

To: West Valley Citizen Task Force  
From: Melinda Holland, Task Force Facilitator  
Subject: Summary of the February 18, 2004, Meeting  
Date: March 10, 2004

### **Next Meeting**

The next Citizen Task Force meeting will be held as follows:

Date: Wednesday, March 17, 2004  
Time: 7:00 - 9:30 p.m.  
Location: West Valley Demonstration Project Site  
10282 Rock Springs Road  
West Valley, NY

NOTE: All participants must bring photo identification to enter the site.

If you have questions or comments regarding the upcoming meeting or about this summary, please contact Melinda Holland at (828) 894-5963, or Tom Attridge at (716) 942-2453.

### **CTF Attendees**

Attending were: Pete Scherer, Paul Piciulo, T. J. Jackson, Pete Cooney (for Ron Buczak), Mark Mitskovski (for Larry Rubin), Ray Vaughan, Gayla Gray (for Lana Redeye), John Allan, Lee Lambert, Joe Patti, Mike Hutchinson, Eric Wohlers, Warren Schmidt, and John Pfeffer.

CTF Members not attending (nor represented by an alternate) were: Tim Siepel, Bill Kay, Bill King, and Nevella McNeil.

### **Other Attendees (via telephone)**

John Greeves, Anna Bradford, Claudia Craig, Chad Glenn, NRC; Joe Price and Jim Hammelman, SAIC

### **Meeting Highlights**

- ▶ Presentation and discussion of DOE's preferred alternative with Bob Warther, Manager of the DOE Ohio Field Office;
- ▶ Planning the February CTF visit to the WNY Congressional delegation in Washington, D.C.;
- ▶ Status report on Southern Tier West's redevelopment study efforts; and
- ▶ Next steps.

### **Meeting Summary**

Tom Attridge, NYSERDA, reviewed the documents distributed at this meeting, then Melinda Holland reviewed the agenda.

#### *DOE Preferred Alternative and Draft Statement of Work (SOW)*

Bob Warther, Manager of the DOE Ohio Field Office, gave a presentation on DOE's Preferred Alternative and Draft Statement of Work (SOW) for the new site contract.

High-Level Waste Tanks - A Task Force member stated that the CTF should be made aware of the regulatory agencies' discussion of grouting the High-Level Waste (HLW) tank heels at recent meetings

with DOE and NYSERDA. He requested that the CTF be allowed to see the engineering analysis of grouting the tank bottoms and whether the grout would make future exhumation more difficult. He also asked that the CTF be given copies of the minutes from these regulator meetings. Agency representatives explained that minutes were not kept of these meetings, whereupon the Task Force member asked that the CTF be given notice of and the option to attend the regulator meetings. While routine meetings of the NEPA cooperating agencies are limited to those agencies, NRC representatives agreed that some technical meetings could be open to the public. He stated that NRC would be interested in hearing the CTF's views on these issues. A DOE representative acknowledged that the regulatory agencies have asked for additional data and analysis of DOE's current proposal to grout the HLW tank heels. He also stated that if grouting the tanks is not technically defensible, that DOE would abandon the approach, but if it is acceptable to the regulators, DOE will prepare an Environmental Assessment (EA) or other appropriate NEPA document. DOE and NYSERDA representatives acknowledged that NYSERDA prefers that the tanks be removed, while DOE does not.

A NYSERDA representative noted that in May 2002, DOE presented information to the CTF about techniques for drying the tanks and vaults to stabilize the liquid heel<sup>1</sup>, and that the regulators have asked why DOE is now not proposing to use a drying technology. A CTF member asked why DOE does not want to exhume the tanks. In response, a DOE representative explained that the potential doses to workers would be too high to be worth it - the potential risk to the public of grouting the tanks in place does not outweigh the potential risk to workers of exhuming the tanks. He also noted that before it can move ahead with tank closure, DOE must resolve the legal issues raised by the Natural Resources Defense Council's (NRDC) successful lawsuit over the Waste Incidental to Reprocessing (WIR) definition. Task Force members questioned how leaving the HLW tanks in the ground was a more acceptable risk than exhumation. A CTF member noted that it appears that DOE's goal is to save money, not reduce risk. A NYSERDA representative stated that the comparison of the risks of exhumation and the risks of closure in-place should be presented in the EIS.

A CTF member asked and DOE agreed to provide a comparison between worker dose for exhuming the tanks and cleanup/removal work already completed. Another Task Force member suggested that in making these comparisons that DOE should show the potential methods for removal of the tanks, then calculate worker doses for each method, using the 1996 EIS as a starting point. A NYSERDA representative reminded the CTF that the 1996 EIS numbers have been updated and show that tank removal could be done within allowable worker dose limits.

A CTF member stated that the off-site shipment of Class B and C wastes should be subject to the Decommissioning EIS and ROD; DOE representatives disagreed.

A Task Force member asked whether any DOE HLW tanks have been exhumed. DOE and NRC representatives explained that no tanks of this size have been removed, and that two Savannah River Site HLW tanks have been closed in place filled with grout. DOE representatives agreed to provide the CTF with information on the largest HLW tank that has been exhumed to date.

A DOE representative explained that DOE believes that grouting the tanks to the level of the heel will stabilize remaining liquids to prevent leakage but will not make it harder to exhume the tanks at a future date, if that is the final remedy selected in the Record of Decision (ROD). DOE's preferred alternative would be to place grout in the tanks and close them in-place. CTF members expressed concern about the difficulty of future tank removal once the heels have been grouted. A DOE representative acknowledged that the regulators have expressed similar concerns and have requested additional data. Task Force members expressed their preference that the HLW tanks be exhumed and the wastes shipped off-site. They also urged DOE to use the West Valley site as a demonstration project for new technology to safely

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<sup>1</sup> "Heel" is the term for the liquid remaining in the bottoms of the tanks.

remove HLW tanks here and at other sites. A NYSERDA representative noted that he understood it was a DOE Headquarters policy decision to not exhume HLW tanks across the U.S.

A Task Force member questioned why HLW tanks are allowed to remain in the ground when we have a national program to remove old underground petroleum tanks, even though the risks from HLW are greater than petroleum. Another CTF member noted that there is a risk of the side walls of the tanks decaying and collapsing over time. A DOE representative responded that the concrete vaults around the tanks reduce side pressure, but that tanks can develop problems over time, thus a long-term solution is needed. A Task Force member stated that DOE's decision to not remove HLW tanks and to grout them in place is a policy decision, not a legal requirement.

North Plateau Groundwater Plume - In response to a CTF member's question, a DOE representative explained that his agency feels that the North Plateau groundwater plume is New York's responsibility because the plume existed prior to DOE's arrival at the site. He agreed to provide the CTF with DOE's recent letter to NYSERDA explaining DOE's position on the plume. DOE asserts that it does not have responsibility to cleanup the plume under the WVDP Act. DOE stated that it is willing to do the work to clean up the plume if NYSERDA will pay for it. A NYSERDA representative responded that his agency's position is that DOE accepted responsibility for the plume when it took control of the site as explained in NYSERDA's letter to DOE (which was distributed at this meeting). He also stated that in the Cooperative Agreement DOE agreed to D&D the project premises and facilities, which NYSERDA argues includes the plume and its source. In response to a question, a DOE representative stated that NYSERDA accepts the State-Licensed Disposal Area (SDA) as its responsibility, but disagrees with DOE over responsibility for the NRC-Licensed Disposal Area (NDA).

Process Building - A CTF member asked whether the Cooperative Agreement required that DOE turn over the Process Building intact. A DOE representative responded that DOE plans to clean the process building to the "bare walls" but leave it standing. A NYSERDA representative explained that the CPC was cleaned to the "bare walls" also but the radiation levels were still too high for people to enter the room, and that NYSERDA feels it is acceptable to take the Process Building down. He continued saying that the entire site must satisfy the performance criteria requirements of NRC's License Termination Rule (LTR), thus DOE cannot leave a significant amount of curies behind and still meet LTR requirements.

In response to a question, DOE and NRC representatives explained that the Decommissioning Plan required by NRC does not detract from the EIS process, it provides more technical detail about the proposed decommissioning approach to show how the preferred alternative will comply with NRC requirements. NRC indicated that no decision should flow out of the Decommissioning Plan in the absence of the EIS.

Draft Statement of Work (SOW) - A CTF member noted that the Draft SOW says the site contractor must conform to DOE Order 5400, she questions how that DOE Order compares to the NRC Policy Statement criteria. A NYSERDA representative responded that the NRC standard is 25 mrem and the DOE Order says 100 mrem and questioned why the SOW does not require the contractor to conform to the NRC Policy Statement. A CTF member asked why funding levels are lower for 2005 under this SOW and how the work can be done faster with less money. A DOE representative explained that the Department felt that the new scope of work could be accomplished faster for less money, but a final cost figure will be negotiated with the winner of the contract. He explained how past shipments of waste for disposal has reduced the level of security and infrastructure expense needed. A DOE representative suggested that the CTF submit comments on the draft SOW to DOE in writing.

CTF members and agency representatives agreed that at a future meeting the CTF should consider the details and data that support the Decommissioning EIS including a discussion of risk analysis and cost benefit analysis.

## *Southern Tier West Redevelopment Study*

Tom Barnes of Southern Tier West (STW) was unable to attend the meeting but he sent a detailed e-mail explaining the project status. Task Force members expressed concern over the contractor solicitation and selection process and suggested that a conference call be set up between the CTF and STW as soon as possible.

Other Issues - CTF members expressed concern that DOE and NYSERDA's preferred alternatives do not match the Task Force's closure vision for the site. Task Force members suggested that the CTF work with the Congressional delegation on this issue and on the impasse between DOE and NYSERDA.

Task Force members discussed the NEPA process and how they believe that NEPA doesn't guarantee the "best" decision; it just requires the agencies to show their basis for the decision. A Task Force member stated that what DOE puts into the NEPA process will determine what comes out. CTF members suggested that a future meeting focus on the risk trade-offs that form the basis of the agencies' decisions.

CTF members agreed with a DOE representative's suggestion that it would be useful for the Task Force to review the WVDPA and its legislative history. CTF members suggested adding other legal and regulatory requirements applicable to West Valley and having this as a future meeting topic.

## *Legislative Issues*

Melinda Holland explained that Bob Van Wicklin, Representative Amo Houghton's Chief of Staff, had responded to her email asking for his help in setting up a meeting between CTF representatives and the Congressional delegation. In his email response Mr. Van Wicklin said "... (I) would suggest that there is nothing to report yet. Amo is awaiting word from DOE on several issues related to WVDP so he feels that a delegation meeting is premature." Representative Houghton sent a letter to Secretary Abraham on November 19 asking for a response to several questions. A West Valley DOE representative explained that they had drafted a response for Secretary Abraham to send to Representative Houghton, but the letter has not yet been sent by DOE Headquarters. DOE offered to share a copy of their first draft letter with the CTF. As a meeting in Washington D. C. did not seem likely in the near future, Task Force members suggested that they meet with local Congressional staff in the near future, and asked Ms. Holland to arrange such a meeting.

The Task Force also expressed an interest in meeting with NYS Senator McGee and Assemblywoman Young at their local offices to discuss issues surrounding re-use of the West Valley site. Warren Schmidt and Melinda Holland agreed to coordinate a date for this meeting.

## **Observer Comments**

An observer noted that in the past the statement that "we don't know how to do this" has been a call to action just as development of vitrification was a response to the challenge of the lack of technology for dealing with liquid HLW. He questioned why today DOE is so intent on choosing a remedy that the public and the state of New York will refuse to accept.

An observer questioned why the Draft Statement of Work defines and uses terms like "deactivation" but makes no mention of "decommissioning" which is the legal term applicable to West Valley.

## **Next Steps**

The next CTF meeting will be held on March 17 and will focus on NYSERDA's ideas for legislation, discussion of DOE's preferred alternative (including a comparison between the CTF's recommendations and DOE's preferred alternative), develop CTF action items/comments on this preferred alternative, and

continue discussions on legislative involvement. Task Force meetings will continue to be held on the third Wednesday of each month.

**Action Items**

<b>Action</b>	<b>Assigned To</b>	<b>Due Date</b>
Notify the CTF of technical meetings between the regulatory agencies and DOE/NYSERDA.	DOE / NYSERDA	When appropriate
Provide the CTF with a copy of the technical justification information submitted to the regulators regarding grouting the heels in the HLW Tanks.	DOE	When available
Provide a comparison between worker dose for exhuming the tanks and cleanup/removal work already completed.	DOE	When available
Provide information on the largest HLW tank that has been exhumed to date.	DOE	3/17/04
Provide the CTF with DOE's recent letter to NYSERDA explaining DOE's position on the plume.	DOE	3/17/04
Arrange a conference call between the CTF and STW.	M. Holland	2/23/04
Provide the CTF with a copy of the draft response to Rep. Houghton's letter prepared by WV DOE; and the final version when sent by DOE-HQ.	DOE	When available

**Documents Distributed**

<b>Document Subject</b>	<b>Document Description</b>	<b>Generated by–Date (if applicable/known)</b>
Agenda	Agenda	Holland; 2/18/04
CTF Meeting Summary	Summary	Holland; 1/16/04
Draft 2004 CTF Work Plan	Work Plan	Holland; 2/18/04
“Completing the WVDP Project and Act”	Presentation	Bob Warther; 2/18/04
Southern Tier West (STW) No. 04-1, Community Planning Project	Request for Proposals	STW; 1/19/04
STW No. 04-2, WVNSC Reuse Study Project	Request for Proposals	STW; 1/19/04
WVDP Draft Statement of Work		DOE; February 2004
West Valley Redevelopment Strategy CTF Report	Status Report	STW; 2/18/04
Letter from Congressman Amo Houghton to Secretary of Energy Spencer Abraham	Request for status on high-level waste fee & long-term stewardship	11/19/03

Document Subject	Document Description	Generated by–Date (if applicable/known)
Letter from Ray Vaughan, Coalition on West Valley Nuclear Wastes to T. J. Jackson, DOE	Request a copy of the Preliminary Performance Assessment of HLW Tank	2/11/04
Letter from Ray Vaughan, Coalition on West Valley Nuclear Wastes to Dan Sullivan, DOE	Coalition comments on the Waste Management Final EIS	2/14/04
Letter from Ray Vaughan, Coalition on West Valley Nuclear Wastes to T. J. Jackson, DOE	Coalition comments on the draft Statement of Work	2/15/04
Letter from Peter Smith, NYSERDA, to Bob Card, DOE	Allocation of responsibilities between NYSERDA & DOE	2/13/04
Revised Congressional Districts	Fact Sheet	2/04