

To: West Valley Citizen Task Force
From: Melinda Holland, Task Force Facilitator
Date: December 6, 2006
Subject: **Summary of the November 29, 2006, Citizen Task Force Meeting**

Next Meeting

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

Date: **Wednesday, December 20, 2006**
Time: 7:00 - 9:30 p.m.
Location: **Ashford Office Complex**
9030 Route 219
West Valley, NY

NOTE: All participants must be U. S. citizens and bring photo identification.

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) 942-9960, ext. 2453.

CTF Attendees

Attending were: Paul Piciulo, Bryan Bower, Lee Lambert, Tim Siepel, Eric Wohlers, Pete Scherer, Bill King, Joe Patti, Julie Siranni (for New York State Senator Young), Ray Vaughan, Stephen Kowalski, Chris Pawenski (for Andrew Eszak), Mike Hutchinson, Mike Briskey (for New York State Assemblyman Giglio), and John Pfeffer.

CTF Members not attending (nor represented by an alternate) were: Darwin John, Bill Snyder (for Gary Eppolito), and Pete Cooney.

Agency and Other Attendees

Chad Glenn, Nuclear Regulatory Commission (NRC).

Meeting Highlights

- ▶ Presentation and discussion on current West Valley Demonstration Project (WVDP) site work and regulatory activities;
- ▶ NYSERDA Update;
- ▶ NYSERDA Presentation “The Future of the State-Licensed Disposal Area”; and
- ▶ Discussion of next steps, agenda topics, action items and observer comments.

Meeting Summary

Tom Attridge reviewed the documents¹ provided for this meeting and Melinda Holland reviewed the agenda.

Status of Site Activities

¹ The documents distributed at this CTF meeting may be found on the “Meeting Materials” page of the CTF web site at www.westvalleyctf.org

Bryan Bower, DOE, gave a presentation on recent activities at the West Valley Demonstration Project (WVDP). A CTF member asked if any of the buildings currently being removed have radioactive contamination. Mr. Bower explained that for the facilities which had some radioactive contamination, the contractor removed the contamination, packaged and shipped the decontaminated material as industrial waste. In response to another question, Mr. Bower stated that there is contamination in the ground in some areas around the FRS ventilation building, thus a buffer zone with radioactive materials signs, has been created in that area. He noted that any soil contamination remaining after facility removal will be dealt with in the Environmental Impact Statement (EIS). A CTF member asked if the reduction in the number of buildings has resulted in an increase in storm water percolation showing up as increased water levels or contamination levels in the monitoring wells. Mr. Bower explained that they have not seen any changes in water levels or contamination, and that the concrete slabs from the buildings still prevent percolation of water where the buildings stood.

Regarding the extension of the existing contract with WVNSCO, Mr. Bower explained that a synopsis was issued on November 3, and they were in a 45-day comment period.

In response to a question, Mr. Bower explained that the agencies participating in the EIS Core Team Process include New York State Department of Environmental Conservation (NYSDEC), New York State Department of Health (NYSDOH), the Nuclear Regulatory Commission (NRC), and DOE. He explained that they are using the Core Team Process to help resolve agency comments related to approximately six major technical issues in the EIS. Mr. Bower also answered that the Core Team Process Consultant is Kevin Kytola with Sapere Consulting. Mr. Bower acknowledged a CTF member's comment that it will be more difficult for the Core Team Process to succeed with out all agencies participating, but he stated that they will work towards consensus between the participating agencies. The Core Team Process' goal is to reach agreement on technical issues related to the EIS, not legal or policy issues.

Mr. Bower noted that they do not yet have a time line for the completion of the Core Team Process, but they will not achieve the EIS milestones proposed last year. In response to another question, Mr. Bower explained that stakeholder groups have not been included in this or other site's Core Team Processes. CTF members expressed their continuing dismay over delays in the EIS process and final site decommissioning.

A Task Force member asked if NYSERDA would participate in the Core Team Process. Paul Piciulo, NYSERDA, stated that his agency understands that the CTF wants NYSERDA to participate in the EIS process. He explained that NYSERDA will not participate in the Core Team Process until they decide if they will continue to be a Joint Lead Agency on the EIS. Dr. Piciulo noted that NYSERDA could also participate as a cooperating agency (similar to NRC, NYSDEC, and other agencies) or drop out of the EIS altogether. He stated that, at this point, NYSERDA staff prefers a cooperating agency role. CTF members discussed various ways to create pressure on NYSERDA and DOE to resolve their disagreements, including regulatory agency pressure, litigation, and legislation. Dr. Piciulo noted that the NYSERDA lawsuit against DOE is an effort to obtain court resolution of these issues and may create an incentive for negotiation. Brian Bower, DOE, noted that his agency hopes for a resolution of the technical issues with NYSERDA through the Core Team Process.

Presentation - "The Future of the State-Licensed Disposal Area"

Colleen Gerwitz, NYSERDA, gave a presentation on the future of the State-Licensed Disposal Area (SDA). A Task Force member asked if underground streams exist in the clay layer beneath the SDA. Mrs. Gerwitz explained that creeks do not exist because the clay was compressed by prior glacial activity, but sand and peat lenses may exist, as some have been found around the SDA. In response to another question, Mrs. Gerwitz explained that if the waste in the SDA were graphed by radioactivity it would show 48% Greater Than Class C waste, 44% Class B and C waste, and 8% Class A waste. She noted that

the high-activity waste is small in volume and distributed through out the SDA's disposal trenches. In response to a question about Department of Defense waste, Mrs. Gerwitz stated that approximately 40% of the waste in the SDA came from the federal government. CTF members asked if the barrier wall has created a change in the direction of groundwater flow and why the bio-engineered cover was removed from the SDA. Mrs. Gerwitz responded that there has been no change in groundwater flow as a result of the bentonite clay barrier wall. She also explained that the bio-engineered vegetative cover was a technology demonstration which was removed at the end of the demonstration project period due to the difficulty of maintaining the vegetation and regulatory permit issues. In response to a question, Mrs. Gerwitz stated that the water levels in the SDA trenches have been gradually decreasing.

A Task Force member noted that an additional positive aspect of removing the wastes from the SDA would be increased protection of the Great Lakes watershed. Another CTF member observed that the region will eventually lose jobs under either alternative. Mrs. Gerwitz noted that removing the waste would create more short-term jobs, monitoring it in-place would keep fewer jobs but over a much longer time period. A CTF member stated that shipping the waste to another site would transfer the problem to another community, but that disposal site would have to meet the current regulatory criteria in 10 CRF Part 61 (which is not the case for the SDA).

Mrs. Gerwitz responded to a question about the decrease in curies in the SDA after 100 years explaining that in the 1960s there were 736,000 curies of Class A waste (the shorter half-life waste) and there is approximately 130,000 curies of Class A waste now. She also said that NYSERDA wants to study the effects of decay rates over time before making any recommendation.

In response to another question, Mrs. Gerwitz explained that it would take approximately 50 years to exhume the SDA at an estimated cost of \$77 million per year. She stated that exhumation with above ground storage on-site was not evaluated in the most recent EIS. A CTF member asked about removing water from the SDA trenches, Mrs. Gerwitz stated that NYSERDA is evaluating how this might be done but noted that Tritium cannot be treated and would have to be discharged into the environment. Another Task Force member noted that if you remove something from the SDA, it may cause settling which could damage the cap.

A CTF member asked if NYSERDA had evaluated the availability of disposal facilities 30 years or more into the future. Mrs. Gerwitz responded that if nuclear waste continues to be produced over time, then disposal facilities will continue to exist. A Task Force member noted that land available for disposal sites will become more scarce over time due to population growth.

A Task Force member expressed disappointment that NYSERDA is recommending leaving the SDA in place for re-evaluation in 30 years. He noted that it will take another huge process in 30 years to achieve exhumation of these wastes. Another CTF member stated that he could accept leaving the SDA wastes in-place for 30 years, if NYSERDA can assure the public that erosion can be controlled. A Task Force member stated that it appears that the primary reason for NYSERDA's preference to monitor the SDA in place is the high cost of waste removal. In response, Mrs. Gerwitz noted that several of the six U.S. nuclear waste landfills have been closed in-place and that NYSERDA does not propose actions (such as grouting the trenches) which would increase the cost of a future removal. In response to a question about estimates for costs of removal, a NYSERDA representative noted that the estimate in the 1996 EIS was around \$4 billion, which is about the same in the current draft EIS.

NYSERDA offered to answer additional questions at the December 20th CTF meeting. CTF members requested more information on the following topics:

- controlling erosion impacts on the SDA;
- the impact of the rate of decay in the SDA;
- disposal site availability if the waste is exhumed in the near term; and
- would the pending litigation affect the stewardship of the SDA.

NRC December 11th Public Meeting

Ray Vaughan was invited to speak on December 11th at the NRC public meeting on the status of decommissioning activities in the U.S. The meeting will be held in Rockville Maryland from 1:30 - 3:30 p.m. The CTF by consensus agreed to have Mr. Vaughan speak on behalf of the Task Force at this meeting.

The main points that Mr. Vaughan and CTF members suggest to be made to the Commission included:

- (1) Support the two-tier approach to decommissioning proposed by NRC.
 - NRC judge DOE first;
 - NRC judge NYS second; and
 - Same standards should be used for DOE and NYSERDA.
- (2) NRC should not deviate at all from the letter and intent of the License Termination Rule (LTR). The LTR provides reasonable assurance that protections will remain in place.
- (3) NRC should not condone waste reclassification such as Waste Incidental to Reprocessing (WIR).
- (4) Great Lakes is an international water body, its protection should be a focus.
- (5) The concerns of DOE self-regulation ~~issues~~, with the North Plateau groundwater plume as an example.
- (6) Encourage NRC staff to look carefully at whatever is submitted to them in the Decommissioning Plan.

Mr. Vaughan will submit written comments in advance of the meeting which will be shared with the CTF. The meeting may be viewed live via webcast starting at 1:30 p.m. on December 11th. The web address for the webcast is:

<http://www.nrc.gov/public-involve/public-meetings/webcast-live.html>

Next Steps

The December 20th CTF meeting will continue the SDA discussion and complete the CTF letter to NRC on the North Plateau Groundwater Plume.

Observer Comments

An observer stated that she could not duplicate calculations on source term and wondered if decay daughters were included. NYSERDA agreed to send her a copy of the SDA Characterization Report.

Action Items

Action	Assigned To	Due Date
Schedule site tour for newer CTF members	Attridge	12/20/06
Send Joanne Hameister a copy of the SDA Characterization Report	NYSERDA	12/15/06

Further discussion and answer questions regarding the SDA on December 20 th	NYSERDA	12/20/06
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Documents Distributed

Document Subject	Document Description	Date; Generated by (if applicable/known)
11/29/06 Meeting Agenda	Agenda	Holland; 11/29/06
2006 CTF Work Plan	Work Plan	Holland; 11/27/06
Summary of the October 25, 2006 CTF Meeting	Summary	Holland; 11/16/06
NRC Invitation Letter to Ray Vaughan, Re 12/11/06 NCR Meeting	Letter	NRC; 11/27/06
Draft CTF Letter to NRC Re N. Plateau Groundwater Plume	Letter	Lambert; 10/17/06
CTF Letter to DOE & NYSERDA	Letter	CTF; 10/30/06
NYSERDA Letter to NRC Re Revision of West Valley Policy Statement	Letter	NYSERDA; 08/04/06
NYSERDA Letter to NRC Re Public Receptor Location in West Valley Performance Assessment Modeling	Letter	NYSERDA; 08/10/06
NRC Reply Letter to NYSERDA Re Policy Statement	Letter	NRC; 10/25/06
NRC Reply Letter to NYSERDA Re Performance Assessment	Letter	NRC; 10/27/06
Presentation "Project Update"	Presentation	DOE; 11/29/06
Presentation "The Future of the State-Licensed Disposal Area"	Presentation	NYSERDA; 11/29/06
EPA Letter to DOE Regarding Participation in the Core Team Process	Letter	10/24/06