

Dear Jack Parrott:

Nuclear Information and Resource Service Comments on West Valley
Decommissioning are attached.

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Comments on Decommissioning Criteria for the
West Valley Demonstration Project (M-32) and West Valley Site;
Draft Policy Statement and Notice of Public Meeting
[64 FR 232: 67952-67954 December 3, 1999]
March 31, 2000
Diane D'Arrigo, Radioactive Waste Project Director
Nuclear Information and Resource Service

The Nuclear Information and Resource Service (NIRS) is critical of the Nuclear Regulatory Commission's (NRC) decommissioning rules adopted in July 1997 (10 CFR 20 section E) because they do not adequately protect the public health and safety and environment. We actively participated and encouraged residents around nuclear facilities across the country to provide input in the development of the NRC rules only to be disregarded on every major point in the final regulations.

The Western New York community and everyone downstream of the West Valley site deserve the best possible protection from the immense amount of radioactive waste buried and stored at that nuclear site. The Nuclear Regulatory Commission has responsibility for that site. Its regulations should apply at minimum to the closure and decommissioning of the site, but the timeframe for analysis should be extended for the hazardous life of the wastes. Some local organizations believe 10,000 years should be analyzed at the least. Considering the thousands to millions of years some of the high and "low-level" radioactive waste will remain hazardous, it is not acceptable to truncate the timeframe. The NRC has no right to walk away or ignore this site or to permit other responsible parties to do so. Western New Yorkers are pleased that solidification of some of the high-level radioactive liquid at West Valley has been carried out. However, the Department of Energy has a miserable record at its sites across the country and cannot be trusted to choose the best method of isolating the waste at West Valley.

Other responsible federal and state agencies should also fulfill their respective responsibilities at the site for the current and future residents of the region. The NRC license termination rule, inadequate as is, at least sets a framework for planning and analysis. NIRS calls on the Environmental Protection Agency standards to be met at West Valley. Although these may also be less protective than the public would prefer, they are national standards that at a minimum must be achieved at that site. New York State has responsibilities, too. We encourage the State and its agencies to exert the maximum state authority possible to clean the site beyond federal minimums, to be more protective than DOE, NRC and EPA.

Because of the geology of the site, the inevitable erosion into the Great Lakes, waste simply cannot remain buried there. It must be exhumed and stored. Until a permanent method of isolating long-lived radioactive waste is established and proven, that which has been generated cannot be ignored. We cannot assume, postulate, hope or plan on future generations providing the resources needed or having the technology to prevent the leakage of radioactivity from West Valley. This generation must responsibly capture and isolate all of the contamination at that site and prevent its migration into the surrounding creeks and streams and eventually Great Lakes.

The portions of the NRC decommissioning standards that allow “restricted release” are scenarios that are totally unacceptable at West Valley—the expectation that checking the site once every one or five years could lead to the necessary continued remediation as erosion proceeds, is unrealistic.

The waste at West Valley is not permanently disposed now. It is in leaky trenches, holes and tanks that will erode and dissolve long before the radioactivity decays away. Institutional controls to manage and recontainerize the waste to keep it from leaking into and contaminating the area and the waterways downstream are essential, but it must be in a truly manageable condition. The options under consideration by DOE that would leave waste in the ground and rely on future generations to not only watchdog the site, but take action to counter the natural forces of erosion are irresponsible and unacceptable. It is more reliable to exhume now and store and manage until permanent isolation options are developed. It is much more feasible that proper care of the waste will be taken if it is in a manageable condition. Soaking in the ground, freezing, thawing and seeping, with unclear records of the original location of some, are not manageable. Grouting high-level radioactive waste tanks and leaving them to deteriorate, erode and contaminate, attempting to cut off leaking plumes with by filtering them once identified, are not manageable conditions. They only make future remediation and exhumation difficult or impossible.

In assessing the West Valley nuclear waste site, it is essential that the entire site be evaluated. No compartmentalization or chopping it into different sections and determining each section alone meets a criteria or set of them. The tanks, the buildings, the high-level and “low-level” radioactive burial grounds, the support buildings and lagoons, the whole site must be considered together, accurately, realistically, comprehensively.

NIRS joins critics across country that oppose the reclassifying of high-level radioactive waste tanks and the high-level radioactive residues as “incidental” waste. DOE and NRC must face the high-level waste definition and isolate the material as such.

More than ever, public input must be sought and incorporated into the clean-up efforts at West Valley. The extension on this comment period is appreciated, but more than a few weeks notice with major holiday seasons included makes sense for future public meetings.

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