

## Frequently Asked Questions

### **Why are the U.S. Department of Energy (DOE) and the New York State Energy Research and Development Authority (NYSERDA) developing an *SEIS for the West Valley Site*?**

In 2010, DOE and NYSERDA decided to implement the Phased Decisionmaking Alternative, which was the preferred alternative in 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 (DOE/EIS-0226) (2010 FEIS)*. DOE and NYSERDA intend to jointly prepare an SEIS to inform Phase 2 decisionmaking for the West Valley Site.

### **What is the Phased Decisionmaking Alternative?**

During implementation of Phase 1 of the Phased Decisionmaking Alternative, which is ongoing, a number of highly contaminated facilities at the West Valley Site are being removed via decontamination and demolition and off-site disposal. The Phased Decisionmaking Alternative deferred decisions (known as Phase 2 decisions) on several facilities for 10 years (the expected time frame required to complete Phase 1 decommissioning activities) while DOE and NYSERDA gather additional information and perform additional analyses (Phase 1 Studies) to foster inter-agency consensus and inform the decisions.

### **What are the actions proposed by DOE and NYSERDA in the *SEIS for the West Valley Site*?**

The Proposed Action for the *SEIS for the West Valley Site* is the West Valley Demonstration Project's (WVDP's) completion and the decommissioning and/or long-term management or stewardship of the Western New York Nuclear Service Center (WNYNSC) and State-Licensed Disposal Area (SDA). This includes the decontamination and decommissioning of the facilities remaining at the West Valley Site after completion of Phase 1 activities.

### **What remains to be cleaned up?**

DOE and NYSERDA plan to make Phase 2 decisions in 2022 on the disposition of the facilities and areas that would remain after completion of Phase 1 decommissioning. The remaining facilities and areas include:

- Waste Tank Farm
- Non-Source Area of the North Plateau Groundwater Plume
- Cesium Prong
- Balance of the WNYNSC property
- U.S. Nuclear Regulatory Commission-Licensed Disposal Area (NDA)
- Construction and Demolition Debris Landfill
- Contaminated Stream Sediments
- State-Licensed Disposal Area (SDA)

### **What do DOE and NYSERDA need to do?**

DOE and NYSERDA need to determine how to proceed with Phase 2 decommissioning of the West Valley Site, for the facilities that remain after Phase 1 activities.

DOE is required by the West Valley Demonstration Project Act (Pub. L. 96-368) (WVDP Act) to decontaminate and decommission the tanks and facilities used in the solidification of high-level waste, and any material and hardware used in connection with the WVDP, in accordance with such requirements as the U.S. Nuclear Regulatory Commission (NRC) may prescribe. NRC has prescribed its License Termination Rule as the decommissioning criteria for the WVDP. Therefore, DOE needs to determine the manner that facilities, materials, and hardware for which the Department is responsible are managed or

decommissioned, in accordance with NRC’s License Termination Rule and applicable Federal and state requirements. To this end, DOE needs to determine what, if any, material or structures for which it is responsible that were not addressed in Phase 1 (i.e., Phase 2 facilities) will remain on site, and what, if any, institutional controls, engineered barriers, or stewardship provisions would be needed. That is, DOE needs to determine what it needs to do to complete the WVDP and return the Project Premises to NYSERDA.

NYSERDA needs to determine the manner that Phase 2 facilities and property for which NYSERDA is responsible, including the SDA, will be managed or decommissioned, in accordance with applicable Federal and state requirements. To this end, NYSERDA needs to determine what, if any, material or structures for which it is responsible will remain on site, and what, if any, institutional controls, engineered barriers, or stewardship provisions would be needed. It is NYSERDA’s intent to pursue termination of the existing 10 CFR Part 50 license for the WYNNSC upon DOE’s completion of decontamination and decommissioning under the WVDP Act in accordance with criteria prescribed by NRC. NYSERDA plans to use the analysis of alternatives in the *Final SEIS for the West Valley Site* to support any necessary NRC or New York State Department of Environmental Conservation (NYSDEC) license or permit applications.

### **What is scoping?**

Publication of the Notice of Intent and Draft Scope starts the scoping process. Scoping is the period in which the agencies and the public collaborate to define the range of issues and possible alternatives to be addressed in the *SEIS for the West Valley Site*. In particular, the purpose of scoping is to encourage public involvement and solicit public comments on the proposed scope of the SEIS. DOE and NYSERDA invite interested parties to participate in the scoping process to help identify the range of reasonable alternatives and the environmental issues to be analyzed.

### **How can I participate in scoping?**

You can participate in scoping in two ways: by attending a public meeting and by submitting scoping comments.

DOE and NYSERDA will hold three public scoping meetings on the West Valley SEIS:

- Monday, March 19, 2018, from 6:00 p.m. to 9:30 p.m. at the West Valley Volunteer Hose Company, Inc., Firemen’s Memorial Hall and Training, 9091 Route 240, West Valley, NY 14171, in the Main Hall
- Tuesday, March 20, 2018, from 6:00 p.m. to 9:30 p.m. at Erie Community College, City Campus, Post Office Building, 121 Ellicott Street, Buffalo, NY 14203, in the Minnie Gillette Auditorium
- Wednesday, March 21, 2018, from 6:00 p.m. to 9:30 p.m. at the Cattaraugus Council Chambers, 12837 Route 438, Irving, NY 14081

The meetings will include a poster session and time for informal interaction with agency staff, formal presentations by agency and contractor staff, and an opportunity for attendees to present scoping comments, verbally or in writing or both.

You can also submit scoping comments in writing through the following means:

By U.S. mail to:

DOE Document Manager  
Mr. Martin Krentz  
West Valley Demonstration Project  
U.S. Department of Energy  
10282 Rock Springs Road, AC-DOE  
West Valley, New York 14171-9799

By email to:

[SEISWestValleySite@emcbc.doe.gov](mailto:SEISWestValleySite@emcbc.doe.gov)

You may also use the Comment Form on the project website at [www.SEISWestValleySite.com](http://www.SEISWestValleySite.com) to provide your comments.

### **How long is the scoping period?**

The public scoping period for the *SEIS for the West Valley Site* runs from February 21, 2018, through April 23, 2018. DOE and NYSEERDA will consider all comments received by that date in preparing the draft SEIS. The agencies will consider late comments to the extent practicable.

### **How will comments be considered as part of scoping?**

Public comments and information received during the scoping period will be used to help identify the alternatives and environmental issues that will be analyzed in the Draft SEIS. Written and oral comments are given equal weight. DOE and NYSEERDA will consider all comments received by the end of the scoping period, and any late comments will be considered to the extent practicable.

### **What comes after scoping?**

After scoping, DOE and NYSEERDA will refine the proposed action and alternatives and prepare the *Draft SEIS for the West Valley Site*. Once the Draft SEIS is ready (expected late 2020), a Notice of Availability will be published in the *Federal Register* and New York State *Environmental Notice Bulletin*. The public will be able to review the Draft SEIS and provide comments through the same means as during the scoping period. The agencies will hold public hearings to collect comments.

### **Will reference documents and materials be available?**

To the extent possible, referenced documents and materials will be available on the project website and upon request from the project reading room:

Ashford Community and Training Center  
9377 NY-240  
West Valley, NY 14171  
(716) 942-6016

These materials will be procedurally controlled to meet copyright protection and Official Use Only requirements.

### **Who is preparing the *SEIS for the West Valley Site*?**

DOE and NYSEERDA are the joint lead agencies for preparation of the *SEIS for the West Valley Site*. The U.S. Environmental Protection Agency, U.S. Nuclear Regulatory Commission, and New York State

Department of Environmental Conservation (NYSDEC) are cooperating agencies under the National Environmental Policy Act (NEPA), and the New York State Department of Health and NYSDEC are involved agencies under the New York State Environmental Quality Review Act (SEQR).

**What alternatives are planned to be analyzed in the SEIS for the West Valley Site?**

The alternatives to be analyzed are still to be determined as part of the scoping process. At this time, the agencies expect to include alternatives such as the following:

**No Action Alternative:** Under the No Action Alternative, Phase 1 decommissioning actions would be completed but no further actions toward decommissioning the West Valley Site would be taken. The No Action Alternative would involve the continued management and oversight of West Valley Site facilities. The site would continue to be monitored and maintained for the foreseeable future, as required by Federal and state regulations, to protect the health and safety of workers, the public, and the environment. Additionally, periodic maintenance activities (e.g., repairing roofs, replacing landfill geomembrane covers) would continue during an assumed period of active institutional controls until, for purposes of analysis only, controls are assumed to become ineffective. The No Action Alternative would not meet the purpose and need for agency action, but analysis of the No Action Alternative is required under NEPA and SEQR to provide a baseline against which the environmental impacts from the other analyzed alternatives can be compared.

**Sitewide Close-in-Place Alternative:** Under this alternative, most Phase 2 facilities would be closed in place. Major facilities and sources of contamination such as the Waste Tank Farm, NDA, and SDA would be managed at their current locations. Residual radioactivity in facilities with larger inventories of long-lived radionuclides would be isolated by specially engineered designed structures and barriers. These structures and barriers would be designed to meet regulatory requirements to retain hazardous and radioactive constituents to ensure they would be resistant to long-term degradation and include features to discourage inadvertent intrusion into the material left on site. Structures that would interfere with the construction of these barriers would be removed (e.g., the Supernatant Treatment System Support Building). Facilities with lesser amounts of contamination (e.g., the North Plateau Groundwater Plume, the Cesium Prong) would be allowed to naturally attenuate. This approach would allow large areas of the WNYNSC to be released for unrestricted use. Facilities that are closed in place, and any buffer areas around them, as well as facilities that are allowed to naturally attenuate, would require long-term stewardship.

**Sitewide Removal Alternative:** Under this alternative, site facilities, contaminated soil, sediment, and groundwater would be removed to meet criteria that would allow unrestricted release of the WNYNSC. Radioactive, hazardous, and mixed waste would be characterized, packaged, and shipped off site for disposal. Immediate implementation of this alternative would require the disposition of waste for which there is currently no offsite disposal location (e.g., potential non-defense transuranic waste and Greater-Than-Class-C low-level radioactive waste). Any such “orphan waste” would be stored on site until an appropriate offsite facility is available. Completion of these activities would allow unrestricted use of the site (i.e., the site could be made available for any public or private use).

**Hybrid Alternatives:** Analysis of at least two hybrid alternatives is planned. The hybrid alternatives could contain elements of any or all of the other alternatives. For example, a hybrid alternative might include complete or partial removal of certain facilities and close-in-place for the remaining facilities. Additionally, these actions could occur immediately or after a safe-storage period. The results of the Probabilistic Performance Assessment (PPA) will be used to determine which facilities should be removed and which to close-in-place. For example, if the PPA shows that a particular radionuclide from a particular facility dominates the long-term dose/risk estimate, then one hybrid alternative might be the removal of the material containing that radionuclide from that facility and closure in place of the remaining facilities. Depending on the facility and the amount of material to be removed, the approach for

implementing the partial removal of material from a facility under the hybrid alternative may differ from the approach presented for the Sitewide Removal Alternative.

The alternatives and associated environmental analyses have been structured so that decisions based on the SEIS need not be limited only to a specific set of elements that happen to define a particular alternative. Rather, decisionmakers could ultimately select an alternative comprised of elements of one or more of the primary (including hybrid) alternatives and their associated implementing options.

**Will a preferred alternative be identified in the *Draft SEIS for the West Valley Site*?**

DOE and NYSERDA plan to identify a preferred alternative in the *Draft SEIS for the West Valley Site*.

**What does the potentially affected environment include?**

The description of the affected environment will include areas that could be impacted by implementing the alternatives, including impacts on land use and visual resources, site infrastructure, geology and soils, water resources, air quality and noise, ecological resources, cultural resources, human health and safety, socioeconomics, environmental justice, and waste management.

**How will uncertainty be handled?**

DOE and NYSERDA recognize there will be uncertainty inherent in the analysis of impacts for the *SEIS for the West Valley Site*. Information will be included in the various chapters and appendices to put the analysis in context.

Since issuing an FEIS and selecting the Phased Decisionmaking Alternative in 2010, DOE and NYSERDA have undertaken significant work to characterize and reduce uncertainties and ensure that adequate information is available to inform Phase 2 decisionmaking. For example, DOE and NYSERDA established a process for conducting scientific studies (the Phase 1 Studies) to foster interagency consensus and to address uncertainties associated with the 2010 FEIS long-term performance models. Subject-matter expert working groups were established and studies conducted on topics such as erosion modeling, the geomorphic history of the site, geologic material properties, site radiological inventory, and precedent waste exhumation projects/technologies. The new information produced by these Phase 1 Studies will inform the Phase 2 decisions. To further evaluate and potentially reduce uncertainty in the long-term performance assessment, DOE and NYSERDA decided to perform a long-term PPA for the West Valley Site, which will be used to evaluate the range of alternatives in the SEIS and inform the Phase 2 decisions.

**What decisions will be made?**

DOE is required by the WVDP Act to decontaminate and decommission the tanks and facilities used in the solidification of the high-level waste, and any material and hardware used in connection with the WVDP, in accordance with such requirements as NRC may prescribe. NRC has prescribed its License Termination Rule as the decommissioning criteria for the WVDP. Therefore, DOE needs to determine the manner that facilities, materials, and hardware for which the Department is responsible are managed or decommissioned, in accordance with NRC's License Termination Rule and applicable Federal and state requirements. To this end, DOE needs to determine what, if any, material or structures for which it is responsible that were not addressed in Phase 1 (i.e., Phase 2 facilities) will remain on site, and what, if any, institutional controls, engineered barriers, or stewardship provisions would be needed. That is, DOE needs to determine what it needs to do to complete the WVDP and return the Project Premises to NYSERDA.

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Decisions will be made after publication of the *Final SEIS for the West Valley Site*.

**How will the public know what DOE and NYSEERDA have decided?**

Decisions about the *Final SEIS for the West Valley Site* will be announced by DOE in a Record of Decision and by NYSEERDA in a Findings Statement. DOE’s Record of Decision will be published in the *Federal Register* no sooner than 30 days after the publication of the U.S. Environmental Protection Agency’s Notice of Availability of the Final SEIS. NYSEERDA’s Findings Statement will be published in the New York State *Environmental Notice Bulletin* no sooner than 10 days following the filing of the Notice of Completion of the Final SEIS.

**What is a Record of Decision?**

A Record of Decision (ROD) is a concise public NEPA document that presents and explains DOE’s decision(s) concerning a proposed action in an environmental impact statement. It identifies the alternatives considered, the decisions(s) made; the environmentally preferable alternative(s); the factors balanced by the agency in making the decision(s); and whether all practicable means to avoid or minimize environmental harm were adopted and, if not, why not.

**What is a Findings Statement?**

A Findings Statement is a written document, prepared following acceptance of a final environmental impact statement (FEIS), that declares that all SEQR requirements for making decisions on an action have been met. The Findings Statement identifies the social, economic, and environmental considerations that have been weighed in making a decision to approve or disapprove an action. A positive Findings Statement means that, after consideration of the FEIS, the project or action can be approved, and the action chosen is the one that minimizes or avoids environmental impacts to the maximum extent practicable. For an action which can be approved, NYSEERDA’s Findings Statement must articulate its balancing of adverse environmental impacts against the needs for and benefits of the action. If the action cannot be approved based on analyses in the FEIS, a negative Findings Statement must be prepared, documenting the reasons for the denial.

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To view SEIS-related documents, visit: [www.SEISWestValleySite.com](http://www.SEISWestValleySite.com)