Document #0009: Comments 9.1 – 9.2
New York State Department of
Environmental Conservation

New York State Department of Environmental Conservation
Division of Solid and Hazardous Materials
Bureau of Hazardous Waste and Radiation Management
Radiation Section, Eighth Floor
625 Broadway, Albany, New York 12233-7255
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Erin M. Crotty
Commissioner

June 30, 2003

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JUN 30 2003

E-Mailed & USPS Mailed

Mr. Daniel Sullivan
DOE West Valley Area Office
P.O. Box 191
West Valley, NY 14171-0191

Dear Mr. Sullivan:

Re: West Valley Demonstration Project Waste Management
Draft Environmental Impact Statement

This letter transmits the comments of the New York State Department of Environmental Conservation's radiation control program on the West Valley Demonstration Project Waste Management Draft Environmental Impact Statement, DOE/EIS-0377D, April 2003 (WM DEIS).

While we support the efforts of the DOE to move forward with waste removal at the site, we do not agree with two aspects of the DEIS: the alternative to place grout in the HLW tanks 9.1 and the incomplete discussion of the disposal of transuranic wastes (TRU wastes). The grouting alternative, if selected, will bias the decision-making process for the follow-on Decommissioning 9.2 and/or Long-Term Stewardship EIS (DLTS EIS), and there is no substantive basis for the divergence from the original scope for this EIS of active management of the HLW tanks. We do not oppose the approach of a separate WM EIS, as long it is written to fully address the proposed alternatives, and the work performed and decisions made do not affect the NEPA process for the DLTS EIS. We urge DOE to eliminate the grouting alternative from the EIS. With that option removed, we would support Alternative B as the preferred alternative.

Our detailed comments are enclosed. If you have any questions, please call Timothy Rice or me. Thank you for the opportunity to comment on this document.

Sincerely,

Barbara Youngberg

Barbara Youngberg
Chief, Radiation Section

cc: w/encl. - J. Eng, USEPA, Region II
C. Glenn, USNRC
P. Piciulo, NYSERDA, West Valley

Document #0009: Comment 9.1
New York State Department of
Environmental Conservation

ENCLOSURE

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF SOLID & HAZARDOUS WASTE
BUREAU OF HAZARDOUS WASTE & RADIATION MANAGEMENT
RADIATION SECTION

Comments On
West Valley Demonstration Project Waste Management
Draft Environmental Impact Statement (WM DEIS)

June 30, 2003

1. Grouting of The HLW Tanks Should Not Be Included in This DEIS.

The DEIS incorrectly concludes that the waste management actions proposed in the WM DEIS would not prejudge the range of alternatives to be considered or the decisions to be made for the DLTS EIS (page 1-9). On page 2-16, the DEIS asserts that the introduction of grout into the high level waste (HLW) tanks and vaults "would not constitute an irreversible action." This may be technically true. The grout may be able to be removed in the future. However, the DEIS does not address the fact that removal of the grout would likely constitute a significant increase in the complexity, cost, and risk involved in removal of the tanks under the Decommissioning and/or Long-Term Stewardship EIS (DLTS EIS), thus changing the risk/benefit equation in favor of leaving the HLW tanks in place.

The introduction of grout into the tanks would have a direct impact on the National Environmental Policy Act (NEPA) process for the second, DLTS EIS. Specifically, introduction of grout into the HLW tanks and vaults as part of the WM EIS would bias the decision-making process of the DLTS EIS in favor of a closure alternative that would leave the HLW tanks in place. This would violate both the spirit and letter of the NEPA. The potential for just such a negative connection between the two EISes has been the subject of numerous comments from the public and regulators. DOE has repeatedly assured interested parties that separation of the 1996 DEIS into two separate, and supposedly independent, EISes would not result in decisions made within the scope of the WM EIS having an impact on the NEPA process for the second, DLTS EIS. We strongly recommend that the DOE remove the grout "interim stabilization" of the HLW tanks and vaults from consideration in the WM EIS. 9.1

The DEIS does not explain the need for grouting the tanks and in particular, it does not provide any reasoning to demonstrate the need for the different approaches to managing the tanks in Alternatives A and B. Nor does the DEIS evaluate and compare other available alternatives for actively managing these tanks.

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Document #0009: Comments 9.1 – 9.3
New York State Department of
Environmental Conservation

Further, adding the grouting option to this DEIS introduces a passive management method for the HLW tanks. There is no substantive argument presented for diverging from the original scope for the WM EIS of active management of the HLW tanks. Therefore, this option is beyond the scope of this DEIS and belongs in the DLTS EIS. 9.1

We strongly recommend that the DOE remove the grout "interim stabilization" of the HLW tanks and vaults from consideration in this EIS. Further, we recommend that in place of grouting the tanks, the DOE explore all reasonable alternatives available to it for actively managing the tanks.

2. The TRU Waste Disposal Option Should Be Fully Described.

On the first page of the WM EIS Summary, the DOE proposes to "Ship transuranic (TRU) radioactive wastes to the Waste Isolation Pilot Plant (WIPP)." The document goes on to say that, "TRU waste shipments to WIPP could occur within the next 10 years if the TRU waste were determined to meet all the requirements for disposal in this repository." Additionally, it states, "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."

Each of these statements is true. However, they imply that acceptance is merely a matter of determining whether the wastes meet certain unspecified technical acceptance criteria for WIPP. Rather, it is our understanding that the largest impediment to acceptance of this waste at WIPP is that the DOE has characterized the West Valley TRU wastes as commercial in nature, while WIPP only has a mandate to accept defense related wastes. Since 60% or more of the fuel reprocessed at West Valley came from the DOE weapons manufacturing complex, the wastes at the site should rightly be classified as defense related. It is within the DOE's power to resolve this issue, and we urge the DOE to do so. Without this change in classification, or an existing agreement for storage of these wastes at another DOE complex site, the DOE has failed to present a viable option for removal of TRU waste from the site, making the only viable option continued on-site storage. 9.2

3. If DOE Deletes the Grouting Option, We Recommend Alternative B as the Preferred Alternative.

Alternative A proposes disposing of all low-level wastes (LLW) and mixed wastes off-site, and storing TRU wastes and the vitrified HLW on-site until they can be transported directly to a disposal site. DOE projects that the storage time for the vitrified waste will run until at least 2025, and possibly longer. Alternative B would remove all relevant wastes from the site, and from New York State, within ten years. This aspect of Alternative B would present lower risks to the citizens and environment of New York. We would, therefore, support Alternative B, if it did not also include the introduction of grout into and around the bottoms of Tanks 8D-1 and 8D-2 for "interim stabilization." 9.3

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Page 2 of 2

Document #0009: Responses

9.1. 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.

9.2. TRU waste at WVDP could be disposed of at WIPP if the waste is determined to meet the requirements for disposal in this 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.

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.

9.3. Alternative A is DOE's preferred alternative. DOE has eliminated the option of placing retrievable grout in the HLW tanks as an interim stabilization measure under Alternative B. 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.

Document #0010: Comments 10.1 – 10.2
State of Tennessee, Department of Environment and Conservation

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DOE OVERSIGHT DIVISION
761 EMORY VALLEY ROAD
OAK RIDGE, TENNESSEE 37830-7072

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June 20, 2003

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

Draft Environmental Impact Statement (EIS) for the Waste Management West Valley Demonstration Project (WVDP) Cattaraugus County, NY (DOE/EIS-0337D)

The Tennessee Department of Environment and Conservation, DOE Oversight Division has reviewed the above subject document in accordance with the requirements of the National Environmental Policy Act (NEPA) and associated regulations of 40 CFR 1500-1508 and 10 CFR 1021 as implemented.

General Comment
Alternative A is defined as the preferred option. It would not involve Tennessee (ORNL) as an interim storage facility for TRU waste and is likewise the state's preferred option. 10.1

Specific Comment
Section 2.0 Description of Alternatives, Page S-8 Alternative B - Offsite Shipment of LLW and Mixed LLW to Disposal, Shipment of HLW and TRU Waste to Interim Storage, and Interim Stabilization of the Waste Storage Tanks. Tennessee has concerns about Alternative B because it could involve Oak Ridge as a potential interim storage facility for the TRU wastes from WVDP. In the past, the state has made its position clear on not accepting the storage or disposition of out-of state waste. 10.2

If you have any questions concerning these comments, please contact me at (865) 481-0995.

Sincerely

John A. Owsley
Director

cc: Alan Leiserson, TDEC - OGC

Jao705.99

Document #0010: Responses

10.1. The shipment of waste to offsite locations for interim storage 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.

10.2. The WM PEIS studied the potential for nationwide impacts of managing radioactive and hazardous wastes. DOE issued separate RODs for all of the waste types analyzed in the WM PEIS. For TRU waste, DOE decided 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, the Department 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 INEEL, ORR, SRS, and the Hanford Site. Thus, DOE's analysis in the Draft and Final WVDP Waste Management EISs of the interim storage of WVDP TRU waste is consistent with analyses conducted for the WM PEIS and with decisions reached on the basis of that document.

As noted above, the shipment of waste to offsite locations for interim storage is not DOE's preferred alternative. Under the preferred alternative (Alternative A), TRU waste would continue to be stored at the WVDP site until such time as disposal offsite could be arranged.

Document #0011: Comments
Coalition on West Valley Nuclear Wastes

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June 27, 2003

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VIA FEDERAL EXPRESS

Daniel W. Sullivan
DOE Document Manager
West Valley Area Office
U.S. Department of Energy
10282 Rock Springs Road
West Valley, NY 14171

Re: Coalition on West Valley Nuclear Wastes
Our File No. 11-023

Dear Mr. Sullivan:

Enclosed please find the Coalition on West Valley Nuclear Wastes' Public Comment submitted in Response to the U.S. Department of Energy's Notice of Availability, 68 Fed. Reg. 26587-26588 (May 16, 2003).

Thank you for your consideration.

Very truly yours,

KNOER, CRAWFORD & BENDER, LLP

Robert E. Knoer

REK:ts
Enclosure

cc: Carol Borgstrom, Director, Office of NEPA Policy and Compliance (*via Federal Express*)
The Honorable Hilary Rodham Clinton
The Honorable Charles E. Schumer

Document #0011: Comments 11.1 – 11.2
Coalition on West Valley Nuclear Wastes

Public Comment Submitted by the

COALITION ON WEST VALLEY NUCLEAR WASTES
Sharp Street
East Concord, New York 14055
(716) 441-3168

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in Response to the

U.S. DEPARTMENT OF ENERGY

Notice of Availability
68 Fed. Reg. 26587-26588 (May 16, 2003)

The following is submitted in response to the U.S. Department of Energy's "Notice of Availability of the West Valley Demonstration Project Draft Waste Management Environmental Impact Statement" (hereinafter referred to as the "Notice").

This response addresses two categories of comment. First, the Coalition on West Valley Nuclear Wastes & Radioactive Waste Campaign brought an action against the United States Department of Energy, the New York State Energy Research and Development Authority and the State of New York in United States District Court for the Western District of New York under Civ. Action No. 86-1052-C. That action resulted in a Stipulation of Compromise Settlement (hereinafter sometimes referred to as "Stipulation") which was ordered entered by the Honorable John T. Curtin, United States District Judge on May 27, 1987. A copy of the Stipulation is attached.

Pursuant to that Stipulation of Compromise Settlement, certain conditions with regard to the Environmental Impact Statement and procedures for determining an appropriate clean up at the West Valley Demonstration Project would be undertaken. It is the position of the Coalition on West Valley Nuclear Wastes that portions of the Stipulation of Compromise Settlement are violated by the actions as described in the Notice appearing in 68 F.R. 26587. 11.1

The approach being proposed by the US Department of Energy is violative of the National Environmental Policy Act and regulations issued thereunder by various federal agencies and authorities. The DOE must take these legal requirements into consideration in determining how to proceed forward with the West Valley Demonstration Project closure and/or long term management at the Western New York Nuclear Service Center. 11.2

Document #0011: Comments 11.1 – 11.2
Coalition on West Valley Nuclear Wastes

SPECIFIC COMMENTS

1. The Stipulation of Compromise Settlement (hereinafter "Stipulation") requires that "the closure Environmental Impact Statement - including the scoping process - shall begin no later than 1988 . . ." This requirement is binding. DOE cannot unilaterally create a new environmental impact process that supersedes or substantially modifies the process carried out in 1988. 11.1

2. The EIS process begun in 1988 led to issuance of the 1996 Completion and Closure Draft EIS. A Final EIS or Record of Decision has not yet been issued. Thus, the EIS process specified in the Stipulation has not yet been completed. Pursuant to the draft summary dated April 2003 prepared by the U.S. Department of Energy:

   "The continuation of the *Draft Environmental Impact Statement for Completion of the West Valley Demonstration Project and Closure or Long-Term Management of Facilities at the Western New York Nuclear Service Center*, also referred to as the 1996 Completion and Closure Draft EIS, will be accomplished with a revised *Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center EIS*." p.S-1 11.1 & 11.2

   The segmentation of these two elements of the closure of the West Valley Demonstration Project is inappropriate under the terms of the Stipulation of Compromise and under the requirements of the National Environmental Policy Act.

3. The provisions of the Stipulation apply to any and all Environmental Impact Statements into which the closure EIS that began in 1988 may be split. Paragraph 3 of the Stipulation defines the scope of the closure EIS very broadly, such that it covers disposal of all "[Class A] [Class B/C] wastes generated as a result of the activities of the West Valley Demonstration Project as mandated by the United States Congress under the West Valley Demonstration Project Act." 11.1

4. This separate EIS will violate provisions of the Stipulation. The Stipulation requires that "the closure Environmental Impact Statement process - including the scoping process - shall begin no later than 1988 . . ." DOE cannot unilaterally create a new EIS with a new scoping process that supersedes or substantially modifies the scoping process carried out in 1988. As specified in the Stipulation, the EIS is a *closure* EIS. DOE cannot unilaterally change the purpose of the project and thus the scope of the EIS. 11.1

5. According to the Notice published in the *Federal Register* on May 16, 2003, DOE intends to dispose of certain low-level and mixed wastes prior to completion of the West Valley closure EIS. The Stipulation allows off-site disposal of Class A wastes in accordance with applicable law but does not allow any disposal (offsite or otherwise) of Class B/C wastes until the closure EIS is completed. 11.1

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Document #0011: Comments 11.1 – 11.6
Coalition on West Valley Nuclear Wastes

6. According to the Notice published in the *Federal Register* on May 16, 2003, DOE intends to provide a 45-day public comment period. The Stipulation requires a six month public comment period. 11.1

7. The actions of decontamination, decommissioning and/or long term stewardship are clearly interconnected in the context of the West Valley Demonstration Project. Segmentation of this project is inappropriate under the Stipulation of Compromise and under federal and state environmental review law. 11.1 & 11.2

8. Shipment of Classes B and C low level waste. Shipment offsite for interim management (Alternative B) would increase transportation risks because each shipment would have to be made twice. Interim storage would avoid this outcome. In comments on the 1996 DEIS we asked for an alternative which would store packaged waste onsite for a limited time (25 years) for eventual shipment. We have made our position on this clear repeatedly. When waste can leave, it should. West Valley is not a suitable site for permanent disposal of waste. 11.3

9. Consideration of temporary onsite storage is explicitly rejected in this DEIS. (This EIS does not consider any new onsite disposal or indefinite storage because other sites are available and a determination has been made that construction of storage facilities at WV would not be practical or reasonable. p.S-9.) 11.4

10. High Level Waste Tanks. Management of the high level waste tanks (under Alternative A) must not include changing the ground water patterns or pressures around them. 11.5

11. Grouting of HLW waste tanks (Alternative B) would violate NEPA because it would limit closure alternatives to be considered in the Closure EIS now being written. 11.6

The Coalition further refers the DOE to various comments made prior as well as to the positions taken by various parties in the action entitled NRDC, et al. v. Richardson, et al., filed under Case No. 01-CV-413 in the U.S. District Court for the District of Idaho.

Dated: June 27, 2003

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TO: Mr. Daniel W. Sullivan
DOE Document Manager
West Valley Area Office
U.S. Department of Energy
10282 Rock Springs Road
West Valley, New York 14171

Document #0011: Comments
Coalition on West Valley Nuclear Wastes

TO: Carol Borgstrom, Director
Office of NEPA Policy and Compliance (EH-42)
Office of the Assistant Secretary for Environment,
Safety and Health
U.S. Department of Energy
1000 Independence Avenue, SW
Washington D.C. 20585

TO: The Honorable Hillary Rodham Clinton
Western New York Office
Guaranty Building
Suite 208
28 Church Street
Buffalo, New York 14202

TO: The Honorable Charles E. Schumer
Western New York Office
111 West Huron Street
Room 620
Buffalo, New York 14202

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Document #0011: Responses

11.1. The Stipulation of Compromise (included in Appendix A of this EIS) requires *inter alia* the preparation of an EIS to address the disposal of LLW on the WVDP site, and does not preclude the preparation of more than one EIS. 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 on the Decommissioning and/or Long-Term Stewardship Draft EIS. DOE believes that it has complied and continues to comply with the Stipulation.

11.2. 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.

11.3. 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.

11.4. The No Action Alternative analyzes the continued onsite storage of existing Class B and C LLW, TRU waste, and HLW. In the discussion of alternatives considered but not analyzed (Section 2.6 of the Draft and Final EISs), DOE explained that the EIS does not consider the construction of additional storage capacity at the WVDP site. DOE does not consider it reasonable to analyze an alternative to construct and maintain storage at the WVDP site because of the cost of new facilities and maintenance of existing facilities.

11.5. 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.

11.6. 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.

Document #0012: Comments 12.1 – 12.6
West Valley Citizen Task Force

West Valley Citizen Task Force

June 30, 2003

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Daniel Sullivan
NEPA Compliance Officer
WVDP WM EIS
10282 Rock Springs Road, WV-49
West Valley, NY 14171-9799

Dear Mr. Sullivan:

The West Valley Citizen Task Force (CTF) has already expressed concerns about splitting the environmental impact statement (EIS) for the West Valley site, since both the National Environmental Policy Act (NEPA) and the West Valley Demonstration Project (WVDP) Act seem to call for one process. 12.1

Now that the EIS has been split, we believe the decommissioning EIS will be the most important issue to be addressed. This waste management EIS appears to deal with lesser issues. We trust it will not distract the Department from the more important task of completing the decommissioning EIS. 12.2

As we expressed in our scoping comments in 2001, we continue to be concerned that the decommissioning phase could get bogged down if the DOE/NYSERDA disagreements continue. 12.3

There are two issues in Alternative B that we would like to address. We disagree with the proposal to put grout into the underground tanks. However retrievable the grout may seem at the moment, it will prejudice the choices in the decommissioning EIS. The grout would make future tank removal more difficult, and would unfairly facilitate in-place closure of the tanks. 12.4

Our other concern with Alternative B is the proposal to use interim storage at other sites. Interim storage will involve many more shipments, costs and risks, and create unnecessary public controversy. 12.5

We call your attention to an obvious oversight. Figure 3-5 improperly excludes residents of Canada living within a 50-mile radius of the site. The map suggests that over 500,000 people live on the American side of the Niagara River and places a zero on the Canadian side. The figure should be revised to show more than 100,000 people living between Port Colborne, on Lake Erie, and Niagara Falls, Ontario. 12.6

Very truly yours,

Lee Lambert
on behalf of the
West Valley Citizen Task Force

Document #0012: Responses

12.1. 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.

12.2. DOE agrees that the larger issues of closure are being addressed in the Decommissioning and/or Long-Term Stewardship EIS. DOE is working with the cooperating agencies to complete that document as expeditiously as possible.

12.3. DOE continues to work with NYSERDA in implementing its responsibilities under the West Valley Demonstration Project Act.

12.4. 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.

12.5. 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.

12.6 Figure 3-5 has been revised to include the Canadian population within 80 kilometers (50 miles) of the WVDP site.

Document #0013: Comments 13.1 – 13.3
The League of Women Voters of Buffalo/Niagara

THE LEAGUE OF WOMEN VOTERS OF BUFFALO / NIAGARA
1272 Delaware Ave., Buffalo, NY 14209-2401 716-884-3550 FAX 882-7671 www.lwvbn.org
e-mail:LWVBN@JUNO.com

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Daniel W. Sullivan
Document Manager
DOE West Valley Area Office
P.O. Box # 191
West Valley, NY 14171-0191

June 26, 2003

COMMENT: Draft Waste Management Environmental Impact Statement (EIS) for the West Valley Demonstration Project

Dear Mr. Sullivan,

We were pleased to note that the Department responded to public concerns and chose to limit the scope of this EIS to onsite waste management and offsite waste transportation issues. By excluding decontamination activities as proposed in the March 2001 Notice of Intent (NOI) the Department has made it easier for us to approve of the plans thus far.

This is not to say that we approve of splitting the EIS, merely that we can understand the need to move ahead with waste management as much as can be done under the circumstances. The breakdown in negotiations between the DOE and New York State Energy Research and Development Authority (NYSERDA) is very troubling to us, as it appears that choosing an alternative for final closure of the site cannot be accomplished until the two entities can agree on their respective responsibilities. 13.1

Splitting the EIS seems to have resulted in an opportunity to change the words in the title of the EIS from *Completion* (of the Project) and *Closure or Long-term Management* (of WVNSC facilities), to *Decommissioning and/or Long-term Stewardship*. We trust that the terminology change does not suggest a change in the Department's commitment to what may well become very long-term public health and safety issues. 13.2

On the present EIS, our concerns parallel those of the West Valley Citizen Task Force (CTF).

1. Population figures for Canada should have been included in the tables of impacts on people living and working within a fifty-mile radius of the site. For the decommissioning and/or long-term stewardship EIS we hope you will include Canadian population figures and also consider the likelihood of huge population increases in both countries over the many years that material from the site might remain a hazard. 13.3

Document #0013: Comments 13.4 – 13.6
The League of Women Voters of Buffalo/Niagara

2. We agree that Alternative A is more acceptable than Alternative B. In fact, Alternative B is not acceptable at all. The idea of grouting the material with the intent that it can be dug up at some future time, is speculative at best. Since no one has ever dealt with material of this sort for the hundreds of years that even the low-level waste will remain radioactive, there is no guarantee that the grout will indeed remain soft or that the cost and risk of removal will not rise in the future. Considering that this is an unsuitable site for burial, the obvious question is, if it is ever to be removed, why not remove it now? 13.4

3. Although holding material at the site raises the specter of a possible lengthy wait for its removal from our area, the interim storage scenario requiring the transportation of material twice seems unjustifiable on the basis of risk and cost, not to mention the possibility that the interim terminal might tend to become permanent for residents of those areas, an unfair projection of our problem onto someone else. 13.5

Therefore, we agree that, of the three alternatives listed, Alternative A is best. Nevertheless, we expect the material to be stabilized and, if at all possible, above-ground-retrievable to minimize the hazard while awaiting its ultimate removal from the area. 13.5

In conclusion, we would be remiss if we did not remind the Department of its response to a call from citizens near DOE sites for public discussion about nuclear material and waste management. DOE approached the League of Women Voters Eduction Fund (LWVEF) in 1996 to convene a National Dialogue process. Even though the Department overrode LWVEF recommendations for several regional and national workshops in various areas of the country, and even though over 80 environmental groups boycotted the two workshops that were finally held in San Diego and Chicago in June 1998, the participants of the *Intersite Discussions on Nuclear Material and Waste* agreed on two major points: 13.6

- The Secretary of Energy should initiate a *National Dialogue on Nuclear Material and Waste*.
- The Secretary of Energy should develop a national *Waste Management Strategy* "... and Congress must back this strategy with long term funding to carry it out."

We hope to see both recommendations followed in the near future.

Sincerely,

Laura McDade/LJ
President, League of Women Voters of Buffalo/Niagara

Leonore S. Lambert
RW monitor

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Document #0013: Responses

13.1. 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. DOE believes that proceeding with the waste management component will allow the Department to make progress in meeting its obligations under the West Valley Demonstration Project Act.

13.2. The change in the title of the document does not change or diminish DOE's responsibilities under the West Valley Demonstration Project Act.

13.3. A discussion of potential impacts to the affected Canadian population has been added to Section 3.6 and Section 4.1.1.1. DOE does not anticipate "huge" population increases.

13.4. 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.

13.5. 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.

13.6. Establishing a National Dialogue on Nuclear Material and Waste is outside of the scope of the WVDP Waste Management EIS.

Document #0014: Comments 14.1 – 14.4
Oak Ridge Reservation Local Oversight Committee

LOC INC
Oak Ridge Reservation Local Oversight Committee

0014
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JUN 30 2003

June 30, 2003

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

Subject: Comments on Draft West Valley Demonstration Project Waste Management Environmental Impact Statement (DOE/EIS-0337D, April 2003)

Dear Mr. Sullivan:

The Citizens' Advisory Panel (CAP) of the Oak Ridge Reservation (ORR) Local Oversight Committee, Inc. (LOC) offers comments on the draft West Valley Demonstration Project (WVDP) Waste Management (WM) Environmental Impact Statement (EIS). The CAP supports Alternative A (preferred alternative); however there are several aspects of the EIS that are problematic. 14.1

It is not clear that WVDP's transuranic (TRU) waste will be accepted by the Waste Isolation Pilot Project (WIPP) for disposal. WVDP's TRU waste does not meet the definition of such waste accepted by WIPP, especially because WIPP is designated for defense waste. The subject EIS should clearly state what proportion, if any, of WVDP's TRU waste would meet the definition of TRU waste accepted by U.S. Department of Energy (DOE) and the Nuclear Regulatory Commission, and what classification would apply to the remainder of this waste stream. In addition, the TRU waste generated by WVDP includes 9,000 cubic feet of remote-handled (RH) TRU waste, which WIPP is not yet permitted to accept. Because WIPP may not be adequately sized for disposal of all TRU waste currently in the DOE basic inventory, even a waiver to allow WVDP's off-specification waste stream to be disposed may not be sufficient to guarantee room for it, especially the RH TRU waste which is limited in its placement within disposal rooms. Furthermore, if a modification to the facility's New Mexico state permit is required, granting of any such waiver could be stalled indefinitely. 14.2

The CAP is opposed to Alternative B, in particular the option of shipping TRU waste to the Oak Ridge Reservation for interim storage. Our opposition is based in large part on site equity issues. The ORR was once the regional radioactive waste disposal site for the eastern United States. Many of the environmental problems on the ORR stem from mishandling of these wastes, including past burial of TRU waste. If additional wastes are to be sent to ORR, they must be accompanied by sufficient funding for construction of a long term storage facility, ongoing surveillance and maintenance, pre-shipping processing, transportation, and final disposal, as well as applicable overhead costs. 14.3

The ORR holds the largest inventory of RH TRU waste of any site in the DOE complex, as well as a substantial amount of contact-handled (CH) TRU waste. Because WIPP is not yet permitted to receive RH TRU waste, the inventory at ORR is currently without a disposal pathway for this waste stream. No additional TRU waste, either RH or CH, should come to ORR until Oak Ridge Operations can dispose of its existing inventory. 14.4

Anderson • Meigs • Rhea • Roane • City of Oak Ridge • Knox • Loudon • Morgan

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Document #0014: Comment 14.5
Oak Ridge Reservation Local Oversight Committee

The WVDP WM EIS is deficient in that it does not properly evaluate the options under Alternative B. Instead, the reader is referred to earlier National Environmental Policy Act (NEPA) documents. However, the most applicable document in this situation, *Final EIS for Treating TRU/Alpha Low Level Waste at the Oak Ridge National Laboratory (DOE/EIS-0385-F, 2002)*, does not evaluate the impact of offsite waste being shipped to ORR. Other cited NEPA documents are years out of date and do not reflect demographic and site-related changes. There is no basis for properly comparing the various alternatives and the options under Alternative B without a more detailed WVDP WM EIS. 14.5

The LOC is a non-profit regional organization funded by the state of Tennessee, established to provide local government and citizen input into the environmental management, decision-making and operation of the DOE's Oak Ridge Reservation. The Board of Directors of the LOC is composed of elected and appointed officials from the City of Oak Ridge and the seven counties surrounding and downstream of the ORR, and the chair of the Citizens' Advisory Panel. The CAP is a stakeholder organization with up to 20 members with diverse backgrounds who represent the greater ORR region; the CAP supports Board interests by reviewing and providing recommendations on DOE decisions and policies.

The CAP appreciates the opportunity to comment on the WVDP WM EIS.

Sincerely,

for Norman A. Mulvenon
Chair, LOC Citizens' Advisory Panel

cc: LOC Document Register
LOC CAP
LOC Board
John Owsley, Director, TDEC DOE-O
Betsy Child, Commissioner, TDEC
Gerald Boyd, Manager, DOE ORO
Steve McCracken, Assistant Manager for EM, DOE ORO
David R. Allen, NEPA Compliance Officer, DOE ORO
Jesse Roberson, Assistant Secretary for EM, DOE HQ
Carol Borgstrom, Director, NEPA Oversight, DOE HQ
Pat Halsey, FFA Coordinator, DOE ORO
David Mosby, Chair, ORSSAB
Amy Fitzgerald, City of Oak Ridge
Harold Johnson, NEPA Compliance Officer, Carlsbad Field Office
Paul Dunnigan, NEPA Compliance Officer, Richland Operations Office
Roger Twitchell, NEPA Compliance Officer, Idaho Engineering & Environmental Laboratory
Drew Grainger, NEPA Compliance Officer, Savannah River Operations Office
Mike Skougard, NEPA Compliance Officer, Nevada Test Site

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Document #0014: Responses

14.1. Alternative A is DOE's preferred alternative. Under this alternative, TRU waste would continue to be stored at the WVDP site until such time as disposal offsite could be arranged.

14.2. 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.

If wastes were shipped offsite, waste that met the current definition of mixed LLW would be shipped and disposed of as such, and TRU waste shipped to an offsite location for interim storage or disposal would meet the current definition of TRU waste. Appropriate NEPA reviews would be conducted before any decision were made to ship specific TRU waste volumes to ORNL, or any other 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 given the configuration of the waste, and impacts to workers and the affected public.

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

14.3. The shipment of waste to offsite locations for interim storage 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.

Appropriate NEPA reviews would be conducted before any decision were made to ship specific TRU waste volumes to ORNL, or any other 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 given the configuration of the waste, and impacts to workers and the affected public.

14.4. The WM PEIS studied the potential for nationwide impacts of managing radioactive and hazardous wastes. DOE issued separate RODs for all of the waste types analyzed in the WM PEIS. For TRU waste, DOE decided 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, the Department 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 INEEL, ORR, SRS, and the Hanford Site.

Thus, DOE's analysis in the Draft and Final WVDP Waste Management EISs of the disposal or interim storage of WVDP TRU waste is consistent with analyses conducted for the WM PEIS and with decisions reached on the basis of that document. However, the shipment of waste to offsite locations for interim storage 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.

14.5. DOE recognizes that information in NEPA documents that were prepared several years ago would need to be updated. Appropriate NEPA reviews would be conducted before any decision was made to ship specific TRU waste volumes to ORNL, or any other 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 given the configuration of the waste, and impacts to workers and the affected public.

Document #0015: Comments
County of Erie, Department of Environment and Planning

County of Erie

JOEL A. GIAMBRA
COUNTY EXECUTIVE

DEPARTMENT OF ENVIRONMENT & PLANNING

LAURENCE K. RUBIN
COMMISSIONER

MICHAEL RAAB
DEPUTY COMMISSIONER
ENVIRONMENTAL COMPLIANCE SERVICES

June 27, 2003

0015

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JUN 30 2003

Mr. Daniel W. Sullivan
United States Department of Energy
Ohio Field Office
West Valley Demonstration Project
10282 Rock Springs Rd.
West Valley, NY 14171-9799

Re: SEQR Review (M617-03-407)
West Valley Demonstration Project (WVDP) – Waste Management DEIS

Dear Mr. Sullivan:

Pursuant to Article 8 of the Environmental Conservation Law and to adopted procedures, Erie County has reviewed the West Valley Demonstration Project (WVDP) – Waste Management DEIS, referred to us on May 12, 2003.

Erie County has no objections as to its content. We would like, however, to offer the following comments for your consideration.

COMMENTS:

While it is apparent the project may predominantly impact the Town of West Valley, this plan has potential regional implications.

A. Relationship to County Plans

The Guiding Principals for Countywide Land Use Planning – December, 1999.

- Stream and Stream Corridor Preservation

The WVDP is in proximity to the Cattaraugus Creek and several of its tributaries. Two of these tributaries (Buttermilk Creek and Frank's Creek) run directly through or within proximity to the WVDP. The Cattaraugus Creek Stream Corridor and its watershed are recognized by Erie County as having Countywide significance.

EDWARD A. RATH COUNTY OFFICE BUILDING, 95 FRANKLIN STREET, BUFFALO, NEW YORK 14202-3973 • (716) 858-6376 • FAX (716) 858-7713 • www.erie.gov

Document #0015: Comments 15.1 – 15.7
County of Erie, Department of Environment and Planning

Since the WVDP draft plan includes the continuation of on-site waste storage tank management and the storage of high-level waste, Erie County strongly encourages that the most stringent measures be taken to ensure the protection of these streams, their watersheds, and downstream areas from leaching contamination. 15.1

B. General Comments on the Three Proposed Alternatives

- The Department of Energy is ultimately responsible for remediating this site. 15.2
- The West Valley site should be decontaminated to the fullest extent possible and as soon as possible. 15.3
- All contaminated waste should be shipped to permanent storage facilities as soon as possible. 15.4
- The West Valley site is not suitable for permanent or semi-permanent storage of waste. This is due to the surrounding geology of the area and its proximity to Lake Erie. 15.5
- Grouting/cementing or encasing waste storage tank systems/facilities in place over an extended number of years will only serve to complicate future remediation efforts. 15.6
- High-level wastes should not be reclassified to other categories, i.e., incidental waste, since reclassification will increase the risks associated with the handling and storage of these materials. 15.7

Please note that statutory review and approval procedures and criteria may apply, regardless of any environmental determinations pursuant to SEQR. Thank you for the opportunity to provide Erie County's comments.

Very truly yours,

MICHAEL RAAB
Deputy Commissioner

MR:ewb

C: L. K. Rubin, Commissioner – Erie County Department of Environment and Planning
A. M. Eszak, Deputy Commissioner – Planning and Economic Development
M. B. Mitskovski, Director of Energy Development and Management

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Document #0015: Responses

15.1. In its ongoing management of the HLW tanks, DOE will continue to take all reasonable and practicable measures to protect the Cattaraugus Creek Stream Corridor and its watershed.

15.2. The West Valley Demonstration Project Act (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)). DOE has met or will meet all of the vitrification, waste management, and decommissioning requirements set forth in the West Valley Demonstration Project Act.

15.3. As a result of public scoping comments and DOE's further evaluation of activities that might be required over the next 10 years, decontamination actions were removed from the scope of this EIS. The Decommissioning and/or Long-Term Stewardship EIS is addressing the decontamination of the WVDP site.

15.4. Under the preferred alternative (Alternative A), LLW and mixed LLW would be shipped offsite for disposal. TRU waste and HLW would continue to be stored at the WVDP site until such time as disposal offsite could be arranged.

15.5. In the context of this EIS, DOE does not intend to dispose of radioactive or hazardous waste at the WVDP site.

15.6. 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.

15.7. 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.

Document #0016: Comments 16.1 – 16.2
Oregon Office of Energy

06/30/03 12:20 ☎503 378 8457 OR OFFICE ENERGY 001

Oregon
Theodore R. Kulongoski, Governor

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June 30, 2003

0016
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JUN 30 2003

Daniel W. Sullivan
Document Manager
West Valley Area Office
U.S. Department of Energy
P.O. Box 191
West Valley, NY 14171-0191

Dear Mr. Sullivan:

Re: Draft West Valley Demonstration Project Waste Management Environmental Impact Statement, West Valley, New York, DOE/EIS – 0337D.

We appreciate the opportunity to provide comments on the draft West Valley EIS. We became aware of the EIS only recently and have had limited time to review it.

Oregon has a tremendous stake in ensuring the safe and timely cleanup of the Hanford Site. Hanford is only 35 miles from the Oregon border. The Columbia River flows through the Hanford Site, then continues downstream past prime Oregon farmlands and fisheries. The threat to the Columbia River is Oregon's greatest concern at Hanford. In addition, the primary transportation corridors to and from Hanford travel through a minimum 200 miles of Oregon. Oregon acts to ensure the safe transport of radioactive waste that is shipped across Oregon to Hanford almost every day.

We fully agree with, support and reiterate the comments provided by our colleagues at the Washington State Department of Ecology, dated June 20, 2003. We find it completely unacceptable to propose that either high-level waste or transuranic waste be transported from West Valley to Hanford for indefinite storage. In both cases, such wastes would not have a definitive path out of Hanford and would complicate waste storage and handling activities at Hanford. The Hanford Site has significant waste retrieval and treatment problems associated with its own high-level and transuranic wastes. Hanford cleanup must not be complicated by having to deal with waste from other sites. 16.1

In addition, we strongly believe that the transport of these wastes should be minimized. DOE should, whenever possible, transport waste directly from each generating site to a final disposal site. It should not increase transportation – and the associated risks – by sending waste to intermediate sites for indefinite storage. 16.2

Document #0016: Comments 16.3
Oregon Office of Energy

06/30/03 12:21 ☎503 378 8457 OR OFFICE ENERGY 002

West Valley's proposal to send low-level and mixed low-level waste to Hanford also raises concerns for Oregon. The Department of Energy recently released a second revised draft of the Hanford Solid Waste EIS (HSW-EIS, DOE/EIS-0286D, March 2003). We include our comments made in that EIS as an attachment. These comments must be fully resolved before new decisions can be made involving waste disposal at Hanford. By selecting alternatives which are dependent on Hanford for waste storage or disposal, DOE has made the West Valley EIS dependent on the Hanford EIS. This reliance may lead to significant delays in your cleanup activities.

The U.S. Department of Energy (and predecessor agencies) disposed of immense amounts of dangerous and radioactive waste to the soils of the Hanford site. These have contaminated the vadose zone, groundwater and the Columbia River and resulted in three of the most dangerous waste sites on the National Priorities list. 16.3

It is inappropriate for DOE to consider disposing of additional wastes to Hanford's soils without first understanding the impacts of the wastes already there, and without first doing an adequate cleanup of those wastes. The West Valley EIS focuses in large part on alternatives which do precisely this, and which exclude any reasonable alternatives involving on-site disposal, the use of commercial facilities or other DOE sites in the eastern United States.

If you have questions about these comments, please contact Mr. Dirk Dunning on my staff at (503) 378-3187, or myself at (503) 378-4906.

Sincerely,

Ken Niles
Assistant Director

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Document #0016: Comments
Oregon Office of Energy

Cc: Oregon Congressional Delegation
Mike Wilson, Washington Department of Ecology
Nick Cetc, U.S. Environmental Protection Agency
Keith Klein, USDOE\RL
Roy Schepens, USDOE\ORP
Armand Minthorn, CTUIR
Russell Jim, Yakama Nation
Patrick Sobotta, Nez Perce Tribe
Shelley Cimon, Chair, Oregon Hanford Cleanup Board
Todd Martin, Chair, Hanford Advisory Board

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Document #0016: Responses

16.1. The WM PEIS studied the potential for nationwide impacts of managing radioactive and hazardous wastes. DOE issued separate RODs for all of the waste types analyzed in the WM PEIS. For TRU waste, DOE decided 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, the Department 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 INEEL, ORR, SRS, and the Hanford Site.

For HLW, DOE decided to store immobilized HLW at the sites where it was generated until it is accepted for disposal at a geologic repository (64 Fed. Reg. 4661 (1999)). However, in the WM PEIS, DOE analyzed various alternatives for the management of HLW, including consolidation of WVDP HLW at SRS (Regionalized Alternative 1) or Hanford (Regionalized Alternative 2 and Centralized Alternative) for storage prior to disposal at a geologic repository.

Thus, DOE's analysis in the Draft and Final WVDP Waste Management EISs of the disposal or interim storage of WVDP waste is consistent with analyses conducted for the WM PEIS and with decisions reached on the basis of that document.

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.

Waste shipped to interim storage locations would be packaged in a form that met the waste acceptance criteria of the disposal site; no additional treatment would be expected.

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.

16.2. 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.

16.3. The WM PEIS studied the potential for nationwide impacts of managing radioactive and hazardous wastes. DOE issued separate Records of Decision (ROD) for all of the waste types analyzed in the WM PEIS. In its ROD for LLW and mixed LLW, DOE decided to perform minimum treatment at all sites and continue onsite disposal of LLW at INEEL, Los Alamos National Laboratory, ORR, and SRS (65 Fed. Reg. 10061 (2000)). In addition, DOE decided to make the Hanford Site and Nevada Test Site available to all DOE sites for LLW disposal. For mixed LLW, DOE decided to treat the waste at the Hanford Site, INEEL, ORR, and SRS, and to dispose of mixed LLW at Hanford and NTS (65 Fed. Reg. 10061 (2000)). Thus, DOE's analysis in the Draft and Final WVDP Waste Management EISs of the disposal of LLW and mixed LLW at Hanford is consistent with analyses conducted for the WM PEIS and with decisions reached on the basis of that document. DOE recognizes that additional NEPA documentation is being prepared for disposal operations at Hanford and that shipment of WVDP waste to Hanford for disposal could not proceed until that NEPA process is completed.

16.4 As noted in the response to Comment 16.3, DOE's analysis in the Draft and Final WVDP Waste Management EISs of the disposal of LLW and mixed LLW at Hanford is consistent with analyses conducted for the WM PEIS and with decisions reached on the basis of that document (65 Fed. Reg. 10061 (2000)). In particular, DOE has decided that it will not dispose of radioactive or hazardous waste at the WVDP site and thus did not consider onsite disposal in the WVDP Waste Management EIS. Moreover, consideration of onsite disposal in this WVDP Waste Management EIS would prejudice the range of alternatives to be addressed in the Decommissioning and/or Long-Term Stewardship EIS currently in progress. DOE does consider disposal of LLW and mixed LLW at NTS and at a commercial site under Alternatives A and B (see Section 2.4 for a description of Alternative A and Section 2.5 for a description of Alternative B), in addition to disposal at

Hanford. DOE has already determined that disposal of waste from offsite generators will not be considered at any DOE sites in the eastern United States (65 Fed. Reg. 10061 (2000)).