

■ **Seneca Nation of Indians** ■

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September 8, 2009

Catherine Bohan
EIS Document Manager
West Valley Demonstration Project
US Department of Energy
PO Box 2368
Germantown, MD 20874

Re: Draft Decommissioning and /or Long –Term Stewardship EIS Comments

Dear Ms. Bohan,

The final cleanup plan for the West Valley nuclear waste site is an extremely important issue which will have a major impact on the future of the Great Lakes and New York's environment, drinking water supplies, public health and economic vitality for tens of thousands of years. Four options are presented in the Draft Environmental Impact Statement for the West Valley site: 1) Sitewide Removal; 2) Sitewide Close-In Place; 3) Phased Decision Making; and 4) No Action. The agencies' preferred alternative, Phased Decision-Making, fails to satisfy the requirements of NEPA, as it is a non-decision which therefore unnecessarily postpones the cleanup decision for nearly 99% of the site's radioactivity for up to 30 more years.

We strongly recommend that the Department of Energy (DOE) and NYS Energy Research & Development Authority (NYSERDA) select the Sitewide Removal Alternative. This is the only alternative that provides a comprehensive cleanup of the site through excavation of the large inventories of radioactive wastes in the burial grounds. Sitewide Removal also provides the safest solution by ultimately removing radioactive waste from an unstable site with serious erosion problems. This approach prevents catastrophic releases which could cause severe damage to communities, drinking water supplies and Lakes Erie and Ontario and the St. Lawrence Seaway.

The Sitewide Removal approach also is the most cost-effective. The state-funded study, *The Real Costs of Cleaning Up Nuclear Waste: A Full Cost Accounting of Cleanup Options for the West Valley Nuclear Waste Site (FCA Study)* found that leaving buried waste on site is both high risk and expensive while a waste excavation cleanup presents the least risk to a large population and the lowest cost. Over 1000 years, waste excavation costs \$9.9 billion while onsite buried waste costs \$13 billion to \$27 billion or more if a catastrophic release occurred.

We oppose the options which would leave radioactive waste buried on the site, including the preferred Phased Decision Making Alternative. The Phased Decision Making in Phase 1 would demolish the process building in order to excavate the suspected source of the radioactive strontium plume, remove a portion of the strontium plume, clean up the lagoons and install barriers in an attempt to control groundwater contamination. All of this cleanup work would address only 1.2% of the total radioactivity on the site. Decisions on a majority of the waste, or almost 99% of the radioactivity would be put off for up to 30 years and addressed in a vaguely described Phase 2 with no defined public process as required by NEPA (National Environmental Policy Act). Wastes left buried on site includes high-level radioactive waste tanks and sludge and the two burial grounds with enormous amounts of long-lasting radioactive waste. Given the decades of study of this site, and the 14 year delay on the DEIS, the Phased Decision Making approach is an unacceptable and unnecessary delay.

In addition, this Alternative not only fails to tell us about key elements of Phase I, such as the type of data collection, but it is unclear about what future actions would be done in Phase 2. As such this DEIS is not in compliance with both the State Environmental

Quality Review Act (SEQRA) and the National Environmental Policy Act (NEPA). Specifically, the DEIS does not fully assess the environmental impacts of a specific cleanup method because there is no decision on whether to even do a cleanup. Future decisions on the remaining 99% of the cleanup could be made by the agencies with no public input. No monitoring and maintenance of on-site facilities during the 30 year period is described. The Phased Decision Making does not commit to a full cleanup and is incomplete, thus the DEIS is incomplete.

Among the problems with leaving wastes buried onsite at West Valley is that it does not protect the environment due to serious erosion problems, and it poses a significant risk to residents if controls fail and waste pollutes nearby drinking water. Erosion is an especially powerful and fast moving force at the West Valley site as it sits on a geologically young landscape which is undergoing a relatively rapid rate of erosion. Michael P. Wilson, Ph.D., SUNY Fredonia Professor of Geosciences found in the FCA study that, "Nuclear wastes, radioactive for tens of thousands of years, will be consumed by erosion and discharged downstream to Lakes Erie and Ontario in less than 3,000 years and may be dangerously exposed in less than 200 or 300 years."

Another problem is that the potential environmental and health impacts of leaving an estimated 99% of the radioactivity on site for another 30 years was not studied in the DEIS. For instance, the high-level waste tanks, with 300,000 curies of radioactivity, are nearing the end of their functional life (50 years) and any leaks could seriously pollute the EPA-recognized sole source aquifer. Scientists found the site poses a significant danger to people who live nearby, in Buffalo and along the shores of Lakes Erie and Ontario, and if just 1% of radioactivity leaked from the site, Lake Erie water users would be exposed to substantial radiation, causing hundreds of cancer deaths, and water replacement would cost hundreds of millions of dollars. (FCA Study) The DEIS underestimates such risks and was severely criticized by NYSERDA in the Forward to the DEIS. NYSERDA stated that the DOE's environmental assessments are fatally flawed and scientifically indefensible for analyzing impacts over the long term for erosion, engineering controls and health impacts. The failure to adequately analyze the long term impacts of buried waste biases the resulting cleanup decision.

Other problems include the fact that the DEIS ignores that the site must be maintained into perpetuity if buried waste is left on site. In this case, perpetuity is not a dozen years, or even two or three generations—the buried radioactive waste would have to be monitored, tracked, and maintained in place for tens of thousands of years with burdensome and expensive maintenance costs. The EIS failed to analyze long term costs of monitoring and maintaining controls at the site for even 1,000 years and failed to consider any impacts from climate change.

The site sits on top of a sole-source aquifer and has been plagued with problems, such as radioactive contaminated groundwater. We strongly recommend that the Final Environmental Impact Statement select the Sitewide Removal Alternative as it is the only remedial approach that will protect the precious Great Lakes of Erie and Ontario.

We have a unique opportunity at West Valley. The state and federal governments can take the long term cost effective approach and protect the Great Lakes by making the decision now to exhume all of the waste before more of it leaks and causes irreversible damage. Implementing a full cleanup decision will be challenging but now is the time to make that choice and put our best resources toward protecting the water and Great Lakes region. Thank you for considering our comments. We have enclosed a penny for each group and individual with this letter to symbolize the fact that the proposed 1% cleanup will not protect the Great Lakes, a priceless freshwater resource.

Please direct correspondence to Citizens' Environmental Coalition, 33 Central Ave., Albany, NY 12210.

Sincerely,

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