



February 6, 2014

Ms. Barbara Warren  
Citizens' Environmental Coalition  
33 Central Avenue  
Albany, New York 12210

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Dear Ms. Warren:

Subject: Agenda for next QPM

Thank you for your continued interest in the West Valley site and the Phase 1 Studies Process. We are writing in response to your September 6, 2013 letter (Reference 1) whereby you provided detailed recommendations for the specific Phase 1 Studies and the public participation process. DOE and NYSERDA have prepared the attached matrix, which includes a response to each of the bullets in your September memorandum.

Both agencies are committed to meaningful stakeholder input throughout the Phase 1 Studies process; and, as stated in the matrix, are willing to have further discussions on your recommendations for additional studies at a future meeting date.

DOE and NYSERDA value your continued interest in the Phase 1 Studies process and your dedication to the West Valley Demonstration Project.

Sincerely,

A handwritten signature in black ink that reads "Moira N. Maloney".

Moira N. Maloney, Team Leader  
Regulatory Strategy & Environmental Compliance  
U.S. Department of Energy

A handwritten signature in blue ink that reads "Lee M. Gordon".

Lee M. Gordon, Ph.D.  
Project Manager/Geologist  
NYSERDA

LMG/MNM/amd

Attachment:

1. DOE and NYSERDA Responses to September 6, 2013 Comments from Barbara Warren (dated February 6, 2014)

Reference:

1. Memo, Barbara Warren to Bill Logue, Moira Maloney and Lee Gordon, *Re: Memo re QPM Agenda*, dated September 6, 2013.

LMG/MNM/14amd005.amd

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cc: Bill Logue, Logue Group, w/att. \_\_\_\_\_  
D. Rawal, ECS, w/att. \_\_\_\_\_  
P. J. Bembia, NYSERDA, w/att. \_\_\_\_\_  
E. A. Lowes, NYSERDA, w/att. \_\_\_\_\_  
A. L. Mellon, NYSERDA, w/att. \_\_\_\_\_  
A. Zipp, NYSERDA-Albany, w/att. \_\_\_\_\_  
B. C. Bower, USDOE-WVDP, w/att. \_\_\_\_\_  
M. P. Krentz, USDOE-WVDP, w/att. \_\_\_\_\_  
A. Steiner, USDOE-WVDP \_\_\_\_\_  
Z. Zadins, USDOE-WVDP \_\_\_\_\_  
File#61806 (w/att.)

**DOE and NYSERDA Responses to September 6, 2013 Comments from Barbara Warren (dated February 6, 2014)**

Number	Comment	Response
1	<p>The Agencies have unfortunately created 2 classes of studies-- 1) Phase 1 (Areas of Disagreement) Studies and 2) Other studies (Areas of Agreement). We have been understandably confused and only recently enlightened.</p>	<p>The agencies specifically developed the Phase 1 Studies (P1S) process as discussed in the P1S guidance document, <i>Guidance for Identifying and Conducting Potential Phase 1 Studies on the Decommissioning and/or Long-Term Stewardship of the West Valley Demonstration Project and Western New York Nuclear Service Center</i> dated 01/13/2011 to conduct scientific studies with the goal of facilitating interagency consensus to complete the decommissioning of facilities remaining at the West Valley Demonstration Project (WVDP) and the Western New York Nuclear Service Center (WYNNSC) after the completion of Phase 1 decommissioning. NYSERDA documented its areas of disagreement with the analysis performed in the 2010 Final Environmental Impact Statement (FEIS) in the “<i>The View of the New York State Energy Research and Development Authority on the Final Environmental Impact Statement for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center</i>” (the View). The P1S process and the potential areas of study (PAS) currently in progress (erosion, exhumation and engineered barriers) were developed to resolve several areas of disagreement between DOE and NYSERDA identified in the View. The P1S Guidance identified 13 PAS that may be evaluated during the P1S process.</p> <p>The agencies have and will continue to perform scientific studies at the WVDP and WYNNSC that are necessary to accomplish the mission. These studies were previously performed, or may be performed, in response to regulatory requirements (RCRA Facility Investigations, Phase 1 Decommissioning Plan), DOE Orders (Site Environmental Monitoring Program), site characterization needs (North Plateau Plume investigations), and best management practices (permeable treatment wall investigation).</p>

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Number	Comment	Response
2	<p><u>All studies</u> being considered, underway or completed since the EIS should help inform the cleanup at West Valley on and off-site and/or the final decisions about Phase 2 facilities-- HLW, NDA and SDA. Scientific findings should be of high quality and help inform decisions. The public should have an opportunity for meaningful input on all studies.</p>	<p>As stated in the FEIS, DOE and NYSERDA will assess the results of site-specific studies as they become available, along with other emerging information such as applicable technology development. The agencies have and will continue to perform the P1S and non-P1S in accordance with appropriate and applicable methodologies to ensure the data collected is of the highest quality to help inform the agencies' Phase 2 decisionmaking. The agencies have provided the public with a means for providing meaningful input to the P1S as documented in the P1S guidance document. Additionally, as detailed in the 2010 FEIS, through the NEPA and SEQRA processes, the public will be provided an opportunity to review and comment on the Phase 2 analysis and decisions.</p>
3	<p>We are 3 years into a study process with a 10 year deadline, yet many of the Agency list of studies have not begun. Agency disagreements about these studies certainly help us understand why we have not yet had a comprehensive discussion of all the studies. A status report on all the Agency studies would be helpful.</p>	<p>DOE and NYSERDA have committed to making Phase 2 decisions by 2020. As discussed in the response to Comment 1 above, the agencies have agreed to evaluate several PASs (erosion, exhumation, engineered barriers) in an attempt to reach agency consensus on how these technical issues should be resolved. The agencies are taking a step-wise approach to evaluating the remaining PAS. The Phase 1 Studies will be scoped to be completed so the agencies have time to fully incorporate all site-specific studies into Phase 2 decisionmaking.</p>
4	<p>A Phase I study website has been created and a study process with subject matter experts and an independent scientific panel. Does this process pertain to the Other Studies? If not, what will the process be? Will the website post the OTHER STUDIES?</p>	<p>The Phase 1 Studies process was set up because the agencies were not in agreement on how certain technical issues were addressed in the 2010 FEIS. A process was set up with subject-matter experts and an Independent Scientific Panel in an attempt to collect information that would facilitate interagency consensus, and avoid ongoing disagreement between the agencies regarding technical issues in the FEIS.</p> <p>Regarding "other studies," as has been the case for many years, the agencies will continue to update the public at routine public meetings (the</p>

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5	Will "Other studies" have the same weight and significance as Phase 1 studies?	<p>Quarterly Public Meetings and monthly Citizen Task Force meetings) on cleanup progress at West Valley as well as updates regarding data and information that is generated outside the P1S process.</p> <p>The Phase 1 Studies are <i>information gathering activities</i> and do not constitute the Phase 2 <i>decisionmaking process</i>. No one study or group of studies will necessarily carry more significance or weight in the decisionmaking process than another.</p>
6	<p>It seems clear that Agency disagreements have impacted any reasonable public participation process. We were asked to comment on the Phase I study list. Our recommendations were for additional studies to be done during Phase 1. We were not trying to add more areas of disagreement. The Agencies referred these to the Independent Scientific Panel. It has been 2 years since we made these recommendations. We would like a discussion and final resolution on our recommendations at the next quarterly meeting. Some of our recommendations may be more appropriately classified as "other studies".</p>	<p>The agencies remain committed to the P1S process, which provides for meaningful public input as detailed in the <i>Guidance for Identifying and Conducting Potential Phase 1 Studies on the Decommissioning and/or Long-Term Stewardship of the West Valley Demonstration Project and Western New York Nuclear Service Center</i> dated 01/13/2011.</p> <p>On August 28, 2013, the agencies met with you to discuss your recommendations for additional studies. The information handed out at the meeting and distributed electronically thereafter detailed the agencies' responses to your recommended studies. During the two-hour August meeting, it was not possible to discuss these responses in detail; however, the agencies are willing to have further discussions on your recommendations for additional studies at a future meeting.</p>
7	An aerial gamma monitoring study has been mentioned. We hope a presentation on this "other study" can be provided also.	NYSERDA currently plans to proceed with an aerial gamma survey in 2014. When the results of the survey are available, they will be presented to the public at a Quarterly Public Meeting.