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Hamburg, NY 14075
August 24, 2022

Bryan C. Bower, Project Director
U.S. Dept. of Energy (DOE)
West Valley Demonstration Project
10282 Rock Springs Road
West Valley, NY 14171-9499

Paul Bembia, Program Director
NYS Energy Research & Development Authority (NYSERDA)
West Valley Site Management Program
9030-B Route 219
West Valley, NY 14171-9500

Re: Final Scope

Dear Bryan and Paul:

This letter follows up on comments I made a few months ago on the Final Scope document prepared by NYSERDA that will apply to the Supplemental Environmental Impact Statement (SEIS) being prepared jointly by NYSERDA and DOE. I made these comments during Q&A following Lee Gordon's presentation on the Final Scope (which I believe was three months ago, May 25th, during the virtual Quarterly Public Meeting).

As I said to Lee, I disagree with Section 11.2 of the Final Scope, "Use of Current Siting Standards," which says that "Some public scoping comments suggested that current siting standards for radioactive waste disposal facilities should be applied to the West Valley Site. However, because the West Valley Site was developed and utilized prior to the enactment of the current siting standards, these standards do not apply...." I explained my disagreement by saying that certain existing siting standards for radioactive waste disposal facilities do in fact apply, as specified in 1) the radiological criteria and performance assessment requirements for the assessment of closure options for the SDA (letter from NYSDEC to NYSERDA, Feb. 3, 2020) and 2) the Stipulation of Compromise Settlement, which are applicable to NYSERDA and DOE, respectively.

The SDA radiological criteria and performance assessment requirements say that, while 6 NYCRR Parts 382 and 383 "are not directly applicable to pre-existing disposal sites, including the SDA," certain specified performance assessment requirements from Parts 382 and 383 "should be utilized to evaluate the SEIS closure alternatives for the SDA."

Paragraph 8 of the Stipulation says that “While this agreement will not in and of itself subject the Department of Energy to formal NRC procedures, nor to actions required by law for licensed activities, it is hereby agreed that every good-faith effort shall be made to evaluate the site and the design(s) relative to the provisions of 10 C.F.R. §61.50 and §61.51....”

Given the substantial overlap between 6 NYCRR Parts 382-383 and 10 C.F.R. §§ 61.50-51, the aforementioned requirements do not appear to create any substantial imbalance between NYSERDA and DOE in the scope of issues to be covered in the agencies’ joint SEIS. For both agencies, the operative word is “evaluate.”

This letter is not intended to add anything new to my prior comments; it simply provides a written record. Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rayd Vaughan", with a long horizontal flourish extending to the right.

Raymond C. Vaughan, Ph.D., P.G.

cc: Lee Gordon, NYSERDA
West Valley CTF