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

APPEARANCES:

JOHN CHAMBERLAIN,
WEST VALLEY DEMONSTRATION PROJECT.

SONYA ALLEN,
WEST VALLEY DEMONSTRATION PROJECT.

CATHY BOHAN,
DEPARTMENT OF ENERGY,
WEST VALLEY DEMONSTRATION PROJECT.

MR. CHAMBERLAIN: Good evening, I'm John Chamberlain. On behalf of the Department of Energy, I welcome each of you to this meeting.

I want to begin by apologizing for any inconvenience due to the changing of the schedule of the meeting last week.

As you know, this comment session here at the Ashford Office Complex on Route 219 is being held as part of the 30 day public review period for the draft Environmental Assessment for the Decontamination, Demolition and Removal of Various Facilities at the West Valley Demonstration Project, which I will refer to the draft EA.

For the record, this evening's session is scheduled from 7:00 p.m. to 9:00 p.m. Today is July 19, 2006.

This session is being held to provide individuals the opportunity to submit oral comments on the draft EA.

In addition, comments can be

filed in writing, by mail or electronically through the internet. Information including directions on filing comments is available on the table to my right. All comments whether written or oral will receive the same consideration and review and will be responded to in the Final Environmental Assessment.

The draft EA evaluates the potential environmental impacts of demolishing and removing a set of 42 structures and other facilities which have been or are currently used by the West Valley Demonstration Project. That because of their design, function and lack of significant radioactive source term are not expected, either individually or collectively, to affect long-term site management decisions. Long-term site management issues will be addressed in a Decommissioning EIS currently under development that will be issued at a later date.

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

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.

Thank you all for coming tonight.

I'd like to start this evening's presentation with a brief overview of the approach that has historically been taken here on site with regard to the implementation of the National Environmental Policy Act requirements as they relate to project activities.

For those of you who perhaps aren't as familiar with the requirements of the National Environmental Policy Act, it requires that any time a Federal agency wishes to undertake a potential action, that agency must evaluate the potential environmental impact from that proposed action along with any reasonable alternatives to it.

There are three major types of documents that usually come from those evaluations which can include categorical exclusions, environmental assessments and environmental impact statements.

Here at the Project in 1996, a draft Environmental Impact Statement or EIS was issued to cover the completion of the WVDP and the closure and/or long-term management of the Project and center premises. That was a very comprehensive document that included every facility on the property. It contained no preferred alternative.

As such, in 1997, the Citizens Task Force was formed to assist in providing input toward developing a preferred alternative. In 1999, DOE and NYSERDA began negotiations to try to come to a resolution on long-term stewardship responsibilities. Unfortunately, those negotiations were concluded in 2001 without reaching that agreement.

In 2002, the Vitrification Project was completed and the system was shut down. It has always been our goal to safely continue progress here at the Project. So with that in mind and given

the circumstances at the time, a slight revision to the approach toward National Environmental Policy Act implementation requirements became necessary.

As such, a Notice of Intent to explain that revised approach was published in the Federal register. That Notice of Intent, or NOI, explained in particular two things. The first was that an Environmental Impact Statement would be prepared to cover waste management operations and a second more focused Environmental Impact Statement would be issued to cover the decommissioning of those facilities responsible for the contribution of a radioactive source term on the site. In particular, those facilities are the underground tanks, the process building and the disposal areas.

In June of 2005, a Record of Decision was issued for the Waste Management EIS and since then, waste has been shipped in accordance with those

documents.

In March of '03, the Notice of Intent was issued for the decommissioning and/or long-term stewardship EIS. And in September of '05, a preliminary draft of that document was issued for review and comment to the cooperating agencies involved. That draft as promised focused on key facilities with significant radioactive source term on site and the evaluations that support that draft document assumed that the smaller noncontaminated or less contaminated facilities would be removed prior to initiation of the final decommissioning activity.

Removal of those noncontaminated or less contaminated facilities was originally evaluated primarily in two categorical exclusions; however, for the sake of conservancy, it was decided that the cumulative impacts of removal of those facilities would be

1
2 considered in one single document, which
3 is the Environmental Assessment that
4 brings us all here this evening.
5 The shaded facilities
6 represented on this map show those
7 facilities that are currently under
8 consideration in the draft Environmental
9 Assessment. This map can be cross
10 referenced against the one found in the
11 appendices in the back of the draft
12 document.
13 In particular Appendix A gives
14 a brief description of each facility
15 considered for action under the draft
16 Environmental Assessment and Appendix B
17 represents this map along with a key to
18 the names of each facility on site.
19 So where can you obtain a copy
20 of the Environmental Assessment if you
21 don't have one? We do have a few copies
22 available here this evening. You can
23 also download it from the web site that
24 is listed here or view it at the Concord
25 Library. Copies can also be requested

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

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

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

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

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

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

Our main concern is the draft EA does not meet the requirements of Federal Law such as the National Environmental Policy Act known as NEPA and the Occupational Safety and Health Act known as 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, 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

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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

1
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

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 DOE 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?

MS. ALLEN: Sure.

MR. CHAMBERLAIN: Sure.

MR. VAUGHAN: Just briefly, speaking for myself, Ray Vaughan, I agree fully with the comments of the CTF. 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.

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. Thank you.

MR. CHAMBERLAIN: Next commenter is Joanne Hameister.

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

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

I was more than dismayed when this draft Environmental Assessment was released at the last CTF meeting.

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

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

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

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 NEPA.

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.

The Coalition will be submitting written comments before the deadline, but our first and most important comment is that 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. Thank you for your time. Thank you for the opportunity.

MR. CHAMBERLAIN: Judith Einach.

MS. EINACH: My name is Judith Einach, 19 Penfield Street, Buffalo, New York 14213.

First of all, thank you for the opportunity to speak and let me say that just today, I went on a tour of the West Valley Demonstration Project and what is going on there is incredibly impressive and really speaks to what we can accomplish when we really put our

minds to it.

Right now, I'm speaking as the Campaign Director of the Coalition on West Valley Nuclear Wastes. The Coalition on West Valley Nuclear Wastes has been closely involved in the activities of the West Valley Demonstration Project since the mid seventies.

The Coalition seeks full remediation and decommissioning of the site for unrestricted use. We clearly support clean up. However, the draft of the EA in question is not without problems. In fact, there are serious problems.

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.

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.

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.

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.

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.

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.

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.

And again, we expect some of the buildings slated for removal will have value during the next phase of decontamination and decommissioning.

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

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

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.

As a spokesperson for the Coalition on West Valley Nuclear Wastes, I strenuously object to the draft Enviromental Assessment before us. Thank you. I will send you an e-mail copy.

MR. CHAMBERLAIN: Next commenter is Lee Lambert.

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

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

I've been to almost every

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

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

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

a section of the RRDAA, Ronald Reagan Defense Authorization Act, of 2005, entitled Defense Sites, which, of course, we are not, yet. Still, in this document, we are grouped with South Carolina and Idaho, both of whom knuckled under to allow the WIR determination to result in radioactive waste to be left behind at their sites.

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

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

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

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

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

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

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.

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

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

There are some copies of the

presentation from tonight. There are still some copies of the EA available for anyone who would like one.

The rest of us from the Project will be here for a while tonight. If you have any questions or anything you'd like to discuss, we'll be happy to discuss them.

When the transcript is done, that will be available as well. And that will give us a few weeks for that.

Any last people who would like to make a comment before we stop at this point? No comments? Anyone else want to make a comment? Okay. We will close the comment period then.

(Whereupon the proceedings were then concluded.)

C E R T I F I C A T E

I, DOREEN M. SHARICK, do hereby certify that I have reported in stenotype shorthand the proceedings in the matter of the Public Comment Session on the Draft Environmental Assessment at the West Valley Demonstration Project, Ashford Office Complex, 9030 Route 219, West Valley, New York, on July 19, 2006.

That the transcript herewith numbered one through thirty-one is an accurate and complete record of my stenotype notes.

Doreen M. Sharick

DOREEN M. SHARICK

Notary Public.

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