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DOE EIS Scoping Comments

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Alternative options recommended based on Notice of Intent to Perform an EIS(NOI) in the Federal Register EIS (73 FR 28437-41)

August 14, 2008

ABSTRACT

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August 14, 2008

Department of Energy
Ms. Stephanie Jennings
NEPA Document Manager
5800 Woolsey Canyon Road
Canoga Park, CA 91304

Dear Ms. Jennings,

Following are our comments on the Notice of Intent to perform an EIS for the Santa Susana Field Laboratory in addition to the verbal comments of concern given at the Scoping meetings held last month. It is important to note the reason for the EIS Scoping process is not voluntary but due to a ruling by the U.S. District Court of Northern California in a lawsuit brought against DOE by Committee to Bridge the Gap and *Natural Resources Defense Council v. Department of Energy* Slip Op. 2007 WL 2349288 (N.D. Cal. Aug. 15, 2007

Notification of the public

The effort to notify and engage the public in this process was insufficient. People who will be directly impacted by these decisions were not adequately notified in that the process itself lacked sufficient information to allow the average community member living near the site to even be aware of the decisions currently being considered. The words, "nuclear clean-up" should have been included to emphasize the importance of the decisions being made.

Notification should have included the entire mailing list to all interested parties as well as all residents within at least a five-mile radius of the site.

Notification of Regulatory and Elected officials

There were two meetings held in Sacramento for the specific purpose of soliciting comments from regulatory and elected officials. We appreciated that meetings were held in Sacramento giving an opportunity for the staff of legislative and regulatory offices to be educated in this important process and the alternatives being presented by the Department of Energy. However, no one attended from those offices with the exception of staff from DTSC including Project Director Norman Riley. This was extremely disappointing and believed to be due to the fact that the legislative offices were not specifically notified. This is a crucial step if this is to be a

truly serious look at the alternatives and the giant problem faced in determining clean-up corrective measures.

We specifically asked who was expected to attend and were given a response that it wasn't known. Therefore a conclusion can be drawn that no specific invitation to these people went out.

Information Presented in NOI

The description of the SRE nuclear accident was not properly described in the NOI to readily explain the issues being considered. The NOI leaves the impression that only the cladding melted when the fuel itself also melted and "controlled releases" to the environment continued for weeks after the accident. After nearly fifty years, it is really time to acknowledge it for the serious accident that it was, and act accordingly and protectively. Based on how the information is presented, it leads the reader (and potential attendee to these meetings for solicitation of comment) to believe that nothing serious happened. This is extremely important considering that most people throughout the surrounding communities know very little about the history of the site.

Based on the records provided in the RCRA Group 6 SRE data tell us that there is no reason to believe that all releases were below safe levels when in fact, the radiation release data indicates that it went off-scale and therefore could not be verified to be "safe." Assumptions made of "probable safety" have brought us to the position we find ourselves in now, with many unknowns within an area of extreme hazard as stated by the Hazardous Activity Doctrine. No more assumptions can be accepted. We must use scientific data analysis using current sampling and analysis practices as recommended by CDPH and USEPA.

Information Presented at Scoping Meetings

We appreciated all the expertise that was provided at the meetings in the form of consultants present to answer questions based on the information provided on the posters. I did feel however, that since the meeting began promptly and provided little opportunity to make use of these resources to answer questions, because it would mean missing a substantive part of the meeting. For future purposes, a period of time would be reserved to get informed and put into context the information presented to afford the opportunity for people to better understand how these decisions will impact them. I believe this would result in more relevant and useful public participation. We were concerned about the recommendation by the Sandia representative that Thorium should not be looked for at the site because it wasn't used. The OMR (Organic Moderated Reactor) as well as the 4th stage of the SRE both used thorium so we found it to be of concern that some of the experts were not adequately informed of the basic nuclear operations of the site and still provided recommendations that were not in keeping with the protective clean-up that the community has been promised over the years. With SB990 as law mandating the strictest clean-up to residential standards, such a recommendation

by a consultant to look for "less" despite the operational history of the site is of great concern and also contrary to the protections of SB990. We must look for ALL radioisotopes in the library as defined by CDPH and USEPA and any recommendations to look for less must first be demonstrated based on historical data to be reasonable and factual. In this case it was not, and should be emphasized that such recommendations as we move forward in this process must not be allowed to reduce the quality of the characterization and/or clean-up levels.

Alternatives Presented

While a "no action" alternative is part of the NEPA process, it is not necessary to offer two alternative solutions that suggest doing nothing. Alternative 1 is unrealistic because it would not be legally viable for the DOE to choose to discontinue monitoring as required under the NPDES permit for dischargers of pollutants to the waterways of these United States.

Alternative 3 is not a viable option as DOE does not own the land, and rather leases the land and therefore would not be able to make a decision of onsite storage of nuclear waste when Boeing has committed to donating the property as parkland. When asked about this in the verbal comment period during the Scoping Meetings, it was suggested that DOE might purchase the land from Boeing thereby making onsite containment feasible. But SB990 prevents Boeing from being able to sell or transfer the land until deemed clean by DTSC.

Based on the timing of the Consent Order requirements, which DOE has signed, it seems premature to present a solution of partial onsite and partial offsite storage of the nuclear waste from the SSFL.

Because no percentage of each, or any level of detail is presented for Alternative 5, it does not appear to be a serious alternative for consideration at this time without a clear presentation of the actual alternative solution to include scientifically based decisions and specifications, justified by thorough sampling analysis to allow for an informed decision-making process.

Alternative IV is therefore the only viable option for the State.

SB990

Boeing has committed to clean the site up consistent with state law, citing the very portion of state statute that includes SB990. Furthermore, the LOI committed Boeing to transfer the land for use as parkland. And lastly, it committed Boeing to cleaning up the site to the residential standard, as set forth in the law; and SB990 requires cleanup to either suburban residential or rural residential levels, whichever produces the greatest cleanup. Any clean-up that falls short of these commitments will result in a second costly clean-up.

Scope of Area of Concern

The entire site must be considered for the EIS because the entire site was impacted by the contaminants based on the decades of operations. The effluent sewage and storm-water runoff drainage systems led to the Silvernale and R2 Ponds outside of the Area IV boundary and therefore must also be considered within the EIS for radiologically impacted areas. These maps are provided in the McLaren Hart study previously done on the site.

Following are historical maps of the site from 1956 through 1980 demonstrating the fact that parts of Area IV were previously considered to be in Area III and other property boundaries to be inconsistent with the current understanding of the areas of DOE responsibility.

The SSFL Panel Study concluded that impacts went far beyond the property boundaries of the site, and in to the surrounding communities. Certainly we must then consider the entire site for impacts that may be related.

Included in these historical maps found in the site-wide historical documents submitted in the RCRA process according to the Consent Order mandates and milestones, which also include the Bowl Area in Area 1.

The marketing material sent out by DOE regarding the features and services provided by ETEC include photographs of the Bowl Area which further demonstrates this connection and responsibility for potential and probable impacts.

Data provided in the historical documents from the Area I burn-pit indicate the use of Cesium and also had a license for Strontium work in Area 1. Based on the relevant testimony from the Cappello-Noel litigation regarding the burn-pit, there was often material stockpiled that was inadequately labeled so they really didn't know what they where burning. Moreover, they wrote many inter-office memorandums that describe an overwhelming pressure to produce while the design of the pit facility areas was not intended for the massive quantities that were being burned. A bad idea compounded by improper quantities and safety practices that we will continue to pay for in impacts to the surrounding environment for decades.

Additionally, there were diagrams of drains installed in these pits for dilution of solvents, acids and other highly reactive products that also included waste from Area IV. These drains led to nearby creeks and ephemeral streams that added another migration pathway to the people below. These migration pathways of the pollutants used, including radiological fission products from the nuclear work done at the site. These must be investigated and therefore included in the scope of the EIS process.

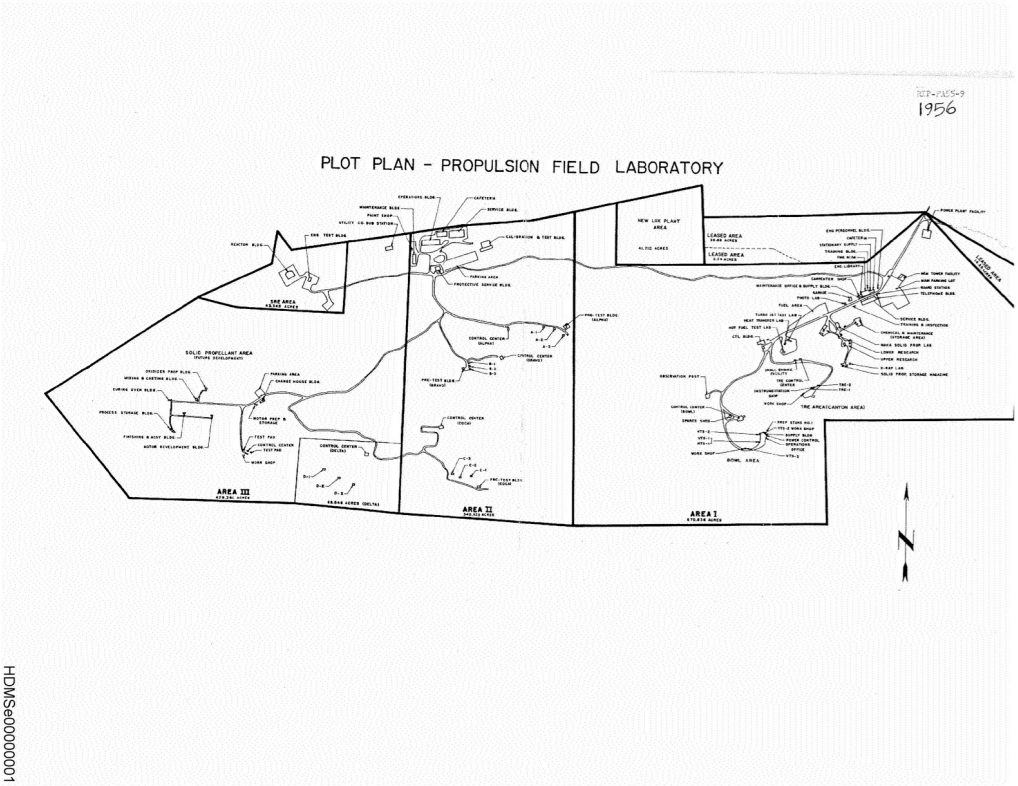
<u>Scoping Extent</u>

Data presented in the NOI indicates that the scoping process is only to encompass the Area IV portion of the site according to DOE. Following are historical maps provided in the site-wide historical documents that demonstrate vastly different

property boundaries over the years (HDMSE00000001.pdf). Contamination knew no borders, especially when effluent pipes took contaminated water from Area IV to other areas of the site in Areas II and III. These include both sewage and storm-water effluent pipes. Documents indicate that burn records for the Area I burn-pit included materials from Area IV and records also indicated Cesium which again, supports the theory that radioactively contaminated waste did impact areas beyond Area IV. The contaminated waste was moved from place to place and often buried onsite with no record as to the location other than relative distance from the facility it came from. These are all indicators that the entire site MUST be characterized and properly remediated based on activities by DOE and other entities at the site over a fifty year period

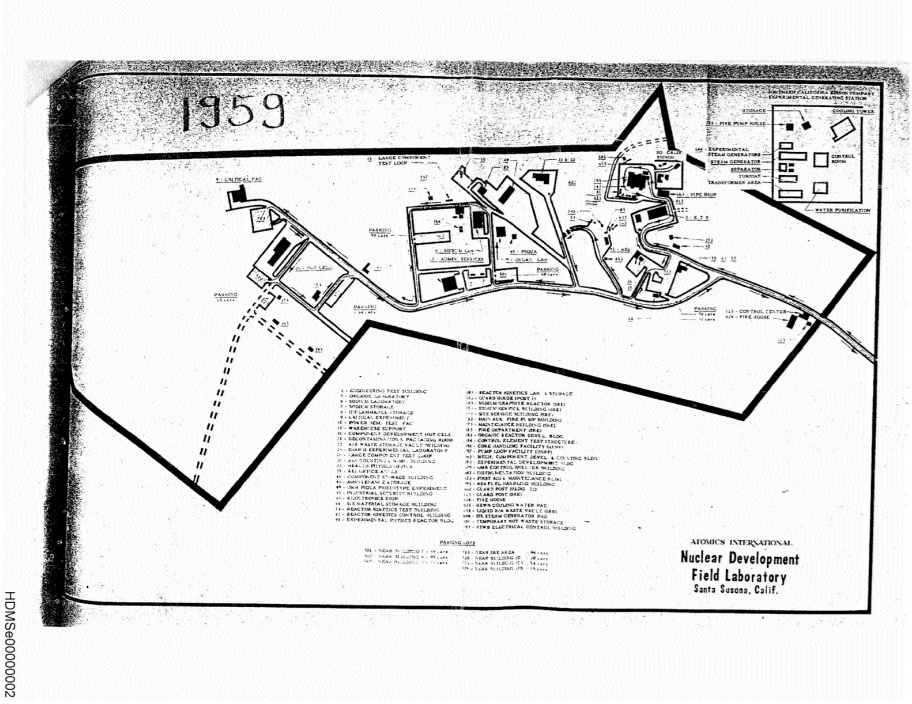
From 1956, notice the outline of Area III extending throughout most of what is currently known to be Area IV demonstrating a change in operational practices showing sitewide distribution of related pollutants.

1956:



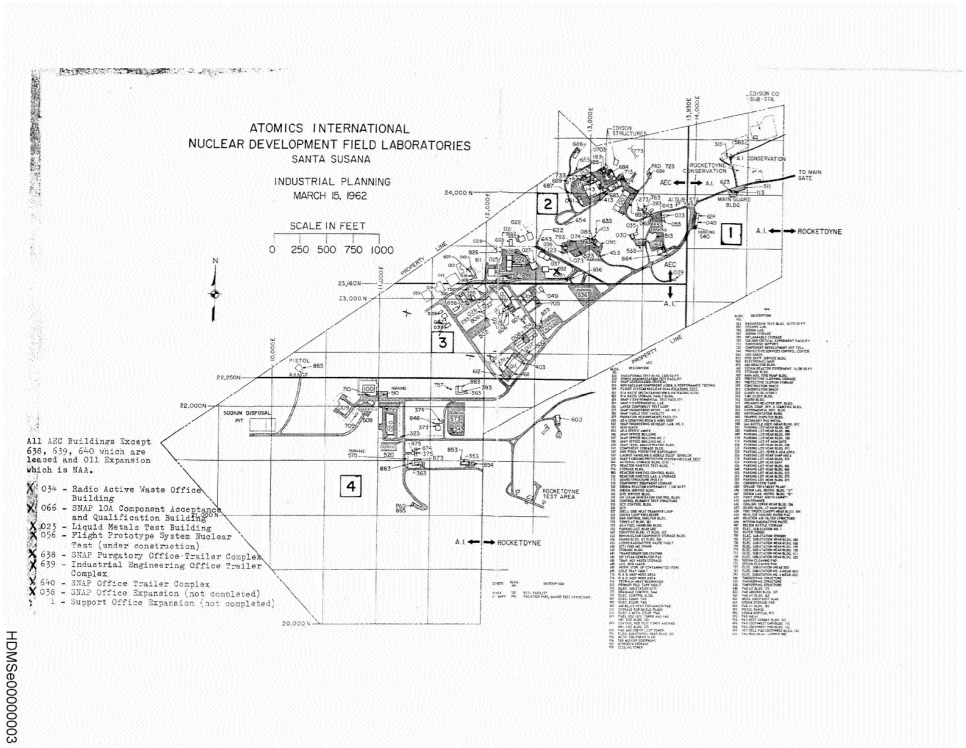
HDMSe00000001

1959



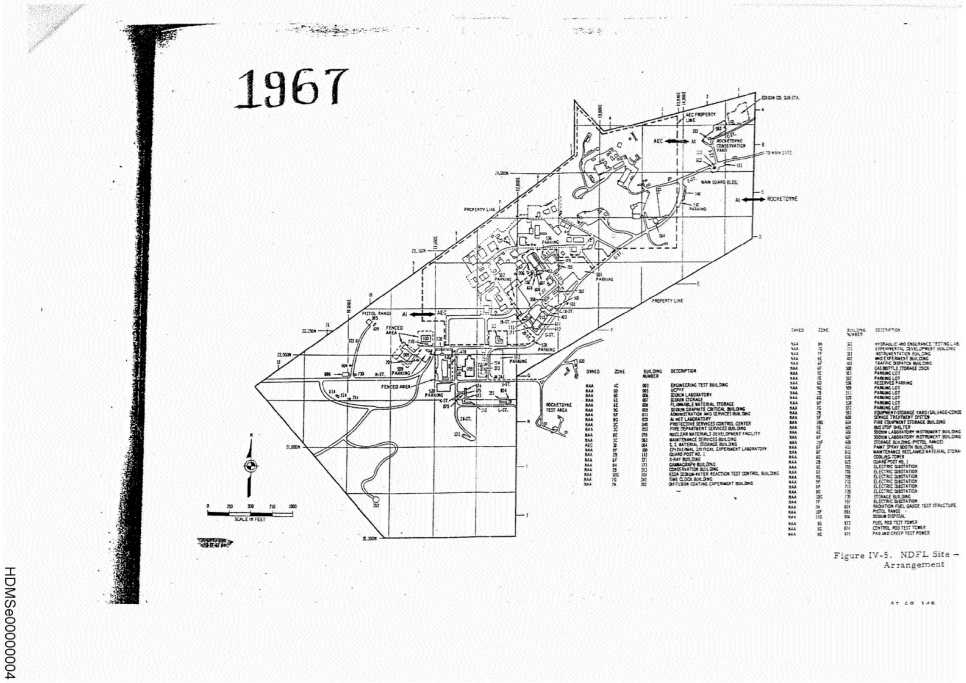
HDMSe00000002

In 1962 we begin to see the familiar property boundaries that we see and understand today.

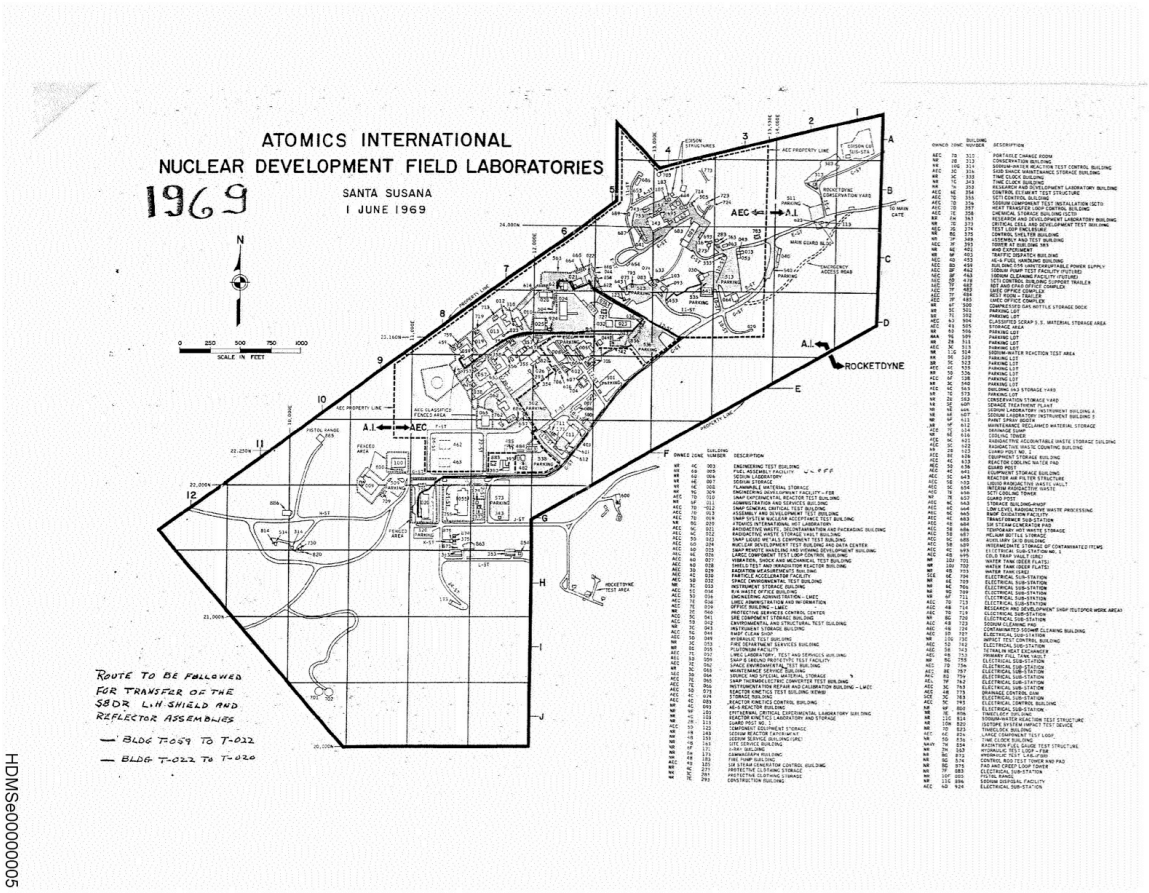


HDMSe00000003

1967



HDMSe00000004



HDMSe0000095

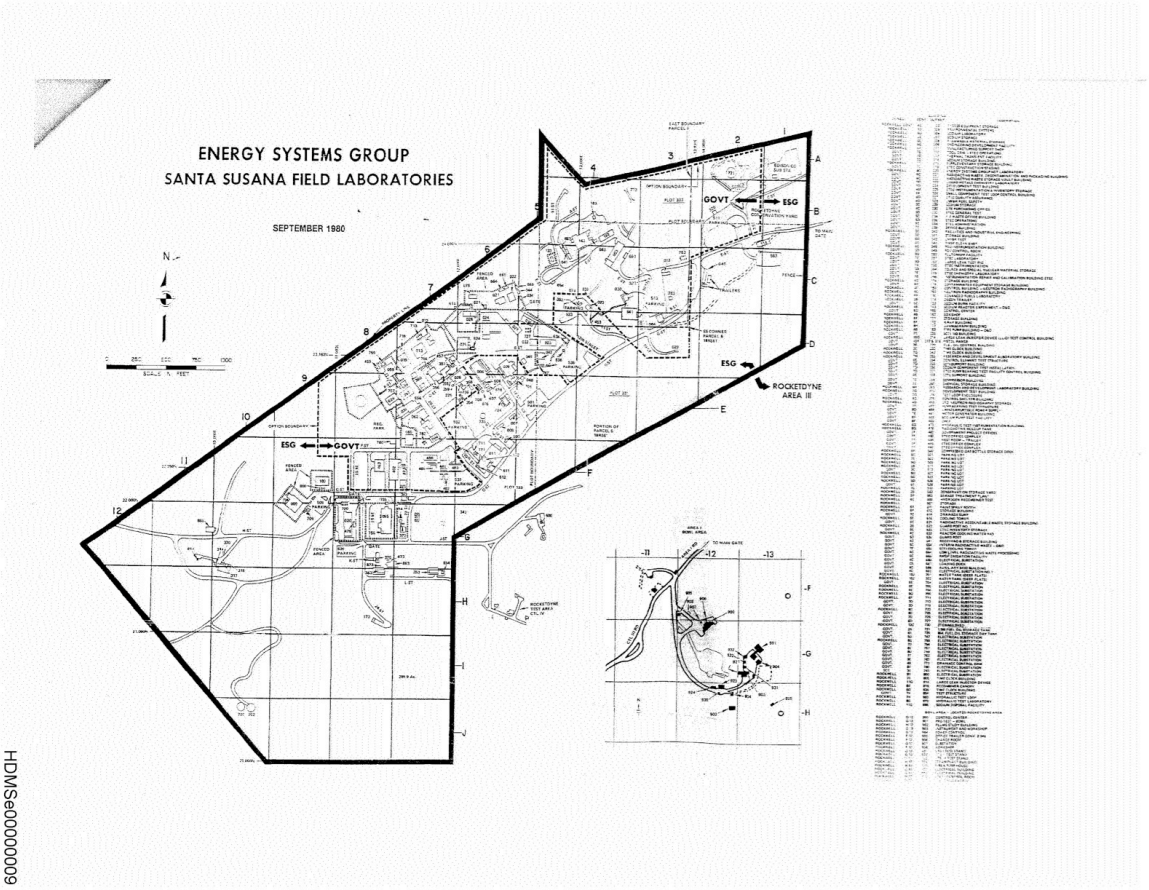
In 1980 , the map provided shows a portion of Area 1 (the Bowl Area) as part of the operational area of the nuclear development lab referred to here as the Energy Systems Group. In addition to brochures promoting the ETEC facility and the programs available also showed the Bowl VTS as part of ETEC. The Bowl is located in Area I. This original brochure can be provided to DOE for reference upon request.

Based on the information provided in the SRE data in Group 6 of the RCRA RFI reports, effluent waste-water from the scrubbers was piped into the SRE and nearby ponds further illustrates that contaminants did not know property borders.

Information detailed in the McLaren Hart Study shows plutonium findings in Area II in surface water run-off and there were a number of ponds throughout the site that were used for burning of waste-water runoff.

Decades of burning of waste in the Sodium Burnpit as well as the Area I Burnpit resulted in waste fall-out across a wide area depending on the direction and velocity of the wind on a daily operational basis. These impacts of aerial dispersion crossed these property boundaries as well.

1980 Map:



Federal Superfund Status

The USEPA looked at the site for CERCLA superfund listing recommendation several times where it failed to score because they looked only at Area IV and only at the radiological impacts. SB990 mandates that the cumulative impacts of both chemical and radiological releases must be considered. After finally agreeing to look at the entire site holistically, the site did finally score and has been recommended for Superfund Status. It is for these same reasons that we feel it necessary to consider the entire site here. The impacts have already been proven by the EPA CERCLA Superfund scoring results.

NPDES Permit for storm-water

Continued violations of the NPDES permit (National Pollutant Discharge Elimination System) demonstrating that radiological contaminants have and continue to migrate offsite to neighboring communities, which further demonstrates the need to consider all areas of the Santa Susana Field Laboratory.

Past and Future Practices

Past practices of disposal and onsite burial of waste as resulted in Judge Conti taking jurisdiction of the site because of the profound violation of trust with the public and broken promises of clean-up over the years. The regular practice of burying waste, contaminated equipment and the use of Borrow-areas for the purpose of back-filling soil throughout the site, make it necessary to include all 4 operational areas as well as buffer-zones for scoping characterization and remediation activities.

The recent mis-representation of the PRG table in the Gap Analysis and consequent lack of trust on the part of the public resulted in EPA finally demanding that the lead in the radiation soil survey promised by HR2764 because of continued erosion of trust with the public. Transparency and a true attempt to step-up and resolve these issues by way of proper and transparent characterization of the work needed, are a necessary step to reduce the hazards of this site to the people already living below the site, down-stream in all directions. We need DOE to continue in efforts to build trust with the community by allowing EPA to lead these important survey to protect the integrity and credibility of the data that we all need in order to make final remedy decisions that are protective of the surrounding communities and follow state law as written in SB990.

We look forward to participating in this process where allowable through this process of clean-up of the site and appreciate the consideration of our comments.

Sincerely,

Christina Walsh

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