
*Environmental Assessment for the
Decontamination, Demolition, and
Removal of Certain Facilities at the
West Valley Demonstration Project*

Final

U.S. Department of Energy
West Valley Demonstration Project
West Valley, New York

September 14, 2006

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List of Acronyms and Abbreviations

ALARA	as low as reasonably achievable
CAIRS	Computerized Accident/Incident Reporting System
CFR	Code of Federal Regulations
CFMT	Concentrator Feed Makeup Tank
dba	A-weighted decibel
DOE	U.S. Department of Energy
DOT	U.S. Department of Transportation
EA	environmental assessment
EIS	environmental impact statement
EPA	U.S. Environmental Protection Agency
ERPG	Emergency Response Planning Guideline
F	Fahrenheit
ft ²	square foot
ft ³	cubic foot
HEPA	high efficiency particulate air
HLW	high-level radioactive waste
IS	Interim Status
LLW	low-level radioactive waste
LLWTF	Low-Level Wastewater Treatment Facility
MFHT	Makeup Feed Hold Tank
mrem	millirem
NA	not applicable
NDA	NRC-Licensed Disposal Area
NEPA	National Environmental Policy Act
NESHAP	National Emission Standards for Hazardous Air Pollutants
NFS	Nuclear Fuel Services, Inc.
NRC	U.S. Nuclear Regulatory Commission
NTS	Nevada Test Site
NYSDEC	New York State Department of Environmental Conservation
NYSERDA	New York State Energy Research and Development Authority
OSHA	Occupational Safety and Health Administration
PCB	polychlorinated biphenyl
RCRA	Resource Conservation and Recovery Act
REMS	Radiation Exposure Monitoring System
SDA	State (of New York)-Licensed Disposal Area
SPDES	State Pollutant Discharge Elimination System
SWMU	Solid Waste Management Unit
TRU	transuranic
U.S.C.	United States Code
WMA	Waste Management Area
WNYNSC	Western New York Nuclear Service Center
WVDP	West Valley Demonstration Project
WVDP WM EIS	West Valley Demonstration Project Waste Management Environmental Impact Statement

CHAPTER 1 INTRODUCTION AND PURPOSE AND NEED FOR AGENCY ACTION

1.1 Overview

As part of its ongoing West Valley Demonstration Project (WVDP) responsibilities and in accordance with the West Valley Demonstration Project Act (Public Law 96-368, October 1, 1980), the U.S. Department of Energy (DOE) proposes to demolish and remove 36 unneeded facilities at the WVDP in West Valley, New York.¹ DOE would develop a logically sequenced dismantlement plan to ensure that site services and functions remained available until no longer needed. DOE would decontaminate any facilities as needed. Industrial, hazardous, and radioactive waste resulting from decontamination and demolition would be transported off-site for disposal at licensed commercial or DOE disposal facilities.

DOE has prepared this environmental assessment (EA) in accordance with the National Environmental Policy Act (NEPA) (42 United States Code [U.S.C.] §§ 4321 *et seq.*) and applicable Council on Environmental Quality requirements at Title 40 Code of Federal Regulations (CFR), including Part 1506.1, to determine whether the environmental impacts of the proposal may be significant. A draft EA was circulated for review and comment to the State of New York and other interested stakeholders for a 30-day comment period that ended on July 29, 2006. A public meeting to discuss the draft EA was held on July 19, 2006.

In the draft EA, DOE proposed 42 facilities for decontamination (as needed), demolition, and removal. The 42 facilities were originally identified as those that did not contribute significant source term (radiological contamination) to the site, and for which no future use was thought to exist. Based on the comments received on the draft EA, DOE evaluated whether any of the 42 facilities included in the draft EA could potentially provide support functions for implementation of the full range of possible decommissioning and/or long-term stewardship alternatives being considered in the *Decommissioning and/or Long-Term Stewardship Environmental Impact Statement*, DOE/EIS-0226-R (Decommissioning EIS). In addition, DOE identified facilities that could be used to address currently unresolved situations should those situations remain unresolved beyond the next 4 years (e.g., storage of transuranic [TRU] waste until off-site disposal becomes available). The result of this effort was a list of several facilities that were recommended for removal from the EA.² This final EA and the impact analyses it contains reflect that recommendation.

¹ Some of the buildings are currently being used to store low-level radioactive waste. This waste is being shipped off-site consistent with DOE's Record of Decision for the *West Valley Demonstration Project Waste Management Environmental Impact Statement* (DOE/EIS-0337F) (DOE 2003) (WVDP WM EIS). When the shipments are complete, the buildings will be empty and ready for decontamination (if needed), demolition, and removal from the WVDP site. The proposed decontamination, demolition, and removal of the 36 buildings and the resulting waste volumes were not included in the scope of the WVDP WM EIS or in the *Supplement Analysis for the West Valley Demonstration Project Waste Management Environmental Impact Statement* (DOE/EIS-0337F-SA-01) (DOE 2006) issued after the Record of Decision.

² The facilities that were initially included in the draft EA and that have been removed from the scope of the final EA are: Equalization Basin, Equalization Tank, Lag Storage Addition 4 and Shipping Depot, New Warehouse, Radwaste Treatment System Drum Cell, Sewage Treatment Plant, and one of two Waste Tank Farm Training Platforms. These facilities will be included in the Decommissioning EIS.

1.2 West Valley Demonstration Project

The Western New York Nuclear Service Center (WNYNSC or the Center) encompasses 14 square kilometers (5 square miles) in West Valley, New York, in rural Cattaraugus County, approximately 50 kilometers (30 miles) southeast of Buffalo, New York. The WNYNSC was once a commercial nuclear fuel reprocessing plant and was the only one to have operated in the United States. Figure 1 shows the locations of the Center and the WVDP site within the State of New York (USGS 1979).

The Center operated under a license issued by the Atomic Energy Commission (now the Nuclear Regulatory Commission [NRC]) in 1966 to Nuclear Fuel Services, Inc. (NFS) and the New York State Atomic and Space Development Authority, now known as the New York State Energy Research and Development Authority (NYSERDA) (AEC 1966). Under the Energy Reorganization Act of 1974, the regulatory functions of the Atomic Energy Commission were given to the NRC, which became the licensing authority for the Center's operation.

During reprocessing, spent nuclear fuel was chopped, dissolved, and processed by a solvent extraction system to recover uranium and plutonium. Fuel reprocessing ended in 1972 when the plant was shut down for modifications to increase its capacity, reduce occupational radiation exposure, and reduce radioactive effluents. At the time, NFS, the owner and operator of the reprocessing plant, expected that the modifications would take 2 years and \$15 million to complete. However, between 1972 and 1976, there were major changes in regulatory requirements, including more stringent seismic and tornado siting criteria for nuclear facilities and more extensive regulations for radioactive waste management, radiation protection, and nuclear material safeguards.

As a result of these changes, in 1976, NFS estimated that over \$600 million would be required to modify the facility to increase its capacity and to comply with the new regulatory standards (DOE 1978). The company subsequently announced its decision to withdraw from the nuclear fuel reprocessing business and exercise its contractual right to yield responsibility for the Center to NYSERDA. NYSERDA now holds title to and manages the Center on behalf of the people of the State of New York.

In 1978, Congress passed the Department of Energy Organization Act (Pub. L. No. 95-238), which, among other things, directed DOE to conduct a study to evaluate possible federal operation or permanent federal ownership of the Center and use of the Center for other purposes. Congress subsequently passed the West Valley Demonstration Project Act in 1980, which directed DOE to demonstrate solidification techniques for the disposal of high-level radioactive waste (HLW) and decontaminate and decommission facilities in accordance with NRC requirements.

In 1981, the NRC license for the facility was modified, giving DOE exclusive use and possession of the facility. In the following year, the NRC license was once again modified to terminate NFS's responsibilities under the license coincident with NYSERDA's acceptance of surrender of the facility from NFS and DOE's assumption of exclusive possession.

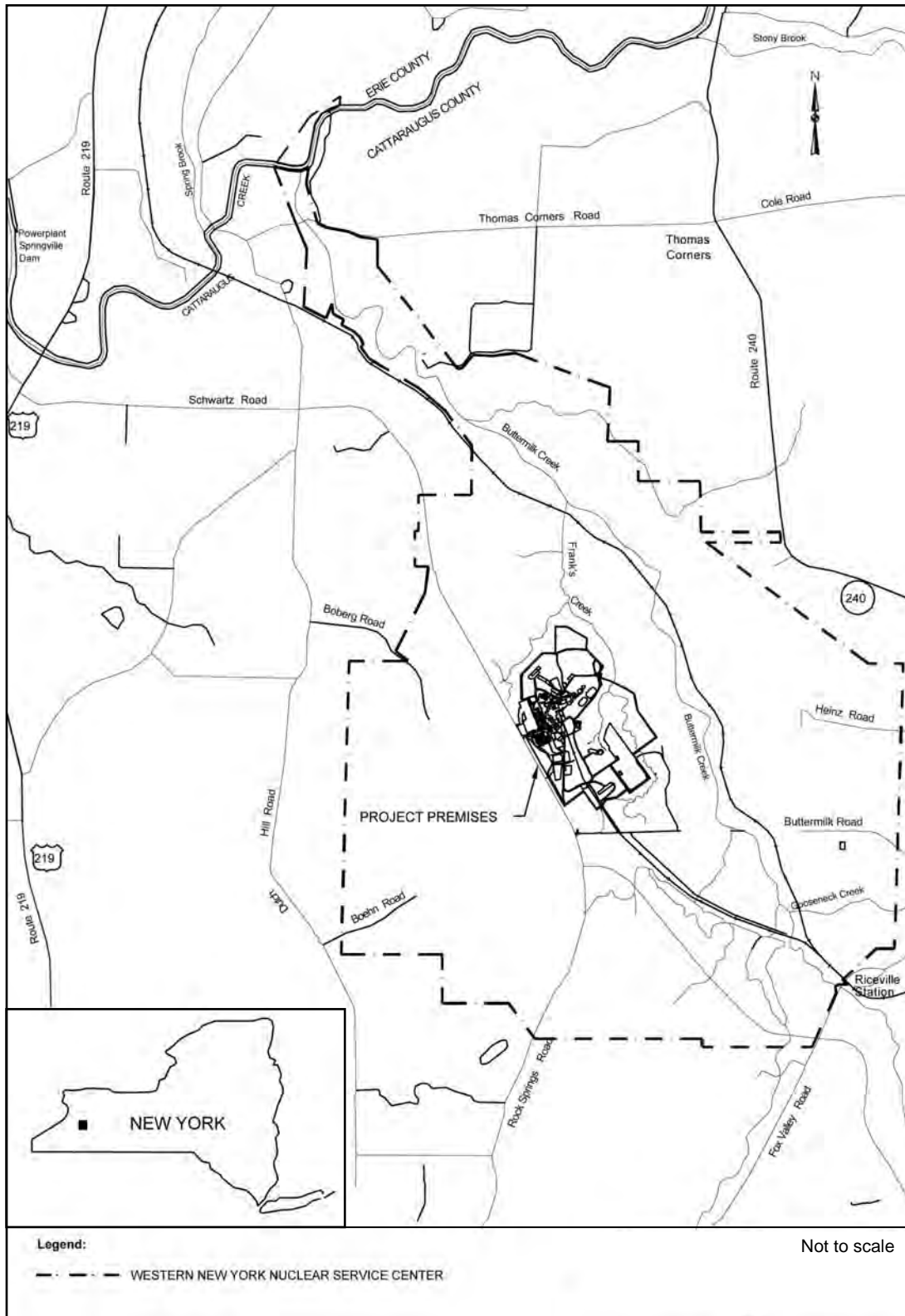


Figure 1. Location of the West Valley Demonstration Project and Western New York Nuclear Service Center (WNYNSC)

The WVDP (or the Project) was established to implement the West Valley Demonstration Project Act. The WVDP is located on approximately 80 hectares (200 acres) within the WNYNSC. The Project includes the former NFS plant and related facilities. Several additional facilities were constructed to complete the WVDP mission. In addition to the WVDP facilities, the WNYNSC includes two former radioactive disposal areas: an NRC-Licensed Disposal Area (NDA) within the Project premises, and a State of New York-Licensed Disposal Area (SDA), which is not within the Project premises. Figure 2 shows the Project Premises, NDA, and SDA.

In 2002 and in accordance with the West Valley Demonstration Project Act, NRC issued its final policy statement regarding West Valley site decommissioning. The NRC criteria are based on radiological doses to members of the most affected population and are intended to protect public health and safety. DOE also has an obligation, under a Stipulation of Compromise with the Coalition on West Valley Nuclear Wastes and Radioactive Waste Campaign, to prepare a site closure EIS in accordance with NEPA. Before NYSERDA's license for the site could be terminated (assuming it would be reactivated) in order to close the site, the NRC decommissioning criteria must be satisfied.

Accordingly, DOE is jointly preparing, with NYSERDA, the Decommissioning EIS specifically focused on alternatives for decommissioning the site and identifying potential needs for long-term stewardship there. That is, the Decommissioning EIS will evaluate the range of reasonable alternative strategies for meeting the NRC radiological decommissioning criteria as the primary condition for eventual site closure, as well as potential needs for long-term stewardship at the site.

This EA evaluates the potential environmental impacts of demolishing and removing a set of facilities previously or currently used by the WVDP that, because of their design, function, and lack of significant source term, are not expected, either individually or collectively, to affect whether the decommissioning criteria for the site could be met. Although DOE estimates that the total radiological content of all the facilities proposed for demolition and removal would not exceed approximately 5 curies, DOE has

Site Terminology

The Center or the WNYNSC – The 14-square-kilometer (5-square-mile) Western New York Nuclear Service Center in West Valley, New York.

The Project or the WVDP – All activities undertaken in carrying out the solidification of the liquid HLW at the Center, including (1) solidification of liquid HLW; (2) preparation of the Project Premises and Project Facilities to accommodate action 1; (3) development of containers suitable for the permanent disposal of the HLW solidified at the Center; (4) transportation of the wastes solidified at the Center to an appropriate federal repository for permanent disposal as soon as feasible after solidification and in accordance with applicable provisions of law; (5) decontamination and decommissioning of the tanks, other facilities at the Center in which the solidified wastes were stored, all Project Facilities, and other facilities, material, and hardware used in carrying out the solidification of the HLW at the Center; (6) disposal of low-level radioactive waste (LLW), mixed LLW, and transuranic (TRU) waste in accordance with applicable licensing requirements; and (7) all other activities necessary to carry out the foregoing.

Project Premises – An area of approximately 80 hectares (200 acres) within the WNYNSC made available to DOE for carrying out the WVDP. The Project Premises include the Project Facilities and the 2-hectare (5-acre) NRC-Licensed Disposal Area (NDA).

Project Facilities – The facilities that NYSERDA made available to DOE to be used in the solidification of the HLW at the Center.

Retained Premises – The 1,335-hectare (3,300-acre) portion of the Center, not including the Project Premises, retained by NYSERDA. The Retained Premises include the 6-hectare (15-acre) State-licensed Disposal Area (SDA) adjacent to the NDA.

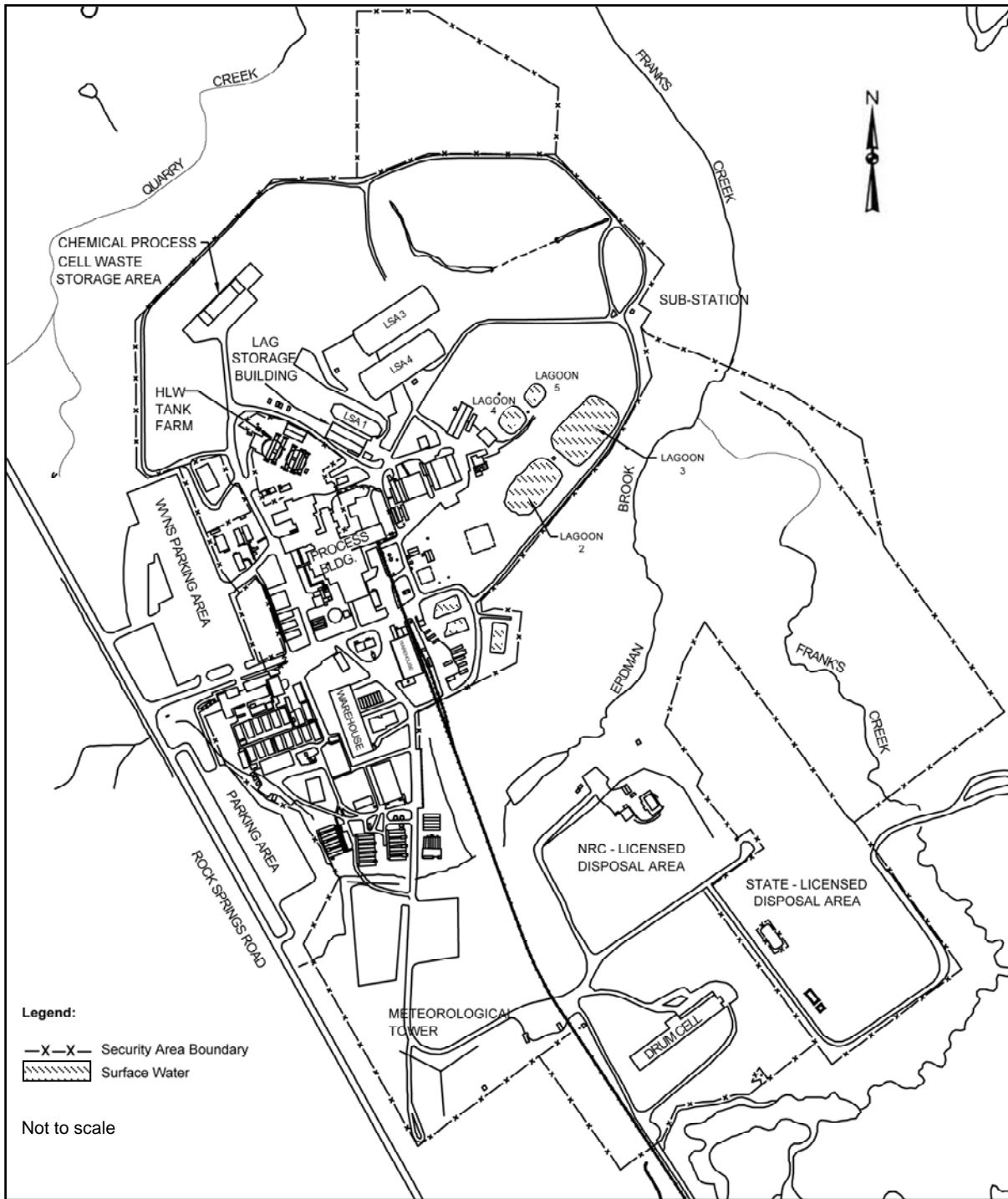


Figure 2. WVDP Site Map (Project Premises)

assumed for purposes of analysis that the total radiological content would not exceed 50 curies. Even this highly conservative assumption of 50 curies is not sufficient, either by itself or in comparison to the total on-site radiological profile (approximately 1 million curies, assuming the vitrified HLW is shipped off-site for disposal), to affect whether any Decommissioning EIS alternative meets the NRC criteria.

1.3 Purpose and Need for Agency Action

Under the West Valley Demonstration Project Act, DOE was responsible for, among other things, solidification of the liquid HLW stored on-site. DOE has completed the vitrification of the HLW and is shipping low-level radioactive waste (LLW) off-site for disposal. As a result of having completed the HLW vitrification, DOE has identified 36 facilities for decontamination, dismantlement, removal, and disposal. These facilities are, or within the next 4 years will be, no longer needed to safely monitor and maintain or support future removal of the vitrified HLW or facilities that are under consideration in the Decommissioning EIS. There is no reasonably expected future use for the facilities that are within the scope of this EA. Leaving the unneeded facilities in place would require continuing maintenance and monitoring, resulting in unnecessary expense. DOE needs to remove these facilities for cost-efficiency.

CHAPTER 2 PROPOSED ACTION AND ALTERNATIVES

This section describes DOE’s Proposed Action, which would, for purposes of analysis, occur over an estimated 4-year period (through December 31, 2010). It also discusses the No Action Alternative and alternatives considered but not analyzed.

2.1 Proposed Action

Under the Proposed Action, DOE would demolish and remove the 36 facilities at WVDP listed in Table 1. All of the facilities would be demolished and the resulting waste would be removed from the site. None of the facilities would be reused.

Although some of the facilities are currently in use, DOE will be able to eliminate or significantly reduce the functions that are undertaken in those facilities over the next 4 years. Replacement of any remaining functions could require minor modifications of existing facilities but no new construction. A few functions would be taken over by qualified off-site vendors. Table 2 identifies the facilities for which functions would need to be replaced. Once the functions were replaced or were no longer needed by WVDP, DOE would demolish and remove the facilities from the site. DOE would develop a logically sequenced dismantlement plan to ensure that site services and functions remained available until no longer needed. Facilities that remain at the end of the 4-year period would be safely maintained, operated, and monitored, as appropriate.

Some of the facilities proposed for demolition and removal are permitted under the Resource Conservation and Recovery Act (RCRA) or have Interim Status (IS) under RCRA as Hazardous Waste Management Units. Many are Solid Waste Management Units (SWMUs). All applicable RCRA requirements would be met in the implementation of the Proposed Action. For those facilities that contain any residual radioactive contamination, DOE would decontaminate them as needed in accordance with site procedures.³ Industrial waste (including concrete), asbestos, hazardous waste, Class A LLW, and mixed LLW (radioactive waste that also contains hazardous components) would be generated as a result of decontamination and demolition. No other waste types would be generated. As noted above, these waste volumes were not included in the *West Valley Demonstration Project Waste Management Environmental Impact Statement* (WVDP WM EIS) (DOE/EIS-0337F) (DOE 2003) or in the *Supplement Analysis for the West Valley Demonstration Project Waste Management Environmental Impact Statement* (DOE/EIS-0337F-SA-01) (DOE 2006a).

Table 1 lists the facilities proposed for demolition and removal and provides information regarding their Waste Management Area (WMA) location, construction type, size, regulatory status, and the estimated volume of waste that would be generated. Waste volume estimates in Table 1 are based on prior radiological characterization, process knowledge, screening data, and DOE’s 25 years of experience at the WVDP. The waste volume estimates include radioactive waste that would be generated as a result of decontamination activities—specifically, estimated waste volumes for Class A LLW and mixed LLW in addition to asbestos-contaminated, hazardous, and industrial wastes. The hazardous waste stream volume assumes that some potentially contaminated soil (i.e., Live Fire Range soil) would be removed and disposed of in a landfill in Indianapolis, Indiana. Appendix A contains a general description of the facilities; Appendix B contains a detailed WVDP facility map and facility name crosswalk that includes the facilities covered by the Proposed Action. Figures 3 and 4 show the 12 WMAs in which the facilities are located.

³ Removal of all foundations and pads of facilities located in areas where underground contamination is likely to be encountered will be considered as part of the Decommissioning EIS.

Table 1. Facilities Proposed for Demolition and Removal

Facility	WMA	Construction Type	Footprint (ft ²)	Stories	Ft ² × Stories	Regulatory Status	Volume of Waste (ft ³)					
							Class A LLW	Mixed LLW	Asbestos	Hazardous	Industrial	Concrete Slab ^a
Administration Bldg.	10	Metal, Concrete, and Wood	5,200	1	5,200	NA	0	0	70	0	28,600	
Bulk Storage Warehouse	11	Metal and Steel	13,040	2	26,080	NA	0	0	1	20	40,040	21,000
CPC Waste Storage Area	5	Steel	14,000	3	42,000	IS SWMU	100	40	0	0	4,000	
Cold Chemical Facility	3	Metal and Steel	1,938	3	5,814	NA	0	0	0	0	46,442	
Contact Size Reduction Facility	1	Concrete	1,435	2	2,870	IS	10,000	2,435	0	0	0	
Diesel Fuel Oil Building	10	Metal	334	1	334	NA	0	0	0	20	3,000	
Emergency Vehicle Shelter	1	Metal	693	2	1,386	NA	0	0	0	0	9,000	
Expanded (Environmental) Lab	10	Metal and Wood	4,600	1	4,600	NA	0	0	0	0	27,200	
Fabrication Shop	10	Metal	4,800	2	9,600	NA	0	0	1	20	40,040	
Haz Waste Storage Lockers	5	Metal	512	1	512	IS SWMU	0	0	0	0	1,500	
Hydrofracture Test Well Area	11	Steel and Soil	90,000	0	0	NA	0	0	0	0	0	(wells)
Interim Waste Storage Facility	7	Metal	1,296	2	2,592	IS SWMU	100	40	0	40	6,296	
Lag Storage Addition 1	5	Metal, Steel, and Vinyl Fabric	10,500	1	10,500	IS SWMU	100	40	0	0	5,000	
Lag Storage Addition 2 (hardstand)	5	Gravel pad	13,000	1	13,000	IS SWMU	100	40	0	0	100	
Lag Storage Addition 3	5	Steel	25,600	1	25,600	IS SWMU	100	40	0	0	50,000	

Table 1. Facilities Proposed for Demolition and Removal (cont'd)

Facility	WMA	Construction Type	Footprint (ft ²)	Stories	Ft ² × Stories	Regulatory Status	Volume of Waste (ft ³)					Concrete Slab ^a
							Class A LLW	Mixed LLW	Asbestos	Hazardous	Industrial	
Lag Storage Bldg.	5	Metal	8,400	1	8,400	IS SWMU	100	40	0	0	20,000	
Laundry Room	1	Concrete	1,456	2	2,912	NA	6,824	0	33	0	25,000	
Live Fire Range	12	Wood with Soil	40,000	1	40,000	NA	0	0	0	70,000 ^b	500	
Lube Storage Locker	2	Prefab	324	1	324	NA	0	0	0	0	1,000	
Maintenance Shop	2	Metal	6,000	2	12,000	SWMU	0	0	0	100	47,000	
Maintenance Storage Area	2	Metal	2,860	2	5,720	NA	0	0	0	0	11,500	
MSM Repair Shop	1	Concrete and Steel	3,195	1	3,195	NA	8,000	0	0	0	0	
NDA Hardstand	7	Cinder block and crushed rock	400	1	400	SWMU	1,100	0	0	0	0	
New Cooling Tower	6	Metal and concrete	1,000	1	1,000	NA		0	0	0	8,300	
Slab ^c							6,800					
O2 Bldg.	2	Concrete and Steel	9,600	3	28,800	SWMU	29,000	40	100	0	0	
Slab ^c							4,000					
Old Warehouse	6	Steel	12,150	2	24,300	NA	0	0	0	50	42,150	
Old Sewage Treatment Facility	6	Concrete pit	225	0	0	SWMU	0	0	0	0	0	600
Radwaste Process (Hittman) Bldg.	1	Steel	800	2	1,600	SWMU	5,160	0	0	0	0	
Slab ^c							3,000					
Recirculation Vent System Bldg.	1	Metal	1,050	1	1,050	NA	520	0	100	10	6,000	

Table 1. Facilities Proposed for Demolition and Removal (cont'd)

Facility	WMA	Construction Type	Footprint (ft ²)	Stories	Ft ² × Stories	Regulatory Status	Volume of Waste (ft ³)					
							Class A LLW	Mixed LLW	Asbestos	Hazardous	Industrial	Concrete Slab ^a
Road-Salt & Sand Shed	6	Steel and Wood	686	2	1,372	NA	0	0	0	0	1,000	
Schoolhouse	12	Wood	760	1	760	SWMU	0	0	0	20	5,380	200
Test & Storage Bldg.	2	Metal and Wood	9,600	2	19,200	SWMU	0	0	0	100	43,600	
Vehicle Repair Shop	2	Metal	1,410	2	2,820	NA	0	0	0	20	10,000	
Vitrification Test Facility	2	Metal	5,276	4	21,104	SWMU	0	0	0	0	71,104	
Warehouse Bulk Oil Storage Unit	10	Prefab	160	1	160	NA	0	0	0	0	500	
WTF Training Platform (one of two)	6	Steel and Fabric	256	6	1,536	NA	0	0	0	0	2,400	
TOTAL					341,141		75,004	2,715	305	70,400	556,652	21,800

- a. Slabs for the Bulk Storage Warehouse, Old Sewage Treatment Facility, and Schoolhouse are in radiologically clean areas and would be removed under the Proposed Action.
- b. For purposes of analysis and to conservatively bound the impacts, DOE assumed that the soil from the Live Fire Range would be hazardous waste because it may contain lead from spent bullets. However, the soil would be sorted and the spent bullets segregated. Because the bullets were used for their intended purpose, the lead and any resultant contamination is not RCRA waste (U.S. Environmental Protection Agency [EPA] OSWER 9441.1992(02), dated January 15, 1992). Thus, the soil from the Live Fire Range could be disposed of as industrial waste. Because hazardous waste would be shipped to a permitted landfill in Indiana and industrial waste would be shipped to a landfill in New York, the analysis that assumes the Live Fire Range soil to be hazardous waste bounds the impacts, which are based upon miles traveled.
- c. Slabs for the New Cooling Tower, O2 Building, and Radwaste Process (Hittman) Building would be decontaminated if necessary but would not be removed under the Proposed Action. These slabs will be evaluated in the Decommissioning EIS.

Note: ft² = square foot; ft³ = cubic foot.

NA = not applicable; SWMU = Solid Waste Management Unit; IS = Interim Status Hazardous Waste Management Unit.

Table 2. Facility Functions DOE Expects to be Replaced

WVDP Facility	Function	Replacement^a
Bulk Storage Warehouse	Stores office furniture, supplies, computers, and electrical equipment	Remaining storage needs would be met by the New Warehouse, ^b which would remain available.
Diesel Fuel Oil Building	Stores diesel fuel oil for the Vitrification Facility diesel generator	Emergency generator fuel needs for the Vitrification Facility would be met using other remaining site systems such as the Permanent Ventilation System Building.
Emergency Vehicle Shelter	Houses the site emergency vehicles	The emergency response vehicle would remain available and fully stocked, and existing agreements with local response organizations would remain in effect. The on-site emergency response vehicle would be stored outside or in another existing facility.
Expanded Environmental Laboratory	Supports laboratory analysis and testing	This function would be replaced by quality-certified off-site laboratories, mobile laboratories, or remaining smaller on-site facilities to match current needs.
Hazardous Waste Storage Lockers	Used for short-term storage of hazardous waste	Hazardous waste would be stored appropriately in existing facilities until shipped off-site for disposal. ^c
Laundry Room	Used for laundering both clean and contaminated protective clothing	Services would be provided by off-site vendors if necessary.
Live Fire Range	Used for weapons practice and qualification courses	A firing range is available locally.
Lube Storage Locker	Used for lubrication materials storage	Lubrication materials would be stored appropriately in other remaining facilities such as the New Warehouse, ^b if necessary.
Maintenance Shop	Used for metal-working activities	Remaining maintenance functions would be transferred to the New Warehouse, ^b which would remain available.
Maintenance Storage Area	Stores raw materials for use in the Maintenance Shop	Remaining storage needs would be met by the New Warehouse, ^b which would remain available.
New Cooling Tower	Provided cooling water to systems and equipment	Cooling function is being converted to air-cooled systems as part of routine maintenance.
Old Warehouse	Supports the storage of spare parts, equipment, and chemicals associated with conduct of the WVDP; formerly used by NFS for the same purpose; a portion houses a radiological counting facility	Remaining storage needs would be met by the New Warehouse, ^b which would remain available.
Road Salt and Sand Shed	Stores road salt and sand used for treating roadways in the winter	An off-site contractor would be used to maintain walkways and roadways.
Vehicle Repair Shop	Used to maintain and repair vehicles used on-site	Vehicle maintenance and repair would be housed in the New Warehouse, ^b which would remain available.
Warehouse Bulk Oil Storage Unit	Used for the storage of combustible materials	Combustible materials would be stored appropriately in existing facilities such as the New Warehouse, ^b if necessary.

- a. DOE expects the impacts from each of the replacement activities to be the same as or less than those from the respective current activities.
- b. The New Warehouse is an existing facility located east of the Administration Building, west of the Old Warehouse, and south of the Main Plant Process Building.
- c. The Hazardous Waste Storage Lockers are currently identified as RCRA Hazardous Waste IS Storage Units on the RCRA Part A Permit Application. To keep operating the unit as an IS unit, the Waste Management Staging Area of LSA 4, the Shipping Depot, or the Loadout of the Remote Handled Waste Facility could be utilized for nonradioactive hazardous waste management purposes with Radiation Protection's and Waste Operations' approval. The waste also could be managed by following the requirements for 90-day storage areas and shipping within the 90-day timeframe, and by using one of the bermed rooms of the New Warehouse.

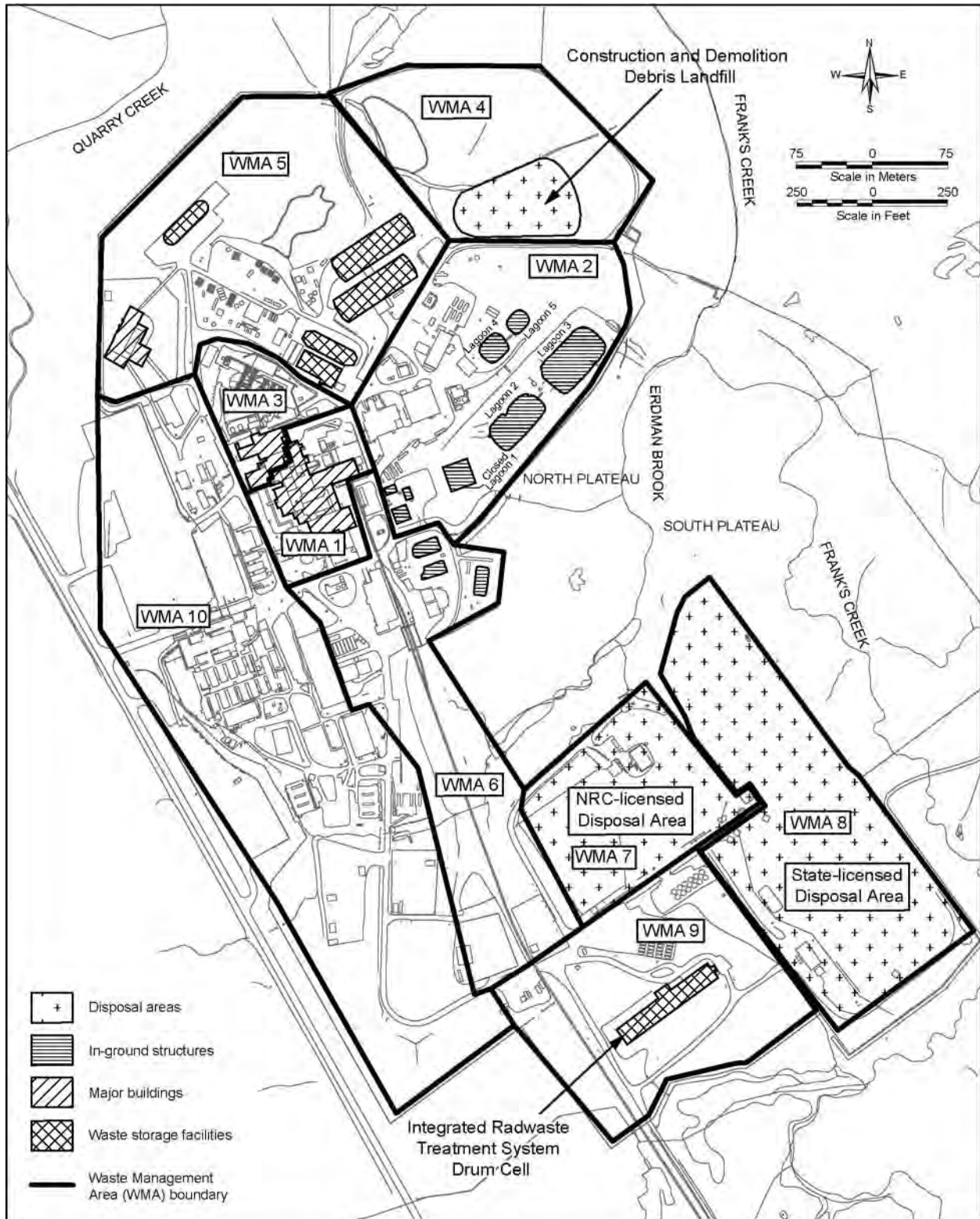


Figure 3. WMAs 1 – 10 at WVDP

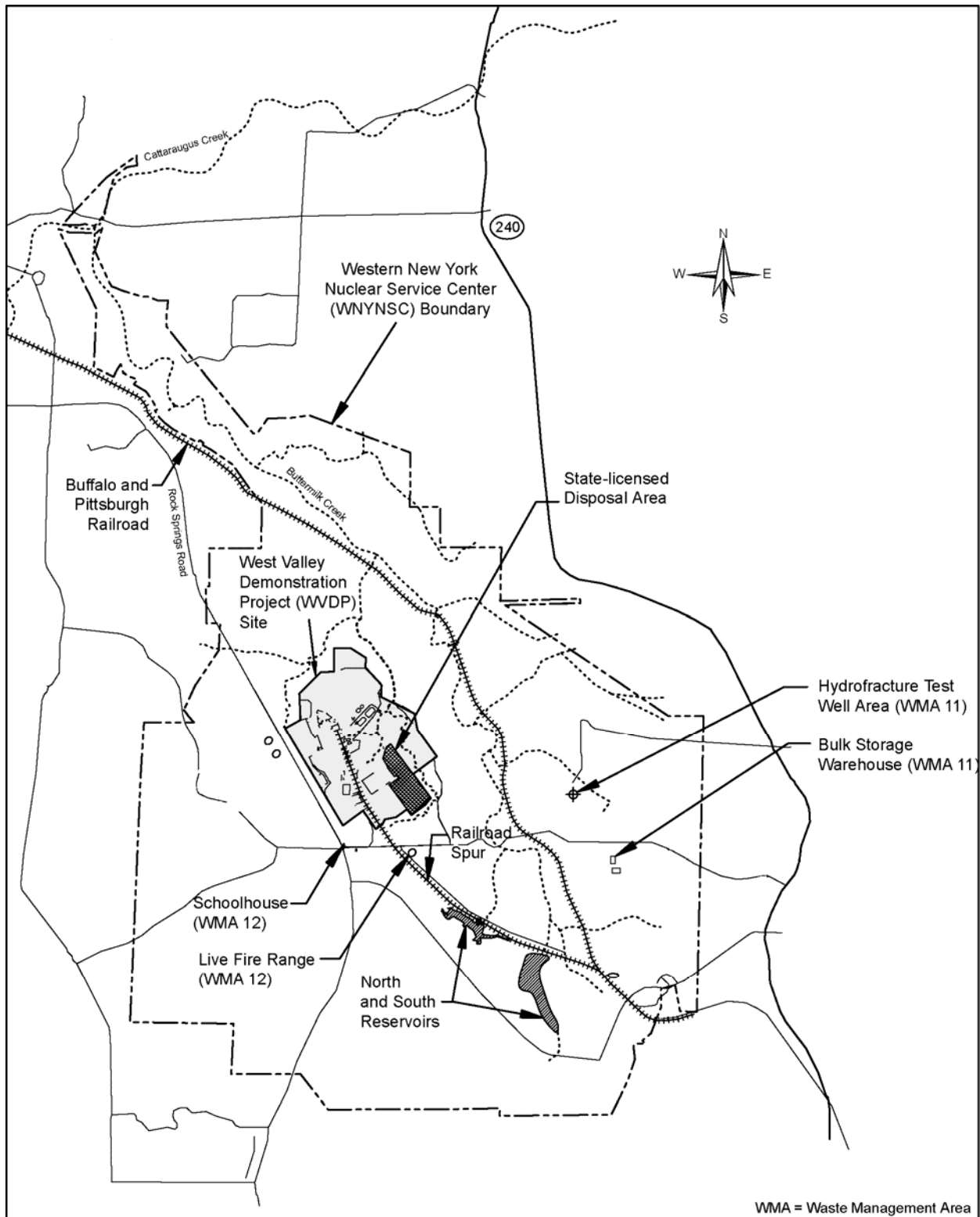


Figure 4. WMAs 11 – 12 at WVDP

DOE would package the generated wastes on-site and transport them to licensed commercial or DOE disposal facilities located off-site. Class A LLW and mixed LLW would be shipped to Hanford, Energy Solutions (formerly Envirocare), and/or the Nevada Test Site (NTS) for disposal. No radioactive waste would be disposed of within the State of New York. Industrial waste and building debris waste would be shipped to a landfill in Model City, New York, or to a landfill outside of Angelica, New York, where this type of WVDP waste is currently shipped for disposal.⁴ Asbestos waste would be shipped to a landfill in Model City, New York. Hazardous waste would be shipped to a landfill in Indianapolis, Indiana, where this type of WVDP waste is currently shipped for disposal.

Table 3 lists the types of waste packaging expected to be used for each waste type, the off-site disposal locations where the wastes would be sent, and the projected volumes. U.S. Environmental Protection Agency (EPA) and U.S. Department of Transportation (DOT) shipping regulations would be followed to ensure safe packaging, temporary on-site storage, and shipment. Figures 5 and 6 show proposed disposal locations for each waste type. With the exception of the Hanford Site, these are the sites to which WVDP LLW, mixed LLW, asbestos, hazardous waste, industrial waste, and concrete debris are currently shipped for disposal. LLW and mixed LLW handling and disposal activities at NTS and Hanford are described in the *Final Environmental Impact Statement for the Nevada Test Site and Off-site Locations* (DOE 1996a) and the *Final Hanford Site Solid (Radioactive and Hazardous) Waste Program Environmental Impact Statement* (DOE 2004), respectively. Disposal of waste at commercial facilities would be conducted in accordance with existing licenses and permits.

Table 3. Waste Types, Packaging, Disposal Locations, and Estimated Volumes

Waste Type	Expected Waste Packaging ^a	Disposal Locations	Volume (ft ³)
Class A LLW	B-25 boxes	NTS (Mercury, NV), Hanford Site ^b (Richland, WA), or Energy Solutions (Clive, UT)	75,004
Mixed LLW	B-25 boxes	NTS (Mercury, NV), Hanford Site ^b (Richland, WA), or Energy Solutions (Clive, UT)	2,715
Asbestos	Double bags (friable) Roll-offs (nonfriable)	Chemical Waste Management (Model City, NY)	305
Hazardous Waste	55-gallon drums	Heritage Environmental Services (Indianapolis, IN)	70,400
Industrial Waste	B-25 boxes	SDS (Angelica, NY) or Chemical Waste Management (Model City, NY)	556,652
Concrete / Debris	Single-body dump trucks	SDS (Angelica, NY) or Chemical Waste Management (Model City, NY)	21,800

- a. This packaging was assumed for purposes of analysis. Although different packaging may be used, the impacts would be similar because the waste volume would be the same.
- b. In accordance with the settlement agreement between DOE and the State of Washington of January 6, 2006, regarding the case *Washington v. Bodman*, DOE will not ship LLW and mixed LLW from WVDP to Hanford until DOE has satisfied the requirements of the settlement agreement.

Note: NTS = Nevada Test Site.

⁴ The draft EA stated that industrial waste and concrete/debris waste would be shipped to Olean, New York. The facility in Olean is a transfer station. The landfill in which the waste would be disposed is located in Angelica, New York. Both the draft and final EA analyze the potential transportation impacts of shipping the waste from the WVDP site to the landfill in Angelica.

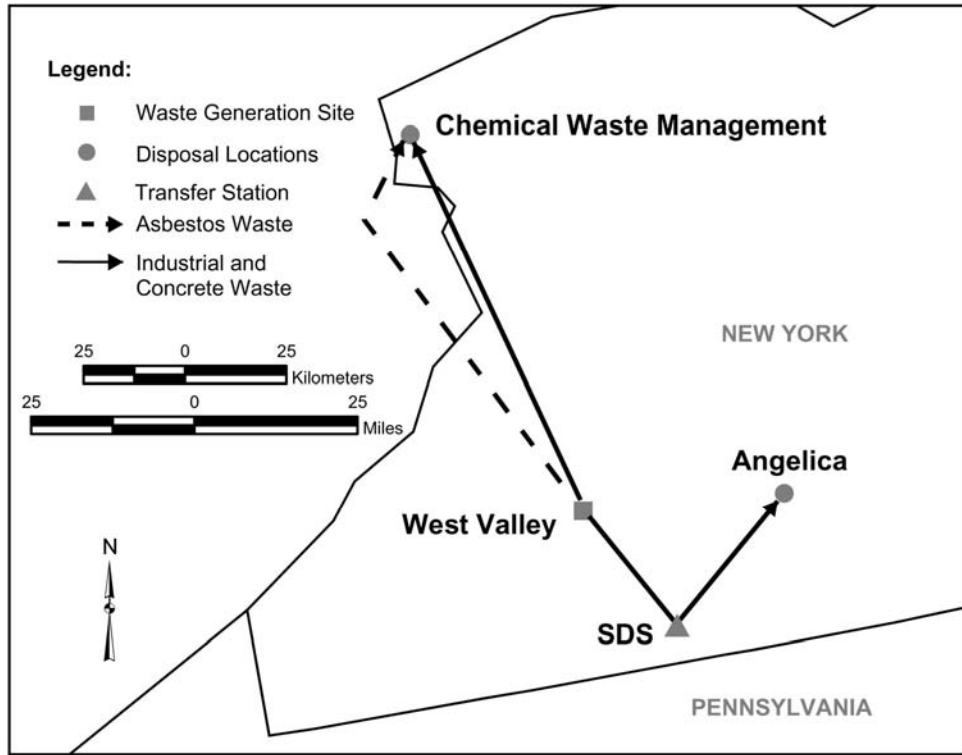


Figure 5. Waste Destinations for Asbestos, Industrial Waste, and Concrete

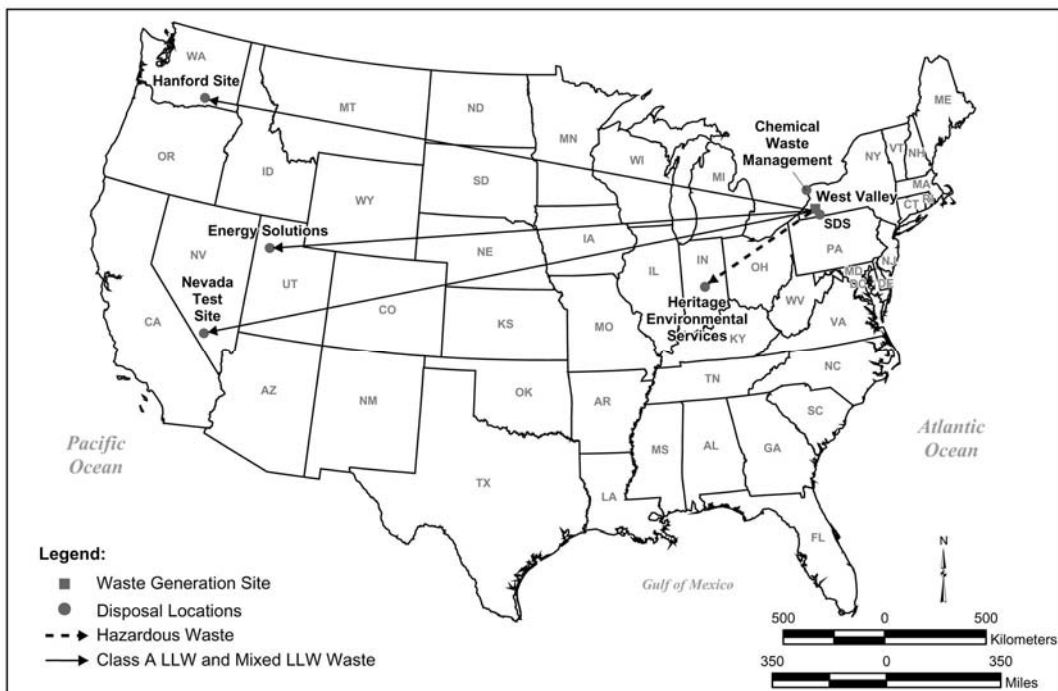


Figure 6. Destinations for LLW, Mixed LLW, and Hazardous Waste

DOE would undertake the following specific activities under the Proposed Action:

- Perform surveys of residual radioactivity prior to spraying or painting a sealant over facility surfaces.
- Remove radioactive contamination from facilities as appropriate. Depending on the amount and level of contamination, pre-demolition preparation could include debris removal, washing or wiping of surfaces, and application of sealants or fixatives. Contaminated water would be collected, treated, and discharged in accordance with state-permitted procedures.
- Remove asbestos and hazardous waste.
- As appropriate, remove major equipment not directly involved in the vitrification process such as process tanks, vessels, and pumps and remove valves and piping.
- Demolish the facility, along with any appurtenant facilities. Demolition methods would include, but not be limited to, grapples, masonry saws, ultra-high-pressure water jets, drilling and expansion cracking, and water-cooled track saws. Explosives would not be used in demolition.
- Excavate contaminated soils as necessary (Live Fire Range only).
- Conduct post-decontamination radiation surveys and collect samples for radiological and hazardous waste characterization and other analyses as required.
- Remove and dispose of asphalt and concrete from parking lots, roadways, and walkways as needed. Areas would be regraded and stabilized (seeded) to match natural contours.
- Segregate and package the resultant wastes.
- Transport the wastes off-site using rail or truck, or a combination of both.
- Dispose of the debris and packaged waste at off-site locations.
- Stabilize exposed, unarmored soils using vegetative methods in accordance with the *New York State Standards and Specifications for Erosion and Sediment Control* (NYSDEC 2005) and the WVDP Storm Water Pollution Prevention Plan (WVNS 2004a), which meet the requirements of the WVDP State Pollutant Discharge Elimination System (SPDES) permit that regulates site stormwater discharges. The New York standards for erosion and sediment control identify the topsoil, seed mix, and mulching specifications to ensure proper soil stabilization. Approximately 50 loads of topsoil would be brought to the site for this purpose from about 16 kilometers (10 miles) away.
- Use fugitive dust controls, including water sprays, where soil disturbance and demolition-related activities would substantively increase airborne particulate levels. Water spray usage would be controlled to minimize excess water, which would be monitored and treated as necessary prior to discharge.

All decontamination activities would be conducted in accordance with the WVDP Radiological Protection Program, which meets the requirements of 10 CFR Part 835, *Occupational Radiation Protection*. The Radiological Protection Program requires that radiological operations be performed in a manner that ensures the health and safety of all workers and the public. The program also requires that radiation

exposures to workers and the public, and releases of radioactivity to the environment, be maintained below federally allowed limits and that deliberate efforts be taken to further reduce exposures and releases in accordance with a process that seeks to make any such exposures or releases as low as reasonably achievable (ALARA).

Applicable federal limits for public exposure are set at 10 millirem (mrem) per year by the EPA National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations, 40 CFR Part 61, for the airborne pathway and 100 mrem per year by DOE Order 5400.5 for the sum of all exposure pathways. The following steps would be taken to ensure compliance with the limits and ALARA principles in the implementation of the Proposed Action:

- Post-decontamination radiation surveys would be conducted and samples would be collected for radiological and hazardous waste characterization and other analyses as required.
- Air monitoring during decontamination activities would be performed at removal sites and at the site boundary as necessary to verify that no threat to the public was present and that cumulative emissions of radionuclides from excavation areas or from facility removal activities would not result in members of the public receiving more than the DOE primary dose standard (an effective dose equivalent of 100 mrem annually).
- Shielding would be provided commensurate with the particular radiological hazard and anticipated scope(s) of work to ensure that doses to workers would be below federally allowed limits.
- Airborne contamination controls would be provided to ensure that doses to workers would be below federally allowed limits. These controls would include barriers (e.g., structures and filters) and differential pressures between adjacent areas/rooms/cells, as appropriate for a particular radiological hazard.
- Personal protective equipment, such as respirators and anti-contamination clothing, would be used in contaminated areas as needed to ensure that doses to workers would be below federally allowed limits.
- Area radiation monitors, continuous air monitors, personal contamination monitors, friskers, and other radiation detection equipment would be used as appropriate to ensure that workers were made aware of any abnormal radiological conditions in a timely manner.
- ALARA reviews and other activities as appropriate would be performed to ensure that shielding and contamination control functions were adequately maintained when modifications were made to passive confinement or radiation shielding structures.
- Existing public access restrictions to minimize the potential for radiological exposure would remain in effect during facility removal and upon completion of the work.

The planned approach is to remove facilities to grade level. Grade level and below will be addressed in the Decommissioning EIS now in preparation. DOE believes that decisions on the overall management of below-grade material, based on contamination levels and applicable regulations and guidelines, should be made as part of the plan for the long-term management of the WVDP site and the WNYNSC.

Radiological decontamination levels for EA work would be determined in accordance with the limits established in the *WVDP Radiological Controls Manual* (WVNS 2001), which was developed in accordance with 10 CFR 835.

DOE 5400.5 and 40 CFR Part 61 provide the radiological standards applicable to environmental media releases during and after structure removal. 40 CFR Part 61 addresses the requirements relative to radiological air permitting based on CAP-88 modeling of emissions associated with demolition. The Project Premises areas would remain under institutional and public access control during and upon completion of facility removal.

All applicable RCRA and corollary New York State Department of Environmental Conservation (NYSDEC) Quality Services regulations for management (storage, shipping, reporting, and off-site disposal) of solid waste, including hazardous waste, would be followed in completing this work. For hazardous constituents, facility removal would be conducted in accordance with IS closure requirements as identified in 6 NYCRR 373-3. Requisite RCRA corrective actions would be addressed pursuant to the RCRA 3008(h) Order on Consent.

2.2 No Action Alternative

Under the No Action Alternative, current operations would continue and DOE would not decontaminate, demolish, or remove the 36 unneeded facilities. Contaminated soil, equipment, and facilities would remain in place. Funds would continue to be spent for routine maintenance and monitoring of these unneeded facilities. Ongoing activities at the WVDP site would continue, including the loading, transportation, and off-site disposal of LLW and mixed LLW as analyzed in the WVDP WM EIS (DOE/EIS-0337F) (DOE 2003) and the *Supplement Analysis for the West Valley Demonstration Project Waste Management Environmental Impact Statement* (DOE/EIS-0337F-SA-01) (DOE 2006a).

2.3 Alternatives Considered but Not Analyzed

DOE considered whether to analyze the decontamination, demolition, and removal of a subset of the 36 facilities included in the Proposed Action. Because the potential impacts of the decontamination, demolition, and removal of all 36 facilities would collectively be very small, it would be difficult to distinguish among alternatives if subsets of fewer facilities were analyzed. Moreover, the impacts described for the Proposed Action bound the impacts that would be expected if a smaller number of facilities were decontaminated, demolished, and removed from the WVDP.

CHAPTER 3 *EXISTING ENVIRONMENT AND ENVIRONMENTAL IMPACTS*

3.1 *Introduction*

The following sections provide a general description of the existing environment on and near the WVDP site for the affected resource areas. A more detailed description of these resource areas can be found in Chapter 3 of the WVDP WM EIS (DOE 2003) and other references cited in that document. Following the description of each resource area, a description of the adverse or beneficial impacts that would occur or could be reasonably expected to occur to this resource area if the Proposed Action were implemented is presented. For comparison purposes and as required under NEPA, Section 3.12 describes adverse or beneficial environmental impacts that would occur if the No Action Alternative were implemented.

3.2 *Climate, Air Quality, and Visibility*

3.2.1 Existing Environment

The climate of western New York is the moist continental climate typical of the northeast United States. The climate is seasonally diverse due to the influence of several atmospheric and geographic factors, most notably the “lake effect” which results in abundant snowfall.⁵ Although there are recorded extremes of 98.6 degrees Fahrenheit (°F) and -43.6 °F for western New York, the climate is moderate, with an average annual temperature (1971–2000) of 48 °F. Rainfall is relatively high, averaging about 104 centimeters (41 inches) per year. Precipitation is evenly distributed throughout the year and is markedly influenced by Lake Erie to the west and, to a lesser extent, by Lake Ontario to the north. The prevailing winds are southwesterly and average 4 meters per second (9 miles per hour) (WVNS 2004b). Severe summer thunderstorms occur in western New York, but tornadoes are rare.

New York is divided into nine regions for assessing state ambient air quality. The WVDP site is located in Region 9, which consists of Niagara, Erie, Wyoming, Chautauqua, Cattaraugus, and Allegany counties. Cattaraugus County, where the WVDP is located, is an attainment area for all National Primary and Secondary Ambient Air Quality Standards contained in 40 CFR Part 50 and New York State air quality standards contained in 6 NYCRR 257. Chautauqua and Erie counties, which border Cattaraugus County to the west and northwest, are nonattainment areas for ozone. However, the prevailing southwesterly winds would tend to disperse WVDP emissions away from these nonattainment counties. Because the Proposed Action would not be implemented in a criteria air pollutant nonattainment or maintenance area, and would not adversely impact a neighboring nonattainment or maintenance area, a full Clean Air Act Conformity determination is not required.

Air emissions of radionuclides from WVDP are regulated by EPA under the NESHAP regulations, 40 CFR Part 61, Subpart H, *National Emissions of Radionuclides Other Than Radon from Department of Energy Facilities*. Emissions from the WVDP for the calendar year 2004 can be found in the WVDP *Annual Site Environmental Report*. In 2004, the estimated dose of radiation to a maximally exposed off-site individual from airborne emissions at the WVDP was 0.0015 mrem, which is about 0.02 percent of the 10-mrem EPA standard (WVNS 2005).

There are no mandatory Class I visibility areas either in New York State or in Pennsylvania (EPA 2005).

⁵ “Lake effect” refers to the generation of sometimes spectacular snowfall amounts to the lee of (downwind of) the Great Lakes as cold air passes over the lake surface, extracting heat and moisture, resulting in cloud formation and snowfall downwind of the lake shore (AMS 2006).

3.2.2 Environmental Consequences of the Proposed Action

Implementation of the Proposed Action would result in the unavoidable short-term mobilization or emission of small amounts of radioactive and nonradioactive particulates. It would also result in short-term emissions of hydrocarbons and carbon monoxide from the exhaust of a small number of gasoline and diesel engines used for demolition and transportation activities.

During calendar year 2005, approximately 8,500 cubic meters (300,000 cubic feet) of LLW waste had been shipped off-site from the WVDP site. This is approximately four times the volume of LLW that would be shipped off-site under the Proposed Action. For at least the last decade, the radiological dose from air emissions received by the maximally exposed off-site individual has been less than 1 percent of the most stringent limit and in most years has been substantially lower. These were years when activities similar to those proposed under the Proposed Action were ongoing.⁶ Consequently, similarly low levels of dispersed radioactive particulates are anticipated as a result of the Proposed Action. Potential human health impacts to workers and members of the public as a result of exposure to these emissions are specifically addressed in Section 3.10.

During excavation of soils and during other demolition activities as appropriate, all personnel within the work area would be protected, through the use of appropriate construction techniques, from airborne emissions by use of full-face respirators and other protective clothing or equipment as required by the WVDP Radiological Protection and Industrial Health and Safety Organizations. Constant air monitoring would provide a warning of release and help ensure that demolition and removal activities did not cause releases in excess of DOE Order 5400.5 guidelines at the construction site or the WVDP site boundary. Releases of airborne contamination to the environment during facility removal activities would be minimized through the use of at least two levels of high efficiency particulate air (HEPA) filtration. Fugitive dust controls, including water sprays, would be used where soil disturbance and demolition-related activities would substantially increase airborne particulate levels. Vehicle and equipment emissions would be minimized by keeping all equipment maintained to manufacturer specifications.

Because there are no mandatory Class I visibility areas in New York or Pennsylvania, there would be no adverse impacts to visibility to such resources.

3.3 Geology and Soils

3.3.1 Existing Environment

The geologic sediments beneath the WVDP site include a sequence of glacial sediments above shale bedrock. The site is divided by a stream valley into two areas: the north plateau and the south plateau. The uppermost layer on the south plateau is a silty clay till, the Lavery till. Weathering has fractured the nearsurface sediments. Within the Lavery till on the north plateau is a silty, sandy layer of limited extent, the Lavery tillsand. The Kent recessional sequence underlies the Lavery till beneath both the north and south plateaus and is composed of silt and silty sand with localized pockets of gravel (WVNS 2000).

⁶ For more than 10 years, activities at WVDP have included decontamination and decommissioning of facilities, such as cleaning up hot cells. Radioactive waste has also been shipped off-site. These activities are similar to those that would occur under the Proposed Action. For that reason, DOE concluded that the maximally exposed off-site individual would receive radiological doses similar to what had been released in the last 10 years, or less than 1 percent of the most stringent limit. DOE assumed that any buildings to be demolished would be clean or decontaminated such that there would be no radiological air emissions.

With respect to the North Plateau portion of the site, geologic factors influencing groundwater flow sediments in the sand and gravel waterbearing zone can be divided into two depositional units: Surficial Alluvium and Slack Water Sequence. The Surficial Alluvium blankets the entire North Plateau downgradient of the Process Building. Surficial Alluvium sediments are poorly sorted and occur in beds (separate depositional layers) that range in thickness from 10 centimeters (4 inches) to over 30 centimeters (12 inches). Most of the sediments in the Surficial Alluvium can be classified as muddy gravel or muddy sandy gravel. These sediments were deposited by streams that eroded and reworked glacial deposits and outwash (WVNS 1995).

Slack-Water Sequence sediments were deposited in a glacial lake/pond. Streams from Dutch Hill (southwest of the Main Plant) transported sediments into the still water of the lake. The sediments were also sorted by the lake water. Coarser sediments were deposited near the mouth of the streams and finer sediments dropped out further in the lake. Sediment layers in the Slack-Water Sequence are generally thin-bedded (less than 5 centimeters [2 inches] thick) and well sorted. In general, the well sorted, medium to coarse grained sediments of the Slack-Water Sequence are believed to be more permeable than the poorly sorted sediments of the Surficial Alluvium. The permeability of fine grained Slack-Water Sequence sediments may not be greater than the Surficial Alluvium. Permeability descriptions are based on geologic descriptions from borehole logs. Slack-Water Sequence sediments occur only within a northeast-trending channel-like depression on the Lavery till surface in the center of the North Plateau. This depression extends from the water cooling tower in the south to Frank's Creek valley opposite the closed, inactive Construction and Demolition Debris Landfill (WVNS 1995).

The WVDP is in a low seismic shaking hazard area (USGS 2005). From 1737 to 1999, there have been 119 recorded earthquakes within 480 kilometers (300 miles) of the WVDP with epicentral intensities of Modified Mercalli Intensities V to VII. Of the 119 recorded earthquakes, 25 occurred within 320 kilometers (200 miles) of the WVDP (WVNS 2000). The highest Modified Mercalli Intensity estimated to have occurred at the Center within the last 100 years was an intensity of IV, which is similar to vibrations from a heavy truck that might be felt by people indoors but does not cause damage (DOE 1996b).

3.3.2 Environmental Consequences of the Proposed Action

Environmental impacts to geological and soil resources would be limited to the removal of soil at the Live Fire Range and uncontaminated soil surrounding, and from up to 0.6 meters (2 feet) below, several uncontaminated building slabs. All topsoils and subsoils that would be disturbed under the Proposed Action have been previously disturbed—in some instances, profoundly disturbed. Because the Proposed Action would be of limited duration (4 years) and because the WVDP is in a low seismic shaking hazard area, the chance of a seismic event affecting the Proposed Action is considered to be extremely low.

3.4 Hydrology

3.4.1 Existing Environment

Surface water. The WVDP facilities and its two water supply reservoirs lie in separate watersheds, both of which are drained by Buttermilk Creek. Buttermilk Creek, which roughly bisects the WNYNSC, flows in a northwestward direction to its confluence with Cattaraugus Creek, at the northwest end of the Center. Several tributary streams flow into Buttermilk Creek at the Center. The flow length of Buttermilk Creek through the Center is about 7,600 meters (25,000 feet). About 2,700 meters (9,000 feet) of this is adjacent to the Project Facilities and the water supply reservoirs (WVNS 2000). Cattaraugus Creek flows westward from the Buttermilk Creek confluence to Lake Erie, 63 kilometers (39 miles) downstream.

The watershed on the Project Premises is drained by three named streams: Quarry Creek, Frank’s Creek, and Erdman Brook (WVNS 2000). Erdman Brook and Quarry Creek are tributaries to Frank’s Creek, which in turn flows into Buttermilk Creek. Erdman Brook, the smallest of the three streams, drains the central and largest fraction of the developed WVDP premises, including a large portion of the disposal areas and the areas surrounding the lagoon system; the plant, office, and warehouse areas; and a major part of the parking lots. Following treatment, WVDP wastewater is also discharged to this brook.

Cattaraugus Creek is used locally for swimming, canoeing, and fishing. Downstream from the WVDP, the Cattaraugus Indian Reservation is located along Cattaraugus Creek, from Gowanda, New York, downstream to the shore of Lake Erie. Although some water is taken from Cattaraugus Creek to irrigate nearby golf course greens and tree farms, no public potable water supply is drawn from the creek downstream of the WNYNSC before the creek flows into Lake Erie south of Buffalo, New York. Water from Lake Erie is used as a public drinking water supply.

Groundwater. The WVDP is located within the Cattaraugus Creek Basin Aquifer System, a system that has been designated by EPA as a sole or principal source of drinking water for the surrounding towns (52 Fed. Reg. 36102 (1987)). This means that all projects with federal financial assistance constructed in this basin are subject to EPA review to ensure that they are designed and constructed so as not to create a significant hazard to public health.

The WVDP site is underlain by two aquifer zones, neither of which can be considered highly permeable or productive. The groundwater flow patterns pertinent to the site relate to recharge and downgradient movement for these two aquifers. Groundwater in the surficial unit tends to move in an easterly or northeasterly direction from the western boundary of the site, close to Rock Springs Road. Most of the groundwater in this unit discharges via springs and seeps into Frank’s Creek or into small tributaries of that creek (for example, Erdman Brook). Groundwater recharging the weathered shale and rubble zone tends to move eastward toward the thalweg of the buried valley (the locus of the lowest points in the cross-section of the buried valley), located about 300 to 350 meters (980 to 1,150 feet) west of Buttermilk Creek. Once attaining the thalweg, the direction of groundwater movement shifts to the direction of the thalweg, about 25 degrees west, and proceeds toward the northwest (WVNS 2000).

3.4.2 Environmental Consequences of the Proposed Action

The Proposed Action would not require any new facility construction and is not expected to cause any impacts requiring EPA or NYSDEC review or additional permitting for surface water or groundwater quality.

Intermittently and for relatively short periods during the Proposed Action, suspended solids in stormwater runoff may increase during soil excavation activities that would occur for some facilities. This intermittent short-term impact would be mitigated by stabilization techniques and sediment controls as prescribed in the *New York State Standards and Specifications for Erosion and Sediment Control* (NYSDEC 2005). Such impacts would be temporary, occurring only during soil excavation, disturbance, and placement activities. Controlled discharges of stormwater runoff from these activities are authorized by, and would comply with, the terms of the existing individual SPDES Permit No. NY 0000973 for stormwater discharges.

Mitigation actions that would be implemented include fugitive dust controls such as water sprays that would be used where soil disturbance and demolition-related activities could substantively increase airborne particulate levels. For certain contaminated facilities such as the O2 Building, DOE would construct dikes around the facility to prevent stormwater runoff and collect water from fugitive dust control and vehicle washdowns. Collected water would be treated and released to the Low-Level

Wastewater Treatment Facility (LLWTF) Lagoon. At other facilities, mitigation measures would include runoff diversion (around the work area) or straw bale or fabric filter fencing for silt control. Post-demolition stabilization of exposed work areas would include the addition of topsoil, seed, and mulch. For paved areas, stabilization would include the use of washed stone, washdown and water collection, or broom sweeping (for example, for concrete or asphalt pads).

Potential increases in erosion rates and associated nonradioactive solids loadings into surface waters from removal of pads and foundations in several noncontaminated areas would be reduced as former building footprints were replaced by permeable, vegetation-covered soils. The increase in vegetation would reduce stormwater runoff velocities and increase stormwater infiltration into the soil. The Proposed Action would have no measurable adverse impacts on groundwater.

3.5 Ecological Resources

3.5.1 Existing Environment

Animals and Plants. The WNYNSC lies within the northern hardwood forest region. Its climax community forests are characterized by the dominance of sugar maple, beech, and Eastern hemlock. At present, the site is about equally divided between forestland and abandoned farm fields. Consequently, it provides habitat especially attractive to white-tailed deer, various indigenous migratory birds, reptiles, and small mammals. Plant communities found on the site have been categorized into five cover types: mixed hardwood forest, pine-spruce community, successional creek bank communities, late oldfield successional areas, and fields-meadows. The plant communities found on the site are characteristic of western New York. The relatively undisturbed nature of large portions of the WNYNSC has allowed for natural succession of previous agricultural areas within its boundaries. Because neither the setting nor the former agriculture land use is unique, the forest communities that will eventually develop in the abandoned fields will be similar to others in the region (WVNS 2000).

Federally Listed Species. In comments submitted on the draft version of the WVDP WM EIS (DOE 2003), the U.S. Fish and Wildlife Service concurred in DOE's determination that no federally listed or proposed endangered or threatened species are known to exist in the project impact area and that no habitat in the project impact area is currently designated or proposed critical habitat in accordance with the provisions of the Endangered Species Act, 16 U.S.C. 1531 *et seq.*

State-Listed Species. State of New York "special concern species" are species of fish and wildlife found to be at risk of becoming endangered or threatened in New York (New York Code of Rules and Regulations Title 6, part 182.2(i)). Typically, species of special concern are those whose populations are declining, often in association with critical habitat loss. Field investigations at the WNYNSC in 1990 and 1991 recorded one species (Northern harrier) on the state list of threatened species and six state species of special concern (Cooper's hawk, upland sandpiper, common raven, Eastern bluebird, Henson's sparrow, and vesper sparrow). However, all of the noted species were observed in areas of the WNYNSC outside of the WVDP Project Premises. Moreover, none of these threatened species or species of special concern depend on habitat within the WVDP Project Premises for any aspect of their life cycles (DOE 2003).

Wetlands. The WNYNSC has meadows, marshes, lakes, ponds, bogs, and other areas that are considered functional wetlands. Fifty-six such areas have been identified as "jurisdictional" wetlands, or wetlands that are constrained from dredging or filling actions by Section 404 of the Clean Water Act and by the state Freshwater Wetland Act (WVNS 2006). These wetlands range in size from 100 square meters (1,100 square feet) to more than 30,000 square meters (318,000 square feet). The total wetlands area is approximately 138,000 square meters (34 acres). Twenty-seven wetlands were wholly or partially within the Project Premises. The NYSDEC has determined that six wetlands encompassing 70,000 square meters

(754,000 square feet) on the south and east sides of the Project Premises and SDA are linked and meet the criteria for a single wetland. A wetland delineation map for the WVDP environs is contained in Appendix C.

Floodplains. The site's topographic setting renders major flooding unlikely; local runoff and flooding is adequately accommodated by natural and man-made drainage systems in and around the WVDP (WVNS 2000). Flood levels for the 100-year and the 500-year storms show that no facilities on the Project Premises are in either the 100- or 500-year floodplain (FEMA 1984).

3.5.2 Environmental Consequences of the Proposed Action

No federally or state-listed threatened or endangered species and no critical habitat for any federally or state-listed threatened or endangered species would be affected by the Proposed Action because none exist on the WVDP Project Premises. During demolition operations, noise and increased human activity could temporarily disturb local wildlife. In the long term, the demolition and removal of unneeded or contaminated facilities would enhance the quality of the WVDP habitat for local indigenous or migratory species. Any required backfilling, regrading, and revegetation around foundation areas would also enhance the WVDP habitat.

Most of the wetlands within the WNYNSC are outside of the Project Premises. Of those few on the Project Premises, none are co-located with any of the 36 facilities proposed for removal. Because the Proposed Action would not entail any new construction activities or any planned disturbance to or discharge into any delineated wetlands or wetland buffer areas, no adverse impacts to wetlands are expected (see Appendix C). Measures would be taken to ensure that any potential adverse impacts to delineated wetlands would be avoided to the fullest extent possible. Prior to work performance, activity- and task-level work would be assessed by qualified environmental professionals to identify the potential for adverse impacts to site wetlands and to prescribe appropriate controls into the work process to minimize and mitigate such impacts. Administrative controls (such as delineating work area limits and erecting exclusion fencing) and physical controls (for stormwater runoff) would be implemented. Sediment and erosion controls for runoff from the work area (including filtration or diversion techniques, such as fabric siltation fences, diversion channels, straw bale dikes, and check dams) would be specified, installed, and maintained.

There would be no substantive changes to the existing stormwater drainage infrastructure, and the Proposed Action would not occur in a 100- or 500-year floodplain.

3.6 Historical and Cultural Resources

3.6.1 Existing Environment

Cultural resource materials have been found and 11 cultural resource sites have been identified at the WNYNSC. The resources consist of eight historic archaeological sites, two standing structures, and one prehistoric lithic findspot (WVNS 1994). However, no sites of historical or cultural interest have been found on the Project Premises. The New York State Office of Parks, Recreation, and Historic Preservation has determined that no site facilities, including those proposed for demolition and removal, are eligible for inclusion in the *National Register of Historic Places* (SHPO 1995).

3.6.2 Environmental Consequences of the Proposed Action

The Proposed Action would not affect any known historical or cultural resources. If an historical or cultural resource were discovered during the Proposed Action, activities at that location would be suspended pending an opinion by the State Historic Preservation Officer or a qualified anthropologist.

3.7 Socioeconomics and Environmental Justice

3.7.1 Existing Environment

The WVDP site lies within the town of Ashford in Cattaraugus County. The nearby population, approximately 9,200 residents within 10 kilometers (6 miles) of the Project, relies largely on an agricultural economy. No major industries are located within this area. The WVDP is among the largest employers in Cattaraugus County. Section 3.8 of the WVDP WM EIS (DOE 2003) describes low-income and minority populations near the WVDP.

3.7.2 Environmental Consequences of the Proposed Action

Under the Proposed Action, no significant changes to the existing workforce at WVDP would be anticipated. Functions that were still needed by site operations, but not transferred to another existing WVDP facility, would be taken over by qualified off-site or mobile vendors. For that reason, there would be no impact to socioeconomic resources such as housing, schools, and other public facilities. The existing tax base would neither increase nor decrease.

The only impact from the Proposed Action with the potential to disproportionately and adversely affect minority or low-income populations would be the short-term increase in uncontaminated suspended solids carried by stormwater runoff from areas where soil was temporarily unarmored (uncovered) or disturbed during the course of facility removal (described in Section 3.4.2). No failures have occurred in the past, and such failures are unlikely in the future. If a failure were to occur, DOE would stop work, re-evaluate its work procedures, and improve control measures to correct the problem. If existing and planned sediment and silt control measures unexpectedly failed, there could be a disproportionate adverse impact to residents along Cattaraugus Creek, which traverses the Cattaraugus Reservation of The Seneca Nation of Indians.

3.8 Noise

3.8.1 Existing Environment

Noise can be defined as any sound that is undesirable because it interferes with speech, communication, or hearing; is intense enough to damage hearing; or is otherwise loud, discordant, or disagreeable to some receptors. Depending upon the loudness and the duration of a noise, its effects can range from temporary annoyance to permanent hearing impairment or loss. Ambient noise is the collective sound resulting from the omnipresent background noise associated with a given environment. It is usually a composite of many sounds from many sources. An environment's ambient noise serves as a point of departure and comparison for analyzing the impact of a new or additional noise on a sensitive environment.

Noise is generally considered to be low when its ambient levels are below 45 A-weighted decibels (dBA), moderate in the 45- to 60-dBA range, and high above 60 dBA. Typical wilderness area ambient sound is about 35 dBA, typical rural residential levels are about 40 dBA, typical wooded residential area levels are about 50 dBA, and typical urban residential sound levels on a busy street are about 68 dBA (outdoor day-

night average sound levels) (Suter 1991). Noise levels above 45 dBA at night can result in the onset of sleep interference; above 70 dBA, sleep interference effects become considerable. Different environments can be characterized by noise levels that are generally considered acceptable or unacceptable. Lower levels are expected in rural or suburban areas than would be expected for commercial, industrial, or construction zones.

The Proposed Action would occur on a small former industrial complex surrounded by undisturbed forested areas and agricultural areas. The nearest off-site noise receptor is approximately 0.95 kilometer (0.6 mile) from the WVDP fenceline. Ambient noise levels in the surrounding area would be typical of average outdoor noise levels in rural areas. Background sounds are produced mostly by natural phenomena (wind, rain, and common wildlife) and by light to moderate traffic on SR-240. In the immediate vicinity of the Proposed Action, there are no sustained outdoor ambient noise levels above 85 dBA, the level considered harmful by the Occupational Safety and Health Administration (OSHA) (OSHA 2004). Noise from ongoing site activities includes that from the Buffalo & Pittsburgh Railroad line, which runs within 800 meters (2,600 feet) of the Project Premises. Rail noise occurs when railcars are brought to the site from the south and leave from the site to the south for waste shipping purposes.

3.8.2 Environmental Consequences of the Proposed Action

The Proposed Action includes the demolition and removal of 36 facilities. The specific pieces of heavy equipment that would be required at each of these 36 facilities and the duration for which they would be used are not known and probably would not be known until operations were underway. However, it is likely that activities performed under the Proposed Action would result in a short-term increase in noise at the WVDP. Noise would be generated by decontamination, demolition, excavation, grading, scraping, and removal operations. Truck or rail traffic traveling to and from the area as part of the Proposed Action would also contribute to the noise impact.

Table 4 shows typical heavy equipment noise levels at 15 meters (50 feet) from the source. Based on DOE’s prior experience, the types of equipment shown in the table are illustrative of what would be used for decontamination, demolition, excavation, grading, scraping, and removal operations. The overall noise impact would vary daily, depending on the type of activity, duration of the activity, distance between the activity and noise-sensitive receptors, and any shielding effects provided by local barriers and topography.

Table 4. Noise Levels of Typical Heavy Equipment

Equipment	Typical Noise Level (dBA) 50 Feet from Source
Backhoe	80
Grader	85
Loader	85
Roller	75
Bulldozer	85
Truck	88
Scraper	80

Source: FTA 1995.

The loudest removal activity that would be undertaken for a sustained period would probably be the demolition of facilities with a bulldozer. As seen in Table 4, at 15 meters (50 feet) from the bulldozer, this

activity would generate noise levels of about 85 dB.⁷ The day-long average noise exposure level would be approximately 85 dB, which would meet OSHA requirements.

A basic noise drop rate of 6.0 dBA per doubling of the distance to a receptor is a commonly applied noise attenuation factor. The nearest residence is approximately 0.95 kilometer (3,200 feet) from the WVDP. Applying the 6.0-dBA reduction (as distance doubles) to a receptor, at 3,200 feet the noise from a bulldozer would be approximately 49 dBA. This is a conservative estimate because it does not include attenuation factors other than distance—for example, trees or buildings between the noise source and the nearest residence that would act as buffers. As noted above, a noise level of 50 dBA is approximately the outdoor noise level of a wooded residential area. This would be a short-term impact lasting only for the duration of the Proposed Action. There would be no long-term noise impacts.

3.9 Land Use and Visual Surroundings

3.9.1 Existing Environment

The WVDP is a formerly active, but now inactive, heavy industrial site. Current land use on the premises is primarily for waste storage and for stewardship of inactive facilities pending final disposition. It is a controlled access security area surrounded by a high chain-link fence. Depending on vantage point and season of the year, the site can be either unnoticeable or clearly visible on the ground from several miles away. It is well-lit at night. Visually, it stands in marked contrast to the wooded hills and agricultural lands that surround it on all sides.

Land within 8 kilometers (5 miles) of the site is used mainly for agricultural (active and inactive) and forestry activities. The major exception is the Village of Springville, where residential/commercial and industrial land uses are found (WVNS 2000).

The industries nearest the site are light-industrial and commercial (either retail- or service-oriented). A field review of an 8-kilometer (5-mile) radius did not indicate the presence of any industrial facilities that would present a hazard in terms of safe operation of the site.

A similar field review of the Village of Springville and the Town of Concord did not indicate the presence of any significant industrial facilities. Industrial facilities near the WNYNSC include Winsmith-Peerless Winsmith, Inc., a gear reducer manufacturing facility, and Springville Manufacturing, a fabricating facility for air cylinders (WVNS 2000). The industries within the Village of Springville and the Town of Concord, Erie County, are located in a valley approximately 6 kilometers (4 miles) to the north and east of the WVDP.

3.9.2 Environmental Consequences of the Proposed Action

The Proposed Action would not affect the current land use at the WVDP or the surrounding area. The removal of unneeded facilities and planned regrading and revegetation (where pads and foundations were removed) would enhance the visual aspects of the site by modestly reducing the degree to which the WVDP visually contrasts with the surrounding rural landscape. Some temporary land disturbance would be caused by the Proposed Action, although there would be no long-term or permanent adverse impacts on the topography or physiography of the WVDP.

⁷ As shown in the table, the noise levels at 15 meters (50 feet) for typical heavy equipment range from 75 to 88 dBA; thus, the 85-dBA level from a bulldozer is typical of heavy equipment noise. Noise from a bulldozer was used to illustrate the impact because it is likely to be the loudest sustained equipment noise during the Proposed Action.

3.10 Health and Safety

3.10.1 Existing Environment

As noted in Section 3.2.1, Cattaraugus County, where the WVDP is located, is an attainment area for all National Primary and Secondary Ambient Air Quality Standards contained in 40 CFR 50 and New York State air quality standards contained in 6 NYCRR 257. Chautauqua and Erie counties, which border Cattaraugus County to the west and northwest, are nonattainment areas for ozone. However, the prevailing southwesterly winds would tend to disperse WVDP emissions away from these nonattainment counties. With respect to radiological air emissions, in 2004, the estimated dose of radiation to a maximally exposed off-site individual from airborne emissions at the WVDP was 0.0015 mrem, which is about 0.02 percent of the 10-mrem EPA standard (WVNS 2005).

3.10.2 Environmental Consequences of the Proposed Action

Worker Impacts. Under the Proposed Action, waste management activities would involve the generation of Class A LLW, mixed LLW, asbestos waste, hazardous waste, industrial waste, and building debris waste. Table 5 presents the radiological impacts associated with collective and individual radiation doses for involved and noninvolved workers performing such activities. In this EA, estimates of latent cancer fatalities were based on a radiation dose-to-health-effect conversion factor of 0.0006 latent cancer fatalities per rem for both workers and members of the public (DOE 2002a). The radiological impacts for workers were based on data provided by DOE (2006b).

During the 4-year time period for the Proposed Action, the collective radiation dose to involved workers was estimated to be about 5.4 person-rem, or about 1.4 person-rem per year, from activities under the Proposed Action. This is equivalent to a latent cancer fatality risk of 0.0032 over 4 years, or 0.00081 per year.

Over this same time period, the individual radiation dose to the average involved worker would range from 44 to 63 mrem per year. This radiation dose is well below the limit in 10 CFR 835 of 5 rem (5,000 mrem) per year and the WVDP administrative control level of 500 mrem per year (WVNS 2001), and would result in less than 1 (1.1×10^{-4} to 1.5×10^{-4}) latent cancer fatality.

In addition to radiation doses from the Proposed Action activities, workers would be exposed to radiation doses from the ongoing operations of the WVDP site. When radiation doses are calculated for involved and noninvolved workers for both Proposed Action activities and ongoing operations, the total collective radiation dose to the workers was estimated to be about 160 person-rem over the duration of the Proposed Action, or about 39 person-rem per year (Table 5). This radiation dose is equivalent to less than 1 (0.093) latent cancer fatality within the worker population, or 0.023 per year.⁸

Precautions taken to protect workers against nonradioactive hazardous materials would be similar to the precautions taken to minimize exposure to radiation and radioactive material. Therefore, the impacts to workers from exposure to nonradioactive hazardous materials are expected to be minimal.

⁸ For the noninvolved workers in the EA, DOE used the sum of the Involved and Noninvolved Workers from the *Supplement Analysis for the West Valley Demonstration Project Waste Management Environmental Impact Statement* (see Table 1, page 8 and Table 10, page 16) (DOE 2006). These workers are considered to be the noninvolved workers for purposes of this EA. Radiation doses for ongoing activities at the WVDP site were based on data from the DOE Radiation Exposure Monitoring System (REMS) for 2001 through 2005.

Table 5. Impacts from Collective and Individual Radiation Doses to Involved and Noninvolved Workers

Worker Population	Activity	Time Period (years)	Collective Dose		Latent Cancer Fatalities	
			Annual (person-rem/yr)	Total (person-rem)	Annual	Total
Involved workers ^a	Proposed Action (demolition activities)	4	0.97	3.9	5.8×10^{-4}	2.3×10^{-3}
	Proposed Action (loading activities)	4	0.38	1.5	2.3×10^{-4}	9.1×10^{-4}
Noninvolved workers ^b	Ongoing operations of WVDP	4	30	120	1.8×10^{-2}	7.1×10^{-2}
	Loading melter, CFMT, and MFHT	NA (one time)	0.066	0.066	4.0×10^{-5}	4.0×10^{-5}
	Loading LLW and TRU waste	4	7.7	31	4.6×10^{-3}	1.8×10^{-2}
All workers (Total)		4	39	160	2.3×10^{-2}	9.3×10^{-2}

Worker Population	Activity	Time Period (years)	Individual Dose		Latent Cancer Fatalities	
			Annual (mrem/yr)	Total (mrem)	Annual	Total
Involved workers ^a	Proposed Action (demolition activities)	4	44	180	2.6×10^{-5}	1.1×10^{-4}
	Proposed Action (loading activities)	4	63	250	3.8×10^{-5}	1.5×10^{-4}
Noninvolved workers ^b	Ongoing operations of WVDP	4	130	530	7.9×10^{-5}	3.2×10^{-4}
	Loading melter, CFMT, and MFHT	NA (one time)	11	11	6.6×10^{-6}	6.6×10^{-6}
	Loading LLW and TRU waste	4	320	1,300	1.9×10^{-4}	7.7×10^{-4}

- a. Involved workers would be those individuals that actively participate in the Proposed Action.
- b. Noninvolved workers would be those individuals that would be on-site but would not actively participate in the Proposed Action. For these workers, DOE used the sum of the Involved and Noninvolved Workers from the *Supplement Analysis for the West Valley Demonstration Project Waste Management Environmental Impact Statement* (Table 1, page 8 and Table 10, page 16) (DOE 2006a).

Note: CFMT = Concentrator Feed Makeup Tank; MFHT = Makeup Feed Hold Tank; TRU = transuranic; HLW = high-level radioactive waste.

In over 20 years of operations, there has never been a work-related worker fatality at the WVDP site. Over the past 4 years, there has not been a lost time work accident or injury. Based on these data, the expected number of worker fatalities from industrial accidents under the Proposed Action is zero. Using DOE-wide data from the DOE Computerized Accident/Incident Reporting System (CAIRS) for 2000 through 2004, it is estimated that there would be less than 1 (4.4×10^{-5}) worker fatality from industrial accidents under the Proposed Action.

Public Impacts. Under the Proposed Action, people near the WVDP site would be exposed to airborne and liquid releases of radionuclides due to normal operations. Table 6 presents the radiological impacts of these airborne and liquid releases. These radiological impacts were based on the data contained the WVDP Annual Site Environmental Reports for 2001 through 2004 (WVNS 2002, WVNS 2003, WVNS 2004b, WVNS 2005), the volume of LLW generated in 2001 through 2005 (DOE 2006c), and the volume of LLW analyzed in this EA.

Table 6. Impacts from Collective and Individual Radiation Doses to the Public Under the Proposed Action^a

Activity	Maximally Exposed Individual				Population Around WVDP Site			
	Individual Radiation Dose ^b		Probability of Latent Cancer Fatality		Collective Radiation Dose ^c		Probability of Latent Cancer Fatality	
	Annual (mrem/yr)	Total (mrem)	Annual	Total	Annual (person-rem/yr)	Total (person-rem)	Annual	Total
Proposed Action ^d	0.014	0.056	8.4×10^{-9}	3.4×10^{-8}	0.031	0.12	1.9×10^{-5}	7.5×10^{-5}
Continued Operations ^d	0.062	0.25	3.7×10^{-8}	1.5×10^{-7}	0.25	1.0	1.5×10^{-4}	6.0×10^{-4}
Total	0.076	0.31	4.5×10^{-8}	1.8×10^{-7}	0.28	1.1	1.7×10^{-4}	6.8×10^{-4}

- a. The time period for the Proposed Action is 4 years.
- b. Individual background radiation doses are about 300 mrem per year.
- c. The collective radiation dose to the 1.5-million-person population that surrounds the WVDP site from natural background is about 380,000 person-rem per year.
- d. Includes the radiation doses from airborne and liquid releases.

During the 4-year time period for the Proposed Action, the individual radiation dose to the maximally exposed individual living near the WVDP site would be 0.014 mrem per year from airborne and liquid releases, which is much less than the 100-mrem per year standard in DOE Order 5400.5, *Radiation Protection of the Public and the Environment*, and would result in less than 1 (8.4×10^{-9}) latent cancer fatality per year, or a chance of about 1 in 120,000,000 for the maximally exposed individual. When combined with the radiation dose from continued operations at the WVDP site, the radiation dose to the maximally exposed individual would be 0.076 mrem per year, which is also much less than the 100-mrem per year standard in DOE Order 5400.5 (see Table 6).

Over this same time period, the collective radiation dose to people living within 80 kilometers (50 miles) of the WVDP site would be 0.12 person-rem, or about 0.031 person-rem per year. This is equivalent to a latent cancer fatality risk of 7.5×10^{-5} over 4 years, or 1.9×10^{-5} per year. When combined with the collective radiation dose from continued operations at the WVDP site, the collective radiation dose is estimated to be 1.1 person-rem. This is equivalent to a latent cancer fatality risk of 6.8×10^{-4} (see Table 6).

Precautions taken to protect the public against releases of nonradioactive hazardous material would be similar to the precautions taken to minimize releases of radioactive material. Therefore, the impacts to members of the public from releases of nonradioactive hazardous material are expected to be minimal.

Facility Accidents. DOE evaluated the potential impacts that could occur as a result of accidents at the WVDP site during the implementation of the Proposed Action. One accident involved a breach of the building ventilation system during decontamination activities. The suspended particulate activity generated by mechanical cleaning, cutting, or other decontamination activity could stress the HEPA filters in the ventilation system. If the filters were compromised or if the ventilation duct failed, exhaust air could be released unfiltered to the environment. The frequency of this accident was estimated to be in the range of 10^{-6} to 10^{-8} per year. The consequences of this accident using 50-percent atmospheric conditions are presented in Table 7. For a worker located on the site, this accident could result in a radiation dose of 0.013 rem. This accident could result in a radiation dose of 0.0045 rem to the maximally exposed individual living near the site. For the population living within 80 kilometers (50 miles) of the WVDP site, this accident could result in a collective radiation dose of 14 person-rem; this is equivalent to less

Table 7. Radiological Consequences of Accidents Under the Proposed Action Using 50-Percent Atmospheric Conditions

Accident	Frequency (per year)	Worker		Maximally Exposed Individual		Population ^a	
		Radiation Dose (rem)	Latent Cancer Fatality	Radiation Dose (rem)	Latent Cancer Fatality	Radiation Dose (person-rem)	Latent Cancer Fatality
Breach of building ventilation system during decontamination	$10^{-6} - 10^{-8}$	0.013	6.5×10^{-6}	0.0045	2.7×10^{-6}	14	0.0084
Class A box puncture	0.1 – 0.01	8.5×10^{-5}	4.3×10^{-8}	2.9×10^{-5}	1.7×10^{-8}	0.090	5.4×10^{-5}
Fire in building during decontamination	$10^{-4} - 10^{-6}$	0.14	7.0×10^{-5}	0.047	2.8×10^{-5}	150	0.090

a. Collective dose to the 1.5 million people living within 80 kilometers (50 miles) of the WVDP site.

than 1 (0.0084) latent cancer fatality. Using 95-percent atmospheric conditions, this accident could result in about 0.13 latent cancer fatalities for the population living within 80 kilometers (50 miles) of the WVDP site (Table 8).

A second potential accident involved the puncture of a box containing Class A LLW. The frequency of this accident was estimated to be in the range of 0.1 to 0.01 per year. The consequences of this accident using 50-percent atmospheric conditions are presented in Table 7. For a worker located at the site, this accident could result in a radiation dose of 8.5×10^{-5} rem. This accident could result in a radiation dose of 2.9×10^{-5} rem to the maximally exposed individual living near the WVDP site. For the population living within 80 kilometers (50 miles) of the site, this accident could result in a radiation dose of 0.090 person-rem; this is equivalent to a probability of a latent cancer fatality of 5.4×10^{-5} . Using 95-percent atmospheric conditions, this accident could result in a probability of a latent cancer fatality of 8.4×10^{-4} for the population living within 80 kilometers (50 miles) of the WVDP site (see Table 8).

Table 8. Radiological Consequences of Accidents Under the Proposed Action Using 95-Percent Atmospheric Conditions

Accident	Frequency (per year)	Worker		Maximally Exposed Individual		Population ^a	
		Radiation Dose (rem)	Latent Cancer Fatality	Radiation Dose (rem)	Latent Cancer Fatality	Radiation Dose (person-rem)	Latent Cancer Fatality
Breach of building ventilation system during decontamination	$10^{-6} - 10^{-8}$	0.13	6.5×10^{-5}	0.049	2.9×10^{-5}	220	0.13
Class A box puncture	0.1 – 0.01	8.4×10^{-4}	4.2×10^{-7}	3.2×10^{-4}	1.9×10^{-7}	1.4	8.4×10^{-4}
Fire in building during decontamination	$10^{-4} - 10^{-6}$	1.4	7.0×10^{-4}	0.51	3.1×10^{-4}	2,300	1.4

a. Collective dose to the 1.5 million people living within 80 kilometers (50 miles) of the WVDP site.

A third potential accident involved a fire inside a building during decontamination. The frequency of this accident was estimated to be in the range of 10^{-4} to 10^{-6} per year. The consequences of this accident using 50-percent atmospheric conditions are presented in Table 7. For a worker located on the site, this accident could result in a radiation dose of 0.14 rem. This accident could result in a radiation dose of 0.047 rem to the maximally exposed individual living near the site. For the population living within 80 kilometers (50 miles) of the WVDP site, this accident could result in a collective radiation dose of 150 person-rem; this is equivalent to less than 1 (0.090) latent cancer fatality. Using 95-percent atmospheric conditions, this accident could result in about 1.4 latent cancer fatalities for the population living within 80 kilometers (50 miles) of the WVDP site (see Table 8).

In the *Safety Analysis Report for Waste Processing and Support Activities* (WVNS 2004c), two accidents involving releases of nonradioactive hazardous material were evaluated: an accident involving the release of hydrogen peroxide and an accident involving the release of polychlorinated biphenyl (PCB)-contaminated oil. In both cases, the concentration of the hazardous material at the maximally exposed individual did not exceed the Emergency Response Planning Guideline-2 (ERPG-2) concentration, and no life-threatening health effects would be expected.

Impacts at Other Sites. Impacts of radioactive waste management activities at off-site locations that would be used to dispose of radioactive wastes under the Proposed Action (Energy Solutions, Hanford, and the NTS) have been addressed in earlier NEPA documents (DOE 2003).⁹ For all waste types, WVDP waste represents less than 2 percent of the total DOE waste inventory. Human health impacts at these sites as a result of the disposal of WVDP waste during the 4-year period of Proposed Action would be very minor (substantially less than 1 latent cancer fatality).

3.11 Transportation

3.11.1 Existing Environment

Transportation infrastructure near the WVDP includes highways, rural roads, a rail line, and aviation facilities. The primary method of transportation in the site vicinity is motor vehicle traffic on the highway system (Figure 7).

All roads in Cattaraugus County, with the exception of those within the cities of Olean and Salamanca, are considered rural roads. Rural principal arterial highways are connectors of population and industrial centers. This category includes U.S. Route 219, located 4.2 kilometers (2.6 miles) west of the site; Interstate 86, the Southern Tier Expressway located approximately 35 kilometers (22 miles) south of the site; and the New York State Thruway (I-90), approximately 35 kilometers (22 miles) north of the site. Traffic volume along U.S. 219 between the intersection with NY Route 39 at Springville and the intersection with Cattaraugus County Route 12 (East Otto Road) ranges from a low average annual daily traffic volume of 6,100 to a high volume of 7,500. Seasonal holiday traffic is as much as 128 percent of the average annual daily volume. Approximately 18 percent of the traffic consists of trucks. This route

⁹ LLW and mixed LLW would be sent to DOE radioactive disposal sites (NTS and/or the Hanford Site) and/or to Energy Solutions. LLW and mixed LLW handling and disposal activities at NTS and Hanford are described in the *Final Environmental Impact Statement for the Nevada Test Site and Off-site Locations* (DOE 1996a) and the *Final Hanford Site Solid (Radioactive and Hazardous) Waste Program Environmental Impact Statement* (DOE 2004), respectively. Disposal of waste at commercial facilities would be conducted in accordance with existing licenses and permits. In accordance with the settlement agreement between DOE and the State of Washington of January 6, 2006, regarding the case *Washington v. Bodman*, DOE will not ship LLW and mixed LLW from WVDP to Hanford until DOE has satisfied the requirements of the settlement agreement.

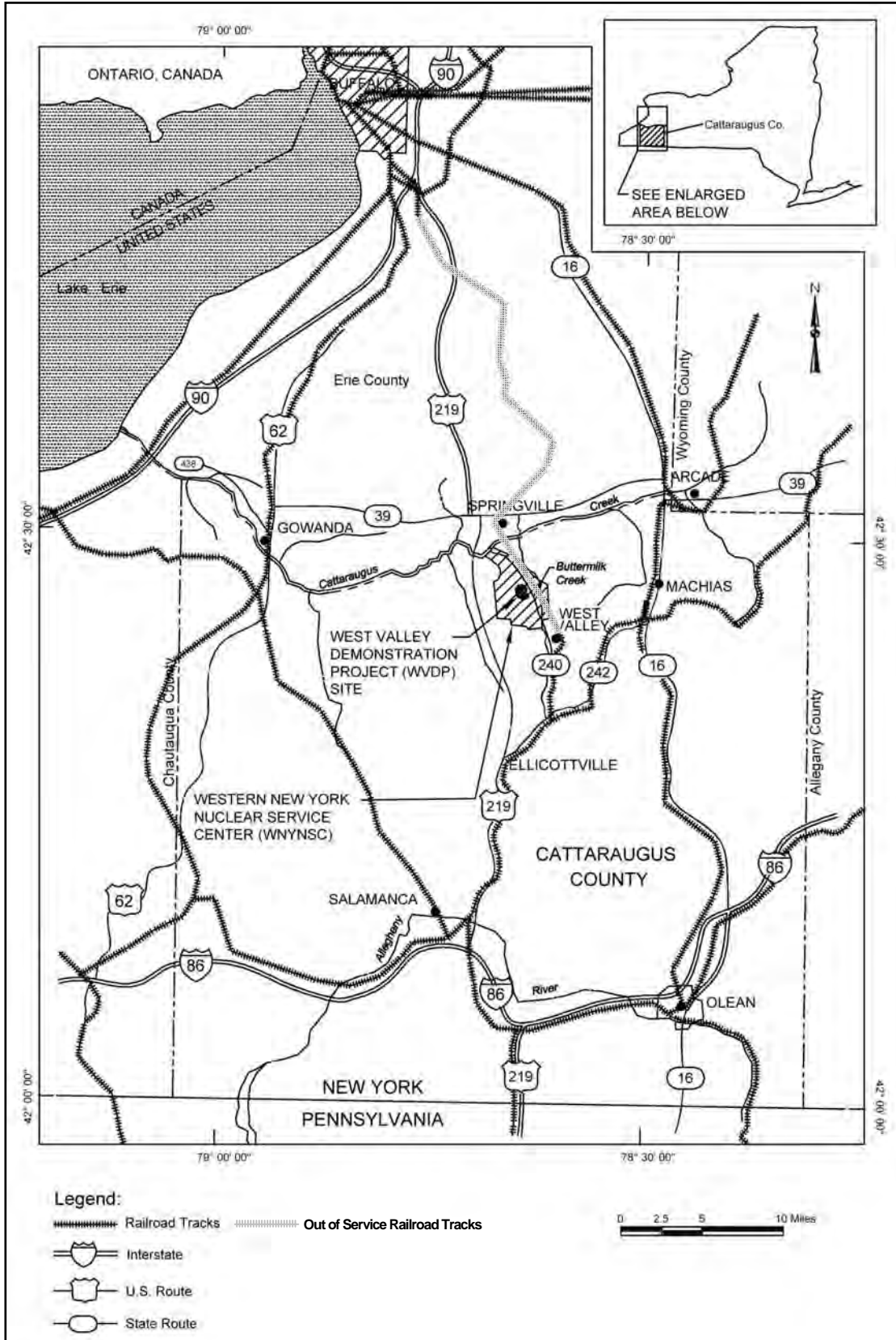


Figure 7. Transportation Routes in the Vicinity of WNYNSC

operates at a level of service B, which indicates a stable traffic flow, an operating speed of 80 kilometers per hour (50 miles per hour), and reasonable driver freedom to maneuver (WVNS 2000).

Rock Springs Road, adjacent to the site on the west, serves as the principal site access road. The portion of this road between Edies Road and U.S. 219 is known as Schwartz Road. Along this road, between the site and the intersection of U.S. 219, are fewer than 24 residences. State Route 240, also identified as County Route 32, is 2 kilometers (1.2 miles) northeast of the site. Average annual daily traffic on the portion of NY Route 240 that is proximate to the site (between County Route 16 - Rosick Hill Road and NY Route 39) ranges from a low of 440 to a high of 2,250 (WVNS 2000).

The Buffalo & Pittsburgh Railroad line is located within 800 meters (2,600 feet) of the Project Premises. The rail line runs from Salamanca, New York to the site, but has been abandoned north of the site. In 1999, the railroad completed connection of track between Ashford Junction and Machias, New York. Service by the Buffalo & Pittsburgh Railroad on the rail line from the WVDP to Ashford Junction and then to Machias now provides the WVDP rail access (WVNS 2000). No credible accidents or abnormal operations at off-site transportation facilities (i.e., the branch rail line) were identified that would contribute to an accident at the West Valley site (WVNS 2004c).

There are no commercial airports in the site vicinity. The nearest major airport is Buffalo Niagara International Airport, 55 kilometers (34 miles) north of the site (WVNS 2000).

3.11.2 Environmental Consequences of the Proposed Action

Truck traffic on roads servicing the WVDP would occur as a direct result of undertaking the Proposed Action. Daily truck trips for off-site shipment of waste and on-site delivery of soil amendments, including topsoil for stabilization and vegetation, and operating equipment (to remove facilities, transfer waste, and regrade soil) would occur during an estimated 4-year period for completing this action.

Approximately 700 shipments of waste would be made to licensed off-site disposal facilities during the 4-year duration of the Proposed Action. About 75 percent of these shipments would be shipments of non-nuclear/non-hazardous material, mostly industrial waste, concrete, and debris. It is not possible at this time to develop a precise schedule for these shipments. However, if the currently projected approximate total number of truck shipments (700) were to occur at a fairly constant rate over the projected 4-year period, there would be approximately 4 truck shipments per week. Doubling this to account for round trips would result in approximately 8 weekly truck trips (about 2 per day assuming 5-day-per-week operations). The road infrastructure that currently services the WVDP site would be adequate to accommodate this small projected increase in daily truck traffic without upgrades.

Based on the information provided in Section 3.11.1 regarding traffic volume on local roads, truck traffic volume along U.S. 219 between the intersection with NY Route 39 at Springville and the intersection with Cattaraugus County Route 12 (East Otto Road) ranges from 1,100 to 1,350 daily (approximately 18 percent of the average annual daily total traffic volume of 6,100 to 7,500). An additional two trucks per day would represent less than a 1-percent increase in truck traffic over this level. An additional two trucks per day on the portion of NY Route 240 that is proximate to the site (between County Route 16 - Rosick Hill Road and NY Route 39) would also be less than a 1-percent increase in overall traffic volume, which ranges from a low of 440 to a high of 2,250.

If some of the projected shipments were to be by rail, the impact on traffic volume and roads infrastructure would be commensurately less.

Under the Proposed Action, about 20,600 cubic meters (727,000 cubic feet) of Class A LLW, mixed LLW, asbestos waste, hazardous waste, industrial waste, and building debris waste would be shipped for disposal. These shipments would take place over 4 years. Class A LLW and mixed LLW would be shipped to Hanford, Energy Solutions, or the NTS for disposal. Industrial waste and building debris waste would be shipped to a landfill in Model City, New York, or Angelica, New York, where this type of WVDP waste is currently shipped for disposal. Asbestos waste would be shipped to a landfill in Model City, New York. Hazardous waste would be shipped to a landfill in Indianapolis, Indiana where this type of WVDP waste is currently shipped for disposal.

Transportation impacts were estimated assuming that 100 percent of the waste would be shipped by truck and 100 percent of the waste would be shipped by rail. Table 9 lists the volumes and shipments associated with the Proposed Action.

Table 9. Wastes and Topsoil Shipped Under the Proposed Action

Waste Type	Container Type ^a	Waste Shipped (ft ³) ^b	Number of Containers	Number of Shipments
LLW, Class A	B-25 boxes	75,004	833	60 (Truck) 30 (Rail)
MLLW, Class A	B-25 boxes	2,715	31	3 (Truck) 2 (Rail)
Asbestos	20-cubic-yard intermodal container	305	1	1 (Truck) 1 (Rail)
Hazardous waste	55-gallon drums	70,400	9576	114 (Truck) 57 (Rail)
Industrial waste	B-25 boxes	556,652	6180	442 (Truck) 221 (Rail)
Concrete / debris	10-cubic-yard dump truck or intermodal container	21,800	81	81 (Truck) 41 (Rail)
Topsoil for revegetation	300-cubic-foot dump truck	15,000	50	50 (Truck only)

a. These packages were assumed for purposes of analysis. Actual packaging may vary.

b. To convert cubic feet to cubic meters, multiply by 0.028.

In addition to the waste shipments shown in Table 9, an estimated 425 cubic meters (15,000 cubic feet) of topsoil may be required for site remediation. These shipments are also considered to be part of the Proposed Action. Assuming each dump truck holds 8.5 cubic meters (300 cubic feet) of topsoil, 50 truck shipments would be required. The site for obtaining the topsoil is assumed to be about 16 kilometers (10 miles) from the WVDP site. Truck traffic for delivery and removal of operating equipment is expected to be minor and substantially less than that for topsoil delivery.

The transportation impacts of shipping the Class A LLW, mixed LLW, asbestos waste, hazardous waste, industrial waste, and building debris waste would be from two sources: incident-free transportation and transportation accidents. Both radiological impacts and nonradiological impacts are included in the analysis. The total impacts from transportation would be the sum of the impacts from incident-free transportation and transportation accidents.

Table 10 lists the total transportation impacts for truck and rail by waste type and destination under the Proposed Action. The top half of Table 10 shows the impacts of transporting waste and topsoil by truck. The total waste shipment impacts are shown as a range to reflect the difference in impacts, depending on the actual site to which the waste is shipped. This is followed by a row showing the impacts for shipping topsoil to the WVDP site, then a row showing the range of impacts associated with continued operations

Table 10. Transportation Impacts Under the Proposed Action

Waste Type	Destination	Incident-Free		Radiological Accident Risk (LCFs)	Pollution Health Effects (Fatalities)	Traffic Fatalities	Total Fatalities
		Public	Worker				
		(LCFs)					
Proposed Action—Truck							
LLW, Class A	Energy Solutions	3.3×10^{-3}	4.9×10^{-3}	5.3×10^{-6}	7.5×10^{-4}	3.9×10^{-3}	1.3×10^{-2}
	Hanford ^a	3.9×10^{-3}	5.8×10^{-3}	5.7×10^{-6}	8.2×10^{-4}	5.0×10^{-3}	1.6×10^{-2}
	NTS	3.8×10^{-3}	5.8×10^{-3}	5.4×10^{-6}	7.7×10^{-4}	4.6×10^{-3}	1.5×10^{-2}
MLLW, Class A	Energy Solutions	1.6×10^{-4}	2.4×10^{-4}	2.3×10^{-8}	3.8×10^{-5}	2.0×10^{-4}	6.4×10^{-4}
	Hanford ^a	2.0×10^{-4}	2.9×10^{-4}	2.6×10^{-8}	4.1×10^{-5}	2.5×10^{-4}	7.8×10^{-4}
	NTS	1.9×10^{-4}	2.9×10^{-4}	2.4×10^{-8}	3.8×10^{-5}	2.3×10^{-4}	7.5×10^{-4}
Asbestos	Model City, NY	0.0	0.0	0.0	2.5×10^{-6}	3.0×10^{-6}	5.5×10^{-6}
Hazardous Waste	Indianapolis, IN	0.0	0.0	0.0	6.4×10^{-4}	1.3×10^{-3}	1.9×10^{-3}
Industrial Waste	Model City, NY	0.0	0.0	0.0	1.1×10^{-3}	1.3×10^{-3}	2.4×10^{-3}
	Angelica, NY	0.0	0.0	0.0	1.6×10^{-4}	1.4×10^{-3}	1.6×10^{-3}
Building Debris	Model City, NY	0.0	0.0	0.0	2.0×10^{-4}	2.4×10^{-4}	4.5×10^{-4}
	Angelica, NY	0.0	0.0	0.0	2.9×10^{-5}	2.7×10^{-4}	2.9×10^{-4}
Total Waste Transport Truck Fatalities: 0.017-0.021							
Topsoil	WVDP	0.0	0.0	0.0	8.4×10^{-7}	2.0×10^{-5}	2.1×10^{-5}
Continued Operations Truck						Total Truck Fatalities: 1.0-1.1	
Total Truck (Proposed Action + Continued Operations)						Total Truck Fatalities: 1.0-1.1	
Proposed Action—Rail							
LLW, Class A	Energy Solutions	5.4×10^{-3}	5.1×10^{-3}	2.0×10^{-5}	1.1×10^{-3}	3.4×10^{-3}	1.5×10^{-2}
	Hanford ^a	5.6×10^{-3}	5.5×10^{-3}	2.3×10^{-5}	1.1×10^{-3}	4.4×10^{-3}	1.7×10^{-2}
	NTS	5.9×10^{-3}	7.6×10^{-3}	2.0×10^{-5}	1.1×10^{-3}	4.3×10^{-3}	1.9×10^{-2}
MLLW, Class A	Energy Solutions	3.6×10^{-4}	3.4×10^{-4}	1.3×10^{-7}	7.0×10^{-5}	2.2×10^{-4}	1.0×10^{-3}
	Hanford ^a	3.7×10^{-4}	3.7×10^{-4}	1.5×10^{-7}	7.2×10^{-5}	2.9×10^{-4}	1.1×10^{-3}
	NTS	3.9×10^{-4}	4.8×10^{-4}	1.4×10^{-7}	7.1×10^{-5}	2.8×10^{-4}	1.2×10^{-3}
Asbestos	Model City, NY	0.0	0.0	0.0	4.9×10^{-6}	1.8×10^{-5}	2.3×10^{-5}
Hazardous Waste	Indianapolis, IN	0.0	0.0	0.0	1.0×10^{-3}	3.1×10^{-3}	4.1×10^{-3}
Industrial Waste	Model City, NY	0.0	0.0	0.0	1.2×10^{-3}	4.0×10^{-3}	5.2×10^{-3}
	Angelica, NY	0.0	0.0	0.0	2.1×10^{-4}	3.0×10^{-3}	3.2×10^{-3}
Building Debris	Model City, NY	0.0	0.0	0.0	2.2×10^{-4}	7.5×10^{-4}	9.6×10^{-4}
	Angelica, NY	0.0	0.0	0.0	3.9×10^{-5}	5.5×10^{-4}	5.9×10^{-4}
Total Waste Transport Rail Fatalities: 0.027-0.034							
Topsoil (Truck)	WVDP	0.0	0.0	0.0	8.4×10^{-7}	2.0×10^{-5}	2.1×10^{-5}
Continued Operations Rail						Total Rail Fatalities: 0.76-0.91	
Total Rail (Proposed Action + Continued Operations)						Total Rail + Topsoil Truck Fatalities: 0.79-0.94	

a. In accordance with the settlement agreement between DOE and the State of Washington of January 6, 2006, regarding the case *Washington v. Bodman*, DOE will not ship LLW and mixed LLW from WVDP to Hanford until DOE has satisfied the requirements of the settlement agreement.

Note: LCFs = latent cancer fatalities.

at the site (DOE 2006a). The final row of the top half shows the overall range of impacts for the sum of the Proposed Action and continued operations if truck were selected as the transport mode.

The bottom half of Table 10 shows the impacts of transporting waste by rail and topsoil by truck. These impacts include an estimated range of impacts for the rail waste shipments, the truck shipments of topsoil to the WVDP site, and the range of rail impacts for continued operations. The final row shows the overall range of impacts for the sum of the Proposed Action and continued operations if rail were selected as the transport mode.

If either trucks or trains were used to ship the waste, essentially no additional fatalities are anticipated. When the transportation impacts of the Proposed Action are combined with the transportation impacts of continued operations at the WVDP site, after adding the impacts of the Proposed Action to those anticipated from continued operations, about 1 fatality might occur. For perspective, during the 4-year period of the Proposed Action, there would be about 160,000 traffic fatalities in the United States (U.S. Bureau of the Census 1997).

As shown in Table 10, the total transportation fatalities associated with the Proposed Action ranged from 0.017 to 0.021 for truck transport and ranged from 0.027 to 0.034 for rail transport. Table 10 also shows that the total transportation fatalities under the Proposed Action would be a small fraction of the total transportation fatalities associated with continued operations at the West Valley site. Under the Proposed Action, the total transportation fatalities for rail transport were slightly higher than the total transportation fatalities for truck transport. This was due to several factors:

- Truck stop exposure model—Exposures of people at truck refueling stops were estimated using the model used in the Final Yucca Mountain EIS (DOE 2002b). For truck shipments, this model yields lower radiation doses at stops than the model previously used in RADTRAN, and results in lower impacts for truck shipments relative to rail shipments.
- Rail capacity—For some commodities, such as spent nuclear fuel or HLW, rail containers hold about 5 to 10 times more material than truck containers, which results in a proportional reduction in the incident-free radiological impacts and the nonradiological traffic fatalities for rail shipments. In this analysis, rail shipments were assumed to hold only 2 times as much material as truck shipments, so the reduction in rail impacts was much smaller.
- Nonradiological traffic fatality rate—The nonradiological traffic fatality rate for railcars is typically larger than for trucks. For example, the mean national fatality rate for trucks on interstate highways is 8.8×10^{-9} fatalities per truck-kilometer, while the mean national fatality rate for railcars is 7.8×10^{-8} fatalities per railcar-kilometer (Saricks and Tompkins 1999).

3.11.2.1 Incident-Free Transportation Impacts

Worker Impacts. If trucks were used to ship the waste, the maximally exposed worker would be a driver who would receive a radiation dose of about 250 mrem per year based on driving a truck containing radioactive waste for about 700 hours per year. This is equivalent to a probability of a latent cancer fatality of about 1.5×10^{-4} . If trains were used to ship the waste, the maximally exposed worker would be an inspector. This worker would receive a radiation dose of about 1.8 mrem per year. This is equivalent to a probability of a latent cancer fatality of about 1.1×10^{-6} . These scenarios used to estimate the radiation doses for the maximally exposed individual from incident-free transportation are presented in Section D.5 of the WVDP Waste Management EIS (DOE 2003).

Public Impacts. For truck shipments, the maximally exposed member of the public would be a person working at a service station who would receive a radiation dose of about 0.097 mrem per year. This is equivalent to a probability of a latent cancer fatality of about 5.8×10^{-8} .

If shipments were made by rail, the maximally exposed member of the public would be a rail yard worker who was not directly involved with handling the railcars. This person would receive a radiation dose of about 0.33 mrem per year. This is equivalent to a probability of a latent cancer fatality of about 2.0×10^{-7} .

3.11.2.2 Reasonably Foreseeable Transportation Accident Impacts

The maximally exposed individual would receive a radiation dose of 1.0 rem from the maximum reasonably foreseeable transportation accident involving a truck shipment of Class A LLW or mixed LLW. This is equivalent to a probability of a latent cancer fatality of about 6.2×10^{-4} . The population would receive a collective radiation dose of about 290 person-rem from this truck accident involving Class A LLW or mixed LLW. This could result in about 0.18 latent cancer fatality.

For the maximum reasonably foreseeable transportation rail accident involving Class A LLW or mixed LLW, the maximally exposed individual would receive a radiation dose of about 2.1 rem. This is equivalent to a probability of a latent cancer fatality of about 1.2×10^{-3} . The population would receive a collective radiation dose of about 580 person-rem from this rail accident involving Class A LLW or mixed LLW. This could result in about 0.35 latent cancer fatality.

Transportation accidents involving releases of hazardous materials were evaluated in the *Waste Isolation Pilot Plant Disposal Phase Final Supplemental Environmental Impact Statement* (DOE 1997a) and the *Final Waste Management Programmatic Environmental Impact Statement* (DOE 1997b). In DOE 1997a, no human health impacts would be expected from acute exposure to hazardous materials released during a severe transportation accident. In DOE 1997b, no potential for increased cancer incidence and no potential adverse health effects were found for transportation accidents involving solid low-level mixed waste.

Using the screening procedure in *A Graded Approach for Evaluating Radiation Doses to Aquatic and Terrestrial Biota* (DOE 2002c), the sum of fractions of the biota concentration guides for the Class A LLW or mixed LLW accidents was less than 1. Therefore, the radioactive releases from the Class A LLW or mixed LLW accidents would not be likely to cause persistent, measurable deleterious changes in populations or communities of terrestrial or aquatic plants or animals.

3.12 Consequences of the No Action Alternative

As described in Section 2.2, under the No Action Alternative, DOE would not demolish and remove the 36 unneeded facilities at WVDP. Under this alternative, there would be no short-term increase in the mobilization or emission of small amounts of particulates. There would be no short-term increase in emissions of hydrocarbons and carbon monoxide from the exhaust of a small number of gasoline or diesel engines. The short-term intermittent increase in suspended solids in stormwater runoff during soil excavation activities would not occur, nor would the increase in noise at the WVDP due to demolition activities. The very minor increase in latent cancer fatalities among workers and the public would not occur. The facilities would continue to age, requiring unnecessary increased maintenance and incurring the costs associated with that maintenance.

3.13 Cumulative Impacts

In the short term, the Proposed Action would slightly increase the amount of contaminants currently being released to the environment at the WVDP. Specifically, removal activities would result in releases of contaminants to the air and stormwater runoff. Monitoring and mitigation controls would be in effect throughout the Proposed Action to ensure that the short-term increases in released contaminants would be minimized and kept in compliance with regulatory guidelines. The cumulative long-term impacts of the Proposed Action would be beneficial due to the demolition and removal of 36 unneeded facilities and the removal, consolidation, and appropriate disposal of hazardous and radioactive wastes.

3.14 Irreversible and Irretrievable Commitment of Resources

The Proposed Action would require the use of natural resources such as vehicle fuel and electric power; the quantities involved would be small. The land involved in the action is already dedicated to use by the WVDP. The disposal of both radioactive and other wastes generated during the Proposed Action would occur at licensed facilities already dedicated to that purpose.

CHAPTER 4 PERSONS AND AGENCIES CONSULTED

The following agencies were consulted in the preparation of this EA:

New York State Energy Research and Development Authority (NYSERDA)
West Valley Site Management Program

The Seneca Nation of Indians

In addition, the draft EA was circulated for review and comment to the State of New York and other interested stakeholders for a 30-day comment period that ended on July 29, 2006. A total of eight comment letters were received from the agencies and organizations listed below. DOE also held a public meeting on July 19, 2006, at which public comments on the draft EA were accepted and transcribed. The comments received and DOE's responses to those comments are contained in Appendix D.

Organizations from which comments were received:

- New York State Energy Research and Development Authority (NYSERDA)
- Town of Ashford
- U. S. Nuclear Regulatory Commission (NRC)
- Center for Health, Environment and Justice (CHEJ); Citizens Environmental Coalition (CEC); Concerned Citizens of Cattaraugus County (CCCC); Nuclear Information and Resource Services (NIRS)
- Coalition on West Valley Nuclear Wastes
- West Valley Citizen Task Force
- New York State Department of Environmental Conservation (NYSDEC)
- U.S. Environmental Protection Agency, Region 2

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APPENDIX A DESCRIPTION OF FACILITIES PROPOSED FOR DECONTAMINATION, DEMOLITION, AND REMOVAL

This appendix describes each of the West Valley Demonstration Project (WVDP) facilities that are proposed for decontamination (if needed), demolition, and removal for off-site disposal. Table 1 in Chapter 1 of the environmental assessment (EA) contains a list of these facilities, including information regarding size, expected waste volume, and construction type. With respect to building foundations, DOE would determine the need for decontamination and, if it exists, would decide whether to paint, apply fixative, or cover the foundations in order to prevent migration of any non-removable contamination from the foundation surface.

The **Administration Building** is a single-story structure. The concrete base is 9 inches thick. Construction materials include a concrete foundation, wood frame, metal siding, and metal roofing. This facility is not radiologically contaminated. The Administration Building was used as office space. Personnel from DOE and NYSERDA have relocated off the project premises. DOE would dismantle the building and dispose of the rubble in a sanitary landfill.

The **Bulk Storage Warehouse** (BSW) is approximately 2.5 miles southeast of the Process Building. It was built in 1969 as the Plutonium Storage Facility. An inspection was conducted by the NRC during January 1975 to verify that radiation levels did not exceed background, then it was released for unrestricted use. At the request of NYSDEC, another radiation survey was conducted during 1984 and additional decontamination was performed in a few areas. It is used by the WVDP to store office furniture, supplies, computers, and electrical equipment. No radiological or hazardous chemical contamination has been identified at the BSW.

The BSW is a steel-frame, metal-clad building. The floor is 4-inch-thick concrete that rests on a concrete foundation. The warehouse area is serviced by a 6,000-pound-capacity steel crane. An interior concrete block wall 8 inches thick separates an office area from the Main Warehouse. The office area is subdivided into three rooms: a switch gear room, a computer storage room, and an office area. A loading dock is located on the east side of the BSW. A nearby well supplies water to the BSW bathroom. The bathroom waste is discharged to a septic tank.

Remaining storage needs would be met by the New Warehouse, which would remain available.

The **Chemical Process Cell Waste Storage Area** (CPC-WSA) is a structure used to temporarily store equipment removed from the decontamination of the CPC. It is a 12-gauge, galvanized steel-panel enclosure with a gravel pad floor. Approximately 42 steel boxes containing radioactively contaminated equipment are currently stored in the CPC-WSA. This facility is not radiologically contaminated. However, the structure (including the gravel floor) would be surveyed to ensure that no contamination had resulted due to potential, but undetected, container integrity issues.

The **Cold Chemical Facility** (CCF) is a structural steel frame and sheet-metal building located immediately west of and adjacent to the Vitrification Facility. The floor of the CCF is poured concrete and has curbs that provide secondary containment for storage tanks housed in the building. The CCF was used to prepare nonradioactive feed materials, such as nitric acid and glass formers, which were used in the vitrification process. The CCF contains 10 process tanks and associated pumps that were used to store and mix the nitric acid and glass formers. All tanks are currently empty. Because the CCF is not used to manage or treat radioactive materials, the structure is expected to be radiologically clean.

The **Contact Size-Reduction Facility** (CSRF), located just northeast of the Main Plant at ground level, is an enclosed structure constructed of concrete block. It is divided into four work rooms (cutting area, decontamination and survey area, small item decontamination area, and the large item decontamination

and survey area), two personnel entry airlock rooms, and one equipment airlock room. Adjacent to the CSRF is the MSM repair shop with another personnel entry airlock. The MSM repair shop and associated airlock is not included in the CSRF permitted area.

CSRF is primarily used for volume reduction of nonhazardous low-level radioactive waste (LLW). Volume reduction may include various mechanical processes, such as abrasive cutting, band saw cutting, or plasma arc cutting. In addition, the CSRF may be used for staging, sampling, sorting, consolidating, and repackaging mixed waste and LLW containers. These activities will not include size-reduction processes which would be comparable to containment building activities. Typically, wastes are stored less than 2 weeks; however, the CSRF could be used for longer-term container storage if necessary. Before the CSRF was set up and the floors lined, floor drains in the MSM Repair Shop (including the section in the CSRF) were plugged. The floors, walls, and ceilings of the cutting room and large item decontamination room are lined with stainless steel. The remaining rooms do not have any liners or coatings for secondary-containment purposes. During operational activities, the walls and floors are lined with herculite. The slope of the pavement surrounding the CSRF directs water away from the area and controls run-on from precipitation.

This facility is radiologically contaminated. It has a relatively small footprint compared with other facilities, but because concrete was used in its construction, it is conservatively assumed that the concrete has been contaminated and that decontamination, demolition, and removal activities would therefore generate a higher volume of LLW than larger facilities constructed of metal and steel.

The ***Diesel Fuel Oil Building*** is a metal building used for diesel fuel oil storage for the Vitrification Facility diesel generator and houses a 7,450-gallon tank located in a below-grade concrete vault. This facility is not radiologically contaminated. DOE proposes to remove this building. During decommissioning activities, emergency generator fuel needs would be met using other remaining systems.

The ***Emergency Vehicle Shelter*** is a steel-framed structure with corrugated metal siding and a metal roof used to store the emergency vehicle. This facility has never been radiologically contaminated. The emergency response program at the WVDP would not be affected by removing the Emergency Vehicle Shelter. The emergency response vehicle would remain available and fully stocked, and existing agreements with local response organizations would remain in effect. The emergency response vehicle could be stored outside or in another existing facility.

The ***Expanded Environmental Laboratory*** is located south of the Administration Building and annex trailer complex. It was constructed during the early 1990s. The laboratory has two sections: the Expanded Environmental Laboratory and the Expanded Analytical Annex. The laboratory consists of eight one-story modular units supported by 72 concrete piers. It was manufactured from light wood framing, metal roofing, and siding. An addition was built on the east side of the laboratory. This facility is not radiologically contaminated; however, there is a potential of low-level activity in the fume hoods.

The function provided by this facility would be substantially reduced or eliminated and replaced by an off-site contract laboratory, mobile laboratories, or remaining smaller on-site facilities to match current needs. When the facility function is replaced or is no longer needed by the WVDP, the facility would be removed.

The ***Fabrication Shop*** lies west of the WTF. It was recently erected on a concrete pad from metal modular components. It consists of two fabrication bays that are two stories high, and a storage area one story high. This facility contained a sanitary wastewater storage tank and a satellite accumulation area for the storage of Resource Conservation and Recovery Act (RCRA) hazardous wastes. Minor chemical spills

in this shop were cleaned up in accordance with site procedures. This facility is not radiologically contaminated.

The **Hazardous Waste Storage Lockers** are located east of the Remote-Handled Waste Facility (RHWF). The four lockers are used for short-term storage of hazardous waste. This facility is not radiologically contaminated. Hazardous waste would be stored appropriately in existing facilities until shipped off-site for disposal.

The **Hydrofracture Test Well Area** consists of four observation wells and one injection well. During 1969, the Oak Ridge National Laboratory (ORNL) installed these wells northwest of the BSW. The wells were installed to perform hydraulic fracturing experiments as part of a pilot study to assess the suitability of this method for the underground disposal of LLW. The wells were drilled to depths of 1,500 feet and were cased with steel risers along their entire length. The injection well was centrally located and the four observation wells were located approximately 150 feet north, south, east, and west of the injection well.

Six hydraulic fracturing tests were performed from 1969 through 1971 at depths of 500 to 1,450 feet. Each of the injections consisted of water mixed with clay. Four of the injections used zirconium-95 as a radioactive tracer in the water.

The injection well is a 4.5-inch-diameter steel casing, which was placed in an 8-inch-diameter core hole that extended to a depth of 1,520 feet. The well annulus was cemented down to a depth of 1,520 feet. During an injection test, the well was plugged with cement below the desired injection depth, and a 360-degree horizontal slot was made in the well for the injection. Because the injection tests were in sequence from the bottom of the well upward, the injection well is currently filled with grout at depths of 50 to 1,520 feet.

The north, south, and west observation wells are composed of 2-inch-diameter steel casings that were placed in 6-inch-diameter core holes that extended to a depth of 1,520 feet. The east observation well is a 1.25-inch-diameter steel tube that was placed in a 3-inch-diameter core hole drilled to a depth of 1,520 feet. The annulus of each observation well was filled with cement down to a depth of 1,520 feet. The observation wells were used for gamma-ray logging after each injection.

During the hydraulic fracturing program, the east observation well was found plugged with cement at 495 feet and the casing ruptured at 1,226 feet. The south observation well was found plugged with cement at a depth of 1,445 feet, but it was later cleaned out.

Hazardous waste is not expected to be present in the surface soil or subsurface at the Hydrofracture Test Well Area, because such waste was not used in the area during or anytime after the hydraulic fracturing experiments. Although zirconium-95 was used as a radioactive tracer during four of the five injection tests, this radionuclide would no longer be present in the subsurface due to its short half-life of only 65 days. Zirconium-95 decays to the stable nonradioactive isotope molybdenum-95. At no time was waste injected into the test wells. The wells would be closed in accordance with State requirements.

The facility is expected to be radiologically clean; however, operational components may be contaminated.

The **Interim Waste Storage Facility (IWSF)** is a pre-engineered metal structure located on the north side of the NRC-Licensed Disposal Area (NDA). The building is anchored to a concrete slab with a curbed perimeter. The IWSF has a storage capacity of about 1,500 cubic feet and is used to store mixed LLW.

This facility is not radiologically contaminated, nor is there known hazardous waste contamination. However, soils beneath the foundation may be contaminated, given the facility is located on the NDA.

Once the metal shell is removed, DOE would place the foundation in a safe condition, pending completion of the Decommissioning EIS, in which disposition of the foundation and any adjacent soil contamination will be evaluated.

The **Lag Storage Addition (LSA) 1** is a pre-engineered steel frame and fabric structure built in 1987 to store containerized LLW and protect it from wind and precipitation. The frame consists of 15 tons of galvanized steel and aluminum, including the doors. The fabric consists of approximately 13,800 square feet of fire-retardant and self-extinguishing vinyl. The floor is compacted gravel. LSA 1 has never been used to store mixed waste; it currently stores LLW.

This facility is radiologically clean at grade. Once the waste boxes were removed, the hardstand would be surveyed and RCRA sampled to ensure that no contamination had resulted due to potential, but undetected, container integrity issues. If spot contamination was found, the affected gravel would be removed and disposed of as LLW, or mixed LLW, if appropriate.

The **Lag Storage Addition (LSA) 2 Hardstand** was a tent structure that was dismantled after it was damaged by high winds. The foundation of LSA 2 is 8 inches of crushed stone covering an area 65 feet by 200 feet. Ten concrete footings reach a total depth of 4 feet. Six footings have cross-sections of 5 square feet and four have cross-sections of 3 square feet.

An area of the old foundation, measuring 40 feet by 65 feet, is radiologically contaminated. The estimated volume of the contaminated soil is 2,600 cubic feet. No hazardous chemical contamination has been identified. The LSA 2 Hardstand is used to store LLW and mixed waste.

This facility is radiologically clean at grade. Once the waste boxes are removed, the hardstand will be surveyed and RCRA sampled to ensure that no contamination has resulted due to potential, but undetected, container integrity issues. If spot contamination is found, the affected gravel would be removed and disposed of as LLW, or mixed LLW, if appropriate.

The **Lag Storage Addition (LSA) 3** is a clear-span structure with a pre-engineered frame and steel sheathing on a 7-inch concrete slab with curbs 6 inches high around the inside perimeter. The floor consists of approximately 20,000 cubic feet of concrete. LSA 3 is used to store LLW and mixed waste.

This facility is not radiologically contaminated, nor are there known hazardous constituents in the facility. The structure (including the floor) would be surveyed and RCRA sampled (swipe samples) to ensure that no contamination had resulted due to potential, but undetected, container integrity issues. If spot contamination was found in the floor, the affected surfaces would be secured appropriately or removed and disposed of as LLW or mixed LLW. Spot contamination found on the structure would be cleaned, and the waste handled appropriately.

The **Lag Storage Building (LSB)** is an engineered metal structure that was built in 1984 to store radioactive and mixed waste; it is currently empty. It is supported by a clear-span frame and anchored to a concrete slab foundation. The slab is 10 inches thick at its highest point, and it slopes downward on all sides to a thickness of 8 inches. A 6-inch-high concrete curb encloses the inner perimeter. The slab surface was coated with an acid-resistant, two-coat application of epoxy sealer.

The roof is sloped. Seven continuous ventilators with chain-operated dampers are located on top of the building. The siding, roofing, gutters, and downspout are constructed from 26-gauge steel.

Three 18-gauge steel personnel doors are located around the building. Metal (22-gauge) roll-up doors are located at the south and east ends of the building. A manually adjusted louver door is located on the north

and south walls of the building. The interior walls and ceiling are equipped with 4-inch-thick fiberglass insulation. This facility is radiologically contaminated in the WCA (former supercompactor area); however, the contamination can be removed.

The **Laundry Room** is located southeast of the Utility Room. It is a small concrete block structure. The roof is metal decking with insulation and asphalt roofing. The floor is a concrete slab 6 inches thick. The floor contains a sump that is radiologically contaminated. It contains a commercial-size washer, a commercial-size dryer, and sorting tables and racks for laundering contaminated protective clothing, including shoe rubbers, boots, face masks, and coveralls. Chemical disinfectants and detergents are used in this building.

A wooden wall separates the laundry into a radiologically contaminated side and a clean side. In the contaminated side, fixed radiological contamination exists in the floor and may exist in the washer, dryer, and ventilation system. Removable contamination exists in the MCC panels. The Laundry Room has a relatively small footprint compared with other facilities, but because concrete was used in its construction, it is conservatively assumed that the concrete has been contaminated and that decontamination, demolition, and removal activities would therefore generate a higher volume of LLW than larger facilities constructed of metal and steel.

DOE would use off-site vendors for laundry services if necessary.

The **Live Fire Range** was constructed about 1.5 miles southeast of the Process Building during 1986. It is a fenced-in area with earth-mounded backstops, or berm, and fixed targets used by WVDP Security and local law enforcement agencies for weapons practice and qualification courses. A shelter is located against the berm to provide non-shooters with cover from inclement weather. Weapons and ammunition used in exercises include 0.38-caliber handguns, 12-gauge shotguns, and 0.223-caliber semi-automatic and fully automatic assault rifles. The firing range is expected to contain unknown quantities of lead from spent bullets generated during its use as a weapons training facility. Because the bullets were used for their intended purpose, it is not RCRA waste (EPA OSWER 9441.1992[02], dated January 15, 1992). However the soil volumes estimated for removal of this facility were conservatively assumed to be hazardous waste (see Table 1 of the main text). The firing range is not radioactively contaminated.

Three trailers and two small wood-frame buildings are located just outside the firing range perimeter on the south side. The range house was used to store safety and first aid equipment, spent casings, and wood. It is constructed of a concrete slab floor, light wood frame, wood siding, and asphalt roofing. The other building was used to simulate hostage rescue operations. It has a light wood frame, waferboard siding and roofing, and crushed stone flooring. Neither building has furniture, plumbing, or electrical facilities.

A firing range is available locally.

The **Lube Storage Locker** is a metal locker used to store lubrication materials and located on a gravel pad area referred to as the Industrial Waste Storage Area. This structure was never radiologically contaminated. Lubrication materials would be stored appropriately in other remaining facilities, if necessary.

The **Maintenance Shop** is a metal building with steel supports. It houses locker rooms, lavatories, instrument shops, work areas, and a finished office area. Metal-working activities in the Maintenance Shop generated wastes containing metal constituents. The concrete floor is supported by a concrete foundation wall and concrete piers. This building is potentially radiologically contaminated in the concrete and in the overheads. Remaining maintenance functions would be transferred to the New Warehouse, which would remain available.

The **Maintenance Storage Area** is a sheet-metal storage area used to store raw materials for use in the Maintenance Shop. This facility was never radiologically contaminated. Remaining storage needs would be housed in the New Warehouse, which would remain available.

The **Master Slave Manipulator (MSM) Repair Shop** was constructed around 1971 to allow repair of contaminated MSMs close to their point of use, particularly those in the Process Mechanical Cell, General Purpose Cell, Scrap Removal Room, and laboratories. It is concrete block with structural steel framing, a concrete slab floor, and metal roof deck with sloped built-up roofing. The facility has controlled ventilation, utilities, lighting, an overhead monorail, and decontamination facilities. The floors and tanks were designed to drain to a buried 1,500-gallon tank (15D-6) east of the MSM Shop. The ventilation has been upgraded, a new floor poured, and a stainless steel pan added. Temporary shielding was installed in the southeast corner for additional protection from the HEV filter plenum. The facility contains one glass window in the north wall that looks in on the Contact Size Reduction Facility. The MSM Repair Shop has low levels of radiological contamination not thought to be significant and a requirement for decontamination would be minimal.

The **NDA Hardstand**, located near the southeast corner of the NDA, was an interim storage area where radioactive waste was staged before being disposed. The hardstand contains a three-sided structure with cinder-block walls that is located on a sloped pad of crushed rock. The hardstand is radiologically contaminated in the soils from material that was staged for burial.

The **New Cooling Tower** provides cooling water to selected systems and equipment. It stands on a concrete basin. The floor of the basin is an 8-inch-thick concrete slab. The basin floor is supported by a retaining wall 4 feet deep. The concrete basin is radiologically contaminated and chemically contaminated with water treatment chemicals, such as corrosion inhibitors and biocides, which have been used as part of normal operations in the cooling tower. Only the above-grade uncontaminated structure would be removed. Some amount of decontamination of the basin and slab may be necessary. This potential waste volume is included in Table 1 of the main text. The basin would be covered to prevent water accumulation. The contaminated basin, including the slab, will be evaluated in the Decommissioning EIS. The basin would be covered to prevent water accumulation. The cooling function would be provided through equipment modification or replacement to eliminate the need for Cooling Tower (e.g., conversion to air-cooled equipment).

The **O2 Building** is a steel-framed concrete building with a concrete slab located outside the building. The LLW Treatment Facility in the O2 Building was replaced by an LLW Treatment Facility in the LLW2. All equipment has been removed from the building and slab. The O2 Building has been significantly decontaminated. Remaining radiological contamination is in both fixed and removable form. Only the above-grade structure would be removed. Some amount of decontamination of the slab may be necessary. This potential waste volume is included in Table 1 of the main text. The removal of the contaminated slab will be evaluated in the Decommissioning EIS. The O2 Building has a relatively small footprint compared with other facilities, but because concrete was used in its construction, it is conservatively assumed that the concrete has been contaminated and that decontamination, demolition, and removal activities would therefore generate a higher volume of LLW than larger facilities constructed of metal and steel.

The **Old Warehouse** is a pre-engineered steel building with three sections. The facility supports the storage of spare parts, equipment, and chemicals associated with conduct of the WVDP; in the past, NFS used the facility for the same purpose. The room attached to the north end of the building formerly housed the blueprint facility and currently houses a radiological counting facility. A concrete ramp with an asphalt cover is located at the north cargo door. This facility is potentially radiologically contaminated

due to rodent issues. There is no removable contamination. Remaining storage needs would be met by the New Warehouse, which would remain available.

The **Old Sewage Treatment Plant** provided primary and secondary treatment of sanitary wastewater generated at the WVDP from 1966 to 1985. The unit consisted of a concrete basin (5,000 gallons per day capacity), control boxes, a surge tank, an aeration tank, and a clarifier. Effluent from the facility was monitored under the State Pollutant Discharge Elimination System (SPDES) regulatory program since 1978. The treatment plant received wastewater from the Main Plant locker room floor drains, sinks and toilets, and other on-site sanitary waste streams. Low levels of radioactivity were documented in this facility. A piping source was identified and pipes were replaced, eliminating the radioactivity occurrences.

The **Radwaste Process (Hittman) Building** is located in the yard area north of the FRS Building. The building is steel-framed, with steel siding and roofing. The center section of the roof is removable to allow access to steel and concrete shields that house high-integrity containers (HICs) used to store loaded resins from the fuel pool Submerged Water Filtration System. The Radwaste Process Building is equipped with provisions for the confinement of radioactive materials. The foundation perimeter is curbed, and a sump located in the southwest corner of the building provides spill collection. This facility is radiologically contaminated with elevated contamination levels in the facility sump and low-level removable and fixed contamination in the posted contamination area used to support resin transfers. Only the above-grade structure would be removed. Some amount of decontamination of the slab may be necessary. This potential waste volume is included in Table 1 of the main text. The removal of the contaminated slab will be evaluated in the Decommissioning EIS.

The **Recirculation Vent System Building** is fabricated from sheet metal and is located in the north FRS yard. This building contains the equipment that provides the majority of the heating, ventilation, and air conditioning (HVAC) for the FRS Building. This facility is radiologically contaminated in the ventilation system components.

The **Road Salt and Sand Shed** consists of a storage bin and a sand stall on 5-inch-thick blacktop. The blacktop is underlain with 10 inches of stone. This structure was used to store road salt and sand and is not radiologically contaminated. DOE proposes to remove the storage bin and sand stall within the next 4 years. During decommissioning of the site, DOE would contract with a commercial firm for road maintenance as needed.

The **Schoolhouse**, located south of the WVDP on Rock Springs Road, is a two-room, one-story wood building with clapboard siding. It has asphalt shingles over the original wood shingles and a brick chimney. It has a fieldstone foundation. It was previously used as an environmental laboratory and as a training center, but it is currently being used as a deer check facility during restricted deer hunting at the Western New York Nuclear Service Center (WNYNSC). The schoolhouse was never radiologically contaminated.

The **Test and Storage Building** (TSB), located northeast of the Process Building, has a timber frame, metal siding, and steel beams. The building was initially used to test glass recipes and store glass samples. It currently has office space, the tool crib, and garage space. A concrete block addition houses Radiation and Safety Operations. This building is potentially radiologically contaminated by a low-level fixed contamination.

The **Vehicle Repair Shop** is a steel I-beam framed structure with corrugated metal siding and a metal roof. This facility was never radiologically contaminated. Vehicle maintenance and repair would be housed in the New Warehouse, which would remain available.

The **Vitrification Test Facility** is a metal building with a concrete floor. It is equipped with three large, motor-operated roll-up doors and a 16-ton overhead bridge crane. It housed, among other things, a small-scale vitrification facility used to test the technology without using actual radioactive waste. The refractory in the scale vitrification system melter might contain some metal constituents such as chromium and thorium.

A “speed-space” was added to the south side of the Vitrification Test Facility to simulate a control room for operator training.

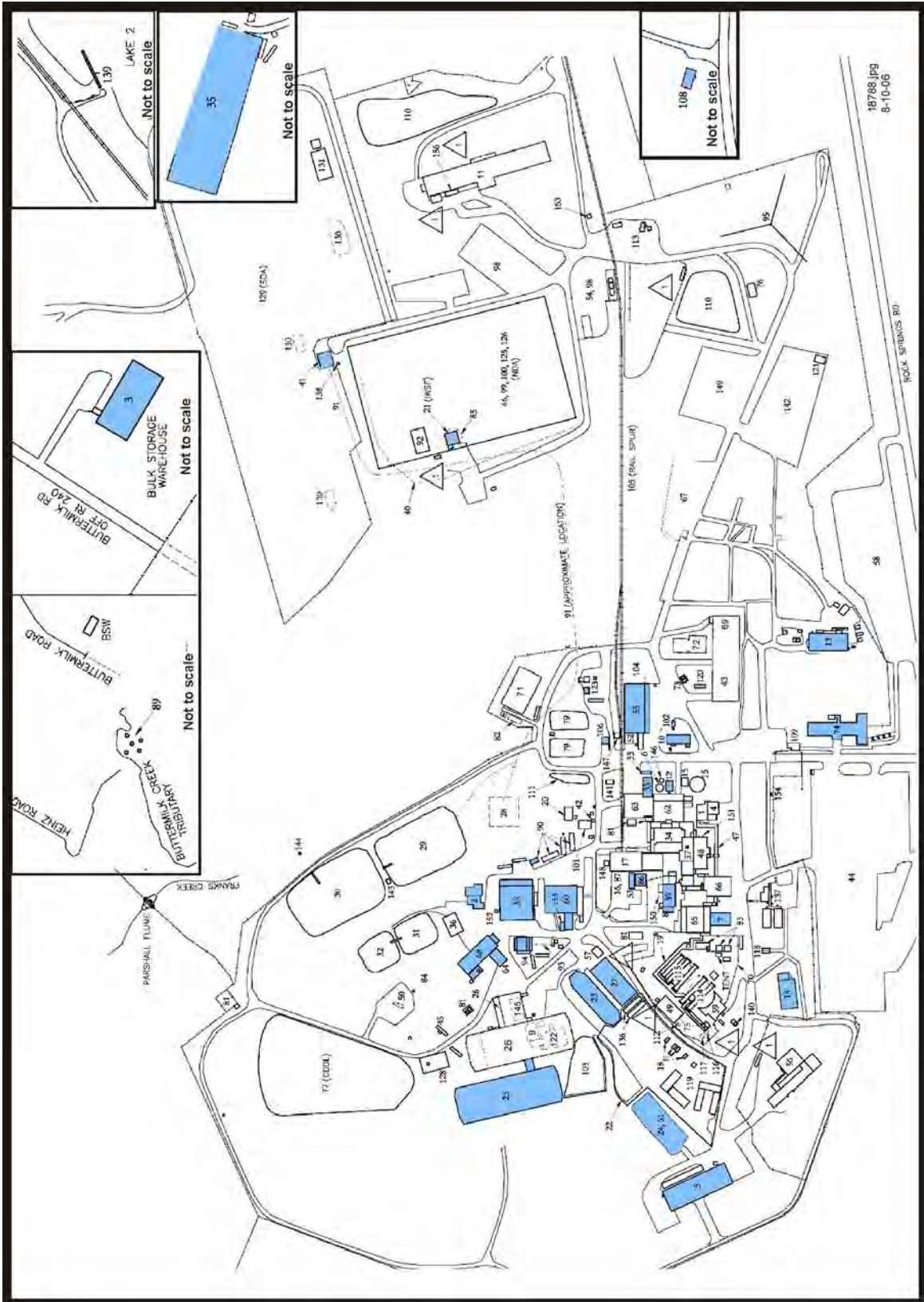
Eleven wood utility poles are located between the Electrical Switching Station and the northeast area of the Vitrification Test Facility. These poles are 1.5 feet in diameter and approximately 30 feet tall. They have been treated with creosote. One cross arm with ceramic insulators is mounted on each pole. This building is not radiologically contaminated.

The **Warehouse Bulk Oil Storage Unit** is a metal, insulated-wall structure insulated with 2-hour fire rating. The floor is a removable fiberglass grating located 6 inches above a catch basin with a sump. It is located east of the New Warehouse. It has been used for the storage of combustibles (i.e., grease, oils, antifreeze, etc.) in 1 gallon to 55 gallon containers. This facility is not radiologically contaminated.

Within the next 4 years, the need for combustible materials storage will have been eliminated or substantially reduced. Combustible materials would be stored appropriately in existing facilities, if necessary.

The **Waste Tank Farm (WTF) Training Platform 2**, the mobilization pump repair platform, is a pre-engineered structure erected as a stack of four modules, including ladders, handrails, and grating. Structural shapes and plates are carbon steel. The grating is galvanized. The modules, ladders, and handrails are bolted together. The exterior “skin” is fabric. This platform is not radiologically or chemically contaminated. It was constructed as a mock-up to support the replacement of pumps in the Waste Tank Farm. The platform was an aboveground training and practice area designed to facilitate full-scale mockup of pump replacement activities. WTF Training Platform 1, the decant pump and heat exchanger platform, would remain operational.

APPENDIX B WVDP FACILITY MAP AND CROSSWALK



**West Valley Demonstration Project Facilities Showing Those Facilities
Proposed for Demolition and Removal**

Facility Number^a	Facility Name
1	01-14 Building Including Cement Solidification System
2	Low-Level Waste Treatment Facility (02 Building)
3	Bulk Storage Warehouse (BSW)
4	Cement Solidification System (CSS)
5	Chemical Process Cell-Waste Storage Area (CPC-WSA)
6	Clarifier
7	Cold Chemical Facility (Cold Chem)
8	Contact Size Reduction Facility (CSRF)
9	Container Sorting and Packaging Facility (CSPF)
10	Cooling Tower
11	RTS Drum Cell
12	Emergency Vehicle Shelter
13	Expanded (Environmental) Lab
14	Construction Fab Shop (Vitrification Fab Shop)
15	Fire Pumphouse & Storage Tank
16	FRS North Yard Hardstand
17	Fuel Receiving and Storage (FRS) Building
18	Hazardous Waste Storage Lockers
19	High-Level Waste Transfer Trench
20	New Interceptor (North and South)
21	Interim Waste Storage Facility (IWSF) or Kerosene Tanks & NDA Container Storage Area
22	Lag Hardstand
23	Lag Storage Area 1
24	Lag Storage Area 2 (hardstand)
25	Lag Storage Area 3
26	Lag Storage Area 4 (LSA 4) Including Shipping Depot
27	Lag Storage Building (LSB)
28	Lagoon 1
29	Lagoon 2
30	Lagoon 3 (includes nearby french drain)
31	Lagoon 4
32	Lagoon 5
33	Laundry Room
34	Liquid Waste Treatment System (LWTS)
35	Live Fire Range
36	Low-Level Waste Treatment Building (LLW2)
37	Main Plant Process Building (MPPB)
38	Maintenance Shop
39	Master Slave Manipulator (MSM) Shop
40	NDA Interceptor Trench
41	NDA Hardstand/Staging Area
42	Neutralization Pit
43	New Warehouse (Main 2)
44	North Parking Lot

**West Valley Demonstration Project Facilities Showing Those Facilities
Proposed for Demolition and Removal**

Facility Number^a	Facility Name
45	North Plateau Groundwater Recovery System Pump & Treat
46	Nuclear Regulatory Commission-Licensed Disposal Area (NDA)
47	Off-Gas Trench
48	Plant Office Building
49	Permanent Vent System Bldg (PVS)
50	Permeable Treatment Wall
51	PPC Box Storage Area
52	Radiation Protection Counting Lab
53	Radwaste Process (Hittman) Bldg
54	Rail Packaging and Staging Area
55	Old (Main) Warehouse
56	Remote Handled Waste Facility (RHWF)
57	Sample Sorting and Packaging Area
58	South Parking Lot
59	Supernatant Treatment System (STS)
60	Test and Storage Building (TSB)
61	Trailers (3)
62	Utility Room
63	Utility Room Expansion
64	Vehicle Maintenance Shop
65	Vitrification Facility Bldg
66	Load-In/Load-Out Facility
67	Vitrification Hardstand
68	Vitrification Test Facility (VTF)
69	(Former) Waste Management Staging Area (WMSA)
70	Waste Tank Farm (WTF)
71	Equalization (EQ) Basin
72	Waste-Water Treatment Facility or Sewage Treatment Plant
73	Aboveground Petroleum Tanks (41-D-021, 41-D-022)
74	Administration Building
75	Con-Ed Building
76	Construction and Demolition Area or Concrete Washdown Area
77	Construction and Demolition Debris Landfill (CDDL)
78	Dams and Reservoirs
79	Demineralizer Sludge Ponds
80	Designated Roadways
81	Electrical Substations
82	Equalization (EQ) Tank
83	Waste Tank Farm Equipment Shelter and Condenser
84	Fire Brigade Training Area
85	Former NDA Lagoon (also called “Pete’s Pond)
86	FRS Ventilation Building (Recirculation Ventilation System Building)
87	Fuel Receiving & Storage Area’s High Integrity Container (HIC) & SUREPAK Staging Area
88	HLW Tanks Pumps

**West Valley Demonstration Project Facilities Showing Those Facilities
Proposed for Demolition and Removal**

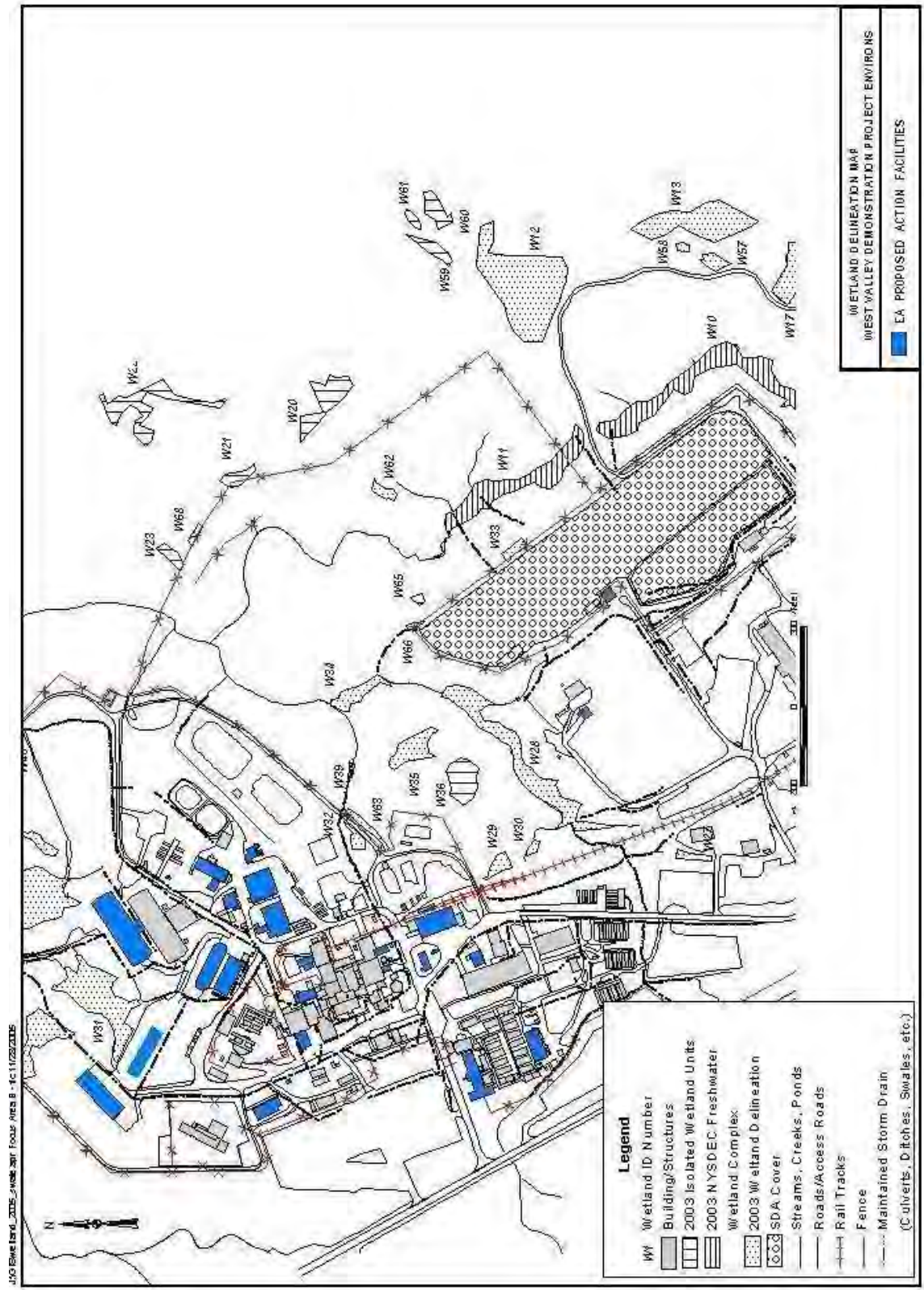
Facility Number^a	Facility Name
89	Hydrofracture Test Well Area
90	Industrial Waste Storage Area Lube Storage Lockers and 2 Metal Lockers
91	SDA Leachate Transfer Line
92	Liquid Pretreatment System
93	Maintenance Shop Leach Field
94	Maintenance Storage Area
95	Meteorological Tower
96	Miscellaneous Facilities and Storage Areas
97	Monitoring Wells/Stations
98	NDA Trench Soil Container Area
99	NFS Deep Holes
100	NFS Special Holes
101	Old Interceptor
102	Old Sewage Treatment Facility
103	Old/New Hardstand Storage Area
104	Product Storage Area
105	Rail Spur
106	Road-Salt & Sand Storage Shed
107	Satellite Accumulation and 90-Day Storage Areas
108	Schoolhouse
109	Security Gatehouse and Fences
110	Soil Piles
111	Solvent Dike
112	STS Bulk Underground Fuel Oil Tank (50D-09)
113	Subcontractor Maintenance Area
114	Tank 8D-1 (including in-tank STS Components)
115	Tank 8D-2
116	Tank 8D-3
117	Tank 8D-4
118	Vitrification Diesel Fuel Oil Storage Tank & Building (or Diesel Fuel Oil Building) (FOD-11)
119	Vitrification Vault and Empty Container Hardstand
120	Warehouse Bulk Oil Storage Unit
121	Warehouse Hardstand Tents
122	Waste Packaging Area
123	Waste Tank Farm Test Towers (one of two)
124	Well purge water storage locations
125	WVDP Caissons
126	WVDP Trenches
127	Sealed Rooms
128	Cold Hardstand Near CDDL
129	SDA-Disposal Trenches
130	SDA-Former Lagoons
131	SDA-Mixed Waste Storage Facility
132	North Plateau Groundwater Plume

**West Valley Demonstration Project Facilities Showing Those Facilities
Proposed for Demolition and Removal**

Facility Number^a	Facility Name
133	Stream Sediments
134	Cesium Prong
135	Contaminated Soils on Project Premises
136	High Level Waste Tank Pump Storage Vaults
137	VH Series Trailers
138	SDA Leachate Pumphouse
139	Lakes Pumps
140	Nitrogen Storage Tank
141	Aboveground Diesel Fuel Tank 31D-01
142	AA Hardstand
143	Lagoon 2 Pumphouse
144	Lagoon 3 Weir Shed
145	Shipping Depot Containment
146	Demineralized Water Tank
147	Waste Paper Incinerator Pad
148	FRS Pump Shed
149	Empty Hardstand
150	HEV & Decon Shop Waste Catch Tank 15D-6
151	LLW Catch Tank from Lab Drains 7D-13
152	New Communications Shed
153	Drum Cell Instrumentation Monitoring Shed
154	Communications Hub Shed
155	Asbestos Decon Shower
156	WVDP Road Show Trailer

a. Shaded rows indicate facilities evaluated in this EA.

APPENDIX C WETLAND DELINEATION MAP—WVDP ENVIRONS



APPENDIX D DOE'S RESPONSE TO COMMENTS

Introduction

DOE issued the draft EA on June 26, 2006, initiating a public comment period that extended through July 29, 2006. DOE also held a public meeting on the draft EA on July 19, 2006. DOE has considered all of the comments received in the comment letters and transcript of the public meeting. The following provides a summary of the major comments followed by an index of commenters and DOE's response to specific comments.

Several commenters stated that some of the 42 facilities proposed for demolition and removal in the draft EA could be needed under future site decommissioning and/or long-term stewardship scenarios. For this reason, the commenters stated that demolition and removal of the facilities could not be independently justified and prejudiced the outcome of the ongoing Decommissioning EIS in violation of NEPA. The functions that commenters stated might be needed are:

- Low-level radioactive waste (LLW) storage
- Sewage Treatment Plant
- Warehouse capacity
- Waste Tank Farm Training Platform
- Maintenance-type facilities
- Emergency response facilities
- Hydrofracture test well area

Commenters also stated that by preparing an EA for the demolition and removal of certain facilities, DOE was improperly segmenting the NEPA process. Commenters stated that issuing the EA would violate the Stipulation of Compromise entered into by DOE and the Coalition on West Valley Nuclear Wastes.

Response to Comments

The 42 facilities proposed for demolition and removal in the draft EA were originally identified as those that did not contribute significant source term (radiological contamination) to the site, and for which no future use in implementing potential Decommissioning EIS alternatives was thought to exist. Based on the comments received on the draft EA, DOE, supported by West Valley Nuclear Services Company (the current site operations contractor) and the contractors involved in drafting the Decommissioning EIS, revisited the issue of whether any of the 42 facilities included in the draft EA could potentially provide support functions for implementation of the full range of possible decommissioning and/or long-term stewardship alternatives. In addition, DOE identified facilities that could be used to address currently unresolved situations should those situations remain unresolved beyond the next four years (e.g., storage of transuranic (TRU) waste until off-site disposal becomes available). The result of this effort was a list of six facilities recommended for removal from the EA.

These facilities are:

- Lag Storage Addition (LSA) 4 and Shipping Depot
- Radwaste Treatment System Drum Cell
- Equalization Basin
- Equalization Tank

- Sewage Treatment Plant
- Waste Tank Farm Training Platform (one of two)
- New Warehouse

The demolition and removal of these facilities has been eliminated from the scope of the final EA. The LSA-4 and Shipping Depot and the Radwaste Treatment System Drum Cell will be available for LLW and TRU waste storage, respectively, in the future as needed, and the Sewage Treatment Plant, Equalization Basin, and Equalization Tank will remain available to support any workers involved in future decommissioning and/or long-term stewardship activities. In addition, the New Warehouse would house the vehicle repair shop, maintenance shop, maintenance storage, and any necessary equipment and materials from the Old Warehouse and Bulk Storage Warehouse. The hydrofracture test well area and Emergency Vehicle Shelter remain within the Proposed Action for demolition and removal as explained in response to specific comments below. The final EA and the impact analyses it contains have been revised to reflect the revised scope.

Based on DOE's recent comprehensive review, the Department confirmed that the 36 facilities that remain within the scope of the EA are not now and/or would not be needed in the future under any West Valley Demonstration Project (WVDP) closure scenario. Because the demolition and removal of these facilities would not affect the range of alternatives available for decommissioning and/or long-term stewardship or prejudice the outcome of the ongoing Decommissioning EIS, NEPA requirements allow DOE to take this interim action (10 CFR § 1021.211 and 40 CFR § 1506.1).

Because applicable NEPA regulations permit DOE to take this interim action, DOE is not improperly segmenting its NEPA compliance as some commenters suggest. The Stipulation of Compromise Settlement that DOE entered into with the Coalition on West Valley Nuclear Wastes and Radioactive Waste Campaign in 1987 does not preclude the preparation of a NEPA document to address management of WVDP facilities that would not be needed under any future decommissioning and/or long-term closure scenario. DOE has complied, and continues to comply, with the Stipulation.

Commenters also raised specific issues and asked specific questions regarding the analysis of impacts in the draft EA. DOE has responded to those issues and questions individually in the following matrix. Table D-1 provides an index to all commenters and the identification numbers used for each specific comment. These identification codes are also shown on the incoming comment documents, reproduced in their entirety at the end of this appendix.

Table D-1. Public Comments Received on Draft EA

Comment Numbers	Date Received	Commenter
1-1 through 1-12	June 30, 2006	Dr. Paul Piciulo New York State Energy Research and Development Authority (NYSERDA) West Valley Site Management Program
2-1 through 2-7	July 17, 2006	William T. King, Supervisor Town of Ashford
3-1 through 3-3	July 27, 2006	Keith I. McConnell, Deputy Director U. S. Nuclear Regulatory Commission (NRC) Division of Waste Management and Environmental Protection Office of Nuclear Materials Safety and Safeguards
4-1 through 4-5	July 29, 2006	Diane D'Arrigo, on behalf of the Center for Health, Environment and Justice (CHEJ); Citizens Environmental Coalition (CEC); Concerned Citizens of Cattaraugus County (CCCC); Nuclear Information and Resource Services (NIRS)
5-1 through 5-5	July 29, 2006	Joanne Hameister Seth Wochensky Kathleen McGoldrick Lee Gridley Judith Einach Coalition on West Valley Nuclear Wastes
6-1 through 6-4	July 29, 2006	Raymond C. Vaughan, on behalf of the West Valley Citizen Task Force
7-1 through 7-24	August 2, 2006	Edwin E. Dassatti, Bureau Director New York State Department of Environmental Conservation (NYSDEC) Division of Solid and Hazardous Materials Bureau of Hazardous Waste & Radiation Management
8-1 through 8-8	August 2, 2006	Grace Musumeci, Chief U.S. Environmental Protection Agency, Region 2 Environmental Review Section Strategic Planning and Multi-Media Programs Branch
T-1 through T-14	July 19, 2006	Various Commenters

Specific Comments

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New York State Energy Research and Development Authority (NYSERDA)		
1-1	DOE has not, however, provided a [publicly] available document, that would explain why the buildings that are still currently in use will no longer be needed to complete implementation of the WVDP Act. A [publicly] available description of DOE’s assumptions regarding decommissioning and closure actions would help reviewers of this EA understand why DOE believes the functions served by these 42 buildings are no longer needed and/or how these functions will be replaced during site decommissioning activities.	As stated in the draft EA, DOE identified facilities for decontamination (if necessary), demolition, and removal because their design, function, and lack of significant source term would not affect whether the decommissioning criteria for the site could be met. Since the issuance of the draft EA, DOE has determined that six structures (plus one of the two Waste Tank Farm training platforms) originally proposed for demolition and removal could be needed under future decommissioning and/or closure scenarios or to address currently unresolved needs and, for that reason, has eliminated those buildings from the scope of the final EA. Of the remaining 36 facilities, those that DOE currently uses to store LLW would no longer be needed once that waste is shipped off-site in accordance with the Record of Decision for the <i>West Valley Demonstration Project Waste Management Environmental Impact Statement (DOE/EIS-0337)</i> , December 2003. The LSA-4 and Shipping Depot and the Radwaste Treatment System Drum Cell have been removed from the scope of the EA and will be available for radioactive waste storage in the future as needed. The New Warehouse would house the vehicle repair shop, maintenance shop, maintenance storage, and any necessary equipment and materials from the Old Warehouse and Bulk Storage Warehouse. These facilities will be included in the Decommissioning EIS.
1-2	The description of the 42 buildings and other structures at the WVDP that are the subject of this Environmental Assessment (EA) as “unneded and unused” is not entirely accurate. While Footnote 1 on Page 1 of the draft EA acknowledges that some of the buildings are currently used to store low-level radioactive waste and Table 2 describes	As noted above, since the issuance of the draft EA, DOE has determined that six structures (plus one of the two Waste Tank Farm training platforms) originally proposed for demolition and removal could be needed under future decommissioning and/or closure scenarios or to address currently unresolved needs and, for that reason, has eliminated those buildings from

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	<p>in general terms how functions served by certain of the EA buildings and structures will be replaced, the EA appears to lack a thoughtful consideration of the consequences of removing certain facilities or combinations of facilities prior to selecting and/or completing implementation of a WVDP decommissioning alternative. NYSERDA does not believe that removal of certain facilities or the removal of certain combinations of facilities can be independently justified from the actions that are currently within the scope of the Decommissioning and/or Long-Term Stewardship EIS. In addition, the “replacement impacts,” which were to have been addressed in the EA for any function that would still be required (see DOE Response to NYSERDA Comment #1, 1/4/06) are not included in this draft EA. Comments 3 through 7 present specific examples of NYSERDA’s concern.</p>	<p>the scope of the final EA. Facilities with functions that would need to be replaced are listed in Table 2 of the final EA, along with an explanation as to where the replacement function would occur. As stated in the final EA, “Replacement of any remaining functions could require minor modifications of existing facilities but no new construction. A few functions would be taken over by qualified off-site vendors.”</p> <p>DOE expects the impacts from each of the replacement activities to be the same as or less than those from the respective current activities.</p>
1-3	<p>NYSERDA urges DOE to reconsider the removal of all low-level waste storage capacity. Some amount of low-level waste storage capacity will be needed to support implementation of future decommissioning actions and some portion of the existing low-level waste storage capacity should be retained to support these future decommissioning actions.</p>	<p>DOE has reconsidered the removal of all primary LLW storage capacity. The LSA-4 and Shipping Depot have been removed from the scope of the EA. The Radwaste Treatment System Drum Cell also has been removed from the scope of the EA and could be used for TRU waste storage if off-site disposal were delayed. These facilities will be included in the Decommissioning EIS.</p>

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1-4	<p>NYSERDA is aware that the existing sewage treatment plant may be oversized for the size of the current work force and thus may not function as well as it should, but why would the WVDP elect to replace all the existing sanitation facilities with portable units instead of just continuing to use a contracted transport and disposal service to bulk ship the sewage off-site, as is done now? In addition, there is no assessment or discussion of the replacement impacts.</p>	<p>Based on further review, DOE has determined that the Sewage Treatment Plant, Equalization Basin, and Equalization Tank could be needed to provide sanitary facilities and potable water for workers under one or more decommissioning and/or closure scenarios. Those facilities have been removed from the scope of the EA and will be included in the Decommissioning EIS.</p>
1-5	<p>NYSERDA questions the merit of removing all three warehouses and would propose that DOE retain the largest and newest warehouse located on the Project Premises to support future decommissioning activities. In addition, there is no assessment or discussion of replacement impacts (e.g., rental costs, fuel use and employee hours to transport materials to and from an off-site warehouse, etc.).</p>	<p>Based on further review, DOE has determined that the New Warehouse could be needed under one or more decommissioning and/or closure scenarios. That facility has been removed from the scope of the EA. It will be included in the Decommissioning EIS.</p>
1-6	<p>NYSERDA believes that one of the two WTF Training Platforms should be retained to facilitate mockups of the installation and removal of equipment from the HLW tanks. Additional equipment, such as the zeolite columns or tank pumps may need to be removed from the tanks. Additional equipment, such as sampling equipment or waste removal equipment may need to be put in the tanks. One of the WTF training platforms should be retained to facilitate proper planning of this important work.</p>	<p>Based on further review, DOE has determined that one of the Waste Tank Farm training platforms (the larger one) could be needed under one or more decommissioning and/or closure scenarios. That facility has been removed from the scope of the EA. It will be included in the Decommissioning EIS.</p>
1-7	<p>NYSERDA believes that one or more “maintenance-type” facilities (e.g., Fab Shop, Maintenance Shop, Test and Storage Building, Vehicle Repair Shop, MSM Repair Shop) should be retained to support future site decommissioning activities. Radiological and nonradiological equipment will still need to be maintained, modified, mocked-up, etc. during decontamination and decommissioning activities that are</p>	<p>Based on further review, DOE has determined that the New Warehouse could be needed under one or more decommissioning and/or closure scenarios. That facility has been removed from the scope of the EA and will be included in the Decommissioning EIS. The New Warehouse would be used to house the vehicle repair shop, maintenance shop, maintenance storage, and any necessary equipment and materials from the Old</p>

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	within the scope of the Decommissioning EIS. NYSERDA urges DOE to retain one or more of the existing “maintenance-type” facilities to fulfill this future need.	Warehouse and Bulk Storage Warehouse.
1-8	Page 7, Table 1, Bulk Storage Warehouse - A waste volume estimate for the Bulk Storage Warehouse (BSW) appears to be missing from the table. The only waste volume estimated for the BSW is the volume associated with the concrete slab. Shouldn't an estimated volume of industrial waste be associated with the building?	The missing information has been included in Table 1 in the final EA.
1-9	Page 7, Table 1, Equalization Tank - A waste volume estimate for the Equalization Tank appears to be missing from the table.	The Equalization Tank has been removed from the scope of the EA. It will be included in the Decommissioning EIS.
1-10	Page 7, Table 1, Live Fire Range - Based on the WVDP use of this area and the expected hazardous waste contamination, why hasn't the live fire range been declared and assessed as a SWMU under the RCRA 3008(h) Consent Order?	In accordance with the guidance provided by the U.S. Environmental Protection Agency (EPA) in OSWER 9441.1992(02), dated January 15, 1992, DOE does not feel that the Live Fire Range should be managed as a Solid Waste Management Unit. In the guidance document, the EPA indicated, “...the disposition of lead at shooting ranges was within the normal and expected use pattern of the manufactured product and the resultant contamination was not subject to the RCRA regulations.”
1-11	Page 7, Table 1, Old Sewage Treatment Plant - The old sewage treatment plant is known to have received radiologically contaminated liquids from the Process Plant and is currently posted as a radiologically contaminated area. If DOE intends to remove this slab, how does DOE plan to address contaminated soils? What cleanup standard will be applied to determine when enough radiological soil has been removed? A predetermined exhumation depth or volume of soil is not an acceptable way to demonstrate adequate cleanup. NYSERDA does not want clean fill placed over contaminated soil in the area of the sewage treatment plant or any	This facility did become contaminated with low levels of radioactivity sometime in the late 1970s. The source of contamination was suspected to be the acid recovery pump room and corroded wastewater pipes below. The pipes were replaced with stainless steel pipes, eliminating recurrence. The contaminated sludges were removed and packaged as waste. The portion of the Old Sewage Treatment Plant under consideration in the EA is not currently posted as a radiologically contaminated area. Additionally, no soil contamination is currently expected in this area because the leak in question was under the Main Process Plant Building, not in the direct vicinity of the Old Sewage Treatment Plant itself.

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	<p>other area of the site. This practice will lead to the generation of additional contaminated soil volumes and may lead to the loss of institutional knowledge of the presence of subsurface contamination. NYSERDA requests that contaminated soil and contaminated surface features be completely characterized and/or remediated so they are not left to be “rediscovered” at some point in the future.</p>	
1-12	<p>Appendix B, WVDP Facility Map and Facility Name Crosswalk - The facility name crosswalk table may lead to significant confusion and misunderstanding because it includes all of the site facilities, as opposed to just the EA facilities. In addition, the following acronyms are not defined and references or citations to the relevant documents are not provided: “GOAT,” “SAR,” “ORPS” and “SUMP.” Also, it is unclear if the RCRA column was intended to list only the RCRA HWMUs or the RCRA HWMUs and RCRA SWMUs. Either way, the RCRA column is incomplete.</p>	<p>The final EA contains a revised Appendix B with a new map and a new table to address these concerns.</p>
Town of Ashford		
2-1	<p>The Town of Ashford is in complete agreement with the 12 comments made by NYSERDA, June 30, 2006. We are very concerned with how the DOE will answer the NYSERDA comments and want to be [kept] up to date on the answers to the Comments. We also request a time frame to allow for agreement or disagreement.</p>	<p>Please see DOE’s responses to NYSERDA’s comments, above.</p>
2-2	<p>We find that your reference to future use of offsite local warehouses, if needed, is another possibility for accidents and more of a threat to our health and safety. We Strongly urge that any possible building that could be used for any future Demonstration projects or any UNFORESEEN reasons must be left and maintained. The EA does not include a list of where these actual suitable</p>	<p>Based on further review, DOE has determined that the New Warehouse could be needed under one or more decommissioning and/or closure scenarios. That facility has been removed from the scope of the EA and it will be included in the Decommissioning EIS. The New Warehouse would be used for on-site storage as necessary. WVDP material and equipment would not be transported off-site</p>

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	warehouses are or what may have to be stored.	for storage.
2-3	We strongly urge that research be done on the small school house that appears to be outside of the actual area where the anticipated reduction of building foot print is located. This is the only surviving building that the town has from the original take over. We feel that sentimental effects and historical values must be considered before it is demolished. It certainly has nothing to do with the removal of radioactivity. The same goes for the demolishing of many of the buildings, as to the actual reduction of the real problem.	DOE has retained the Schoolhouse in the scope of the EA. The Schoolhouse is not within the Project Premises. Removal of the Schoolhouse would be coordinated with the Town of Ashford.
2-4	As the local community to which the federal government (DOE) has always stated they have been friendly with, we are very disappointed that we have not been or at least considered to be contacted for a study to the elimination of certain support projects. Including the sewer system, water supply system, and certain buildings.	DOE issued the EA in draft in order to seek public comments, which the Town of Ashford provided. The water supply system was not within the scope of the EA. Based on further review, DOE has determined that the Sewage Treatment Plant, Equalization Basin, and Equalization Tank could be needed to provide sanitary facilities and potable water for workers under one or more decommissioning and/or closure scenarios. Those facilities have been removed from the scope of the EA. They will be included in the Decommissioning EIS.
2-5	We, as the local community, are very concerned with what appears to be a quick suggestion to remove buildings. Our town is presently suffering a major problem caused by the very rapid and not researched removal of approximately 80 temporary office trailers last year. They were moved onto property within the Town without Permits and are in violation of the local Town Law and Ordinance.	DOE did not take the Proposed Action to remove these facilities lightly. DOE has considered the future use of these facilities relative to the potential alternatives available for consideration in the draft EIS and confirmed that the 36 facilities that remain within the scope of the EA are not now and/or would not be needed in the future under any potential WVDP closure scenario. The EA does address the types of waste to be generated from facility removal and the proper disposal of this waste at licensed commercial or DOE disposal facilities.
2-6	The Environmental Assessment is not clear about what we feel important. Issues such as the real impacts to our local health safety and economy:	The EA is limited to an evaluation of the potential impacts of the decontamination, demolition, and removal of certain unneeded buildings at WVDP. The impacts

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	<p>(a.) Future monitoring of local volunteers, within a specified perimeter, to have physicals done and recorded</p> <p>(b) Monitoring off site but within the immediate area of creeks, springs, underground water supplies, wildlife, wooded areas and air. These are examples we feel this EA has overlooked. The fact that our people still live in the area and the rights to local protection of health, safety and economy are equal to all who live within the United States, is very important to us.</p>	<p>addressed in the EA include those to human health and safety. However, the Decommissioning EIS, which remains a priority, will address the potential environmental impacts of various decommissioning and/or closure scenarios, including impacts to local health and safety and the economy and the need for monitoring.</p>
2-7	<p>More effort must be put on total removal of any and all contaminants from this site. This EA suggest[s] that by reducing a footprint we are taking care of the real problems.</p>	<p>The EA does not suggest that removing 36 unneeded facilities from the WVDP site addresses all of the environmental issues at the site, nor does it suggest that removing the 36 facilities would reduce the footprint of the Project Premises. In fact, DOE recognizes that the buildings that are proposed for demolition and removal lack a significant source term as compared to the remainder of the facilities at WVDP. Analysis of other contaminated facilities and their potential removal is being done in the Decommissioning EIS.</p>
U.S. Nuclear Regulatory Commission (NRC)		
3-1	<p>During the period that the U.S. Department of Energy (DOE) has exclusive use and possession of the West Valley Demonstration Project (WVDP) facilities, it should ensure that provisions exist for the continued monitoring and surveillance of site activities, and that facilities necessary for site decommissioning are retained.</p>	<p>DOE continues to provide monitoring and surveillance of site activities. As noted above, since the issuance of the draft EA, DOE has determined that six structures originally proposed for demolition and removal could be needed under future decommissioning and/or closure scenarios or to address currently unresolved needs and, for that reason, has eliminated those buildings from the scope of the final EA. DOE has confirmed that the 36 facilities that remain within the scope of the EA are not now and/or would not be needed in the future under any potential WVDP closure scenario. Ongoing monitoring and surveillance of site activities will not change as a result of the EA.</p>
3-2	<p>DOE should be mindful that cleanup levels established for remediation under the draft EA may be different from those</p>	<p>DOE recognizes that facilities or soils not removed prior to site decommissioning would be subject to remediation based on</p>

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	<p>established for site decommissioning. Therefore, any decontaminated facilities or remediated soils that are not removed prior to site decommissioning may be subject to further remediation based on cleanup levels established for site decommissioning. Further, clean soils placed over such areas may need to be exhumed potentially resulting in the generation of additional waste.</p>	<p>cleanup levels established for site decommissioning. In addition, DOE does not plan to excavate pads or foundations in areas with subsurface contamination in order to avoid the situation described in this comment – that is, one that would result in the placement of clean soils over contaminated areas that may then require further action based on decommissioning decisions and result in additional waste volumes.</p>
<p>3-3</p>	<p>DOE should also consider the potential benefit of this type of information to support subsequent decommissioning activities (e.g., historical site assessment, characterization surveys, and final status surveys). If survey and sampling activities under this EA can be used to support subsequent decommissioning activities, they should be designed with that benefit in mind.</p>	<p>Concur. Survey and sampling activities conducted under this EA may be used to support subsequent decommissioning activities, as applicable.</p>
<p>Center for Health, Environment and Justice; Citizens Environmental Coalition; Concerned Citizens of Cattaraugus County; Nuclear Information and Resource Services</p>		
<p>4-1</p>	<p>Segmenting or splitting off a portion of the cleanup violates the spirit and the letter of the law, the National Environmental Policy Act (NEPA). The combined impacts of the full cleanup planned and required for this facility should be considered prior to approving disposal of debris from these 42 structures. We oppose the continued segmentation of the Environmental Impact Statement on the cleanup and final disposition of the West Valley nuclear waste site.</p> <p>We opposed the splitting of the original Environmental Impact Statement into two separate processes. (This is still being challenged in court.) The Department of Energy fails to make a case for the additional separation of this activity from the on going environmental analysis being done. We advocate and support the full cleanup of the West Valley site but both federal law</p>	<p>DOE is proceeding with the Decommissioning EIS, which will be used as the basis for a decision on the cleanup and final disposition of the WVDP site. The decontamination (if needed), demolition, and removal of some unneeded facilities at the site would not affect the range of alternatives available for decommissioning and/or long-term stewardship or prejudice the outcome of the ongoing Decommissioning EIS. The Proposed Action analyzed in the EA is an interim action permissible under NEPA regulations and does not constitute an improper segmentation of the NEPA process. The Stipulation of Compromise Settlement that DOE entered into with the Coalition on West Valley Nuclear Wastes and Radioactive Waste Campaign in 1987 does not preclude the preparation of a NEPA document to address management of WVDP facilities that would not be needed under any future decommissioning and/or long-term closure scenario.</p>

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	<p>and common sense require that the cleanup be done comprehensively taking into consideration the full impacts of the actions, not addressing each piecemeal.</p>	
<p>4-2</p>	<p>Furthermore, there is not enough information provided in this document to determine the impact of removal of some facilities as they could be needed for maintenance and cleanup depending on future scenarios. This is an example of the consequences of unnecessary and illegal segmentation of environmental decisions. Removing buildings and roads gives the illusion of closure to the site cleanup when the reality is that no final decisions have been made on what activities will take place and what facilities might still be needed for long term cleanup and stewardship. DOE states in the EA that services of structures being removed can be provided by offsite facilities but provides no analysis of how much radioactivity would be spread into the community and to other offsite locations by those activities. If full or partial exhumation of the site is carried out, some of the structures could still be needed. Even if it made sense to pursue this portion of the work independently, the alternatives to and consequences of removal of some structures have not been fully explored to justify a Finding of No Significant Impact.</p> <p>The claim is made that the 42 structures to be removed are not and will not be needed at the site, but that is highly questionable as NYSERDA’s comments detail.</p>	<p>As a result of public comments, DOE undertook a review to determine whether any of the 42 facilities included in the draft EA could potentially provide support functions for implementation of the full range of possible decommissioning and/or long-term stewardship alternatives. In addition, DOE sought to identify facilities that could be used to address currently unresolved situations should those situations remain unresolved beyond the next four years (i.e., storage of TRU waste until off-site disposal becomes available). The result of this effort was a list of six facilities (plus one of the two Waste Tank Farm training platforms) recommended for removal from the EA. The Department also confirmed that the 36 facilities that remain within the scope of the EA are not now and/or would not be needed in the future under any potential WVDP closure scenario. The EA addresses the potential human health impacts associated with the decontamination (as necessary), demolition, and removal of these 36 facilities, including impacts from off-site transportation. No equipment or materials would be transferred off-site for storage.</p>
<p>4-3</p>	<p>One of the most difficult and expensive problems with manmade radioactivity is the detection and tracking. Since there is no safe level of exposure to radioactivity, it is prudent to minimize unnecessary dispersal and spreading of radioactive material and contamination. DOE, on the federal level, has</p>	<p>Under the Proposed Action analyzed in the EA, the unneeded facilities would be decontaminated as necessary, demolished, and removed from the site. Industrial, hazardous, and radioactive waste resulting from decontamination and demolition would be transported off-site for disposal at licensed commercial or DOE disposal</p>

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	<p>determined unilaterally and against the majority of affected public comment and other industries’ comment, that some amounts of radioactivity can be released or cleared from regulatory control. The result is spreading radioactivity (sometimes at levels that are expensive and time-consuming to detect) into the public commons, into the shared environment, in order to more cheaply get rid of radioactive and potentially radioactive materials and wastes. This has been challenged repeatedly by the public and affected industries that could end up with nuclear materials in their purview.</p> <p>This EA simply refers to 10 CFR 835 as the reference for releasing materials to unregulated disposal or commerce. That regulation is for Occupational Radiation Protection and is not focused on public protection nor should it be used to allow nuclear materials to get out into the public.</p> <p>The numbers that are presumably being used from DOE’s regulations at 10 CFR 835 appear to be the same as those from an old 1974 Atomic Energy Commission guidance (Regulatory Guide 1.86) which was originally created to remove restrictions from radiation areas in reactors. The exposures from those levels could exceed what the public accepts and the public would have no warning or opportunity to object. Those contamination levels were not intended as allowable contamination for everyday consumer goods with which members of the public come into routine contact or for release of nuclear contaminated materials to regular trash or mixed waste to sites with hazardous-only permits. Once items, equipment or other materials from the site are sent off, with no labeling or indication that they were at this site, they could end up anywhere.</p>	<p>facilities. No potentially radioactive materials or wastes would be sent to sites that do not have appropriate licenses and controls. No radioactive or hazardous materials or wastes would be released for unregulated disposal or commerce.</p>

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	<p>If materials from the site go into recycling, directly or indirectly from scavenging at landfills, products could be made from them with residual levels of contamination. If they go to landfills, most of which leak, they could add radioactivity to the leachate eventually, exacerbating the existing problems. The health and environmental effects of radiation and hazardous materials leaking together can be more than additive, but synergistically greater. This potential impact is not even mentioned in the EA.</p> <p>Some of the demolition debris from this portion of the project would be sent to the solid waste landfill a commercial transfer station in Olean, NY, and ultimately to the operator's Hyland Landfill in Angelica, NY; the asbestos would go to Model City in Lewiston, NY and [the] hazardous waste would go to Heritage Environmental Services in Indianapolis, Indiana. It is not clear from the EA that realistic analyses [have] been done of the effects. The fact that waste from the West Valley nuclear site is already waste going to those facilities does not mean it is acceptable for substantial additional material to go there. In fact it raises questions about the adequacy of those sites for routine activities at West Valley. Allowing potentially contaminated materials to go to destinations that are not regulated for radioactive waste appears to violate the public expectations that nuclear materials must be isolated from the environment.</p> <p>We oppose the deregulation and dispersal of potentially radioactive waste and materials to unregulated destinations for disposal, reuse, recycling or other processing that leads to unregulated release and dispersal of the radioactivity.</p>	

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	<p>The US Department of Energy has adopted policies and procedures allowing potentially radioactive materials (all but potentially radioactive metal) to be released or cleared as if non-radioactive for recycling into everyday commerce. Potentially radioactive and radioactive metals could end up in recycling but are not supposed to go to commercial recycling. The Environmental Assessment is unclear about the distinctions being made between what is considered radioactive and what is not. One of the key questions is how much contamination DOE considers acceptable to go to solid and hazardous (non-radioactive) waste facilities, what can go to auction for reuse in the community, what can be sent for recycling and subsequent fabrication into consumer goods and industrial materials.</p> <p>A clear weakness in the DOE’s national ‘clearance’ scheme is over-reliance on “institutional knowledge” for what is clean or has never been exposed to radioactivity or hazardous materials versus that which is contaminated. Institutional memory does serve some purpose but should not be relied upon alone for clearing materials from nuclear sites since staff change and no one knows all the exposures that materials have encountered, especially old structures and facilities. Surveys are laborious and potentially expensive. When in doubt, treat the materials as contaminated and keep them controlled.</p>	
4-4	We also have a concern that removing less concentrated radioactive materials and structures that could be providing shielding on site will result in high routine worker exposures.	None of the facilities proposed for demolition and removal are relied upon to provide shielding to workers.
4-5	DOE should incorporate all aspects of site cleanup into one comprehensive plan which prevents nuclear materials from being deregulated and treated as	DOE is proceeding with the Decommissioning EIS, which will be used as the basis for a decision on the cleanup and final disposition of the WVDP site.

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	<p>nonradioactive. DOE should not send any potentially radioactive materials to sites that do not have radioactive licenses and/or controls. DOE at West Valley should be more transparent about how decisions are being made that release materials and structures from radiation and hazardous control.</p>	<p>Industrial, hazardous, and radioactive waste resulting from decontamination and demolition under this EA would be transported off-site for disposal at licensed commercial or DOE disposal facilities. No potentially radioactive materials or wastes would be sent to sites that do not have appropriate licenses and controls.</p>
Coalition on West Valley Nuclear Wastes		
<p>5-1</p>	<p>However, the Coalition does not encourage the development of a new guiding document that we believe has no legitimacy, legally or procedurally. The illegitimacy of this draft Environmental Assessment (EA) is based on our view that, given the on-going Environmental Impact Statement (EIS) process, an EA at this time is inappropriate. While we do not agree or disagree with all the actions laid out in the draft EA, these actions and/or alternatives rightly belong in the EIS. In fact, the areas and facilities covered by this Draft EA were included in the 1996 Draft EIS.</p> <p>A decade ago, DOE fragmented the 1996 Draft EIS, creating a set of procedures that split the process in two directions. The Coalition contends this was contrary to the spirit and intent of the NEPA process. The Draft EA before us is yet another example of DOE's disregard for the spirit and intent of NEPA. The Coalition does not accept the premise that parts of the area covered in the 1996 Draft EIS suddenly no longer need to be covered by an EIS, which is an erroneous assumption clearly evident in this draft EA.</p>	<p>DOE acknowledges that the facilities proposed for demolition and removal were included in the draft EIS issued in 1996. Since that time, DOE has determined that there are actions that would be prudent to take prior to the completion of the Decommissioning EIS. Those actions include those analyzed in the <i>West Valley Demonstration Project Waste Management Environmental Impact Statement (DOE/EIS-0337)</i>, December 2003.</p> <p>Because the demolition and removal of unneeded facilities would not affect the range of alternatives available for decommissioning and/or long-term stewardship or prejudice the outcome of the ongoing Decommissioning EIS, NEPA requirements allow DOE to take the interim action proposed in this EA (10 CFR § 1021.211 and 40 CFR § 1506.1).</p>
<p>5-2</p>	<p>Yet another reason for the Coalition not to legitimize this draft EA is that some of the actions laid out in the draft EA are in direct violation of the terms agreed to in a contract between DOE and Coalition, The Stipulation of Compromise, and which remains in effect. We are disappointed that DOE</p>	<p>The Stipulation of Compromise Settlement that DOE entered into with the Coalition on West Valley Nuclear Wastes and Radioactive Waste Campaign in 1987, and referred to in the comment as a contract, does not preclude the preparation of a NEPA document to address management of WVDP facilities that would not be needed</p>

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	would disregard so blatantly a lawful contract.	under any future decommissioning and/or long-term closure scenario. DOE has complied, and continues to comply, with the Stipulation.
5-3	The Coalition is not only troubled by DOE’s disregard for process, but the Coalition also is troubled by the apparent attempt to reclassify nuclear waste, by levels of radioactivity left on site that appear to be too high not to require an EIS, by the lack of assurance that contaminated soils will be fully decontaminated, by the lack of accountability, by the movement of waste from the Demonstration Project to other sites in Western New York, and by the incorrect assumption that the WVDP could be covered by regulations governing a “defense site” and the WVDP is not a defense site.	<p>DOE is not proposing to reclassify any radioactive waste evaluated in this EA. The LLW generated as a result of the Proposed Action would qualify as Class A LLW in accordance with Nuclear Regulatory Commission requirements. Overall, the waste that would be generated under the Proposed Action analyzed in the EA is Class A LLW, mixed LLW, asbestos, hazardous waste, and solid industrial waste (non-radioactive and non-hazardous). Class A LLW and mixed LLW would be shipped to Hanford, Energy Solutions (formerly Envirocare), or the Nevada Test Site (NTS) for disposal. No radioactive waste would be disposed of at the WVDP site or within New York State. Industrial waste and building debris waste would be shipped to a permitted landfill in Model City, New York, or Angelica, New York, where this type of WVDP waste is currently shipped for disposal. Asbestos waste would be shipped to a permitted landfill in Model City. Hazardous waste would be shipped to a permitted landfill in Indianapolis, Indiana, where this type of WVDP waste is currently shipped for disposal.</p> <p>None of the waste types generated by the Proposed Action is involved in the “Waste Incidental to Reprocessing” issue. In addition, DOE is not proposing to clean up radioactive soil contamination to any particular standard under this EA; that decision will be made after the completion of the Decommissioning EIS, which is in progress.</p>
5-4	The Coalition supports the comments submitted by NYSERDA regarding the lack of need for the targeted structures. DOE has not offered assurance that space in “existing facilities” will be adequate. The implied new use of off-site and/or local vendors, services, space	Please see DOE’s responses to NYSERDA’s comments (Comments 1-1 through 1-12). DOE believes that the cost of using off-site vendors for certain services would be far less than the cost of maintaining such facilities at the WVDP, which is one of the reasons DOE is

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	and facilities would be new costs, the impact of which should be considered against the cost of maintenance of the structures in question.	proposing to demolish and remove the unneeded facilities.
5-5	If DOE chooses not to withdraw this document, we support a “No Action” determination.	DOE considered this comment, but plans to proceed with the final EA.
West Valley Citizen Task Force		
6-1	<p>The Draft EA, by allowing premature removal of buildings and other facilities that would be needed to carry out certain alternatives in the <i>Decommissioning and/or Long-Term Stewardship Environmental Impact Statement</i> (Decommissioning EIS), would prejudice the outcome of the Decommissioning EIS and thereby violate NEPA. In our view, this is a very fundamental problem. On page 4 of the Draft EA, DOE suggests that the Draft EA is compatible with the Decommissioning EIS because it would not affect whether the decommissioning criteria for the site could be met by any of the EIS alternatives. We disagree. Premature removal of buildings and other facilities under the Draft EA would not entirely prevent any alternative from being carried out, but it would bias the costs. In effect, it would be an irretrievable commitment of resources. The concern is that some of these same facilities would need to be rebuilt or replaced to achieve certain alternatives. The costs of rebuilding or replacement would prejudice the Decommissioning EIS and thus violate NEPA.</p>	<p>As a result of public comments, DOE undertook a review to determine whether any of the 42 facilities included in the draft EA could potentially provide support functions for implementation of the full range of possible decommissioning and/or long-term stewardship alternatives. In addition, DOE sought to identify facilities that could be used to address currently unresolved situations should those situations remain unresolved beyond the next four years (i.e., storage of TRU waste until off-site disposal becomes available). The result of this effort was a list of six facilities (plus one of the two Waste Tank Farm training platforms) recommended for removal from the EA. The Department also confirmed that the 36 facilities that remain within the scope of the EA are not now and/or would not be needed in the future under any potential WVDP closure scenario.</p> <p>The EA addresses the potential human health impacts associated with the decontamination (as necessary), demolition, and removal of these 36 facilities, including impacts from off-site transportation. Facilities with functions that would need to be replaced are listed in Table 2 of the final EA, along with an explanation as to where the replacement function would occur. As stated in the final EA, “Replacement of any remaining functions could require minor modifications of existing facilities but no new construction. A few functions would be taken over by qualified off-site vendors.” No equipment or materials would be transferred off-site for storage. DOE believes that the cost of making small</p>

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		<p>modifications to existing facilities to house some of the functions currently being performed in certain facilities would be far less than the cost of maintaining such facilities at the WVDP, which is one of the reasons DOE is proposing to demolish and remove the unneeded facilities. Because the facilities proposed for demolition and removal would not be needed in the future, rebuilding would not occur.</p>
6-2	<p>The June 30, 2006, comment letter from the New York State Energy Research and Development Authority (NYSERDA) provides examples of facilities proposed for removal that would need to be rebuilt or replaced to achieve certain decommissioning alternatives. Such facilities include waste storage structures, warehouse capacity, maintenance facilities, and training platforms for installing/removing equipment in tanks. The NYSERDA letter also indicates that the proposed removal of toilet, shower, and washing facilities may violate OSHA.</p>	<p>Please see DOE’s responses to NYSERDA’s comments (Comments 1-1 through 1-12).</p>
6-3	<p>Since we have not yet seen drafts of the Decommissioning EIS, we cannot say how large a work force would be needed to carry out any of its alternatives. However, based on the draft issued in 1996, it is reasonable to assume that some of the decommissioning alternatives would require a much larger work force than is currently employed on the site. For these alternatives, some workers will likely be handling wastes in storage structures while others will be handling equipment in warehouses, servicing equipment in maintenance facilities, and training for further waste removal activities. All such workers will need adequate sanitary facilities. Until the Decommissioning EIS is issued and the size of the necessary work force has been identified, DOE should take no steps to remove facilities that this work force would need for its various</p>	<p>Based on further review, DOE has determined that the Sewage Treatment Plant, Equalization Basin, and Equalization Tank could be needed to provide sanitary facilities and potable water for workers under one or more decommissioning and/or closure scenarios. Those facilities have been removed from the scope of the EA and will be included in the Decommissioning EIS.</p>

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	decommissioning tasks.	
6-4	We ask DOE to withdraw the Draft EA and to focus instead on completion of the Decommissioning EIS.	Thank you for your comment. Regardless of DOE’s decision with respect to the proposed demolition and removal of unneeded facilities, the Department continues to focus on the completion of the Decommissioning EIS.
New York State Department of Environmental Conservation (NYSDEC)		
7-1	The Department supports the concept of decontamination and removal of facilities that will no longer be needed to carry out known or possible future activities at the site. However, we disagree with the scope of the facilities that are described in the EA as “unneeded and unused.” Certain types of facilities listed in the EA can not be realistically considered for removal at this time, given that a final approach to site decommissioning has yet to be chosen through the Environmental Impact Statement (EIS) process. Of particular concern to the Department are the proposed removal of all waste management and storage facilities, and the removal of all warehouse, fabrication, sanitary, emergency response, and specialized training facilities. Several of these facilities would be best left in place under any scenario for ongoing work. Depending upon the closure alternative chosen for the site, some or all of the facilities are likely to be needed to support that work.	Since the issuance of the draft EA, DOE has determined that six structures (plus one of the two Waste Tank Farm training platforms) originally proposed for demolition and removal could be needed under future decommissioning and/or closure scenarios or to address currently unresolved needs and, for that reason, has eliminated those buildings from the scope of the final EA. The following facilities originally proposed for demolition and removal in the draft EA have been eliminated: Equalization Basin, Equalization Tank, Lag Storage Area 4 & Shipping Depot, New (Main 2) Warehouse, RTS Drum Cell, Sewage Treatment Plant, WTF Training Platform (south tower). They will be included in the Decommissioning EIS.
7-2	With this Environmental Assessment (EA), DOE proposes to demolish and remove 42 unneeded and unused buildings and other structures. The NYS Department of Environmental Conservation (the Department) supports the concept of removing unneeded facilities. However, we cannot support removal of the wide range of facilities listed in this Environmental Assessment. The Department does not agree that it is appropriate to remove facilities that clearly could support site activities under	Since the issuance of the draft EA, DOE has determined that six structures (plus one of the two Waste Tank Farm training platforms) originally proposed for demolition and removal could be needed under future decommissioning and/or closure scenarios or to address currently unresolved needs and, for that reason, has eliminated those buildings from the scope of the final EA. The following facilities originally proposed for demolition and removal in the draft EA have been eliminated: Equalization Basin, Equalization

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	one or more of the site closure alternatives under consideration.	Tank, Lag Storage Area 4 & Shipping Depot, New (Main 2) Warehouse, RTS Drum Cell, Sewage Treatment Plant, WTF Training Platform (south tower). They will be included in the Decommissioning EIS. DOE has confirmed that the 36 facilities that remain within the scope of the EA are not now and/or would not be needed in the future under any potential WVDP closure scenario.
7-3	The EA focuses primarily on the radioactive contamination at the site. There is some mention of hazardous contamination, but it is not addressed consistently. This document must address all NEPA needs. Adequately addressing hazardous contamination under the Resource Conservation and Recovery Act (RCRA) regulations in Title 40 of the Code of Federal Regulations (40 CFR) is needed to fulfill NEPA requirements. Please note that, even though New York State is authorized to administer the federal RCRA program under regulations found in Title 6 of the New York Code of Rules and Regulations (6 NYCRR), the federal regulations still apply to the facility.	The EA has been revised to clarify that all applicable RCRA requirements would be met in the implementation of the Proposed Action.
7-4	DOE is obligated to meet closure and corrective action requirements for Interim Status (IS) units and Solid Waste Management Units (SWMUs), regardless of whether or not a “No Action” alternative is enacted at the site.	DOE recognizes that it is obligated to meet closure and corrective action requirements for Interim Status units and Solid Waste Management Units at the WVDP site.
7-5	None of the facilities referred to in the EA as Hazardous Waste Management Units (HWMUs) are permitted by Federal or State RCRA programs because the permitting process at the site has not been completed. The HWMUs have Interim Status in accordance with both Federal and State regulation. In order to ensure the use of consistent terminology for the regulators, DOE, NYSERDA, and the public, please refer to these units as Interim Status or IS	DOE modified the EA to use the term Interim Status (IS) units. Specific RCRA requirements for the closure of these facilities are not within the scope of the EA. Rather, DOE will address applicable RCRA requirements, including RCRA corrective actions, pursuant to the RCRA 3008(h) Order on Consent. As stated in the EA in Section 2.1, facility removal would be conducted in accordance with applicable IS requirements. RCRA closure will be addressed through the appropriate

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	<p>units. It should be understood that the IS units, and any subsequently permitted units, are automatically SWMUs. Discussion of the closure requirements for the IS units should be included in the document. Additionally, the EA should explain that the regulations contain relevant investigation and remediation requirements for the SWMUs.</p>	<p>regulatory process.</p>
<p>7-6</p>	<p>There are several units discussed within the document that may be SWMUs. The Department requests additional information and/or assessments on the following units: Equalization Tank, Expanded Environmental Laboratory, Fabrication Shop, Laundry Room, Master Slave Manipulator (MSM) Repair, New Cooling Tower, and Old Warehouse. Additionally, the Live Fire Range is subject to RCRA Corrective Action regulations. Typically, as was done at the DOE Knolls Atomic Power Laboratory Site in West Milton, a firing range is treated as an Area of Concern (AOC). However, the designation of AOC is not used in conjunction with the WVDP, therefore this area is considered a SWMU. <u>As such, an assessment report is required for this unit within 45 days of receipt of these comments.</u></p>	<p>This EA evaluates potential environmental impacts of removal of the identified facilities. Specific RCRA requirements for the closure of these facilities are not within the scope of the EA. DOE would address these requirements directly with NYSDEC under separate cover.</p>
<p>7-7</p>	<p>However, there is no description of how DOE will determine when it has reached acceptable levels of residual contamination in these various circumstances. Nor is mention made of what would constitute a final acceptable cleanup level. Without clear guidance on the need to comply with conservatively chosen cleanup levels, DOE leaves open the potential to have to revisit some of these facilities and carry out additional decontamination work once a site closure option is chosen and acceptable cleanup levels are established. Without this clear guidance the Department is unable to support actions to remove structures and leave unspecified levels of contamination in place.</p>	<p>The planned approach is to remove facilities to grade level. Grade level and below will be addressed in the Decommissioning EIS now in preparation. DOE believes that decisions on the overall management of below-grade material, based on contamination levels and applicable regulations and guidelines, should be made as part of the plan for the long-term management of the WVDP site and the Western New York Nuclear Service Center (WNYNSC). Radiological decontamination levels for EA work will be determined in accordance with the limits established in WVDP-010, Radiological Controls Manual, which was developed in accordance with 10 CFR 835.</p>

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		<p>DOE 5400.5 and 40 CFR Part 61 provide the radiological standards applicable to environmental media releases during and after structure removal. 40 CFR Part 61 addresses the requirements relative to radiological air permitting based on CAP-88 modeling of emissions associated with demolition. The facility footprint areas would remain under institutional and public access control during and upon completion of structure removal.</p> <p>For hazardous constituents, facility removal would be conducted in accordance with Interim Status Closure Requirements as identified in 6 NYCRR 373-3. Requisite RCRA corrective actions would be addressed pursuant to the RCRA 3008(h) Order on Consent.</p>
7-8	<p><u>Section 1.1</u> The New York State Environmental Quality Review Act (SEQRA) should be referenced in addition to NEPA.</p>	<p>The New York State Environmental Quality Review Act is not applicable to DOE’s Proposed Action or to the preparation of the EA by DOE.</p>
7-9	<p><u>Waste Storage Facilities</u> In footnote 1., DOE states in the EA that some buildings are currently being used to store low-level radioactive wastes (LLRW), and that as those buildings are emptied of stored wastes, they would be ready for decontamination, demolition, and removal. This decision appears to be based upon the belief that future activities at the site will not require storage of more than a small volume of LLRW at any given time. Considering past waste management practices at the site, and the large scale of potential waste generating activities under some of the potential site closure alternatives, it is likely that interim storage space for LLRW will be needed during site decommissioning activities.</p> <p>Reduction of storage needs is possible, in part, through use of an on-time shipping (or ship as you go) approach to waste management, which is a cost effective approach that could be utilized</p>	<p>DOE has decided to remove Lag Storage Area 4 and the Shipping Depot from consideration in the EA. The Radwaste Treatment System Drum Cell also has been removed from the scope of the EA and could be used for TRU waste storage if off-site disposal were delayed. These facilities will be included in the Decommissioning EIS.</p>

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	<p>to the extent that conditions allow. However, if all or even most LLRW storage capacity were removed, any disruption in shipping schedules would result in short term delays or long term stoppages of work at the site because of a lack of LLRW storage space on-site. Such disruptions could come in many forms, such as severe weather events, legal actions, security threats, the failure of DOE to meet commitments to States hosting DOE sites used as trans-shipping points or final disposal sites, or other impediments. The retention of substantial on-site storage capacity is a reasonable and necessary precaution against such interruptions.</p> <p>Given the likely need for future LLRW storage space, the proposed removal of this space could unnecessarily result in a need to build new LLRW storage facilities. Such construction, or any significant delays in decommissioning work caused by a lack of storage space, would likely increase the costs, and potentially the risks, associated with any decommissioning alternative that resulted in generation of any but minimal volumes of LLRW. Without further strong support for a decision to remove the LLRW storage facilities, the Department has to view such an action as biasing the EIS process.</p>	
7-10	<p><u>Figure 2</u> This map does not include areas in Waste Management Areas (WMA) 11 and 12. An inclusive map of the entire West Valley Demonstration Project (WVDP) premises should be provided.</p>	<p>The Waste Management Areas are shown in Figures 3 and 4.</p>
7-11	<p><u>Site Terminology Box, Page 3, and Figures 1. and 2.</u> The Project Premises includes all land and structures over which DOE has sole use and control. In addition to the areas described in the description and figure in question, the rail spur, live-fire range, reservoirs, and Bulk Storage Warehouse are part of the</p>	<p>The Site Terminology box accurately describes the activities undertaken in carrying out the solidification of liquid high-level radioactive waste (HLW) at the WNYNSC and is not an attempt to list every component of the site. The official Project Premises are defined by the DOE-NYSERDA Cooperative Agreement and by</p>

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	<p>Project Premises. Descriptions of the Premises, both written and visual, should make this clear.</p>	<p>two subsequent letters as referenced in the WVDP 6 NYCRR Part 373-2 Hazardous Waste Permit Application (WVDP-443). The rail spur on the WNYNSC retained premises, reservoirs, and the Bulk Storage Warehouse have been used by DOE in conducting the WVDP, but are not officially cited as Project Premises. The purpose of Figure 1 is to show the relative location of WVDP and WNYNSC within the State of New York and in reference to each other. Figure 2 does not attempt to show every building and facility within the WVDP site.</p>
<p>7-12</p>	<p><u>Section 2.1</u> This section states that “DOE needs to eliminate or significantly reduce the functions that are undertaken in those facilities” being proposed for removal on the EA. DOE does not explain why it “needs to” remove all LLRW storage capacity, the onsite emergency response and sanitary facilities, or the specialized training and maintenance facilities. Nor does it explain why it “needs” to remove the new warehouse. The only language supporting removal appears to be the statement that DOE “needs” to do so. If there were no reasonably expected future use for these facilities, then it would be rational to say that their continued use was no longer needed. However, that is not the case for these facilities.</p>	<p>Since the issuance of the draft EA, DOE has determined that six structures (plus one of the two Waste Tank Farm training platforms) originally proposed for demolition and removal could be needed under future decommissioning and/or closure scenarios or to address currently unresolved needs and, for that reason, has eliminated those buildings from the scope of the final EA. The structures that have been removed from the scope of the EA include LLW and TRU waste storage capacity, sanitary facilities, specialized training and maintenance facilities, and the new warehouse. They will be included in the Decommissioning EIS. There is no reasonably expected future use for the 36 facilities that remain in the scope of the EA. Additional language to this effect was added to the EA.</p> <p>The emergency response program at the WVDP would not be affected by removing the Emergency Vehicle Shelter. The emergency response vehicle would remain available and fully stocked, and existing agreements with local response organizations would remain in effect. However, to address the concern raised in this comment, the EA has been revised to reflect the fact that the emergency response vehicle could be stored outside or in another existing facility.</p>
<p>7-13</p>	<p>DOE does not explain why it no longer sees a need for an on-site emergency</p>	<p>The emergency response program at the WVDP would not be affected by removing</p>

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	<p>response capability. The EA does not include language stating whether the local EMS services are able to provide a comparable level or speed of care in responding to on-site emergencies with radiological contamination of victims or facilities. DOE does not state whether it has confirmed the willingness and capability of the outside services to take over these responsibilities. It is unclear why, when some potential decommissioning alternatives could result in decontamination and demolition activities of similar or even greater scope than those already undertaken at the site, the current on-site emergency response facilities are no longer necessary. Unless and until a closure alternative that does not require any significant demolition or waste packaging activities, it would appear unreasonable to remove viable on-site emergency response capabilities.</p>	<p>the Emergency Vehicle Shelter. The emergency response vehicle would remain available and fully stocked, and existing agreements with local response organizations would remain in effect. However, to address the concern raised in this comment, the EA has been revised to reflect the fact that the emergency response vehicle could be stored outside or in another existing facility.</p>
7-14	<p>The EA includes insufficient justification for removal of the on-site sanitary treatment facility. Under just about any scenario, the site will remain a permanent place of employment for significant numbers of people for many years. If this were a facility without sanitary facilities, it might be justifiable to rely upon outside services for sanitary needs. However, given the present site circumstances the elimination of shower and flush toilet facilities for the decommissioning crews, support staff, and management personnel is not a reasonable action, and may be in violation of safety and health regulations. Furthermore, removal of an on-site sanitary system would seriously limit potential future use scenarios for the Center.</p>	<p>Based on further review, DOE has determined that the Sewage Treatment Plant, Equalization Basin, and Equalization Tank could be needed to provide sanitary facilities and potable water for workers under one or more decommissioning and/or closure scenarios. Those facilities have been removed from the scope of the EA. They will be included in the Decommissioning EIS.</p>
7-15	<p>The proposal to remove specialized training and maintenance facilities needed to support many of the possible future remedial alternatives is not a reasonable decision. The training</p>	<p>The larger Waste Tank Farm Training Platform has been removed from consideration in the EA. It will be included in the Decommissioning EIS.</p>

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	<p>facilities in particular could not be readily duplicated through the use of off-site resources. As with the proposal to remove all LLRW storage capacity, removal of these facilities would be viewed as biasing the EIS process towards closure options that do not need these services.</p>	<p>DOE has considered the need for maintenance facilities and would relocate on-site maintenance, if required, to available facilities. The New (Main-2) Warehouse has been removed from consideration in this EA and could provide space for any needed maintenance functions. It will be included in the Decommissioning EIS.</p>
7-16	<p>There is no reasonable justification for removal of the new warehouse. For most future actions at the site, it would be advantageous to have a storage facility for supplies and equipment close at hand. It is understandable that the older or more remote storage facilities would be considered for removal. However, a newer, relatively low maintenance storage facility in close proximity to areas of ongoing site activities would appear to be a benefit to future site activities rather than an obstacle that needs to be removed and replaced by off-site storage facilities. Additionally, the Citizens Task Force and others working on potential future use scenarios for the site have requested that this structure be maintained. Given these concerns the Department believes that it is prudent to retain the new warehouse until such time as it became clear that either it was an obstruction to necessary site decommissioning activities, or was obviously no longer needed due to completion of major site [closure] activities and a determination that it was not viable to retain it for future site uses.</p>	<p>Please see the response to Comment 7-15.</p>
7-17	<p><u>Section 2.3</u> This section correctly explains that the potential impacts that would be described in a final approved EA (to personnel, the public, and the environment) for removal of all 42 facilities proposed for removal would bound the impacts of work performed to remove a reduced number of this set of facilities. What is not adequately presented here or elsewhere is the difference in potential implications for the EIS process of choosing a Preferred</p>	<p>DOE has reduced the number of facilities proposed for demolition and removal under the Proposed Action.</p>

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	<p>Alternative if certain facilities are or are not removed. As stated above, removal of certain of the facilities listed in Table 1. would have significant implications for the Preferred Alternative selection process. This would quite probably bias that process towards selection of alternatives that would not require re-developing facilities or services lost as a result of removal of all 42 facilities. This issue needs to be addressed, either in the EA or in referenced supporting documentation, and serious consideration needs to be given to reducing the scope of facilities to be demolished.</p>	
7-18	<p><u>Section 3.3.2</u> The contaminants in the soil at the live fire range need to be identified in the EA.</p>	<p>Management of soil from the Live Fire Range is considered in the EA. The soil potentially contains lead bullets from spent ammunition. This has been noted in the EA.</p>
7-19	<p><u>Section 3.4.2</u> Any and all soil disturbance must be performed in compliance with all applicable NYS rules and regulations. Major changes to the surface water regimes could affect groundwater flow patterns, should temporary or permanent recharge areas be developed on the site. This is particularly important given the known presence of groundwater contamination.</p>	<p>DOE has modified Section 3.4.2 in response to this comment.</p>
7-20	<p><u>Section 3.5.1 and 3.5.2</u> It should be noted that impacts that will need mitigation or permitting in wetlands are not limited to the wetland proper, per [se], but would also [include] regulated buffer areas. This section should be clarified and the need for a wetland permit, or the lack thereof, should be discussed. Additionally, a map showing the facilities under consideration for removal AND the identified wetlands on the site, should be included in this document.</p>	<p>Under current regulations, none of the facilities considered are located within regulated wetlands or wetland buffer areas. Thus, no wetlands mitigation or permit would be required. The EA has been revised to include this information. A map showing the wetlands associated with the site have been appended to the EA. See Appendix C.</p>
7-21	<p><u>Section 3.8.1</u> The last sentence in this section states that “Noise for ongoing site activities includes that from the Buffalo & Pittsburgh Railroad line,</p>	<p>Section 3.8.1 has been modified to add a sentence that says “Rail noise occurs when railcars are brought to the site from the south and leave from the site to the south for</p>

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	<p>which runs within 800 meters (2,600 feet) of the Project Premises.” It is our understanding that this rail line is abandoned north of the connection for the rail spur that feeds the site from the south. This includes the portion of the line that runs within the Western New York Nuclear Service Center east of the Project Premises. Thus, the only noise from this line would be when rail cars are brought to the site from the south for waste shipping purposes. Please clarify this discussion.</p>	<p>waste shipping purposes.”</p>
7-22	<p><u>Section 3.12</u> This section states that under this alternative “The condition of unused and unneeded facilities would continue to deteriorate.” In the case of this EA a “No Action” option would mean that the facilities would not be removed, not that work at the site would not continue. Thus, it is reasonable to assume that ongoing maintenance would be performed on facilities such as the LLRW storage facilities, sanitary waste facility, the new warehouse, and the emergency vehicle shelter so that they could continue to provide the services for which they were designed. This section needs to be revised to reflect that fact.</p>	<p>The facilities noted in the comment have been removed from the scope of the EA. These facilities would be maintained as necessary. With respect to the No Action Alternative, the EA has been modified to clarify that the facilities considered in the scope of the EA will continue to age, requiring unnecessary increased maintenance and the costs associated with that maintenance.</p>
7-23	<p><u>Appendix A</u> There are several units mentioned in Table 1 that are not described in the appendix with the rest of the units. Please either provide the descriptions for these unmentioned units or an explanation as to why a description can not be given for these units.</p>	<p>A review of the facilities listed in Table 1 and those described in Appendix A revealed no discrepancies.</p>
7-24	<p><u>Appendix B</u> The map and table need to be presented in a larger format to facilitate review.</p>	<p>Appendix B has been modified to include a color map to improve clarity.</p>
U.S. Environmental Protection Agency (EPA)		
8-1	<p>There appears to be a gap between what demolition and removal actions are anticipated in the pre-decisional EIS and this EA.</p>	<p>The Decommissioning EIS assumes that unneeded facilities will have been demolished and removed from the site. Since the issuance of the draft EA, DOE has determined that six structures originally proposed for demolition and removal could</p>

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		<p>be needed under future decommissioning and/or closure scenarios or to address currently unresolved needs and, for that reason, has eliminated those buildings from the scope of the final EA. They will be included in the Decommissioning EIS. DOE has confirmed that the 36 facilities that remain within the scope of the EA are not now and/or would not be needed in the future under any potential WVDP closure scenario.</p>
<p>8-2</p>	<p>This EA does not contain enough information to allow the reader to understand why these facilities can be removed as well as making it clear that the functions of these facilities will not be needed in the future as part of the decommissioning.</p>	<p>The EA evaluates the potential environmental impacts of demolishing and removing a set of facilities previously or currently used by the WVDP that, because of their design, function, and lack of significant source term, are not expected, either individually or collectively, to affect whether the decommissioning criteria for the site could be met. The functions of the facilities proposed for decontamination (if necessary), demolition, and removal are described in Appendix A to the EA.</p>
<p>8-3</p>	<p>Also, the EA was not consistent in describing how much of each of the 42 facilities will be removed. We recommend that DOE produce criteria for building demolition, removal, and reuse, with an evaluation of the functions and facility structures and relate that evaluation to the overall needs of the facility to achieve decommission. We believe that such an evaluation would better inform the removal decisions at this point and would minimize environmental impacts by reducing the amount of deconstruction and replacement activities.</p>	<p>As a result of public comments, DOE undertook a review to determine whether any of the 42 facilities included in the draft EA could potentially provide support functions for implementation of the full range of possible decommissioning and/or long-term stewardship alternatives. In addition, DOE sought to identify facilities that could be used to address currently unresolved situations should those situations remain unresolved beyond the next four years (i.e., storage of TRU waste until off-site disposal becomes available). The result of this effort was a list of six facilities (plus one of the two Waste Tank Farm training platforms) recommended for removal from the EA. The Department also confirmed that the 36 facilities that remain within the scope of the EA are not now and/or would not be needed in the future under any potential WVDP closure scenario. DOE would demolish and remove all of the 36 facilities listed in Table 1 in their entirety. As shown in Table 1, slabs for the New Cooling Tower, O2 Building, and Radwaste Process</p>

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		(Hittman) Building would be decontaminated if necessary but would not be removed under the Proposed Action. These slabs will be evaluated in the Decommissioning EIS.
8-4	We are most concerned with the impacts to surface waters from the proposed amount of deconstruction and removal activities. The EA should contain an evaluation of the potential amount of soil disturbance that will occur on the site and the potential for soil loss and sediment in runoff (e.g., the equalization basin, equalization tank, Diesel fuel oil building and the test wells will all involve foundation and in-ground structure removal that the EA did not directly address in the evaluation of impacts).	<p>It is not possible to specify at this time the potential amount of soil disturbance that would occur under the Proposed Action. Stormwater and wastewater control specifications would vary from facility to facility based on professional judgment, the environmental setting, and building demolition methods.</p> <p>Mitigation actions that would be implemented include fugitive dust controls such as water sprays that would be used where soil disturbance and demolition-related activities could substantively increase airborne particulate levels. For certain contaminated buildings such as the O2 Building, DOE would construct dikes around the building to prevent stormwater runoff and collect water from fugitive dust control and vehicle washdowns. Collected water would be treated and discharged to the Low-Level Wastewater Treatment Facility (LLWTF) Lagoon. At other facilities, mitigation measures would include runoff diversion (around the work area) or straw bale or fabric filter fencing for silt control. Post-demolition stabilization of exposed work areas would include the addition of topsoil, seed, and mulch. For paved areas, stabilization would include the use of washed stone, washdown and water collection, or broom sweeping (for example, for concrete or asphalt pads). A description of these mitigation measures is included in the final EA.</p>
8-5	The EA should also identify and evaluate what Best Management Practices can be employed to control and minimize these effects once buildings are demolished and either the foundations remain or are removed. Though some measures are briefly discussed in the wetlands section, these	See the response to Comment 8-4.

Commenter / Comment Number	Comment	DOE Response
	<p>should be expanded upon to determine if they will meet the needs for a broader sediment control program for the site.</p>	
8-6	<p>In a related matter, we would assume that some dust suppression techniques, such as the use of water, would be used during demolition and structure removal; however, that is not discussed nor is the potential for hazardous or radioactive material to enter surface water in demolition runoff fully evaluated with appropriate mitigation measures offered. The EA states generally that the plant sediment control systems can handle the additional sediment load; however, no further analysis is offered with a description of these systems. Nonetheless, though these systems may have capacity, we would not assume that they are set up to receive the runoff from the removal of all of these buildings and facilities. These issues will need further evaluation and disclosure.</p>	<p>See the response to Comment 8-4.</p>
8-7	<p>Additionally, this EA is lacking an evaluation of the various impacts to replace some of these facilities, (i.e., construction and operational effects to air, noise, runoff). As an example, we are concerned with the proposal to close and then replace the sewage facility on the site. The EA does not explain why this facility would need to be removed only to be replaced at some later date by temporary-portable facilities. Of particular note is the lack of discussion to determine what portable facilities would be brought in during the decommissioning phase, what are the impacts from those facilities, and if those are sufficient to handle the sanitary needs for the workers better than leaving the sewage treatment plant in place. The EA also states that no facility construction is required, which would contradict the pre-decisional multi-agency EIS that identified that functions and facilities that were removed, as part of this action, would need to be replaced.</p>	<p>Facilities with functions that would need to be replaced are listed in Table 2 of the final EA, along with an explanation as to where the replacement function would occur. As stated in the final EA, “Replacement of any remaining functions could require minor modifications of existing facilities but no new construction. A few functions would be taken over by qualified off-site vendors.” No equipment or materials would be transferred off-site for storage. Based on further review, DOE has determined that the Sewage Treatment Plant, Equalization Basin, and Equalization Tank could be needed to provide sanitary facilities and potable water for workers under one or more decommissioning and/or closure scenarios. Those facilities have been removed from the scope of the EA. They will be included in the Decommissioning EIS.</p>

Commenter / Comment Number	Comment	DOE Response
8-8	<p>We also question whether the removal of some of these facilities, particularly low-level waste treatment and storage and Waste Tank Farm training platform, at this time is immediately necessary or prudent given that a decommissioning alternative has yet to be identified. Given these concerns we don't believe that the Department of Energy can proceed to a Finding of No Significant Impact for this segment of the action without additional information regarding the environmental impacts from the actions and that measures will be in place to mitigate for these impacts.</p>	<p>DOE has reconsidered the removal of all primary LLW storage capacity. The LSA-4 and Shipping Depot have been removed from the scope of the EA. The Radwaste Treatment System Drum Cell also has been removed from the scope of the EA and could be used for TRU waste storage if off-site disposal were delayed. In addition, based on further review, DOE has determined that one of the Waste Tank Farm training platforms (the larger one) could be needed under one or more decommissioning and/or closure scenarios. That facility has been removed from the scope of the EA. The facilities noted will be included in the Decommissioning EIS.</p>
<p>Comments submitted at public meeting on July 19, 2006 (transcript)</p>		
T-1	<p>The draft EA, by allowing premature removal of buildings and other facilities that would be needed to carry out certain alternatives in the Decommissioning and/or Long-Term Stewardship Environmental Impact Statement, otherwise known as the Decommissioning EIS, the draft EA would, therefore, prejudice the outcome of the Decommissioning EIS and thereby violate NEPA. In our view, this is a very fundamental problem. On page four of the draft EA, DOE suggests that the draft EA is compatible with the Decommissioning EIS because it would not affect whether the decommissioning criteria for the site could be met by any of the EIS alternatives.</p> <p>We disagree. Premature removal of buildings and other facilities under the draft EA would not entirely prevent any alternative from being carried out, but it would bias the costs. In effect, it would be an irretrievable commitment of resources. The concern is that some of these same facilities would need to be rebuilt or replaced to achieve certain alternatives. The costs of rebuilding or replacement would prejudice the Decommissioning EIS and thus, violate</p>	<p>As a result of public comments, DOE undertook a review to determine whether any of the 42 facilities included in the draft EA could potentially provide support functions for implementation of the full range of possible decommissioning and/or long-term stewardship alternatives. In addition, DOE sought to identify facilities that could be used to address currently unresolved situations should those situations remain unresolved beyond the next four years (i.e., storage of TRU waste until off-site disposal becomes available). The result of this effort was a list of six facilities (plus one of the two Waste Tank Farm training platforms) recommended for removal from the EA. They will be included in the Decommissioning EIS. The Department also confirmed that the 36 facilities that remain within the scope of the EA are not now and/or would not be needed in the future under any potential WVDP closure scenario. Facilities with functions that would need to be replaced are listed in Table 2 of the final EA, along with an explanation as to where the replacement function would occur. As stated in the final EA, "Replacement of any remaining functions could require minor modifications of existing facilities but no new construction. A few functions would be taken over by qualified off-site vendors."</p>

Commenter / Comment Number	Comment	DOE Response
	NEPA.	No equipment or materials would be transferred off-site for storage. DOE believes that the cost of making small modifications to existing facilities to house some of the functions currently being performed in certain facilities would be far less than the cost of maintaining such facilities at the WVDP, which is one of the reasons DOE is proposing to demolish and remove the unneeded facilities. Because the facilities proposed for demolition and removal would not be needed in the future, rebuilding would not occur.
T-2	<p>The June 30th, 2006, comment letter from the New York State Energy Research and Development Authority, NYSERDA, provides examples of facilities proposed for removal that would need to be rebuilt or replaced to achieve certain decommissioning alternatives. Such facilities include waste storage structures, warehouse capacity, maintenance facilities, and training platforms for installing or removing equipment in tanks.</p> <p>The NYSERDA letter also indicates that the proposed removal of toilet, shower and washing facilities may violate OSHA. NYSERDA points out that the draft EA fails to identify the replacement impacts of some of these premature removals. We would agree and also raise the related concern that these removals would prejudice the outcome of the Decommissioning EIS.</p>	Please see DOE’s responses to NYSERDA’s comments (Comments 1-1 through 1-12).
T-3	<p>Since we've not yet seen drafts of the Decommissioning EIS, we cannot say how large a work force would be needed to carry out any of its alternatives. However, based on the draft issued in 1996, it is reasonable to assume that some of the decommissioning alternatives would require a much larger work force than is currently employed on the site.</p> <p>For these alternatives, some workers will</p>	Based on further review, DOE has determined that the Sewage Treatment Plant, Equalization Basin, and Equalization Tank could be needed to provide sanitary facilities and potable water for workers under one or more decommissioning and/or closure scenarios. Those facilities have been removed from the scope of the EA. They will be included in the Decommissioning EIS.

Commenter / Comment Number	Comment	DOE Response
	<p>likely be handling wastes in waste storage structures while others will be handling equipment in warehouses, servicing equipment in maintenance facilities, and training for further waste removal activities.</p> <p>All such workers will need adequate sanitary facilities. Until the Decommissioning EIS is issued, and the size of the necessary work force has been identified, DOE should take no steps to remove facilities that this work force would need for its various decommissioning tasks.</p>	
T-4	<p>We ask DOE to withdraw the draft EA and to focus instead on completion of the Decommissioning EIS. Thank you and those complete my comments on behalf of the CTF.</p>	<p>Thank you for your comment. Regardless of DOE’s decision with respect to the proposed demolition and removal of unneeded facilities, the Department continues to focus on the issuance of the draft Decommissioning EIS.</p>
T-5	<p>I would also add with regard to one of the facilities that is proposed for closure in the draft EA, namely, the hydrofracture test well area, that it is important before any of the hydrofracture test wells are closed, to use those wells for geophysical testing such as downhole seismic to characterize the structure of the local bedrock.</p> <p>This is especially important due to the existing evidence for major vertical and subvertical fractures in bedrock beneath the West Valley site, and also due to the fact that a fault, perhaps the southwest extension of the Clarendon-Linden fault, has been identified by seismic testing near Sardinia. For these reasons the hydrofracture test well area should not be closed until its use for geophysical testing has been fully addressed.</p>	<p>The hydrofracture test wells were installed in the late 1960s and have not been used for 35 years. The five wells include one central injection well and four monitoring wells, each located 150 feet from the injection well. All five wells were drilled to a depth of just over 1,500 feet and were cased with steel pipe over their entire depth. The five-well arrangement was used to test bedrock (shale) hydrofracturing at depth using a short-lived radioactive tracer. After the tests were completed, the injection well was sealed from the bottom up to a depth of 45 feet and the four monitoring wells were capped. It is expected that the injection well was backfilled with a Portland cement grout, but this has not been confirmed. [Reference: 1990 report (WD:90:0306) by T.X. Grasso of URS (Dames & Moore).]</p> <p>The injection well is not usable for geophysical data acquisition or borehole logging because of the backfill. The four observation wells are reported to have casings ranging in size from 1.25 to 2.0 inches, and would be unable to accommodate the size of the testing</p>

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		<p>equipment. Additionally, if the equipment could fit inside the wells, borehole logging would be limited because the wells are cased with steel over their entire depth.</p> <p>DOE believes that that the type of geophysical survey referred to in the comment is borehole tomography or vertical seismic profiling. This type of survey includes placing a geophysical source in one borehole at depth and placing the geophysical receivers (geophones) in the other borehole(s). The resulting data can give increased geologic detail in the localized area between the boreholes, when compared to a conventional, surface-based seismic reflection survey. A variation of this method is to place the geophysical source or receiver at the ground surface and the other(s) at depth in the borehole(s). The typical use of this type of geophysics is to attempt to obtain improved, localized geologic detail. For example, it can be used to help interpret the boundaries of an oil or gas prospect.</p> <p>Using the hydrofracture test wells, the greatest lateral source-receiver distance would be approximately 300 feet. Therefore, the value of this method is very limited with regard to evaluating regional structural features or seismic risk in the area of the WNYNSC, for example. In addition, a depth of 1,500 feet is quite shallow for obtaining useful geologic information on a regional scale.</p> <p>For these reasons, DOE believes it is appropriate to close the hydrofracture test well area.</p>
T-6	<p>What has been lacking is a demonstration of sincerity and dedication to the NEPA process. Following the issuance of the draft EIS 10 years ago, DOE fragmented the next steps of the procedure into two directions, which is, in my mind, in direct contravention of the spirit of</p>	<p>DOE acknowledges that the facilities proposed for demolition and removal were included in the draft EIS issued in 1996. Since that time, DOE has determined that there are actions that would be prudent to take prior to the completion of the Decommissioning EIS. Those actions include those analyzed in the <i>West Valley</i></p>

Commenter / Comment Number	Comment	DOE Response
	<p>NEPA.</p> <p>This Environmental Assessment is yet another contravention and insult to the spirit of the laws which we, as stakeholders, necessarily have to rely on to make sure that we have access to the process and assurance that the best decisions are made for the West Valley site.</p>	<p><i>Demonstration Project Waste Management Environmental Impact Statement (DOE/EIS-0337), December 2003.</i> Because the demolition and removal of unneeded facilities would not affect the range of alternatives available for decommissioning and/or long-term stewardship or prejudice the outcome of the ongoing Decommissioning EIS, NEPA requirements allow DOE to take this interim action (10 CFR § 1021.211 and 40 CFR § 1506.1).</p>
T-7	<p>...the issuance of an Environmental Assessment in the middle of an on-going EIS process is wrong and this document should never have been developed and released and we hope that it is withdrawn.</p>	<p>Based on a comprehensive review, the Department has confirmed that the 36 facilities that remain within the scope of the EA are not now and/or would not be needed in the future under any potential WVDP closure scenario. Because the demolition and removal of these facilities would not affect the range of alternatives available for decommissioning and/or long-term stewardship or prejudice the outcome of the ongoing Decommissioning EIS, NEPA requirements allow DOE to take this interim action (10 CFR § 1021.211 and 40 CFR § 1506.1).</p>
T-8	<p>First, there is the issue of procedure or process. If this draft EA is adopted and acted upon, the DOE will be in direct violation of a contract reached with the Coalition and spelled out in the stipulation of compromise. DOE consulted with NYSERDA and the Seneca Nation during the preparation of the draft EA but not with the Coalition with whom the DOE has a contract.</p>	<p>The Stipulation of Compromise Settlement that DOE entered into with the Coalition on West Valley Nuclear Wastes and Radioactive Waste Campaign in 1987, which is referred to in the comment as a contract, does not preclude the preparation of a NEPA document to address management of WVDP facilities that would not be needed under any future decommissioning and/or long-term closure scenario. DOE has complied, and continues to comply, with the Stipulation.</p>
T-9	<p>Second, the Coalition is troubled that wastes of potentially contaminated debris is slated to be moved from the Demonstration Project to landfills in Western New York, specifically, sites in Olean and Model City, New York. The Coalition has always been very concerned that the problems in our backyard do not become problems in someone else's backyard.</p>	<p>The waste that would be generated under the Proposed Action analyzed in the EA is Class A LLW, mixed LLW, asbestos, hazardous waste, and solid industrial waste (non-radioactive and non-hazardous). Class A LLW and mixed LLW would be shipped to Hanford, Energy Solutions (formerly Envirocare), or NTS for disposal. No radioactive waste would be disposed of at the WVDP site or within New York State.</p>

Commenter / Comment Number	Comment	DOE Response
	<p>Furthermore, what this effectively does is set the precedent that it's okay to keep unloading potentially or actually hazardous nuclear wastes on Western New York, an area that already has the distinction of being our nation's capital for nuclear and hazardous wastes.</p> <p>This comes at a time when there is a bill before the Governor, a bill with overwhelming support, both the State Assembly and Senate, calling for an end to new hazardous landfills where waste will undoubtedly leak into surrounding soil and water, water that is part of the Great Lakes Water Shed.</p> <p>The landfills in Olean and Model City both compromise the safety of the Great Lakes Water Shed. How is moving Demonstration Project material to these locations solving the problem of cleanup? Such a quote unquote solution is short-sighted at best.</p>	<p>Industrial waste and building debris waste would be shipped to a landfill in Model City, New York, or Angelica, New York, where this type of WVDP waste is currently shipped for disposal. Asbestos waste would be shipped to a landfill in Model City. Hazardous waste would be shipped to a landfill in Indianapolis, Indiana, where this type of WVDP waste is currently shipped for disposal.</p>
T-10	<p>Third, the Coalition is very concerned that some of the buildings targeted for removal will be recycled in ways that are totally inappropriate. Buildings on other nuclear waste sites have been reused as classrooms for children. The buildings may meet the DOE standards for cleanliness but our children should not be exposed to a single milligram of radioactivity beyond what is natural in the environment.</p> <p>We have to ask what independent verifications will be done to insure that the release or clearance of materials from the Demonstration Project can safely be moved to non-nuclear destinations.</p>	<p>The facilities that are the subject of this EA would be demolished and the resulting waste would be removed from the site. None of the buildings or facilities would be reused.</p>
T-11	<p>And again, we expect some of the buildings slated for removal will have value during the next phase of decontamination and decommissioning.</p>	<p>As noted above, based on a comprehensive review, the Department confirmed that the 36 facilities that remain within the scope of the EA are not now and/or would not be needed in the future under any potential</p>

Commenter / Comment Number	Comment	DOE Response
		WVDP closure scenario. DOE did determine that six structures (plus one of the two Waste Tank Farm training platforms) originally proposed for demolition and removal could be needed under future decommissioning and/or closure scenarios or to address currently unresolved needs and, for that reason, has eliminated those buildings from the scope of the final EA. They will be included in the Decommissioning EIS.
T-12	We will not be satisfied until we see DOE documents that reflect respect for the Coalition, a sound understanding of the problems associated with the Demonstration Project and long-term solutions that work for the people and geology of the natural environment of Western New York.	DOE has complied, and continues to comply, with the Stipulation. The Department also continues to focus on long-term solutions at the WVDP and on the completion of the Decommissioning and/or Long-Term Stewardship EIS.
T-13	As a spokesperson for the Coalition on West Valley Nuclear Wastes, I strenuously object to the draft Environmental Assessment before us.	Thank you for your comment.
T-14	I urge you to scrap this document along with others that do not call for a real cleanup of the West Valley site. Thank you for this opportunity to share my views.	Thank you for your comment. Regardless of DOE’s decision with respect to the proposed demolition and removal of unneeded facilities, the Department will continue to focus on the completion of the Decommissioning EIS.

Comment Number: 0001

NYSERDA New York State Energy Research and Development Authority

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0001

June 30, 2006

Bryan C. Bower, Acting Director
U. S. Department of Energy
West Valley Demonstration Project
10282 Rock Springs Road
West Valley, NY 14171-9799

RECEIVED

JUN 30 2006

Dear Mr. Bower:

SUBJECT: NYSERDA Comments on the *Draft Environmental Assessment for the Decontamination, Demolition, and Removal of Various Facilities at the West Valley Demonstration Project (DOE/EA-1552)*, dated June 26, 2006

The New York State Energy Research and Development Authority (NYSERDA) has reviewed the *Draft Environmental Assessment for the Decontamination, Demolition, and Removal of Various Facilities at the West Valley Demonstration Project (DOE/EA-1552)*, dated June 26, 2006 and is submitting the attached comments.

While NYSERDA supports the U. S. Department of Energy's (DOE's) efforts to remove facilities that are no longer needed, to remove wastes from the site, and, most importantly, to continue decontamination efforts at the site, we request clarification of the governing National Environmental Policy Act (NEPA) documentation for the various actions. NYSERDA assumes this EA replaces and supercedes the 2004 and 2005 categorical exclusions. We would appreciate DOE confirmation or correction of this assumption.

Thank you for providing NYSERDA and the public with an opportunity to comment on DOE/EA-1552 and for considering and responding to NYSERDA's comments on the preliminary draft of this document.

If you have any questions regarding the attached comments, please contact Colleen Gerwitz of my staff at (716) 942-9960 at extension 4435.

Sincerely,

WEST VALLEY SITE MANAGEMENT PROGRAM

Paul L. Piciulo, Ph.D.
Director

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Comment Number: 0001 (continued)

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Messr. Bryan C. Bower

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June 30, 2006

CLG/end

Attachment:

NYSERDA Comments on the *Draft Environmental Assessment for the Decontamination, Demolition, and Removal of Various Facilities at the West Valley Demonstration Project (DOE/EA-1552)*, dated June 16, 2006

cc: P. R. Smith, NYSERDA-ALB (w/atts.)
F. Marcinowski, III, DOE-EM-10 (w/atts.)
C. V. Anderson, DOE-HQ (w/atts.)
J. E. Loving, DOE-HQ (w/atts.)
M. N. Maloney, DOE-WV (w/atts.)
C. M. Bohan, DOE-WV (w/atts.)
D. W. Sullivan, DOE-WV (w/atts.)
E. E. Dassatti, NYSDEC - Albany (w/atts.)
R. J. Phaneuf, NYSDEC, Albany (w/atts.)
J. Zeh, NYSDEC-Albany (w/atts.)
T. B. Rice, NYSDEC - Albany (w/atts.)
West Valley Citizen Task Force
L. Camper, NRC (w/atts.)
C. J. Glenn, NRC (w/atts.)
P. A. Giardina, EPA, Region II (w/atts.)
J. Eng, EPA, Region II (w/atts.)
H. Brodie, NYSERDA-Albany (w/atts.)
P. J. Bembia, NYSERDA-WV (w/atts.)
C. L. Gerwitz, NYSERDA-WV (w/atts.)
T. L. Sonntag, NYSERDA-WV (w/atts.)
T. H. Attridge NYSERDA-WV (w/atts.)

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D-40

Final EA – Decontamination, Demolition, and Removal of Various Facilities at WVDP

Comment Number: 0001 (continued)

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NYSERDA Comments on the Draft Environmental Assessment for the Decontamination, Demolition, and Removal of Various Facilities at the West Valley Demonstration Project (DOE/EA-1552), dated June 16, 2006

1. Decommissioning Assumptions are Needed

As NYSERDA has previously stated, we support DOE's effort to remove facilities that are no longer needed to complete the WVDP Act. The facilities that are needed to support WVDP completion, (i.e., facilities that are needed to support decontamination and decommissioning and/or storage and transportation of the HLW canisters) should be retained until these activities are completed. DOE has not, however, provided a publically available document, that would explain why the buildings that are still currently in use will no longer be needed to complete implementation of the WVDP Act. A publically available description of DOE's assumptions regarding decommissioning and closure actions would help reviewers of this EA understand why DOE believes the functions served by these 42 buildings are no longer needed and/or how these functions will be replaced during site decommissioning activities.

1-1

2. Some EA Buildings and Structures are Still Needed to Support Decommissioning Alternatives

The description of the 42 buildings and other structures at the WVDP that are the subject of this Environmental Assessment (EA) as "unneded and unused" is not entirely accurate. While Footnote 1 on Page 1 of the draft EA acknowledges that some of the buildings are currently used to store low-level radioactive waste and Table 2 describes in general terms how functions served by certain of the EA buildings and structures will be replaced, the EA appears to lack a thoughtful consideration of the consequences of removing certain facilities or combinations of facilities prior to selecting and/or completing implementation of a WVDP decommissioning alternative. NYSERDA does not believe that removal of certain facilities or the removal of certain combinations of facilities can be independently justified from the actions that are currently within the scope of the Decommissioning and/or Long-Term Stewardship EIS. In addition, the "replacement impacts," which were to have been addressed in the EA for any function that would still be required (see DOE Response to NYSERDA Comment #1, 1/4/06) are not included in this draft EA. Comments 3 through 7 present specific examples of NYSERDA's concern.

1-2

D-41

Comment Number: 0001 (continued)

0001

3. Radioactive Waste Storage Capacity is Still Needed

Footnote 1 on Page 1 of the EA acknowledges that some of the 42 buildings that are the subject of this EA are currently being used to store low-level waste (11 of the 42 buildings included in this EA are currently used to store low-level waste and/or are permitted to store low-level mixed waste) and further states that when shipments of the waste inventory covered by the WVDP Waste Management EIS Record of Decision (ROD) "... are complete, the buildings will be empty and ready for decontamination (if needed), demolition, and removal from the WVDP site." The footnote seems to imply that there is no future need for low-level radioactive waste storage capacity once the current low-level waste inventory is shipped off-site and/or the WM EIS ROD is fully implemented. In addition, Table 2, Facility Functions to be Replaced, does not identify low-level waste storage as a function that needs to be replaced. NYSERDA believes that future decommissioning actions will continue to generate low-level waste and that this waste will need to be stored in preparation for off-site shipment. This belief is supported by the information in Table 2-11, Comparison of Waste Generation Under the Different Alternatives, of the Predecisional Draft of the Decommissioning and/or Long-Term Stewardship EIS which present's estimates of the amount of radioactive low-level waste that will be generated under the different decommissioning alternatives. The low-level waste generation estimates for the various Decommissioning EIS alternatives range from 27,000 cubic meters under Alternative 3 to 1,700,000 cubic meters under Alternative 1. In addition to removing all the low-level radioactive waste storage areas, this EA also proposes to remove all other buildings that could potentially be used to replace this function, excluding the Main Process Building, the Vitrification Facility, and the RHWF. Due to the difficulty of moving wastes in and out of these buildings as well as a much greater potential for dose and contamination concerns, these buildings should not be used as the primary low-level waste storage facilities. Any assumptions that DOE will ship radioactive wastes as they are generated, without some period of storage prior to shipment, are not supported by DOE's recent actions (i.e., as DOE emptied the vitrification cell, wastes were not packaged and shipped as they were generated; instead additional waste storage capacity, in the form of aboveground concrete vaults, were constructed). NYSERDA urges DOE to reconsider the removal of all low-level waste storage capacity. Some amount of low-level waste storage capacity will be needed to support implementation of future decommissioning actions and some portion of the existing low-level waste storage capacity should be retained to support these future decommissioning actions.

1-3

4. Sanitary Sewage Facility is Still Needed

Table 2, Facility Functions to be Replaced, indicates that portable sanitary facilities to be provided by an off-site contractor once a week would be the replacement for the sewage treatment plant. NYSERDA questions the wisdom of closing all existing washing facilities, shower facilities and toilet facilities that are currently tied into the sewage treatment plant. OSHA has specific sanitation requirements which are applicable to permanent places of employment (see 29 CFR 1910.141) such as the WVDP. The OSHA regulations require that six water closets, which are defined as toilet fixtures that is flushed with water, be maintained for every 111 to 150 employees with one additional fixture required for each

Final EA - Decontamination, Demolition, and Removal of Various Facilities at WVDP

Comment Number: 0001 (continued)

0001

additional 40 employees. The number of workers estimated to be needed for the various Decommissioning EIS alternatives ranges from 157 to 467 which means that 7 to 15 water closets would need to be maintained on-site if all these employees were located at the site. OSHA also requires that lavatories with hot and cold running water be made available in all permanent places of employment. Regardless, running water is also needed for eye wash stations and decontamination showering. NYSERDA is aware that the existing sewage treatment plant may be oversized for the size of the current work force and thus may not function as well as it should, but why would the WVDP elect to replace all the existing sanitation facilities with portable units instead of just continuing to use a contracted transport and disposal service to bulk ship the sewage off-site, as is done now? In addition, there is no assessment or discussion of the replacement impacts.

1-4

5. Warehouse Capacity is Still Needed

There are three warehouses on the site that have been used by the WVDP (i.e., the Old Warehouse, the Bulk Storage Warehouse and the New Warehouse) and all three are proposed for removal. Table 2, *Facility Functions to be Replaced*, indicates that the warehouse function will be replaced by renting or otherwise using other locally available warehouse capacity. NYSERDA questions the merit of removing all three warehouses and would propose that DOE retain the largest and newest warehouse located on the Project Premises to support future decommissioning activities. In addition, there is no assessment or discussion of replacement impacts (e.g., rental costs, fuel use and employee hours to transport materials to and from an off-site warehouse, etc.).

1-5

6. One WTF Training Platform Should Be Retained

NYSERDA believes that one of the two WTF Training Platforms should be retained to facilitate mockups of the installation and removal of equipment from the HLW tanks. Additional equipment, such as the zeolite columns or tank pumps may need to be removed from the tanks. Additional equipment, such as sampling equipment or waste removal equipment may need to be put in the tanks. One of the WTF training platforms should be retained to facilitate proper planning of this important work.

1-6

7. "Maintenance-Type" Facilities Will Still Be Needed

NYSERDA believes that one or more "maintenance-type" facilities (e.g., Fab Shop, Maintenance Shop, Test and Storage Building, Vehicle Repair Shop, MSM Repair Shop) should be retained to support future site decommissioning activities. Radiological and non-radiological equipment will still need to be maintained, modified, mocked-up, etc. during decontamination and decommissioning activities that are within the scope of the Decommissioning EIS. NYSERDA urges DOE to retain one or more of the existing "maintenance-type" facilities to fulfill this future need.

1-7

D-42

Comment Number: 0001 (continued)

0001

8. Page 7, Table 1, Bulk Storage Warehouse - A waste volume estimate for the Bulk Storage Warehouse (BSW) appears to be missing from the table. The only waste volume estimated for the BSW is the volume associated with the concrete slab. Shouldn't an estimated volume of industrial waste be associated with the building?

1-8

9. Page 7, Table 1, Equalization Tank - A waste volume estimate for the Equalization Tank appears to be missing from the table.

1-9

10. Page 7, Table 1, Live Fire Range - Based on the WVDP use of this area and the expected hazardous waste contamination, why hasn't the live fire range been declared and assessed as a SWMU under the RCRA 3008(h) Consent Order?

1-10

11. Page 7, Table 1, Old Sewage Treatment Plant - The old sewage treatment plant is known to have received radiologically contaminated liquids from the Process Plant and is currently posted as a radiologically contaminated area. If DOE intends to remove this slab, how does DOE plan to address contaminated soils? What cleanup standard will be applied to determine when enough radiological soil has been removed? A predetermined exhumation depth or volume of soil is not an acceptable way to demonstrate adequate cleanup. NYSERDA does not want clean fill placed over contaminated soil in the area of the sewage treatment plant or any other area of the site. This practice will lead to the generation of additional contaminated soil volumes and may lead to the loss of institutional knowledge of the presence of subsurface contamination. NYSERDA requests that contaminated soil and contaminated surface features be completely characterized and/or remediated so they are not left to be "rediscovered" at some point in the future.

1-11

12. Appendix B, *WVDP Facility Map and Facility Name Crosswalk* - The facility name crosswalk table may lead to significant confusion and misunderstanding because it includes all of the site facilities, as opposed to just the EA facilities. In addition, the following acronyms are not defined and references or citations to the relevant documents are not provided: "GOAT," "SAR," "ORPS" and "SUMP." Also, it is unclear if the RCRA column was intended to list only the RCRA HWMUs or the RCRA HWMUs and RCRA SWMUs. Either way, the RCRA column is incomplete.

1-12

Comment Number: 0002

0002

*file
Bob
cmb*

TOWN OF ASHFORD
P.O. BOX 306
WEST VALLEY, NEW YORK 14171
WILLIAM T. KING SUPERVISOR

COUNCILMAN JOHN N. SELTZER TOWN CLERK
CHRISTOPHER C. GERWITZ RICHARD R. PRESTON & RICHARD L. NEUMANN, Jr. JUSTICE
CHARLES E. DAVIS BONNIE FRANK TAX COLLECTOR
JOHN A. PFEFFER WILLIAM NELLIS ASSESSOR
BEVERLY R. HESS TIM A. ENGELS HIGHWAY SUPERINTENDENT
Community Center 716-942-6016 Fax 716-942-3957 Town Garage 716-942-3243 ashfordwv@yahoo.com



Bryan C. Bower, Director
U.S. Department of Energy
West Valley Demonstration Project
10282 Rock Springs Road
West Valley, NY 141171-9799

July 17, 2006

Dear Mr. Bower:

SUBJECT: Town of Ashford Comments on Draft Environmental Assessment for Decontamination Demolition, and Removal of Various Facilities at the West Valley Demonstration Project (DOE/EA-1552 June 26, 2006.

- 1. The Town of Ashford is in complete agreement with the 12 comments made by NYSERDA, June 30, 2006. We are very concerned with how the DOE will answer the NYSERDA comments and want to be keep up to date on the answers to the Comments. We also request a time frame to allow for agreement or disagreement. } 2-1
- 2. We find that your reference to future use of off site local warehouses, if needed, is another possibility for accidents and more of a threat to our health and safety. We Strongly urge that any possible building that could be used for any future Demonstration projects or any UNFORESEEN reasons must be left and maintained. The EA does not include a list of where these actual suitable warehouses are or what may have to be stored. } 2-2
- 3. We strongly urge that research be done on the small school house that appears to be outside of the actual area where the anticipated reduction of building foot print is located. This is the only surviving building that the town has from the original take over. We feel that sentimental effects and historical values must be considered before it is demolished. It certainly has nothing to do with the removal of radioactivity. The same goes for the demolishing of many of the buildings, as to the actual reduction of the real problem. } 2-3
- 4. As the local community to which the federal government (DOE) has always stated they } 2-4

9691

Comment Number: 0002 (continued)

0002

- have been friendly with, we are very disappointed that we have not been or at least considered to be contacted for a study to the elimination of certain support projects. Including the sewer system, water supply system, and certain buildings. } 2-4 cont'd
- 5. We, as the local community, are very concerned with what appears to be a quick suggestion to remove buildings. Our town is presently suffering a major problem caused by the very rapid and not researched removal of approximately 80 temporary office trailers last year. They were moved onto property within the Town without Permits and are in violation of the local Town Law and Ordinance. } 2-5
- 6. The Environmental Assessment is not clear about what we feel important. Issues such as the real impacts to our local health safety and economy: (a) Future monitoring of local volunteers, within a specified perimeter, to have physicals done and recorded (b) Monitoring off site but within the immediate area of creeks, springs, underground water supplies, wildlife, wooded areas and air. These are examples we feel this EA has overlooked. The fact that our people still live in the area and the rights to local protection of health, safety and economy are equal to all who live within the United States, is very important to us. } 2-6
- 7. More effort must be put on total removal of any and all contaminants from this site. This EA suggest that by reducing a footprint we are taking care of the real problems. } 2-7

William T. King
William T. King
Supervisor

D-43

Comment Number: 0003

JUL-27-2006 17:46

P. 02/84



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

July 27, 2006

0003
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JUL 27 2006

Bryan C. Bower, Director
U.S. Department of Energy
West Valley Demonstration Project
10282 Rock Springs Road
West Valley, NY 14171-9799

SUBJECT: NRC COMMENTS ON THE DRAFT ENVIRONMENTAL ASSESSMENT FOR THE
DECONTAMINATION, DEMOLITION, AND REMOVAL OF VARIOUS FACILITIES
AT THE WEST VALLEY DEMONSTRATION PROJECT (DOE/EA-1552), DATED
JUNE 26, 2006

Dear Mr. Bower:

The U.S. Nuclear Regulatory Commission (NRC) has conducted a programmatic review of the subject document and offers the enclosed comments to the U.S. Department of Energy (DOE) for consideration.

NRC supports DOE's timely efforts to decontaminate, dismantle, and remove facilities that are no longer needed. We recognize that the facilities subject to the Environmental Assessment are either free of radiological contamination or contamination is limited in extent and/or amount and they are separate from the facilities to be evaluated in the "Environmental Impact Statement for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center" currently under development.

If you have any question regarding the enclosed comments, please contact Chad Glenn of my staff at (301) 415-6722.

Sincerely,

Keith I. McConnell, Deputy Director
Division of Waste Management
and Environmental Protection
Office of Nuclear Materials Safety
and Safeguards

Comment Number: 0003 (continued)

JUL-27-2006 17:47

P. 03/84

B. C. Bower

2

Enclosure: NRC Comments on the Draft Environmental Assessment for the Decontamination, Demolition, and Removal of Various Facilities at the West Valley Demonstration Project (DOE/EA-1552), Dated June 26, 2006

cc: R. Armstrong, Seneca Nation of Indians
P. Giardina, USEPA
S. Hammond, NYSDEC
P. Piculo, NYSERDA
A. Satame-Aitie, NYSDOH

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JUL 27 2006

Comment Number: 0003 (continued)

JUL--27--2006 17:47

P.04/04

NRC Comments on the Draft Environmental Assessment for the Decontamination, Demolition, and Removal of Various Facilities at the West Valley Demonstration Project

1. Dismantlement of West Valley Demonstration Project Facilities

During the period that the U.S. Department of Energy (DOE) has exclusive use and possession of the West Valley Demonstration Project (WVDP) facilities, it should ensure that provisions exist for the continued monitoring and surveillance of site activities, and that facilities necessary for site decommissioning are retained.

3-1

2. Cleanup Levels for Draft Environmental Assessment (EA) and Decommissioning

Section 1.1 of the draft Environmental Assessment (EA) states that DOE proposes to demolish and remove 42 unneeded and unused buildings and other structures at the WVDP. DOE would decontaminate any facilities as needed, and the various wastes resulting from decontamination and demolition would be transported off-site for disposal at licensed commercial or DOE disposal facilities. DOE should be mindful that cleanup levels established for remediation under the draft EA may be different from those established for site decommissioning. Therefore, any decontaminated facilities or remediated soils that are not removed prior to site decommissioning may be subject to further remediation based on cleanup levels established for site decommissioning. Further, clean soils placed over such areas may need to be exhumed potentially resulting in the generation of additional waste.

3-2

3. Benefit of Radiation Surveys to Support Subsequent Decommissioning

Appendix A of the draft EA describes each of the 42 facilities and provides general information on whether the particular facility is radiologically contaminated. In the discussion of the proposed action (Section 2.1, page 15), the draft EA indicates that DOE would perform radiation surveys/sampling before and after decontamination activities to characterize radiation levels. DOE should also consider the potential benefit of this type of information to support subsequent decommissioning activities (e.g., historical site assessment, characterization surveys, and final status surveys). If survey and sampling activities under this EA can be used to support subsequent decommissioning activities, they should be designed with that benefit in mind.

3-3

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Enclosure

TOTAL P.04

D-45

Comment Number: 0004

Page 1 of 5

Sonja Allen - July 29, 2006 Comments on DOE/EA-1552 Draft EA on West Valley

0004
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JUL 29 2006

From: "Diane D'Arrigo" <dianed@nirs.org>
To: "Sonja Allen" <Sonja.Allen@wvnsco.com>
Date: 7/29/06 10:00 PM
Subject: July 29, 2006 Comments on DOE/EA-1552 Draft EA on West Valley

TO: Bryan C Bower, Catherine Bohan, Sonja Allen

West Valley Demonstration Project

US Dept of Energy

10282 Rock Springs Road

West Valley NY 14171

Attached and pasted below are comments on draft EA DOE/EA-1552 from our organizations. If you need further information please contact the signatory groups or

Diane D'Arrigo, NIRS, dianed@nirs.org 301-270-6477x 16.

Public Comments on
Environmental Assessment for
the Decontamination, Demolition, and Removal of Various Facilities at the
West Valley Demonstration Project
DOE/EA-1552
Draft June 26, 2006

US Department of Energy (DOE) West Valley Area Office West Valley, NY

Comments of:

- Center for Health, Environment and Justice (CHEJ)
- Citizens Environmental Coalition (CEC)
- Concerned Citizens of Cattaraugus County (CCCC)

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7/31/2006

Final EA - Decontamination, Demolition, and Removal of Various Facilities at WVDP

Comment Number: 0004 (continued)

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JUL 29 2006

0004

From: "Gary A. Abraham" <gabraham44@eznet.net>
To: Diane D'Arrigo <dianed@nirs.org>
Date: 7/30/06 10:54:01 AM
Subject: Re: July 29, 2006 Comments on DOE/EA-1552 Draft EA on West Valley

Diane,

You've got the CCCC board's approval, so sign them on.

Thanks,

--Gary

Diane D'Arrigo wrote:

- > TO: Bryan C Bower, Catherine Bohan, Sonja Allen
- >
- > West Valley Demonstration Project
- >
- > US Dept of Energy
- >
- > 10282 Rock Springs Road
- >
- > West Valley NY 14171
- >
- > Attached and pasted below are comments on draft EA DOE/EA-1552 from
- > our organizations. If you need further information please contact the
- > signatory groups or
- >
- > Diane D'Arrigo, NIRS, dianed@nirs.org <mailto:dianed@nirs.org>
- > 3o1-270-6477x 16.
- >
- >
- > _____
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- > Public Comments on
- >
- > Environmental Assessment for
- >
- > the Decontamination, Demolition, and Removal of Various Facilities at
- > the West Valley Demonstration Project
- >
- > DOE/EA-1552
- >
- > Draft June 26, 2006
- >
- > US Department of Energy (DOE) West Valley Area Office West Valley, NY
- >
- > Comments of:
- >
- > • Center for Health, Environment and Justice (CHEJ)
- >
- > • Citizens Environmental Coalition (CEC)
- >
- > • Concerned Citizens of Cattaraugus County (CCCC)
- >
- > • Nuclear Information and Resource Service (NIRS)

Comment Number: 0004 (continued)

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JUL 29 2006

Public Comments on

Environmental Assessment for
the Decontamination, Demolition, and Removal of Various
Facilities at the West Valley Demonstration Project
DOE/EA-1552
Draft June 26, 2006

US Department of Energy (DOE) West Valley Area Office
West Valley, NY

Comments of:

- Center for Health, Environment and Justice (CHEJ)
 - Citizens Environmental Coalition (CEC)
- Concerned Citizens of Cattaraugus County (CCCC)
- Nuclear Information and Resource Service (NIRS)

July 29, 2006

Comment Number: 0004 (continued)

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JUL 29 2006

This Environmental Assessment (EA), DOE/EA-1552, was prepared to assess the environmental impacts of removing 42 structures from the West Valley nuclear waste site including an estimated 50 curies or 50,000 millicuries of radioactivity to be sent to various locations over the next 4 years. Some of the material is radioactive waste; some is being determined by institutional knowledge or by survey to be clean enough to go to destinations that are not designed or licensed for radioactive materials.

OPPOSE SEGMENTATION

Segmenting or splitting off a portion of the cleanup violates the spirit and the letter of the law, the National Environmental Policy Act (NEPA). The combined impacts of the full cleanup planned and required for this facility should be considered prior to approving disposal of debris from these 42 structures.

We oppose the continued segmentation of the Environmental Impact Statement on the cleanup and final disposition of the West Valley nuclear waste site. We opposed the splitting of the original Environmental Impact Statement into two separate processes. (This is still being challenged in court.) The Department of Energy fails to make a case for the additional separation of this activity from the ongoing environmental analysis being done. We advocate and support the full cleanup of the West Valley site but both federal law and common sense require that the cleanup be done comprehensively taking into consideration the full impacts of the actions, not addressing each piecemeal.

4-1

INADEQUATE, INCORRECT INFORMATION and ANALYSIS

Furthermore, there is not enough information provided in this document to determine the impact of removal of some facilities as they could be needed for maintenance and cleanup depending on future scenarios. This is an example of the consequences of unnecessary and illegal segmentation of environmental decisions. Removing buildings and roads gives the illusion of closure to the site cleanup when the reality is that no final decisions have been made on what activities will take place and what facilities might still be needed for long term cleanup and stewardship. DOE states in the EA that services of structures being removed can be provided by offsite facilities but provides no analysis of how much radioactivity would be spread into the community and to other offsite locations by those activities. If full or partial exhumation of the site is carried out, some of the structures could still be needed. Even if it made sense to pursue this portion of the work independently, the alternatives to and consequences of removal of some structures have not been fully explored to justify a Finding of No Significant Impact.

4-2

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Comment Number: 0004 (continued)

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The claim is made that the 42 structures to be removed are not and will not be needed at the site, but that is highly questionable as NYSERDA's comments detail.

4-2 cont'd

SPREADING RADIOACTIVITY FROM THE SITE

One of the most difficult and expensive problems with manmade radioactivity is the detection and tracking. Since there is no safe level of exposure to radioactivity, it is prudent to minimize unnecessary dispersal and spreading of radioactive material and contamination. DOE, on the federal level, has determined unilaterally and against the majority of affected public comment and other industries' comment, that some amounts of radioactivity can be released or cleared from regulatory control. The result is spreading radioactivity (sometimes at levels that are expensive and time-consuming to detect) into the public commons, into the shared environment, in order to more cheaply get rid of radioactive and potentially radioactive materials and wastes. This has been challenged repeatedly by the public and affected industries that could end up with nuclear materials in their purview.

This EA simply refers to 10 CFR 835 as the reference for releasing materials to unregulated disposal or commerce. That regulation is for Occupational Radiation Protection and is not focused on public protection nor should it be used to allow nuclear materials to get out into the public.

The numbers that are presumably being used from DOE's regulations at 10 CFR 835 appear to be the same as those from an old 1974 Atomic Energy Commission guidance (Regulatory Guide 1.86) which was originally created to remove restrictions from radiation areas in reactors. The exposures from those levels could exceed what the public accepts and the public would have no warning or opportunity to object. Those contamination levels were not intended as allowable contamination for everyday consumer goods with which members of the public come into routine contact or for release of nuclear contaminated materials to regular trash or mixed waste to sites with hazardous-only permits. Once items, equipment or other materials from the site are sent off, with no labeling or indication that they were at this site, they could end up anywhere. If materials from the site go into recycling, directly or indirectly from scavenging at landfills, products could be made from them with residual levels of contamination. If they go to landfills, most of which leak, they could add radioactivity to the leachate eventually, exacerbating the existing problems. The health and environmental effects of radiation and hazardous materials leaking together can be more than additive, but synergistically greater. This potential impact is not even mentioned in the EA.

4-3

Final EA – Decontamination, Demolition, and Removal of Various Facilities at WVDP

Comment Number: 0004 (continued)

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Some of the demolition debris from this portion of the project would be sent to the solid waste landfill a commercial transfer station in Olean, NY, and ultimately to the operator's Hyland Landfill in Angelica, NY; the asbestos would go to Model City in Lewiston, NY and to hazardous waste would go to Heritage Environmental Services in Indianapolis, Indiana. It is not clear from the EA that realistic analyses been done of the effects. The fact that waste from the West Valley nuclear site is already waste going to those facilities does not mean it is acceptable for substantial additional material to go there. In fact it raises questions about the adequacy of those sites for routine activities at West Valley. Allowing potentially contaminated materials to go to destinations that are not regulated for radioactive waste appears to violate the public expectations that nuclear materials must be isolated from the environment.

We oppose the deregulation and dispersal of potentially radioactive waste and materials to unregulated destinations for disposal, reuse, recycling or other processing that leads to unregulated release and dispersal of the radioactivity.

The US Department of Energy has adopted policies and procedures allowing potentially radioactive materials (all but potentially radioactive metal) to be released or cleared as if non-radioactive for recycling into everyday commerce. Potentially radioactive and radioactive metals could end up in recycling but are not supposed to go to commercial recycling. The Environmental Assessment is unclear about the distinctions being made between what is considered radioactive and what is not. One of the key questions is how much contamination DOE considers acceptable to go to solid and hazardous (non-radioactive) waste facilities, what can go to auction for reuse in the community, what can be sent for recycling and subsequent fabrication into consumer goods and industrial materials.

A clear weakness in the DOE's national 'clearance' scheme is over-reliance on "institutional knowledge" for what is clean or has never been exposed to radioactivity or hazardous materials versus that which is contaminated. Institutional memory does serve some purpose but should not be relied upon alone for clearing materials from nuclear sites since staff change and no one knows all the exposures that materials have encountered, especially old structures and facilities. Surveys are laborious and potentially expensive. When in doubt, treat the materials as contaminated and keep them controlled.

CONCERN FOR WORKER PROTECTION

We also have a concern that removing less concentrated radioactive materials and structures that could be providing shielding on site will result in high routine worker exposures.

4-3 cont'd

4-4

Comment Number: 0004 (continued)

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JUL 29 2006

CONCLUSION

DOE should incorporate all aspects of site cleanup into one comprehensive plan which prevents nuclear materials from being deregulated and treated as non-radioactive. DOE should not send any potentially radioactive materials to sites that do not have radioactive licenses and/or controls. DOE at West Valley should be more transparent about how decisions are being made that release materials and structures from radiation and hazardous control.

4-5

Diane D'Arrigo
Nuclear Information and Resource Service
301 270 6477 x 16
dianed@nirs.org

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Citizens Environmental Coalition
716-885-6848
brian@cectoxic.org

Anne Rabe
Center for Health, Environment and Justice
518-732 4538
annerabe@msn.com

Gary Abraham
Concerned Citizens of Cattaraugus County
(716) 372-1913
gabraham44@eznet.net

Comment Number: 0005

From: JHameister <jeham@buffnet.net>
To: Sonya Allen <sonja.allen@wvnsco.com>
Date: 7/30/06 5:25:31 PM
Subject: Public Comments DOE/EA-1552

0005
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JUL 29 2006

Sonya,

I have attached the comments from the Coalition on West Valley Nuclear Wastes.

Do you need/require a signed copy? If so, I will attend to that in the next couple of days.

Thank you for the opportunity.

Joanne Hameister

Comment Number: 0005 (continued)

Coalition on West Valley Nuclear Wastes
PO Box 603
Springville NY 14141

0005
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JUL 29 2006

U.S. Department of Energy
West Valley Area Office
West Valley, New York

Via Email to Sonya Allen

Public Comments on DOE/EA-1552
July 29, 2006

Re: Draft Environmental Assessment for the Decontamination, Demolition and Removal of Various Facilities at the West Valley Demonstration Project, dated June 26, 2006.

The Coalition on West Valley Nuclear Wastes disagrees with the *Draft Environmental Assessment for the Decontamination, Demolition and Removal of Various Facilities at the West Valley Demonstration Project, June 26, 2006.*

The Coalition commends the Department of Energy (DOE) for the exciting development of borosilicate glass technology and sees the potential for the DOE to develop other exciting technologies that will aid in the containment and storage of nuclear wastes at West Valley and other nuclear waste sites.

However, the Coalition does not encourage the development of a new guiding document that we believe has no legitimacy, legally or procedurally. The illegitimacy of this draft Environmental Assessment (EA) is based on our view that, given the on-going Environmental Impact Statement (EIS) process, an EA at this time is inappropriate. While we do not agree or disagree with all the actions laid out in the draft EA, these actions and/or alternatives rightly belong in the EIS. In fact, the areas and facilities covered by this Draft EA were included in the 1996 Draft EIS.

} 5-1

A decade ago, DOE fragmented the 1996 Draft EIS, creating a set of procedures that split the process in two directions. The Coalition contends this was contrary to the spirit and intent of the NEPA process. The Draft EA before us is yet another example of DOE's disregard for the spirit and intent of NEPA. The Coalition does not accept the premise that parts of the area covered in the 1996 Draft EIS suddenly no longer need to be covered by an EIS, which is an erroneous assumption clearly evident in this draft EA.

Yet another reason for the Coalition not to legitimize this draft EA is that some of the actions laid out in the draft EA are in direct violation of the terms agreed to in a contract

} 5-2

Comment Number: 0005 (continued)

between DOE and Coalition, The Stipulation of Compromise, and which remains in effect. We are disappointed that DOE would disregard so blatantly a lawful contract. } 5-2 cont'd

The Coalition is not only troubled by DOE's disregard for process, but the Coalition also is troubled by the apparent attempt to reclassify nuclear waste, by levels of radioactivity left on site that appear to be too high not to require an EIS, by the lack of assurance that contaminated soils will be fully decontaminated, by the lack of accountability, by the movement of waste from the Demonstration Project to other sites in Western New York, and by the incorrect assumption that the WVDP could be covered by regulations governing a "defense site" and the WVDP is not a defense site. } 5-3

The Coalition supports the comments submitted by NYSERDA regarding the lack of need for the targeted structures. DOE has not offered assurance that space in "existing facilities" will be adequate. The implied new use of off-site and/or local vendors, services, space and facilities would be new costs, the impact of which should be considered against the cost of maintenance of the structures in question. } 5-4

If DOE chooses not to withdraw this document, we support a "No Action" determination. } 5-5

Steering Committee: Seth Wochensky
Joanne Hameister
Kathleen McGoldrick
Lee Gridley

Campaign Director: Judith Einach

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JUL 29 2006

D-50

Comment Number: 0006



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JUL 29 2006

WEST VALLEY CITIZEN TASK FORCE

July 28, 2006

Bryan C. Bower, Director
West Valley Demonstration Project
U.S. Department of Energy
10282 Rock Springs Road
West Valley, New York 14171-9799

RE: *Draft Environmental Assessment for the Decontamination, Demolition, and Removal of Various Facilities at the West Valley Demonstration Project (Draft EA), DOE/EA-1552, dated June 26, 2006*

Dear Mr. Bower:

The West Valley Citizen Task Force (CTF) appreciates this opportunity to comment on the subject document. We also thank the U.S. Department of Energy (DOE) for the recent extension of the public comment deadline on the Draft EA.

Our main concern is that the Draft EA does not meet the requirements of federal law such as the National Environmental Policy Act (NEPA) and the Occupational Safety and Health Act (OSHA).

The Draft EA, by allowing premature removal of buildings and other facilities that would be needed to carry out certain alternatives in the *Decommissioning and/or Long-Term Stewardship Environmental Impact Statement* (Decommissioning EIS), would prejudice the outcome of the Decommissioning EIS and thereby violate NEPA. In our view, this is a very fundamental problem. On page 4 of the Draft EA, DOE suggests that the Draft EA is compatible with the Decommissioning EIS because it would not affect whether the decommissioning criteria for the site could be met by any of the EIS alternatives. We disagree. Premature removal of buildings and other facilities under the Draft EA would not entirely prevent any alternative from being carried out, but it would bias the costs. In effect, it would be an irretrievable commitment of resources. The concern is that some of these same facilities would need to be rebuilt or replaced to achieve certain alternatives. The costs of rebuilding or replacement would prejudice the Decommissioning EIS and thus violate NEPA. } 6-1

The June 30, 2006, comment letter from the New York State Energy Research and Development Authority (NYSERDA) provides examples of facilities proposed for removal that would need to be rebuilt or replaced to achieve certain decommissioning alternatives. Such facilities include waste storage structures, warehouse capacity, maintenance facilities, and training platforms for installing/removing equipment in tanks. The NYSERDA letter also indicates that the proposed removal of toilet, shower, and washing facilities may violate OSHA. NYSERDA points out that the Draft EA fails to identify the "replacement impacts" of some of } 6-2

WVCTF ♦ c/o Melinda Holland ♦ Holland & Associates ♦ 31 Bessie Lane ♦ Columbus, NC 28722 ♦ (828) 817-0883

Final EA – Decontamination, Demolition, and Removal of Various Facilities at WVDPP

Comment Number: 0006 (continued)

Mr. Bryan C. Bower
July 27, 2006
Page 2 of 2

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JUL 29 2006

0006

these premature removals. We agree and also raise the related concern that these removals would prejudice the outcome of the Decommissioning EIS.

Since we have not yet seen drafts of the Decommissioning EIS, we cannot say how large a work force would be needed to carry out any of its alternatives. However, based on the draft issued in 1996, it is reasonable to assume that some of the decommissioning alternatives would require a much larger work force than is currently employed on the site. For these alternatives, some workers will likely be handling wastes in storage structures while others will be handling equipment in warehouses, servicing equipment in maintenance facilities, and training for further waste removal activities. All such workers will need adequate sanitary facilities. Until the Decommissioning EIS is issued and the size of the necessary work force has been identified, DOE should take no steps to remove facilities that this work force would need for its various decommissioning tasks.

6-3

We ask DOE to withdraw the Draft EA and to focus instead on completion of the Decommissioning EIS.

6-4

Sincerely,

Raymond C. Vaughan
On Behalf of the West Valley Citizen Task Force

cc: Samuel W. Bodman, Secretary of the U.S. DOE
James A. Rispoli, Assistant Secretary for Environmental Management at DOE
Bryan C. Bower, DOE Director/West Valley Demonstration Project
U.S. Senator Hillary R. Clinton
U.S. Senator Charles Schumer
U.S. Representative Brian M. Higgins
U.S. Representative John R. Kuhl, Jr.
U.S. Representative Thomas M. Reynolds
U.S. Representative Louise M. Slaughter
New York State Governor, George E. Pataki
Peter R. Smith, President, New York State Energy Research and Development Authority
Paul L. Piculo, Ph.D., Director/West Valley Site Management Program, NYSERDA
Catharine M. Young, New York State Senate
Joseph Giglio, New York State Assembly
Paul Giardina, U.S. Environmental Protection Agency
Jeanette Eng, U.S. Environmental Protection Agency
Chad Glenn, U.S. Nuclear Regulatory Commission
Tim Rice, New York State Department of Environmental Conservation
Pat Concannon, New York State Department of Environmental Conservation
CTF Members

WVCTF ♦ c/o Melinda Holland ♦ Holland & Associates ♦ 31 Besjje Lane ♦ Columbus, NC 28722 ♦ (828) 817-0883

D-51

Comment Number: 0007

New York State Department of Environmental Conservation
Division of Solid and Hazardous Materials
Bureau of Hazardous Waste & Radiation Management
625 Broadway, Albany, New York 12233-7255
Phone: (518) 402-8579 • FAX: (518) 402-8646
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Denise M. Sheehan
Commissioner

8/2/06

Mr. Brian Bower, Director
U.S. Department of Energy
West Valley Demonstration Project
10282 Rock Springs Road
West Valley, NY 14171-9799

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Dear Mr. Bower,

The New York State Department of Environmental Conservation (the Department) has reviewed the Draft Environmental Assessment for the Decontamination, Demolition, and Removal of Various Facilities at the West Valley Demonstration Project, (DOE/EA-1552) dated June 26, 2006 (the EA). We would like to express our appreciation for the opportunity to review and comment on this document.

The Department supports the concept of decontamination and removal of facilities that will no longer be needed to carry out known or possible future activities at the site. However, we disagree with the scope of the facilities that are described in the EA as "unnecessary and unused." Certain types of facilities listed in the EA can not be realistically considered for removal at this time, given that a final approach to site decommissioning has yet to be chosen through the Environmental Impact Statement (EIS) process. Of particular concern to the Department are the proposed removal of all waste management and storage facilities, and the removal of all warehouse, fabrication, sanitary, emergency response, and specialized training facilities. Several of these facilities would be best left in place under any scenario for ongoing work. Depending upon the closure alternative chosen for the site, some or all of the facilities are likely to be needed to support that work.

7-1

Enclosed are our detailed comment. We look forward to receiving the response to comments document for this EA. If you have any questions regarding our comments, please contact Tim Rice from our Radiation Section at (518) 402-8579.

Sincerely,

/S/

Edwin E. Dassatti
Bureau Director

cc w/enc: P. Piculo, NYSERDA
E. Dassatti
B. Youngberg
R. Phaneuf
M. Sheen, Region 7
P. Concannon, Region 9
T. Rice
J. Zeh
L. Winterberger
V. Minocha

Final EA – Decontamination, Demolition, and Removal of Various Facilities at WVDP

Comment Number: 0007 (continued)

Enclosure

NYSDEC Comments on DOE/EA-1552
 Environmental Assessment for the
 Decontamination, Demolition, and Removal of Various Facilities
 at the West Valley Demonstration Project, June 26, 2006
 8/2/06

GENERAL COMMENTS

1. With this Environmental Assessment (EA), DOE proposes to demolish and remove 42 unneeded and unused buildings and other structures. The NYS Department of Environmental Conservation (the Department) supports the concept of removing unneeded facilities. However, we cannot support removal of the wide range of facilities listed in this Environmental Assessment. The Department does not agree that it is appropriate to remove facilities that clearly could support site activities under one or more of the site closure alternatives under consideration. } 7-2
2. The EA focuses primarily on the radioactive contamination at the site. There is some mention of hazardous contamination, but it is not addressed consistently. This document must address all NEPA needs. Adequately addressing hazardous contamination under the Resource Conservation and Recovery Act (RCRA) regulations in Title 40 of the Code of Federal Regulations (40 CFR) is needed to fulfill NEPA requirements. Please note that, even though New York State is authorized to administer the federal RCRA program under regulations found in Title 6 of the New York Code of Rules and Regulations (6 NYCRR), the federal regulations still apply to the facility. } 7-3
3. DOE is obligated to meet closure and corrective action requirements for Interim Status (IS) units and Solid Waste Management Units (SWMUs), regardless of whether or not a "No Action" alternative is enacted at the site. } 7-4
4. None of the facilities referred to in the EA as Hazardous Waste Management Units (HWMUs) are permitted by Federal or State RCRA programs because the permitting process at the site has not been completed. The HWMUs have Interim Status in accordance with both Federal and State regulation. In order to ensure the use of consistent terminology for the regulators, DOE, NYSERDA, and the public, please refer to these units as Interim Status or IS units. It should be understood that the IS units, and any subsequently permitted units, are automatically SWMUs. Discussion of the closure requirements for the IS units should be included in the document. Additionally, the EA should explain that the regulations contain relevant investigation and remediation requirements for the SWMUs. } 7-5
5. There are several units discussed within the document that may be SWMUs. The Department requests additional information and/or assessments on the following units: Equalization Tank, Expanded Environmental Laboratory, Fabrication Shop, Laundry Room, Master Slave Manipulator (MSM) Repair, New Cooling Tower, and Old Warehouse. Additionally, the Live Fire Range is subject to RCRA Corrective Action regulations. Typically, as was done at the DOE Knolls Atomic Power Laboratory Site in West Milton, a firing range is treated as an Area of Concern (AOC). However, the designation of AOC is not used in conjunction with the WVDP, therefore this area is considered a SWMU. As such, an assessment report is required for this unit within 45 days of receipt of these comments. } 7-6

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Page 1 of 5

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 0007

Comment Number: 0007 (continued)

6. In the EA the DOE states that it will "Perform surveys of residual radioactivity prior to spraying or painting a sealant over surfaces," and that "depending on the amount and level of contamination, pre-demolition preparation could include debris removal, washing or wiping of surfaces, and application of sealants or fixatives" and "Excavate contaminated soils as necessary." It goes on to clearly describe the regulatory requirements for exposures of workers and the general public during cleanup actions, including the application of the As Low As Reasonably Achievable (ALARA) concept. However, there is no description of how DOE will determine when it has reached acceptable levels of residual contamination in these various circumstances. Nor is mention made of what would constitute a final acceptable cleanup level. Without clear guidance on the need to comply with conservatively chosen cleanup levels, DOE leaves open the potential to have to revisit some of these facilities and carry out additional decontamination work once a site closure option is chosen and acceptable cleanup levels are established. Without this clear guidance the Department is unable to support actions to remove structures and leave unspecified levels of contamination in place. } 7-7

SPECIFIC COMMENTS

1. Section 1.1 The New York State Environmental Quality Review Act (SEQRA) should be referenced in addition to NEPA. } 7-8
2. Waste Storage Facilities In footnote 1., DOE states in the EA that some buildings are currently being used to store low-level radioactive wastes (LLRW), and that as those buildings are emptied of stored wastes, they would be ready for decontamination, demolition, and removal. This decision appears to be based upon the belief that future activities at the site will not require storage of more than a small volume of LLRW at any given time. Considering past waste management practices at the site, and the large scale of potential waste generating activities under some of the potential site closure alternatives, it is likely that interim storage space for LLRW will be needed during site decommissioning activities. } 7-9

Reduction of storage needs is possible, in part, through use of an on-time shipping (or ship as you go) approach to waste management, which is a cost effective approach that could be utilized to the extent that conditions allow. However, if all or even most LLRW storage capacity were removed, any disruption in shipping schedules would result in short term delays or long term stoppages of work at the site because of a lack of LLRW storage space on-site. Such disruptions could come in many forms, such as severe weather events, legal actions, security threats, the failure of DOE to meet commitments to States hosting DOE sites used as trans-shipping points or final disposal sites, or other impediments. The retention of substantial on-site storage capacity is a reasonable and necessary precaution against such interruptions.

Given the likely need for future LLRW storage space, the proposed removal of this space could unnecessarily result in a need to build new LLRW storage facilities. Such construction, or any significant delays in decommissioning work caused by a lack of storage space, would likely increase the costs, and potentially the risks, associated with any decommissioning alternative that resulted in generation of any but minimal volumes of LLRW. Without further strong support for a decision to remove the LLRW storage facilities, the Department has to view such an action as biasing the EIS process.

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Final EA - Decontamination, Demolition, and Removal of Various Facilities at WVDP

Comment Number: 0007 (continued)

- 3. Figure 2 This map does not include areas in Waste Management Areas (WMA) 11 and 12. An inclusive map of the entire West Valley Demonstration Project (WVDP) premises should be provided. } 7-10
- 4. Site Terminology Box, Page 3, and Figures 1. and 2. The Project Premises includes all land and structures over which DOE has sole use and control. In addition to the areas described in the description and figure in question, the rail spur, live-fire range, reservoirs, and Bulk Storage Warehouse are part of the Project Premises. Descriptions of the Premises, both written and visual, should make this clear. } 7-11
- 5. Section 2.1 This section states that "DOE needs to eliminate or significantly reduce the functions that are undertaken in those facilities" being proposed for removal on the EA. DOE does not explain why it "needs to" remove all LLRW storage capacity, the onsite emergency response and sanitary facilities, or the specialized training and maintenance facilities. Nor does it explain why it "needs" to remove the new warehouse. The only language supporting removal appears to be the statement that DOE "needs" to do so. If there were no reasonably expected future use for these facilities, then it would be rational to say that their continued use was no longer needed. However, that is not the case for these facilities. } 7-12
 - A. The LLRW storage issue was addressed in comment 1. above.
 - B. DOE does not explain why it no longer sees a need for an on-site emergency response capability. The EA does not include language stating whether the local EMS services are able to provide a comparable level or speed of care in responding to on-site emergencies with radiological contamination of victims or facilities. DOE does not state whether it has confirmed the willingness and capability of the outside services to take over these responsibilities. It is unclear why, when some potential decommissioning alternatives could result in decontamination and demolition activities of similar or even greater scope than those already undertaken at the site, the current on-site emergency response facilities are no longer necessary. Unless and until a closure alternative that does not require any significant demolition or waste packaging activities, it would appear unreasonable to remove viable on-site emergency response capabilities. } 7-13
 - C. The EA includes insufficient justification for removal of the on-site sanitary treatment facility. Under just about any scenario, the site will remain a permanent place of employment for significant numbers of people for many years. If this were a facility without sanitary facilities, it might be justifiable to rely upon outside services for sanitary needs. However, given the present site circumstances the elimination of shower and flush toilet facilities for the decommissioning crews, support staff, and management personnel is not a reasonable action, and may be in violation of safety and health regulations. Furthermore, removal of an on-site sanitary system would seriously limit potential future use scenarios for the Center. } 7-14
 - D. The proposal to remove specialized training and maintenance facilities needed to support many of the possible future remedial alternatives is not a reasonable decision. The training facilities in particular could not be readily duplicated through the use of off-site resources. As with the proposal to remove all LLRW storage capacity, removal of these facilities would be viewed as biasing the EIS process towards closure options that do not need these services. } 7-15
 - E. There is no reasonable justification for removal of the new warehouse. For most future actions at the site, it would be advantageous to have a storage facility for supplies and equipment close at hand. It is } 7-16

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Comment Number: 0007 (continued)

- understandable that the older or more remote storage facilities would be considered for removal. However, a newer, relatively low maintenance storage facility in close proximity to areas of ongoing site activities would appear to be a benefit to future site activities rather than an obstacle that needs to be removed and replaced by off-site storage facilities. Additionally, the Citizens Task Force and others working on potential future use scenarios for the site have requested that this structure be maintained. Given these concerns the Department believes that it is prudent to retain the new warehouse until such time as it became clear that either it was an obstruction to necessary site decommissioning activities, or was obviously no longer needed due to completion of major site closer activities and a determination that it was not viable to retain it for future site uses. } 7-16 cont'd
- 6. Section 2.3 This section correctly explains that the potential impacts that would be described in a final approved EA (to personnel, the public, and the environment) for removal of all 42 facilities proposed for removal would bound the impacts of work performed to remove a reduced number of this set of facilities. What is not adequately presented here or elsewhere is the difference in potential implications for the EIS process of choosing a Preferred Alternative if certain facilities are or are not removed. As stated above, removal of certain of the facilities listed in Table 1. would have significant implications for the Preferred Alternative selection process. This would quite probably bias that process towards selection of alternatives that would not require re-developing facilities or services lost as a result of removal of all 42 facilities. This issue needs to be addressed, either in the EA or in referenced supporting documentation, and serious consideration needs to be given to reducing the scope of facilities to be demolished. } 7-17
- 7. Section 3.3.2 The contaminants in the soil at the live fire range need to be identified in the EA. } 7-18
- 8. Section 3.4.2 Any and all soil disturbance must be performed in compliance with all applicable NYS rules and regulations. Major changes to the surface water regimes could affect groundwater flow patterns, should temporary or permanent recharge areas be developed on the site. This is particularly important given the known presence of groundwater contamination. } 7-19
- 9. Section 3.5.1 and 3.5.2 It should be noted that impacts that will need mitigation or permitting in wetlands are not limited to the wetland proper, per say, but would also included regulated buffer areas. This section should be clarified and the need for a wetland permit, or the lack thereof, should be discussed. Additionally, a map showing the facilities under consideration for removal AND the identified wetlands on the site, should be included in this document. } 7-20
- 10. Section 3.8.1 The last sentence in this section states that "Noise for ongoing site activities includes that from the Buffalo & Pittsburgh Railroad line, which runs within 800 meters (2,600 feet) of the Project Premises." It is our understanding that this rail line is abandoned north of the connection for the rail spur that feeds the site from the south. This includes the portion of the line that runs within the Western New York Nuclear Service Center east of the Project Premises. Thus, the only noise from this line would be when rail cars are brought to the site from the south for waste shipping purposes. Please clarify this discussion. } 7-21
- 11. Section 3.12 This section states that under this alternative "The condition of unused and unneeded facilities would continue to deteriorate." In the case of this EA a "No Action" option would mean that the facilities would not be removed, not that work at the site would not continue. Thus, it is reasonable } 7-22

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Final EA – Decontamination, Demolition, and Removal of Various Facilities at WVDP

Comment Number: 0007 (continued)

to assume that ongoing maintenance would be performed on facilities such as the LLRW storage facilities, sanitary waste facility, the new warehouse, and the emergency vehicle shelter so that they could continue to provide the services for which they were designed. This section needs to be revised to reflect that fact. } 7-22 cont'd

12. Appendix A There are several units mentioned in Table 1 that are not described in the appendix with the rest of the units. Please either provide the descriptions for these unmentioned units or an explanation as to why a description can not be given for these units. } 7-23

13. Appendix B The map and table need to be presented in a larger format to facilitate review. } 7-24

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Comment Number: 0008



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 2
 290 BROADWAY
 NEW YORK, NY 10007-1866

AUG 0 2 2006

Bryan C. Bower, Acting Director
 U.S. Department of Energy
 West Valley Demonstration Project
 10282 Rock Springs Rd
 West Valley, New York 14171-9799

Dear Mr. Bower:

The Environmental Protection Agency (EPA) has reviewed the Department of Energy's (DOE) draft environmental assessment (EA) for the proposed decontamination, demolition and removal of various facilities at the West Valley Demonstration project. The EA proposes that 42 buildings are either unused or unnecessary and should be demolished. The EA further states that leaving the unneeded structures in place would require continuing maintenance leading to unnecessary expenses. Based on our review of the draft EA, we have the following concerns.

While we support DOE's desire to remove facilities that are not needed for the continued operation of the larger facility, we believe that an overall assessment of the West Valley Demonstration Project site's needs and functions for decommissioning and closure is essential for that support. We refer DOE to our comments on the West Valley Demonstration project pre-decisional Environmental Impact Statement. In those comments, we raised concerns that some of the actions briefly discussed in that EIS, such as building demolition, removal and replacement, were not fully evaluated and that the rationale and discussion for waste treatment facilities to be removed only to be replaced by newly constructed facilities was insufficient. There appears to be a gap between what demolition and removal actions are anticipated in the pre-decisional EIS and this EA. This EA does not contain enough information to allow the reader to understand why these facilities can be removed as well as making it clear that the functions of these facilities will not be needed in the future as part of the decommissioning. Also, the EA was not consistent in describing how much of each of the 42 facilities will be removed. We recommend that DOE produce criteria for building demolition, removal, and reuse, with an evaluation of the functions and facility structures and relate that evaluation to the overall needs of the facility to achieve decommissioning. We believe that such an evaluation would better inform the removal decisions at this point and would minimize environmental impacts by reducing the amount of deconstruction and replacement activities.

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Final EA – Decontamination, Demolition, and Removal of Various Facilities at WVDP

Comment Number: 0008 (continued)

We don't believe that the EA has fully evaluated the range of environmental impacts from removing 500,000 square feet of buildings and structures, while generating over 90,000 cubic feet of low level waste. We are most concerned with the impacts to surface waters from the proposed amount of deconstruction and removal activities. The EA should contain an evaluation of the potential amount of soil disturbance that will occur on the site and the potential for soil loss and sediment in runoff (e.g., the equalization basin, equalization tank, Diesel fuel oil building and the test wells will all involve foundation and in-ground structure removal that the EA did not directly address in the evaluation of impacts). The EA should also identify and evaluate what Best Management Practices can be employed to control and minimize these effects once buildings are demolished and either the foundations remain or are removed. Though some measures are briefly discussed in the wetlands section, these should be expanded upon to determine if they will meet the needs for a broader sediment control program for the site. In a related matter, we would assume that some dust suppression techniques, such as the use of water, would be used during demolition and structure removal; however, that is not discussed nor is the potential for hazardous or radioactive material to enter surface water in demolition runoff fully evaluated with appropriate mitigation measures offered. The EA states generally that the plant sediment control systems can handle the additional sediment load, however, no further analysis is offered with a description of these systems. Nonetheless, though these systems may have capacity, we would not assume that they are set up to receive the runoff from the removal of all of these buildings and facilities. These issues will need further evaluation and disclosure.

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Additionally, this EA is lacking an evaluation of the various impacts to replace some of these facilities, (i.e., construction and operational effects to air, noise, runoff). As an example, we are concerned with the proposal to close and then replace the sewage facility on the site. The EA does not explain why this facility would need to be removed only to be replaced at some later date by temporary-portable facilities. Of particular note is the lack of discussion to determine what portable facilities would be brought in during the decommissioning phase, what are the impacts from those facilities, and if those are sufficient to handle the sanitary needs for the workers better than leaving the sewage treatment plant in place. The EA also states that no facility construction is required, which would contradict the pre-decisional multi-agency EIS that identified that functions and facilities that were removed, as part of this action, would need to be replaced.

8-7

We also question whether the removal of some of these facilities, particularly low-level waste treatment and storage and Waste Tank Farm training platform, at this time is immediately necessary or prudent given that a decommissioning alternative has yet to be identified. Given these concerns we don't believe that the Department of Energy can proceed to a Finding of No Significant Impact for this segment of the action without additional information regarding the environmental impacts from the actions and that measures will be in place to mitigate for these impacts.

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Comment Number: 0008 (continued)

Thank you for the opportunity to comment. If you have any questions please call David Carlson of my staff at (212) 637-3502.

Sincerely yours,

Grace Musumeci, Chief
Environmental Review Section
Strategic Planning and Multi-Media Programs Branch

bcc: J. Filippelli, DEPP-SPMPB
J. Eng, DEPP-RIAB

Comment Number: Transcript (T)

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DRAFT ENVIRONMENTAL ASSESSMENT FOR
THE DECONTAMINATION, DEMOLITION, AND
REMOVAL OF VARIOUS FACILITIES AT THE
WEST VALLEY DEMONSTRATION PROJECT
PUBLIC COMMENT SESSION
JULY 19, 2006 7:00 P.M.

REPORTED BY:

DOREEN M. SHARICK, Court Reporter
EDITH E. FORBES COURT REPORTING SERVICE
21 Woodcrest Drive
Batavia, New York 14020

EDITH E. FORBES (585) 343-8612

Comment Number: Transcript (T) (continued)

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APPEARANCES:

JOHN CHAMBERLAIN,
WEST VALLEY DEMONSTRATION PROJECT.
SONYA ALLEN,
WEST VALLEY DEMONSTRATION PROJECT.
CATHY BOHAN,
DEPARTMENT OF ENERGY,
WEST VALLEY DEMONSTRATION PROJECT.

EDITH E. FORBES (585) 343-8612

Comment Number: Transcript (T) (continued)

Page 3

1
2 MR. CHAMBERLAIN: Good
3 evening, I'm John Chamberlain. On
4 behalf of the Department of Energy, I
5 welcome each of you to this meeting.
6 I want to begin by apologizing
7 for any inconvenience due to the
8 changing of the schedule of the meeting
9 last week.
10 As you know, this comment
11 session here at the Ashford Office
12 Complex on Route 219 is being held as
13 part of the 30 day public review period
14 for the draft Environmental Assessment
15 for the Decontamination, Demolition and
16 Removal of Various Facilities at the
17 West Valley Demonstration Project, which
18 I will refer to the draft EA.
19 For the record, this evening's
20 session is scheduled from 7:00 p.m. to
21 9:00 p.m. Today is July 19, 2006.
22 This session is being held to
23 provide individuals the opportunity to
24 submit oral comments on the draft EA.
25 In addition, comments can be

EDITH E. FORBES (585) 343-8612

Comment Number: Transcript (T) (continued)

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2 filed in writing, by mail or
3 electronically through the internet.
4 Information including directions on
5 filing comments is available on the
6 table to my right. All comments whether
7 written or oral will receive the same
8 consideration and review and will be
9 responded to in the Final Environmental
10 Assessment.
11 The draft EA evaluates the
12 potential environmental impacts of
13 demolishing and removing a set of 42
14 structures and other facilities which
15 have been or are currently used by the
16 West Valley Demonstration Project. That
17 because of their design, function and
18 lack of significant radioactive source
19 term are not expected, either
20 individually or collectively, to affect
21 long-term site management decisions.
22 Long-term site management issues will be
23 addressed in a Decommissioning EIS
24 currently under development that will be
25 issued at a later date.

EDITH E. FORBES (585) 343-8612

Comment Number: Transcript (T) (continued)

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When I have completed this opening statement, Cathy Bohan, from the Department of Energy, will provide a 15 to 20 minute presentation regarding the draft EA. Following that, we will immediately begin the public comment portion of the meeting.

This draft EA was made publicly available on June 29, 2006, for review and comment. The 30 day public review period will officially end on July 29th, 2006, and DOE will consider comments received after July 29th to the extent practical.

Commenters for today's session have been registered in the order that their requests have been received. All individuals that have signed up at the door will be allowed to speak in the order that they have signed in as long as time is available. If you wish to present a comment and have not signed up, I encourage you to do so now.

Finally, I want to thank all

EDITH E. FORBES (585) 343-8612

Comment Number: Transcript (T) (continued)

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of you here for taking the time to attend this meeting and for those providing comments, thank you for your interest and involvement.

At this time, a general overview of the draft EA will be provided for the record. Those providing comments this evening I am sure are familiar with the content of the EA; therefore, questions will be limited to clarifying questions, and we ask that you hold any questions you may have until the presentation is complete.

If anyone would like to discuss in more detail any topics related to the draft EA or the West Valley Demonstration Project in general, personnel from the Project will be available after this meeting.

At this time, I want to introduce Cathy Bohan, who works for the Department of Energy, here at the West Valley Project. Cathy.

MS. BOHAN: Good evening.

EDITH E. FORBES (585) 343-8612

Comment Number: Transcript (T) (continued)

1
2 Thank you all for coming tonight.
3 I'd like to start this
4 evening's presentation with a brief
5 overview of the approach that has
6 historically been taken here on site
7 with regard to the implementation of the
8 National Environmental Policy Act
9 requirements as they relate to project
10 activities.
11 For those of you who perhaps
12 aren't as familiar with the requirements
13 of the National Environmental Policy
14 Act, it requires that any time a Federal
15 agency wishes to undertake a potential
16 action, that agency must evaluate the
17 potential environmental impact from that
18 proposed action along with any
19 reasonable alternatives to it.
20 There are three major types of
21 documents that usually come from those
22 evaluations which can include
23 categorical exclusions, environmental
24 assessments and environmental impact
25 statements.

EDITH E. FORBES (585) 343-8612

Comment Number: Transcript (T) (continued)

1
2 Here at the Project in 1996, a
3 draft Environmental Impact Statement or
4 EIS was issued to cover the completion
5 of the WVDP and the closure and/or
6 long-term management of the Project and
7 center premises. That was a very
8 comprehensive document that included
9 every facility on the property. It
10 contained no preferred alternative.
11 As such, in 1997, the Citizens
12 Task Force was formed to assist in
13 providing input toward developing a
14 preferred alternative. In 1999, DOE and
15 NYSERDA began negotiations to try to
16 come to a resolution on long-term
17 stewardship responsibilities.
18 Unfortunately, those negotiations were
19 concluded in 2001 without reaching that
20 agreement.
21 In 2002, the Vitrification
22 Project was completed and the system was
23 shut down. It has always been our goal
24 to safely continue progress here at the
25 Project. So with that in mind and given

EDITH E. FORBES (585) 343-8612

Comment Number: Transcript (T) (continued)

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2 the circumstances at the time, a slight
3 revision to the approach toward National
4 Environmental Policy Act implementation
5 requirements became necessary.
6 As such, a Notice of Intent to
7 explain that revised approach was
8 published in the Federal register. That
9 Notice of Intent, or NOI, explained in
10 particular two things. The first was
11 that an Environmental Impact Statement
12 would be prepared to cover waste
13 management operations and a second more
14 focused Environmental Impact Statement
15 would be issued to cover the
16 decommissioning of those facilities
17 responsible for the contribution of a
18 radioactive source term on the site. In
19 particular, those facilities are the
20 underground tanks, the process building
21 and the disposal areas.
22 In June of 2005, a Record of
23 Decision was issued for the Waste
24 Management EIS and since then, waste has
25 been shipped in accordance with those

EDITH E. FORBES (585) 343-8612

Comment Number: Transcript (T) (continued)

Page 10

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2 documents.
3 In March of '03, the Notice of
4 Intent was issued for the
5 decommissioning and/or long-term
6 stewardship EIS. And in September of
7 '05, a preliminary draft of that
8 document was issued for review and
9 comment to the cooperating agencies
10 involved. That draft as promised
11 focused on key facilities with
12 significant radioactive source term on
13 site and the evaluations that support
14 that draft document assumed that the
15 smaller noncontaminated or less
16 contaminated facilities would be removed
17 prior to initiation of the final
18 decommissioning activity.
19 Removal of those
20 noncontaminated or less contaminated
21 facilities was originally evaluated
22 primarily in two categorical exclusions;
23 however, for the sake of conservancy, it
24 was decided that the cumulative impacts
25 of removal of those facilities would be

EDITH E. FORBES (585) 343-8612

Comment Number: Transcript (T) (continued)

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Page 11

considered in one single document, which
is the Environmental Assessment that
brings us all here this evening.

The shaded facilities
represented on this map show those
facilities that are currently under
consideration in the draft Environmental
Assessment. This map can be cross
referenced against the one found in the
appendices in the back of the draft
document.

In particular Appendix A gives
a brief description of each facility
considered for action under the draft
Environmental Assessment and Appendix B
represents this map along with a key to
the names of each facility on site.

So where can you obtain a copy
of the Environmental Assessment if you
don't have one? We do have a few copies
available here this evening. You can
also download it from the web site that
is listed here or view it at the Concord
Library. Copies can also be requested

EDITH E. FORBES (585) 343-8612

Comment Number: Transcript (T) (continued)

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Page 12

by contacting Sonya Allen at the e-mail
and phone number listed on the slide in
your hand out.

As John mentioned, we are
currently, and as you all know because
you are here, we are in the midst of the
public review period which runs until
the end of this month and along with the
comments given here tonight, comments
may also be submitted in writing to
either the mail address or e-mail
address provided here.

MR. CHAMBERLAIN: Thank
you. At this time we'll begin the
public comment session. Speakers will
be called in the order they signed up.
I would ask each speaker to keep their
comments concise and focused on the
issues relative to the draft
Environmental Assessment under
consideration. And also ask, if
possible, you speak and try to keep
their comments to about five minutes.

To assist the

EDITH E. FORBES (585) 343-8612

Comment Number: Transcript (T) (continued)

1 transcriptionist, Doreen, you're asked
2 to speak clearly and are encouraged to
3 submit written copies of their comments
4 if they are available. I would also ask
5 that the speakers begin by giving their
6 first name, last name and a mailing
7 address for the record.

8
9 At this time I'd like to call
10 our first commenter, Ray Vaughn.

11 MR. VAUGHAN: My name is
12 Ray Vaughan. I'm speaking on behalf of
13 the West Valley Citizens Task Force and
14 I will also have brief comments of my
15 own to make afterward. I can either be
16 the fourth in line or just give my own
17 brief comments directly after this.

18 So I'm speaking on behalf of
19 the West Valley Citizen Task Force. The
20 Task Force appreciates this opportunity
21 to comment on the Draft Environmental
22 Assessment for the Decontamination,
23 Demolition and Removal of Various
24 Facilities at the West Valley
25 Demonstration Project, also known as the

Comment Number: Transcript (T) (continued)

1 draft EA, which is dated June 26th,
2 2006. We also thank the U.S. Department
3 of Energy for the recent extension of
4 the comment deadline on the draft EA.

5 Our main concern is the draft
6 EA does not meet the requirements of
7 Federal Law such as the National
8 Environmental Policy Act known as NEPA
9 and the Occupational Safety and Health
10 Act known as OSHA.

11 The draft EA, by allowing
12 premature removal of buildings and other
13 facilities that would be needed to carry
14 out certain alternatives in the
15 Decommissioning and/or Long-Term
16 Stewardship Environmental Impact
17 Statement, otherwise known as the
18 Decommissioning EIS, the draft EA would,
19 therefore, prejudice the outcome of the
20 Decommissioning EIS and thereby violate
21 NEPA. In our view, this is a very
22 fundamental problem. On page four of
23 the draft EA, DOE suggests that the
24 draft EA is compatible with the
25

T-1

Comment Number: Transcript (T) (continued)

1 Page 15

2 Decommissioning EIS because it would not
3 affect whether the decommissioning
4 criteria for the site could be met by
5 any of the EIS alternatives.

6 We disagree. Premature
7 removal of buildings and other
8 facilities under the draft EA would not
9 entirely prevent any alternative from
10 being carried out, but it would bias the
11 costs. In effect, it would be an
12 irretrievable commitment of resources.
13 The concern is that some of these same
14 facilities would need to be rebuilt or
15 replaced to achieve certain
16 alternatives. The costs of rebuilding
17 or replacement would prejudice the
18 Decommissioning EIS and thus, violate
19 NEPA.

20 The June 30th, 2006, comment
21 letter from the New York State Energy
22 Research and Development Authority,
23 NYSERDA, provides examples of facilities
24 proposed for removal that would need to
25 be rebuilt or replaced to achieve

T-1 cont'd

T-2

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Comment Number: Transcript (T) (continued)

1 Page 16

2 certain decommissioning alternatives.
3 Such facilities include waste storage
4 structures, warehouse capacity,
5 maintenance facilities, and training
6 platforms for installing or removing
7 equipment in tanks.

8 The NYSERDA letter also
9 indicates that the proposed removal of
10 toilet, shower and washing facilities
11 may violate OSHA. NYSERDA points out
12 that the draft EA fails to identify the
13 replacement impacts of some of these
14 premature removals. We would agree and
15 also raise the related concern that
16 these removals would prejudice the
17 outcome of the Decommissioning EIS.

18 Since we've not yet seen
19 drafts of the Decommissioning EIS, we
20 cannot say how large a work force would
21 be needed to carry out any of its
22 alternatives. However, based on the
23 draft issued in 1996, it is reasonable
24 to assume that some of the
25 decommissioning alternatives would

T-2 cont'd

T-3

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Comment Number: Transcript (T) (continued)

1
2 require a much larger work force than is
3 currently employed on the site.
4 For these alternatives, some
5 workers will likely be handling wastes
6 in waste storage structures while others
7 will be handling equipment in
8 warehouses, servicing equipment in
9 maintenance facilities, and training for
10 further waste removal activities.
11 All such workers will need
12 adequate sanitary facilities. Until the
13 Decommissioning EIS is issued, and the
14 size of the necessary work force has
15 been identified, DOE should take no
16 steps to remove facilities that this
17 work force would need for its various
18 decommissioning tasks.
19 We ask DOB to withdraw the
20 draft EA and to focus instead on
21 completion of the Decommissioning EIS.
22 Thank you and those complete my comments
23 on behalf of the CTF.
24 Shall I give my own comments
25 now?

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T-3 cont'd

T-4

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Comment Number: Transcript (T) (continued)

1
2 MS. ALLEN: Sure.
3 MR. CHAMBERLAIN: Sure.
4 MR. VAUGHAN: Just briefly,
5 speaking for myself, Ray Vaughan, I
6 agree fully with the comments of the
7 CTF. I would also add with regard to
8 one of the facilities that is proposed
9 for closure in the draft EA, namely, the
10 hydrofracture test well area, that it is
11 important before any of the
12 hydrofracture test wells are closed, to
13 use those wells for geophysical testing
14 such as downhole seismic to
15 characterize the structure of the local
16 bedrock.
17 This is especially important
18 due to the existing evidence for major
19 vertical and subvertical fractures in
20 bedrock beneath the West Valley site,
21 and also due to the fact that a fault,
22 perhaps the southwest extension of the
23 Clarendon-Linden fault, has been
24 identified by seismic testing near
25 Sardinia. For these reasons the

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Comment Number: Transcript (T) (continued)

1
2 hydrofracture test well area should not
3 be closed until its use for geophysical
4 testing has been fully addressed. Thank
5 you.

6 MR. CHAMBERLAIN: Next
7 commenter is Joanne Hameister.

8 MS. HAMEISTER: I'm Joanne
9 Hameister, 1051 Sweet Road, East Aurora,
10 New York.

11 I am a member of the steering
12 committee for the Coalition on West
13 Valley Nuclear Waste. My comments
14 tonight will be very brief. I'll be
15 putting together written ones to be
16 submitted by the end of the deadline.

17 I was more than dismayed when
18 this draft Environmental Assessment was
19 released at the last CTP meeting.

20 West Valley from the beginning
21 has been a demonstration. The original
22 plant was to be a demonstration that
23 fuel rods could be recycled and
24 undepleted uranium could be recovered.
25 That demonstration was not was a success

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} T-5 cont'd

Comment Number: Transcript (T) (continued)

1
2 and left a witch's brew and which left
3 us to yet another demonstration. That
4 is that we could be successful and clean
5 up the site.

6 The development of
7 borosilicate glass rod technology was
8 exciting to follow and a demonstration
9 of which DOE could be proud.

10 What has been lacking is a
11 demonstration of sincerity and
12 dedication to the NEPA process.
13 Following the issuance of the draft EIS
14 10 years ago, DOE fragmented the next
15 steps of the procedure into two
16 directions, which is, in my mind, in
17 direct contravention of the spirit of
18 NEPA.

19 This Environmental Assessment
20 is yet another contravention and insult
21 to the spirit of the laws which we, as
22 stakeholders, necessarily have to rely
23 on to make sure that we have access to
24 the process and assurance that the best
25 decisions are made for the West Valley

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} T-6

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Comment Number: Transcript (T) (continued)

1
 2 site.
 3 The Coalition will be
 4 submitting written comments before the
 5 deadline, but our first and most
 6 important comment is that the issuance
 7 of an Environmental Assessment in the
 8 middle of an on-going EIS process is
 9 wrong and this document should never
 10 have been developed and released and we
 11 hope that it is withdrawn. Thank you
 12 for your time. Thank you for the
 13 opportunity.
 14 MR. CHAMBERLAIN: Judith
 15 Einach.
 16 MS. EINACH: My name is
 17 Judith Einach, 19 Penfield Street,
 18 Buffalo, New York 14213.
 19 First of all, thank you for
 20 the opportunity to speak and let me say
 21 that just today, I went on a tour of the
 22 West Valley Demonstration Project and
 23 what is going on there is incredibly
 24 impressive and really speaks to what we
 25 can accomplish when we really put our

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} T-6 cont'd

} T-7

Comment Number: Transcript (T) (continued)

1
 2 minds to it.
 3 Right now, I'm speaking as the
 4 Campaign Director of the Coalition on
 5 West Valley Nuclear Wastes. The
 6 Coalition on West Valley Nuclear Wastes
 7 has been closely involved in the
 8 activities of the West Valley
 9 Demonstration Project since the mid
 10 seventies.
 11 The Coalition seeks full
 12 remediation and decommissioning of the
 13 site for unrestricted use. We clearly
 14 support clean up. However, the draft of
 15 the EA in question is not without
 16 problems. In fact, there are serious
 17 problems.
 18 First, there is the issue of
 19 procedure or process. If this draft EA
 20 is adopted and acted upon, the DOE will
 21 be in direct violation of a contract
 22 reached with the Coalition and spelled
 23 out in the stipulation of compromise.
 24 DOE consulted with NYSERDA and the
 25 Seneca Nation during the preparation of

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} T-8

Comment Number: Transcript (T) (continued)

1
2 the draft EA but not with the Coalition
3 with whom the DOE has a contract.
4 Second, the Coalition is
5 troubled that wastes of potentially
6 contaminated debris is slated to be
7 moved from the Demonstration Project to
8 landfills in Western New York,
9 specifically, sites in Olean and Model
10 City, New York. The Coalition has
11 always been very concerned that the
12 problems in our backyard do not become
13 problems in someone else's backyard.
14 Furthermore, what this
15 effectively does is set the precedent
16 that it's okay to keep unloading
17 potentially or actually hazardous
18 nuclear wastes on Western New York, an
19 area that already has the distinction of
20 being our nation's capital for nuclear
21 and hazardous wastes.
22 This comes at a time when
23 there is a bill before the Governor, a
24 bill with overwhelming support, both the
25 State Assembly and Senate, calling for

Page 23

} T-8 cont'd

} T-9

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Comment Number: Transcript (T) (continued)

1
2 an end to new hazardous landfills where
3 waste will undoubtedly leak into
4 surrounding soil and water, water that
5 is part of the Great Lakes Water Shed.
6 The landfills in Olean and
7 Model City both compromise the safety of
8 the Great Lakes Water Shed. How is
9 moving Demonstration Project material to
10 these locations solving the problem of
11 cleanup? Such a quote unquote solution
12 is short-sighted at best.
13 Third, the Coalition is very
14 concerned that some of the buildings
15 targeted for removal will be recycled in
16 ways that are totally inappropriate.
17 Buildings on other nuclear waste sites
18 have been reused as classrooms for
19 children. The buildings may meet the
20 DOE standards for cleanliness but our
21 children should not be exposed to a
22 single milligram of radioactivity beyond
23 what is natural in the environment.
24 We have to ask what
25 independent verifications will be done

Page 24

} T-9 cont'd

} T-10

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Comment Number: Transcript (T) (continued)

1
2 to insure that the release or clearance
3 of materials from the Demonstration
4 Project can safely be moved to
5 non-nuclear destinations. } T-10 cont'd

6 And again, we expect some of
7 the buildings slated for removal will
8 have value during the next phase of
9 decontamination and decommissioning. } T-11

10 It is not the goal or purpose
11 of the Coalition to stand in the way of
12 clean-up of the Demonstration Project.
13 If anything, the Coalition is among the
14 strongest advocates for decontamination
15 and decommissioning of the site.

16 Our focus is on the
17 Demonstration Project, but we see the
18 issues there in the context of a much
19 larger problem in Western New York and
20 in the nation.

21 We will not be satisfied until
22 we see DOE documents that reflect
23 respect for the Coalition, a sound
24 understanding of the problems associated
25 with the Demonstration Project and } T-12

Page 25

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Comment Number: Transcript (T) (continued)

1
2 long-term solutions that work for the
3 people and geology of the natural
4 environment of Western New York. } T-12 cont'd

5 As a spokesperson for the
6 Coalition on West Valley Nuclear Wastes,
7 I strenuously object to the draft
8 Environmental Assessment before us. } T-13

9 Thank you. I will send you an e-mail
10 copy.

11 MR. CHAMBERLAIN: Next
12 commenter is Lee Lambert.

13 MS. LAMBERT: Thank you. I
14 am Lee Lambert. I live on 451 South
15 Street, East Aurora, New York 14052.

16 First, I just want to make a
17 short comment on behalf of the voters of
18 Buffalo/Niagara. We appreciate the fact
19 that the comment period was extended
20 from the original time period of two
21 weeks, which, of course, has allowed
22 more citizens to become more aware of
23 the material in the document as well as
24 briefly comment.

25 I've been to almost every

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Comment Number: Transcript (T) (continued)

1
2 meeting of the CTF since its inception
3 in January, 1997. However, I do not
4 speak for the CTF, although I'm a
5 member, but as an interested citizen.
6 And this is what I have noticed.

7 This entire process started
8 over 20 years ago with the declaration
9 of FONSI, that the material on this site
10 would have no significant impact on the
11 environment. Back then, buried and
12 leaking kerosene drums laden with
13 radioactive waste were found to be
14 sealed with duct tape. Now, we are told
15 that the material leaving the site is
16 safe with shrink-wrap. So we have
17 advanced from duct tape to plastic wrap.

18 Through the years, whenever
19 members of the CTF or bystanders drew
20 comparison to decisions being made
21 elsewhere, in particular the use of the
22 WIR determination at DOE sites in other
23 parts of the country, we were told not
24 to worry. Those sites are different.
25 Yet the appendix of the draft EA quotes

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Comment Number: Transcript (T) (continued)

1
2 a section of the RRDA, Ronald Reagan
3 Defense Authorization Act, of 2005,
4 entitled Defense Sites, which, of
5 course, we are not, yet. Still, in this
6 document, we are grouped with South
7 Carolina and Idaho, both of whom
8 knuckled under to allow the WIR
9 determination to result in radioactive
10 waste to be left behind at their sites.

11 Through the years, also, we
12 have been through numerous plans that
13 were supposed to get the job done:
14 Risk-Based End-State, End State Vision,
15 Interim End State, Accelerated Cleanup
16 and the latest last fall, the SUMP,
17 sometimes called Sum Plan, the Site
18 Utilization Management Plan. The CTF
19 and others concluded the plan was really
20 a plan to stay within a small budget for
21 the next few years and then leave.

22 Speaking of budget, the draft
23 EIS of 1996, concluded that a complete
24 clean-up would cost \$8 billion. At the
25 rate of funding this site has been

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Comment Number: Transcript (T) (continued)

1
2 getting, that would take 80 years.
3 Meanwhile, the strontium plume meanders,
4 and the DOE says not my job.

5 According to Chapter 4 of the
6 draft EA, DOE consulted NYSERDA's
7 management team and the Seneca Nation.
8 Since consulting carries no obligation
9 of following the advice of those
10 consulted, we must assume that either
11 DOE did not consult the State of New
12 York, or which they must have, or they
13 would not have included that statement
14 in their document, or that NYSERDA
15 representatives warned DOE
16 representatives that certain steps were
17 not acceptable and DOE chose to ignore
18 the advice. Hence, the letter from
19 NYSERDA to DOE filled with questions
20 about the EA. It's legality, prudence,
21 wisdom and foresight or lack of same.
22 As for the Seneca Nation, I await a copy
23 of their comments on the EA.

24 At numerous meetings and in
25 often written documents, we have asked

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Comment Number: Transcript (T) (continued)

1
2 for a real cleanup, not grass over
3 contaminated ground as in Love Canal. I
4 for one am getting tired of name games,
5 particularly calling highly radioactive
6 waste incidental.

7 I urge you to scrap this
8 document along with others that do not
9 call for a real cleanup of the West
10 Valley site. Thank you for this
11 opportunity to share my views.

12 MR. CHAMBERLAIN: That's
13 all the commenters that have signed up.
14 Is there anyone else that wants to make
15 a comment for the record at this time?
16 No one else?

17 Okay. I will just recap.
18 There are over on the table fact sheets
19 that give where you can submit comments.
20 The official comment period runs through
21 the end of the month. E-mail them, you
22 can send them in by regular mail or you
23 can call us. You can pick one of those
24 up on your way out.

25 There are some copies of the

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} T-14

Comment Number: Transcript (T) (continued)

1
 2 presentation from tonight. There are
 3 still some copies of the EA available
 4 for anyone who would like one.
 5 The rest of us from the
 6 Project will be here for a while
 7 tonight. If you have any questions or
 8 anything you'd like to discuss, we'll be
 9 happy to discuss them.
 10 When the transcript is done,
 11 that will be available as well. And
 12 that will give us a few weeks for that.
 13 Any last people who would like
 14 to make a comment before we stop at this
 15 point? No comments? Anyone else want
 16 to make a comment? Okay. We will close
 17 the comment period then.
 18 (Whereupon the proceedings
 19 were then concluded.)
 20
 21
 22
 23
 24
 25

Comment Number: Transcript (T) (continued)

1
 2
 3 C E R T I F I C A T E
 4
 5
 6 I, DOREEN M. SHARICK, do hereby certify
 7 that I have reported in stenotype shorthand
 8 the proceedings in the matter of the Public
 9 Comment Session on the Draft Environmental
 10 Assessment at the West Valley Demonstration
 11 Project, Ashford Office Complex, 9030 Route
 12 219, West Valley, New York, on July 19, 2006.
 13 That the transcript herewith numbered one
 14 through thirty-one is an accurate and complete
 15 record of my stenotype notes.
 16
 17
 18 *Doreen M. Sharick*
 19 _____
 20 DOREEN M. SHARICK
 21 Notary Public.
 22
 23
 24
 25

Comment Number: Transcript (T) (continued)

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