW tanks as an interim stabilization measure. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.

4.7. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.

Document #0005: Comments 5.1 – 5.2
W. Lee Poe, Jr.

0005 1 of 4
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June 13, 2003
807 E. Rollingwood, Rd.
Aiken, SC 29801

Mr. Daniel W. Sullivan
Document Manager
DOE West Valley Area Office
PO Box 191
West Valley, NY 14171-0191

Report sent by e-mail. daniel.w.sullivan@wv.doe.gov

Dear Mr. Sullivan:

Comments on Draft Summary of
West Valley Demonstration Project
Waste Management
Draft Environmental Impact Statement of April 2003

I would like to offer the following comments on the Draft Summary of the WVDP EIS for waste management (DOE/EIS – 0337D). These comments are on the draft summary. I requested a copy of the full EIS and it arrived this afternoon but I have not looked at it yet. I plan to offer comments on the full EIS but I thought the comments on the Summary should be sent now and the remainder of the comments later.

My comments are:

1) As identified in Section 2, the EIS impacts other sites, like SRS, Hanford etc. I can find no information on how these other sites were involved in the scoping for the EIS. I know there was no meeting to hear public comments in the Savannah River Site area. I consider it vital to have public input from the areas surrounding each potential site considered in the EIS. Normally, I can find what scoping process used by reading a shortened version of it in the Summary. I can only find information on NOIs that were published on WV decontamination and long-term stewardship (pages S1 & S2). This tells me very little about the NOI process at other affected sites. 5.1

2) The coversheet abstract explains the justification for the EIS's evaluation of "operation over the next 10 years". This seems to be a reasonable time period but since the HLW geologic repository at Yucca Mountain has yet to start up the EIS needs to evaluate the environmental impacts of a delay in startup of the geologic repository. I suggest that a supplement be added for all of the alternatives considering the environmental impacts of storage on or near surface beyond the 10 year period to show what I think will be the small impacts of a delay in the YM repository. 5.2

Document #0005: Comments 5.3 – 5.8
W. Lee Poe, Jr.

3) The information on the pedigree of the various West Valley EISs and agreements is unclear. (Pages S1 & S2). The compliance strategy that limits the scope of this EIS on pages S4 and S5 also is unclear. It apparently has the impact of limiting the environmental impacts considered in this EIS by telling me they have been previously covered in other EISs. I hope that I can find these other impacts in the cumulative section of the full EIS. They should also be covered in the summary. If not, and it doesn't seem to be covered, this is akin to segmentation which is not allowed in NEPA. 5.3

4) The Summary should describe the amount of waste involved for each category of waste. This should be given in Section 1 in either the Background or in a new section following the Facilities Section. It is important to know the amount of waste before considering the alternatives evaluated in Section 2. 5.4

5) The No Action Alternative (page S7) is titled Continuation of Waste Management Activities. This does not seem to be a No Action alternative. If this EIS is going to describe it as the No Action, more description on why it is the No Action should be given. 5.5

A second comment on this No Action Alternative is what happens if the Judge doesn't resolve the waste incidental to reprocessing (WIR) law-suite at Idaho. This would prevent closing the HLW Tanks or the use of the "waste removal to the extent that is technically and economically practical". It is my understanding this portion of DOE Order 5480-1 is the offending portion. 5.6

6) I am deeply troubled on Alternative A and B over the first full sentence on page S8 saying that "if some or all of the WVDP's TRU waste did not meet these requirements, the Department would need to explore other alternatives for disposal of this waste". I assume a similar condition would also apply to WVDP's HLW. With no assurances that both the TRU and HLW will meet WIPP and YM requirements respectively no path for disposal is available. These two Alternatives are invalid alternatives. **For example in Alternative B, shipment of the WVDP TRU and HLW to another site places the burden for acceptability of the WVDP waste at the two repositories on the shipper to the repositories not on WVDP. Alternative A becomes the same as the No Action Alternative or continuation of storage at WVDP.** WVDP needs to get assurances from WIPP and YM that the involved waste is in an acceptable form before implementing this EIS. 5.7

7) The last sentence under Offsite Activities (page S9) describing environmental activities of interim storage or disposal states these impacts have already been considered in other EISs and are not covered in this EIS. If these impacts are part of this EIS, even though they have been covered earlier, they should again be given in this EIS and not omitted. This EIS must give the DOE decision-maker all of the information so they can make reasonable decisions. Do not compartmentalize and show minimal impacts. 5.8

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JUN 1 2 2003
0005, 2 of 4

Document #0005: Comments 5.9 – 5.16
W. Lee Poe, Jr.

8) Is the title (ORNL) correctly used to describe the Oak Ridge Reservation? (See Page S16) 5.9

9) The description of SRS is poor. The major portion of SRS was operation of nuclear reactors to produce plutonium and to separate the plutonium from the irradiated fuel and purify it and produce plutonium for nuclear weapons. This was not mentioned. The SRS description and others interim storage site descriptions should be written by the individual sites and not someone who has never been at the individual sites. (I draw this conclusion from the wording in the EIS summary.) 5.10

10) The third sentence of the second paragraph of Section 4.0 (page S17) seems to be incorrect. It is saying that in interim storage of WVDP TRU and HLW in Alternative B will not require facilities for storage of the WVDP waste. I strongly question this fact. The interim storage sites do have ongoing activities that store similar materials but storage capacity for the added volume of waste may not be available. This needs to be evaluated by the personnel at the interim storage sites. As an example, at SRS storage capacity for their own HLW will be taxing available storage capacity during this time with no WVDP waste. The impacts of this extra volume of waste must be included in the EIS. 5.11

In that same second paragraph, it is stated "work force requirements are assumed to be the same under all alternatives". Again I question such a simplifying statement. Affected sites must be brought into ensure the environmental impacts quoted reflect realism. 5.12

11) The number of transportation vehicles required, shown on page S19, is the same for alternative A and B. This cannot be the case. In alternative B waste is shipped twice, this latter condition is recognized on Table S-2. Table S-2 states that WVDP will ship 270 truck or 172 rail shipments of TRU and 300 truck or 60 rail shipments of HLW to the interim storage site. 5.13

12) The EIS states "the Offsite Impacts (page S20) have been addressed in earlier NEPA documents". I question this statement, the interim storage of WVDP waste will require extra storage capacity. 5.14

The logic in the same paragraph stating that WVDP waste represents <2% of the total waste and concluding that the interim storage would be very minor (< 1 latent cancer facility) is inappropriate. The analysis for the interim storage should be made using interim storage site personnel and not waved off with over-arching insupportable assumption. If the analysis shows the assumption to be correct, it will then be supportable. 5.15

13) Because of my earlier comments on environmental impacts, Table 2 data for Alternative B should show some difference for the various interim storage sites. 5.16

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0005, 3 of 4

Document #0005: Comments 5.17 – 5.18
W. Lee Poe, Jr.

14) The summary Table S2 shows essentially no LCF and no distinguishing feature between the three alternatives. I suggest adding person-rem to show some difference between alternatives. **As this table exists now and how the Conclusion is written, how can DOE reach a decision between the No Action Alternative and Alternative A? It is however clear that Alternative B is the poorest.** I find these conclusions counter evident but they are based upon this Summary. There has been no text on why the No Action Alternative is undesirable. It should be added if there is really some drive to get the waste out of WVDP. 5.17

I am sure that as I read the full EIS I will see why some of my comments are not evident but the summary is a stand-alone document. Again this document is comments on the Summary. I will provide further comments on the EIS as a whole as soon as I have mastered it. 5.18

If you have any questions on these comments or I can be of further assistance, please call me at (803) 642-7297.

Sincerely

W. Lee Poe, Jr.

0005, 4 of 4
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Document #0005: Responses

5.1. A scoping meeting was held during the 30-day scoping period on April 10, 2001, at West Valley, New York. The scoping period was announced in the *Federal Register* and on the DOE NEPA web page, and comments were solicited from any interested party.

While scoping meetings were not held at any of the offsite locations, members of the public around those sites were aware of the potential for such actions to occur, based on DOE's prior NEPA analyses and decisions. Further, the Draft EIS was provided to the relevant state agencies near the proposed offsite locations for comment. Comments were received and considered from stakeholders near the Hanford Site, Oak Ridge Reservation, and SRS. DOE has considered input from members of the public near the offsite locations.

5.2. The Draft and Final EISs evaluate the impacts of managing waste that is already in the WVDP inventory and that might be generated over the next 10 years. DOE determined that 10 years was the appropriate analysis period in light of its intention to complete decisionmaking on the decommissioning and/or long-term stewardship of the WVDP site within that time period. Treatment, storage, and disposal facilities are currently available for most of the waste and DOE expects to ship the waste, as described in the preferred alternative, within the next 10 years. The EIS acknowledges that the HLW may remain at WVDP for more than 10 years. However, it also describes both the annual and the total impacts that could occur over the 10-year period. The total impacts would remain the same, but would be spread out over more years if, for example, a transportation campaign or a geologic repository were delayed. In addition, DOE did evaluate long-term, onsite storage of HLW in the No Action Alternative for the Yucca Mountain Repository EIS.

5.3. The scope of the EIS that DOE began in 1988, with a draft in 1996, is now addressed in two EISs: the WVDP Waste Management EIS and the Decommissioning and/or Long-Term Stewardship EIS. Waste management activities, including offsite shipment for disposal, have utility independent from actions that might be taken to decommission WVDP and the requirements for long-term stewardship. In addition, the waste management activities described in the WVDP Waste Management EIS will not affect the range of alternatives available for decommissioning or long-term stewardship. Therefore, DOE does not believe that its NEPA strategy represents impermissible segmentation of the action. Impacts at receiving sites are identified in the EISs specified in Chapter 1.

5.4. The amount of waste that would be shipped under each of the alternatives is contained in Chapter 2 (see Tables 2-2 and 2-3). This level of detail is not provided in the Summary, although the impacts of the waste shipments are described in the Summary (Section 4.0 and Tables S-3 and S-4).

5.5. The No Action Alternative represents a continuation of the status quo. The Council on Environmental Quality NEPA implementing regulations recognize this as an acceptable no action scenario.

5.6. Disposition of any wastes that would rely on determinations made under the Waste Incidental to Reprocessing provisions of DOE Order 435.1 would be dependent upon resolution of related legal issues.

5.7. TRU waste at WVDP could be disposed of at WIPP if the waste is determined to meet the requirements for disposal in that repository. If some or all of WVDP's TRU does not

meet these requirements, DOE would need to explore other alternatives for disposal of the waste. Additional NEPA review would be conducted if DOE were to propose to dispose of TRU waste at a location other than WIPP.

HLW generated at the WVDP site is eligible for disposal in a geologic repository. This waste volume (up to 300 canisters) was specifically analyzed in the Yucca Mountain Repository EIS (Appendix A, Section A.2.3.5.1).

The shipment of waste to offsite locations for interim storage is not DOE's preferred alternative. Under the preferred alternative, TRU waste and HLW would continue to be stored at the WVDP site until such time as disposal offsite could be arranged.

5.8. Offsite impacts are addressed in Chapter 4 of the Draft and Final EISs (Sections 4.3.4, 4.4.4, and 4.5.4).

5.9. As noted in the Summary, Oak Ridge National Laboratory (ORNL) is part of the Oak Ridge Reservation (ORR). In its TRU waste Record of Decision following the issuance of the WM PEIS, DOE stated that each site that has generated or would generate TRU waste would store it onsite prior to shipment to WIPP for disposal (63 Fed. Reg. 3629 (1998). However, DOE also stated that it may decide to ship TRU waste from sites where it may be impractical to prepare it for disposal to other sites where DOE has or will have the necessary capability. The sites that could receive TRU waste from other sites are the Idaho National Engineering and Environmental Laboratory (INEEL), ORR, Savannah River Site (SRS), and the Hanford Site. DOE has prepared a *Final Environmental Impact Statement for Treating Transuranic (TRU)/Alpha Low Level Waste at the Oak Ridge National Laboratory* (DOE/EIS-0305-F).

5.10. DOE confirmed that its description of SRS is accurate. Further information on SRS can also be found in the WM PEIS.

5.11. The Summary text identified in the comment refers to the WVDP site. The waste management actions at the WVDP site under all alternatives would be conducted in existing facilities by the existing workforce and would not involve any new construction or building demolition.

With respect to actions at offsite locations, appropriate NEPA reviews would be conducted before any decision were made to ship specific TRU waste or HLW volumes to an offsite location for interim storage. Such reviews would address site-specific and cumulative impacts, including the availability of existing storage capacity, the need for additional storage capacity, and impacts to workers and the affected public.

5.12. The Summary text identified in the comment refers to the WVDP site. Work force requirements at the WVDP site are assumed to be the same under all alternatives. Based on its experience and knowledge of the site and its operations, DOE believes this assumption is appropriate.

5.13. The information presented on Page S-19 of the Draft EIS did state that total shipments under Alternative B would be higher than under Alternative A but provided incorrect shipment numbers. This text has been revised in the Final EIS to specify the total shipments under Alternative B, as given in Table S-2, Appendix D, and Section 4.4.2. Under Alternative A, the number of shipments would be 2,550 by truck or 847 by rail. Under Alternative B, the number of shipments would be 3,120 by truck or 1,079 by rail, which counts the shipments from WVDP to the interim storage sites and the shipments from the interim storage sites to the

disposal sites separately. DOE would ship the same volume of TRU waste and HLW from WVDP to the interim storage sites as from the interim storage sites to the disposal sites under Alternative B.

5.14. Impacts of the storage of TRU waste and HLW at various DOE sites have been addressed in earlier NEPA documents (see Section 1.7 for a complete listing and description of these documents). However, appropriate NEPA reviews would be conducted before any decision were made to ship specific TRU waste or HLW volumes to an offsite location for interim storage. Such reviews would address site-specific and cumulative impacts, including the availability of existing storage capacity, the need for additional storage capacity, and impacts to workers and the affected public.

5.15. Offsite impacts are addressed in Chapter 4 of the Draft and Final EISs (Sections 4.3.4, 4.4.4, and 4.5.4).

5.16. Table S-3 provides a summary of human health impacts at offsite locations.

5.17. Table S-2 reports impacts associated with the alternatives. Person-rem is a dose, not an impact. In addition, person-rem are provided in Chapter 4 (see Tables 4-1 through 4-4, 4-7 through 4-10, 4-13, and 4-14).

The difference between the No Action Alternative and Alternative A is that under Alternative A, Class B and C LLW would be shipped offsite. Under the No Action Alternative only Class A LLW would be shipped offsite. In addition, implementation of Alternative A would move DOE closer to completion of its responsibilities under the West Valley Demonstration Project Act.

5.18. The Summary serves as an overview of the material provided in the EIS and for that reason some information included in the EIS itself is necessarily left out of the Summary. DOE believes that the Summary provides an accurate synopsis of the analyses and findings that are explained more fully in the EIS.

Document #0006: Comments 6.1 – 6.4
W. Lee Poe, Jr.

0006, 1 of 3
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June 16, 2003
807 E. Rollingwood, Rd.
Aiken, SC 29801

Mr. Daniel W. Sullivan
Document Manager
DOE West Valley Area Office
PO Box 191
West Valley, NY 14171-0191

Report sent by e-mail. daniel.w.sullivan@wv.doe.gov

Dear Mr. Sullivan:

Comments on Draft of
West Valley Demonstration Project
Waste Management
Draft Environmental Impact Statement of April 2003

Additional Comments to Those Dated 6/13/03

I would like to offer the following additional comments on the Draft of the WVDP EIS for waste management (DOE/EIS – 0337D). These comments are in addition to those I offered on the Summary on June 13.

From my review of the DEIS, Alternative A should be accepted as DOE preferred Alternative as soon as DOE can assure that the waste meets specifications for shipment to WIPP and YM. 6.1

I find that all of the environmental impacts are lower than I would have expected. I did not attempt to recalculate these values. I do think the impacts in Alternative B do not adequately consider the interim storage site impacts. (Values used were from Programmatic EISs that are indicative of general waste not those found at WVDP. WVDP waste should be analyzed for interim storage away from WVDP if there is any interest in implementing Appendix B. 6.2

My specific comments are:

1) The last sentence under 1.7 (page 1-13) states that "information from these earlier NEPA documents has been either extracted for use in this EIS or incorporated by reference". I found many places where neither was done. 6.3

2) The first sentence on page 1-15 seems out of place in this EIS. It raises the question, that is not answered, of what process DOE will use to ship waste that is not prepared for disposal. I suggest deleting that paragraph. If it is left in the EIS, the safety of

Document #0006: Comments 6.4 – 6.12
W. Lee Poe, Jr.

shipping waste from one site to another that does not meet shipping or disposal criteria must be explained. 6.4

3) The last sentence on page 1-15 raises the same point I already commented on the Summary as comment 6. DOE must get assurances from WIPP and YM that the involved waste is in an acceptable form before implementing this EIS. 6.5

4) I found the answer to my comment 1 on the Summary on scoping on page 1-17. There was no scoping for this EIS near the interim storage sites. DOE should be sensitive and allow potentially affected stakeholders the opportunity to be involved in the scoping of EISs that may affect them. I further note that no copies of the DEIS were sent to those same stakeholders. 6.6

5) Table 2-4 is a little better than Table S-2 in that it has actual numbers. (See comment 14 on the summary comments.) I think the person-rem should be given as well as the number of LCF. 6.7

6) Section 3.9 (page 3-25 & 26) does not describe the site implication of interim storage at sites other than WVDP. This description should be analyzed and added. 6.8

7) The first sentence in the third paragraph of Section 4 (page 4-1) draws a conclusion that is probably incorrect. The judgment that no interim storage impacts exist in Alternative B because similar activities exist at the site is not viable unless they have been evaluated. 6.9

8) Impacts of interim storage away from WVDP in Alternative B do not seem to be included. (Page 4-7) 6.10

9) The Cumulative Impacts section is very weak. It basically says there are no cumulative impacts. Yet it identifies that WV past operations have contaminated the soil and the farmers get a dose commitment each time they plow the fields. The EIS further doesn't include the effect of D&D or the cumulative effects of interim storage at other sites. Section 3 lists noninvolved workers impacts and I concluded it should have been included in this cumulative section. I was very unimpressed with this section. 6.11

10) A major weakness in the EIS is the description for No Action Alternative. I walk away from reading the EIS that there is no detrimental impact to WVDP should the No Action be chosen. If this had been the case, I am sure DOE would not have prepared the EIS. I spoke to this in my comments on the Summary and after reading the full EIS, I have not changed my mind on this weakness. 6.12

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0006, 2 of 3

Document #0006: Comments
W. Lee Poe, Jr.

If you have any questions on these comments or I can be of further assistance, please call me at (803) 642-7297.

Sincerely

W. Lee Poe, Jr.

0006, 3 of 3
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WVDP WM DEIS 3

Document #0006: Responses

6.1. DOE has identified Alternative A as its preferred alternative.

6.2. Impacts of the storage of TRU waste and HLW at various DOE sites are described in the Draft and Final WVDP Waste Management EISs and have been addressed in earlier NEPA documents (see Section 1.7 for a complete listing and description of these documents). However, appropriate NEPA reviews would be conducted before any decision were made to ship specific TRU waste or HLW volumes to an offsite location for interim storage. Such reviews would address site-specific and cumulative impacts, including the availability of existing storage capacity, the need for additional storage capacity, and impacts to workers and the affected public.

6.3. As stated in Section 1.7, the documents described in that section are incorporated by reference. In addition, some information from those documents was specifically extracted and used in the assessment of impacts, particularly those at offsite locations (see Sections 4.3.4, 4.4.4, and 4.5.4).

6.4. Minor changes were made to the sentence for clarification.

6.5. TRU waste at WVDP could be disposed of at WIPP if the waste is determined to meet the requirements for disposal in that repository. If some or all of WVDP's TRU does not meet these requirements, DOE would need to explore other alternatives for disposal of the waste. Additional NEPA review would be conducted if DOE were to propose to dispose of TRU waste at a location other than WIPP.

HLW generated at the WVDP site is eligible for disposal in a geologic repository. This waste volume (up to 300 canisters) was specifically analyzed in the Yucca Mountain Repository EIS (Appendix A, Section A.2.3.5.1). The shipment of

waste to offsite locations for interim storage is not DOE's preferred alternative. Under the preferred alternative, TRU waste and HLW would continue to be stored at the WVDP site until such time as disposal offsite could be arranged.

6.6. A scoping meeting was held during the 30-day scoping period on April 10, 2001, at West Valley, New York. The scoping period was announced in the *Federal Register* and on the DOE NEPA web page, and comments were solicited from any interested party.

While scoping meetings were not held at any of the offsite locations, members of the public around those sites were aware of the potential for such actions to occur, based on DOE's prior NEPA analyses and decisions. Further, the Draft EIS was provided to the relevant state agencies and others near the proposed offsite locations for comment. Comments were received and considered from stakeholders near the Hanford Site, Oak Ridge Reservation, and SRS. DOE has considered input from members of the public near the offsite locations.

6.7. Tables S-2 and 2-4 are identical and report impacts associated with the alternatives. Person-rem is a dose, not an impact. In addition, person-rem are provided in Chapter 4 (see Tables 4-1 through 4-4, 4-7 through 4-10, 4-13, and 4-14).

6.8. Section 3.9 describes the affected environment at the offsite locations considered in the WVDP Waste Management EIS. Impacts at these sites are described in Chapter 4, Environmental Consequences. Impacts at offsite locations are addressed in Sections 4.3.4, 4.4.4, and 4.5.4.

6.9. The sentence referred to in the comment is accurate. The actions at the WVDP site would occur in the facilities listed. Appropriate NEPA reviews would be conducted before any decision were made to ship specific TRU waste or HLW volumes to an offsite location for interim storage. Such reviews would address site-specific and cumulative impacts, including the availability of existing storage capacity, the need for additional storage capacity, and impacts to workers and the affected public.

6.10. The commenter is correct. The Human Health Impacts in Section 4.2.1 and the Transportation Impacts in Section 4.2.2 do not include impacts of offsite storage under Alternative B. Offsite impacts are summarized in Section 4.2.3 and are described in more detail in Sections 4.3.4, 4.4.4, and 4.5.4.

6.11. In accordance with Council on Environmental Quality NEPA-implementing regulations and guidance, DOE considered the cumulative impact of past radioactive releases, existing contamination, and future releases on human health in the region around the WVDP site. No other potentially cumulative impacts were identified, including those impacts reasonably foreseeable as a result of the Decommissioning and/or Long-Term Stewardship EIS and those resulting from transportation as analyzed in the WMPEIS and the WIPP SEIS II.

Appropriate NEPA reviews would be conducted before any decision were made to ship specific TRU waste or HLW volumes to an offsite location for interim storage. Such reviews would address site-specific and cumulative impacts, including the availability of existing storage capacity, the need for additional storage capacity, and impacts to workers and the affected public.

6.12. DOE agrees that implementation of the No Action Alternative would result in small impacts over the 10-year period of time analyzed in the EIS. Over time, however, removal of waste from WVDP to a disposal site would reduce risk. In addition, DOE is responsible for the facilities

used in the WVDP HLW vitrification effort and for disposal of the LLW, mixed LLW, TRU waste, and HLW produced by the WVDP HLW solidification program. The Draft and Final WVDP Waste Management EISs analyze potential disposal paths for the wastes that are currently stored onsite and that will be generated by ongoing activities. As indicated in the description of the No Action Alternative (Section 2.3), there is limited storage space available at the WVDP site. Thus, DOE prefers to ship the waste to safe and secure disposal facilities appropriate for each waste type rather than store it onsite.

After the publication of the Final EIS, DOE will issue a Record of Decision. This document will state what DOE's decision is, identify the alternatives considered in reaching its decision, and specify the alternative or alternatives that are considered to be environmentally preferable. DOE will also identify and discuss the factors that were balanced by the agency in making its decision and state how those considerations entered into its decision.