

To: West Valley Citizen Task Force  
From: Melinda Holland, Task Force Facilitator  
Date: April 13, 2007  
Subject: **Summary of the March 28, 2007, Citizen Task Force Meeting**

### **Next Meeting**

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

Date: **Wednesday, April 25, 2007**  
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, Pete Scherer, Bill Snyder, Stephen Kowalski, Joe Patti, Pete Cooney, Tim Siepel, Ray Vaughan, Bill King, Eric Wohlers, Carol Scheibley (for Mike Hutchinson), John Pfeffer and Warren Schmidt (for New York State Senator Young and New York State Assemblyman Giglio).

CTF Members not attending (nor represented by an alternate) were: Chris Pawenski (for Andrew Eszak), and Darwin John.

### **Agency and Other Attendees**

Pat Concannon, Ed Dassati, Barbara Youngberg, and Tim Rice, New York State Department of Environmental Conservation (NYSDEC); Bob Prince, Chad Glenn, Keith McConnell, Mark Roberts, Bob Krantz, and Ted Johnson U. S. Nuclear Regulatory Commission (NRC).

### **Meeting Highlights**

- ▶ DOE Project Update Presentation;
- ▶ NYSERDA Update;
- ▶ DOE Presentation “The Way Ahead - A Potential Path Forward Proposed by the WVDP Core Team”
- ▶ NYSERDA Presentation “ Reaction to the Way Ahead”;
- ▶ CTF Press Release Development Process;
- ▶ 2007 CTF Work Plan; and
- ▶ Discussion of next steps, agenda topics, action items and observer comments.

### **Meeting Summary**

Tom Attridge reviewed the documents<sup>1</sup> provided for this meeting and Melinda Holland reviewed the agenda.

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<sup>1</sup> The documents distributed at this CTF meeting may be found on the “Meeting Materials” page of the CTF web site at [www.westvalleyctf.org](http://www.westvalleyctf.org)

## *DOE Project Update*

Bryan Bower, DOE, gave a project update presentation. A Task Force member inquired about whether the construction of a cap for the NRC-Licensed Disposal Area (NDA) was covered under the Waste Management EIS. Mr. Bower explained that a separate NEPA process will be used and they plan to use a Categorical Exclusion for this activity. In response to another question, Mr. Bower explained that DOE had not spoken to the Coalition Against West Valley Nuclear Wastes about the Categorical Exclusion, but could do so. In response to a question about the rationale for capping the NDA, Mr. Bower mentioned an increase in gross Beta levels in the discharge monitoring point by Lagoon Road Creek, and that the discharge remains below regulatory limits. He noted that the cap will be an interim measure.

## *NYSERDA Update*

Paul Piciulo, NYSERDA, explained that DOE and NYSERDA have scheduled a negotiations meeting next week, and that NYSERDA will also begin participating in the Core Team process to resolve issues regarding the draft Decommissioning and/or Long-Term Stewardship Environmental Impact Statement (EIS). He noted that NYSERDA will continue to participate in the Core Team process as long as good-faith negotiations continue. In response to a question about why NYSERDA is just now joining the Core Team, Dr. Piciulo explained that his agency was willing to join the process after DOE agreed to discuss responsibility issues.

A Task Force member suggested that the CTF make a formal request to meet with top New York State officials regarding the West Valley Remediation Act legislation. Dr. Piciulo agreed to raise this request to state officials.

## *The Way Ahead - A Potential Path Forward Proposed by the WVDP Core Team*

Next, Bryan Bower, DOE gave a presentation outlining a potential path forward as proposed by the WVDP Core Team. Mr. Bower introduced the Core Team members present at the meeting. A CTF member asked that the U. S. Environmental Protection Agency's letter regarding their participation in the Core Team process be shared with the Task Force. He also asked if all correspondence from Core Team members could be shared with the CTF. Mr. Bower responded that he believed that would be possible.

A CTF member asked if "addressing the plume" meant going after the source. Mr. Bower explained that this is interim work, it will focus on controlling the leading edge of the plume, and various technologies to accomplish this are currently under investigation. He noted that the responsibility issues still need to be resolved with NYSERDA. Another Task Force member asked why the plume no longer was represented on the post-interim measures presentation slide (page 9). Mr. Bower noted that the plume should still appear on that slide. In response to a question about how long it will take to control the plume, Mr. Bower responded that the plume will be continuously monitored, and the goal is to stop its migration. To date, they have only been able to slow the migration of the plume. He noted that if they can adequately contain the contamination in the plume, it may be possible to allow the lower concentration portion to decay in place. A Task Force member responded that using radioactive decay in place sounds more like a cost-saving approach than a worker safety effort. Mr. Bower further explained that the long-term action will be to deal with the source of the plume under the EIS.

A Task Force member asked how the High-Level Waste Tanks will be dried out and confirmed as dry. Mr. Bower stated that they are investigating drying and dehumidification systems, and that there were various technologies that could be used to monitor progress, such as using cameras, or humidity measurements, or monitoring liquid levels in the tanks. In response to another question, Mr. Bower noted that the "bath tub ring" in the tanks was not mobile but they keep an eye on it.

A CTF member asked when DOE's legal obligations under the West Valley Demonstration Project Act (WVDPA) and under the Stipulation of Compromise would be satisfied. Mr. Bower stated that it depends

on funding levels, and the time-line for the entire process is still being worked on with the Core Team. In response to a question about the EIS schedule, Mr. Bower stated that they are currently estimating a 4 - 6 year time frame for completion of the enhanced interim end state activities, Decommissioning EIS and Record of Decision (ROD) would be completed within that timeframe. He noted that the schedule depends on how long it takes to reach agreement on technical issues within the Core Team, after which SAIC (the EIS consultant) must revise the EIS.

A CTF member asked about the difference between the enhanced interim end state and the preferred alternative and why the source of the plume cannot be cleaned up now. Mr. Bower explained that the remediation of the source and higher activity-level areas of the plume cannot be done until the Process Building is removed, which must await completion of the EIS. Mr. Bower went on to explain that more aggressive actions on the plume have not been required because all the data shows that it is not a threat to public health or safety. However, he noted that DOE has heard the concerns of the CTF and agencies and are looking into doing more to contain the plume. The Task Force member stated that he disagreed that releasing Strontium 90 into the Great Lakes watershed is not a health risk and stated that cleanup of the plume should not be delayed further.

A Task Force member questioned leaving the difficult site cleanup decisions for the future, noting that DOE's failure to control or cleanup the plume causes him to doubt DOE's ability to perform long-term stewardship activities.

A CTF member stated that the proposals described tonight show improvements such as removal of the Process Building. Another member asked what would be done if a catastrophic event caused the plume to move much more quickly. Mr. Bower explained that this will have to be looked at during the project planning phase, when air, rainwater, groundwater, etc. releases would be evaluated and recommendations developed on how to control these potential events. A CTF member expressed continued concern about the discrepancies in the erosion modeling and asked when Greg Tucker could address the CTF (hoping it would happen in June, July or August).

A Task Force member noted that NYSERDA's March 6<sup>th</sup> letter to NRC states that the Strontium 90 (Sr-90) levels in the plume are as high as 18,000 times the EPA drinking water standard of 8 pico curies per liter (8pCi/L), and questioned if levels in the plume ever go below the 8pCi/L. Mr. Bower explained that the highest levels are found close to the source of contamination, and that Sr-90 has a half-life of approximately 30 years, so radioactive decay is also a factor. He stated that he would get back to the CTF on whether the concentrations of Sr-90 in the plume are below 8pCi/L at any point.

#### *NYSERDA's Reaction to the Way Ahead*

Colleen Gerwitz, NYSERDA, gave a presentation on NYSERDA's reaction to DOE's proposed "way ahead". A Task Force member asked about the contaminated underground piping mentioned in the presentation. Mrs. Gerwitz stated that the piping is associated with the Process Building, that some of this piping is highly contaminated, and NYSERDA is concerned that there may have been more than one leak which created the plume. Another CTF member asked if the lagoons would be remediated under this proposal. Mrs. Gerwitz explained that the lagoons and a vast majority of contaminated soil would be removed.

In response to a question to DOE, Mr. Bower noted that under this proposal, the HLW tanks would not be considered decommissioned, and the vitrified HLW canisters would still need to be removed to a federal repository when available as required under the WVDPA. Mr. Bower explained that this interim end state proposal was based on an assumption of \$75 million per year of funding.

CTF members asked how the periodic reviews of the wastes remaining on site would be conducted. Mrs. Gerwitz explained that NYSERDA envisions the current staffing level with continued routine inspections

for the SDA. A NYSDEC representative noted that this topic is still under negotiation, no time has yet been established for the periodic reviews, and the enforcement mechanisms for these reviews will need to be defined. She also noted that some of the regulatory activities envisioned will have public involvement processes.

A Task Force member inquired if the Decommissioning Plan would be required under the first or second EIS and if the NRC License Termination Rule (LTR) would be followed. Mrs. Gerwitz noted that NYSERDA would prefer that it be done under the second EIS. A NRC representative stated that NRC views this proposed alternative as phased decommissioning so they want to see the Decommissioning Plan associated with the first phase of the EIS and giving an integrated view of both phases. He further explained that NRC and the Core Team needs to discuss what happens next and how to package the EIS.

Would a non-DOE site with a Strontium 90 plume be treated the same as the West Valley site, inquired a CTF member. A NRC representative responded that the West Valley site is unique due to the WVDPA which gives NRC a consulting, not regulatory or enforcement, role. He also noted that there has not been a “release” from NRC’s perspective as the plume is still on site. Mrs. Gerwitz noted that NRC will be issuing a report from its Tritium Task Force concerning inadvertent, unmonitored releases of radioactive liquids, containing primarily tritium, from U.S. commercial nuclear power plants and that a related rule making is underway.<sup>2</sup> In response to another question about how would NRC treat the site if it belonged to an individual, a NRC representative explained that they would evaluate safety based on regulatory dose limits and if this Dose Assessment showed that the site was within regulatory limits, it would be allowed to continue to operate. A NYSDEC representative noted that NRC is taking a proactive approach at the Indian Point Power Plant where the release did not exceed dose limits and the only exposure to the public is fish consumption.

In response to a question, Mr. Bower explained that the Core Team may need to begin meeting more often than once a month to meet its goal of resolving technical issues this summer. Mr. Bower and Dr. Piciulo agreed to provide the Task Force with updates on the Core Team’s progress at each monthly CTF meeting.

#### *CTF Press Release Development Process*

Next, Melinda Holland summarized the press release development process recommendations made by the Press Relations Work Group during its March 5<sup>th</sup> conference call. The PR Work Group recommended a set of draft PR development guidelines and Tom Attridge, NYSERDA, prepared a draft PR template. The CTF members agreed unanimously to adopt the PR Guidelines and the PR Template. Members noted that it is important to have people on the PR Work Group who are good writers. They also stressed the need to make press releases available electronically.

After some discussion, the Task Force also agreed that a press release from this meeting was desirable. However, several members expressed concerns that the press release not express any opinions on the information presented at this meeting, as the Task Force has not had time to develop any consensus opinions or recommendations. The PR Work Group members agreed to prepare a draft press release and Melinda Holland will facilitate the consensus process described in the PR Guidelines.

#### **Next Steps**

Chad Glenn, NRC, will give a presentation on the NRC West Valley Policy Statement and LTR via conference call at the April 25<sup>th</sup> CTF meeting. An update on Core Team progress will also be given at the

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<sup>2</sup> A press release regarding the Tritium Task Force report may be found at: <http://www.nrc.gov/reading-rm/doc-collections/news/2006/06-123.html>

April 25<sup>th</sup> meeting. Melinda Holland will schedule an Agenda Work Group conference call to work on the 2007 CTF Work Plan. A CTF member suggested a field trip to view wind turbines on Lake Erie and Dutch Hill.

**Observer Comments**

An observer noted that the Coalition on West Valley Nuclear Wastes favors a full cleanup of the site. She also noted that there has been migration of radioactivity off-site in the past some of which has accumulated behind the Springville dam. That contamination should be taken care of as well as the plume.

Another observer requested more information on the radiological testing of surplus equipment that DOE plans to auction. She also asked if members of the public could observe Core Team meetings. Mr. Bower explained that the Core Team meetings are not public, but the agencies will provide updates on Core Team activities at each Task Force meeting and the Quarterly Public Meetings. A CTF member asked for information on the laws or regulations regarding closed meetings by government agencies, and Mr. Bower agreed to look into this.

**Action Items**

<b>Action</b>	<b>Assigned To</b>	<b>Due Date</b>
Request a meeting between the CTF and top New York State officials regarding the West Valley Remediation Act legislation.	Paul Piciulo; NYSERDA	04/25/07
Provide the CTF with a copy of the U. S. Environmental Protection Agency's letter regarding their participation in the Core Team process and other Core Team member correspondence.	DOE	As available
Schedule Greg Tucker to address the CTF on erosion modeling	DOE	04/25/07
Inform the CTF on whether the concentrations in the plume are below 8pCi/L at any point.	DOE	04/25/07
Provide the Task Force with monthly updates on the Core Team's progress.	DOE & NYSERDA	Monthly
PR Work Group members agreed to prepare a draft press release and Melinda Holland will facilitate the consensus process described in the PR Guidelines.	PR Work Group	04/13/07
Provide the CTF with information on the laws or regulations regarding closed meetings by government agencies as regards the Core Team meetings.	DOE & NYSERDA	04/25/07
Provide Diane D'Arrigo with information on the radiological testing of surplus equipment that DOE plans to auction.	S. Allen, WVNSCO	04/13/07

**Documents Distributed**

<b>Document Subject</b>	<b>Document Description</b>	<b>Date; Generated by (if applicable/known)</b>
03/28/07 Agenda	Agenda	Holland; 03/24/07
February 28, 2007 CTF Meeting Summary	Summary	Holland; 01/06/07
DOE Presentation "Project Update"	Presentation	Bower; 03/28/07
DOE Presentation "The Way Ahead - A Potential Path Forward Proposed by the WVDP Core Team"	Presentation	Bower; 03/28/07
NYSERDA Presentation "Reaction to the Way Ahead"	Presentation	Gerwitz; 03/28/07
NYSERDA Letter to DOE "DOE's Assessment of Options to Mitigate the Spread of the N. Plateau Ground Water Plume"	Letter	NYSERDA; 03/23/07
NYSERDA Letter to DOE; "NYSERDA Support for Development and Implementation of a Preferred Alternative"	Letter	NYSERDA; 03/05/07
03/05/07 Press Relations Work Group Conference Call Summary & CTF Press Release Guidelines	Summary	Holland; 03/6/07
CTF Press Release Template	Template	Attridge; 03/28/07
NRC Letter to Lee Lambert Regarding the N. Plateau Ground Water Plume	Letter	NRC; 02/08/07
Memo "Questions in Preparation for the April 25, 2007 CTF Meeting"	Memo	CTF; 02/27/07
Compilation of News Articles	News Articles	Press; March 2007
NYSERDA Letter to NRC; "NRC Action is Needed to Address Sr-90 Contamination in Ground Water at the WNYSC"	Letter	NYSERDA; 03/06/07