



THE WEST VALLEY CITIZEN TASK FORCE

July 6, 2021

The Honorable Jack Reed, Chairman and
The Honorable James Inhofe, Ranking Member
Committee on Armed Services
United States Senate

The Honorable Joe Manchin, Chairman
The Honorable John Barasso, Ranking Member
Committee on Energy and Natural Resources
United States Senate

The Honorable Dianne Feinstein Chairwoman
The Honorable John Kennedy, Ranking Member
Subcommittee on Energy and Water Development
Committee on Appropriations
United States Senate

The Honorable Adam Smith, Chairman
The Honorable Mike Rogers, Ranking Member
Committee on Armed Services
United States House of Representatives

The Honorable Frank Pallone, Jr., Chairman
The Honorable Cathy McMorris Rodgers,
Ranking Member Committee on Energy and Commerce
United States House of Representatives

The Honorable Marcy Kaptur, Chairwoman
The Honorable Michael K. Simpson,
Ranking Member
Subcommittee on Energy and Water
Development and Related Agencies
Committee on Appropriations
United States House of Representatives

The Honorable Charles E. Schumer, Majority Leader
United States Senate

The Honorable Kirsten Gillibrand
United States Senate

The Honorable Tom Reed
United States House of Representatives

The Honorable Brian Higgins
United States House of Representatives

The Honorable Chris Jacobs
United States House of Representatives

RE: Congressional Action on Disposal Options for
West Valley Demonstration Project Transuranic Wastes

Dear Senators and Representatives,

We are writing to ask Congress to act promptly in identifying a disposal destination for the transuranic (TRU) wastes that are accumulating at the West Valley Demonstration Project (WVDP) in the Town of Ashford, NY.

West Valley Citizen Task Force
c/o The Logue Group
PO Box 270270 – West Hartford, CT 06127
860-521-9122

A January 2021 report of the Government Accountability Office (GAO) drew attention to this Congressional responsibility. As defined in U.S. Department of Energy (DOE) regulations, 40 CFR 191, TRU radioactive waste consists of waste not classified as high-level radioactive waste and containing more than 100 nanocuries per gram of alpha-emitting transuranic isotopes with half-lives greater than 20 years. Among the long-lived isotopes of particular concern in TRU waste are Americium-241 (with a half-life of 432 years) and Plutonium-239 (with a half-life of 24,100 years).

The WVDP Act of 1980 requires DOE to dispose of TRU waste associated with the ongoing Demonstration Project at the West Valley site. In 2003, the waste management FEIS for WVDP looked at TRU waste and said it would be sent for permanent disposition within 10 years (i.e. by 2013).

https://www.wv.doe.gov/Documents/Summary_Waste_Mgmt_Final_EIS.pdf

In the Final Environmental Impact Statement (FEIS) for West Valley issued in 2010, it was therefore assumed that the TRU waste produced during the process of vitrification of liquid wastes would have been shipped from the site. This has not happened, and no alternate arrangements have been made. Additional quantities of TRU waste continue to be generated in preparing the highly radioactive Main Process Plant Building for demolition. There is no path for disposing of these either.

The DOE's 2016 FEIS **Disposal of Greater-Than-Class C Low-Level Radioactive Waste** examined a range of alternatives for the disposal of TRU waste. <https://www.energy.gov/nepa/downloads/eis-0375-final-environmental-impact-statement>.

The Nuclear Regulatory Commission document NRC-2017-0081, *Greater than Class C and Transuranic Waste*, indicated that the West Valley site holds the majority of such waste. These documents and the 2021 GAO Report provide guidance to Congress on identifying a disposal pathway.

We, the West Valley Citizen Task Force (CTF), advocate strongly for a prompt resolution of this disposal question. It would be irresponsible for Congress and the nation to continue down a nuclear path without resolving the legacy of wastes left behind, not only at the West Valley site but at dozens of U.S. nuclear reactors, that will endanger human life and the environment for many millennia if their safe disposal remains unaddressed.

The New York State Energy Research and Development Authority (NYSERDA), with the support of the Department of Energy, initiated the formation of the CTF in 1997 as a representative advisory group for the community. We have continued to meet regularly since then. The CTF process is being conducted in addition to the public comment processes required by the National Environmental Policy Act and the State Environmental Quality Review Act.

Guiding Principles adopted by the CTF include the following language:

Although some wastes will remain at the Site for a prolonged period of time, all decisions regarding such wastes will be guided by the belief that the only appropriate, final action is for wastes to be removed from the Site. Solutions should not be chosen which makes retrieval significantly harder. Wastes that remain at the Site should be managed to ensure that contamination does not spread and that uncontaminated water, soils and other materials will be protected from contamination. [http://westvalleyctf.org/Key_documents/CTF_Guiding_Principles.pdf; see also http://westvalleyctf.org/1998_Report/CTF_Final_Report.pdf, for the CTF's full 1998 Final Report]

As TRU wastes continue to accumulate at the West Valley site due to the lack of a disposal pathway, we are concerned that it is impossible to store all of the onsite TRU wastes and waste containers in secure,

indoor locations. This was a factor in a 2019 incident that resulted in measurable contamination from a degraded container being moved from one outdoor location to another outdoor location. While full details of this incident were not provided to us, it appears from information provided in the May 2019 Quarterly Public Meeting, the 2019 Annual Site Environmental Report, and the 2021 GAO report that packaging and management of the TRU waste has not been all that it might be. The onsite presence of this waste and associated security issues also impact the Town of Ashford, and the town's services to local residents, in ways that we would be happy to discuss with you in more detail. Here again, a TRU disposal pathway is needed to resolve these issues.

One option for the TRU waste disposal required by the WVDP Act of 1980 may be the type of geological disposal conducted at the Waste Isolation Pilot Plant (WIPP) facility. If space at WIPP cannot be made available, we urge Congress to work urgently toward identification of a site through a consent-based site selection process.

The West Valley site is geologically inappropriate for interim storage of these materials beyond the short term, even if an appropriate facility for secure, above-ground, monitored, retrievable storage could be constructed here. This is especially true given the increasing incidence of severe rainstorms that are accelerating the erosion of the site into the Great Lakes. Delays in decommissioning this site increase the cost of doing so substantially.

Thank you for your kind attention to this serious matter.

Sincerely yours,



West Valley Citizen Task Force

Copy: Bryan Bower, DOE Director West Valley Demonstration Project
Paul Bembia, NYSERDA Director west Valley Site Management Program