

To: West Valley Citizen Task Force
From: Cindy Cook and Bill Logue, Citizen Task Force Facilitators
Date: February 8, 2008
Subject: **Summary of the January 23, 2008 Meeting**

Next Meeting

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

Time & Date: **7:00 – 9:30 PM, February 27, 2008**
Location: Ashford Office Complex
9030 Route 219
West Valley, NY

Note: All participants must be United States citizens and must bring photo identification. If you have questions or comments regarding the upcoming meeting or about this summary, please contact Bill Logue (860-521-9122, bill@loguegroup.com) or Cindy Cook (802-223-1330, ccook@adamantaccord.com).

CTF Participants

CTF Members and Alternates attending: Joe Atkinson, Mike Brisky, Rob Dallas, Judy Einach, Chris Gerwitz, Mike Hutchinson, Steve Kowalski, Lee Lambert, Joe Patti, Chris Pawenski, John Pfeffer, Pete Scherer, Warren Schmidt, Tim Siepel, Ray Vaughan, Eric Wohlers.

Agency Participants and Observers

Department of Energy (DOE): Cathy Bohan, Bryan Bower, Moira Maloney, Ben Underwood
New York State Energy Research and Development Authority (NYSERDA): Tom Attridge, Paul Bembia, Hal Brodie, Andrea Mellon, Paul Piciulo
West Valley Environmental Services, LLC (WVES): Sonja Allen, Ken Alkema, John Chamberlain
New York State Department of Environmental Conservation: Pat Concannon, David O'Hehir, Robert Phaneuf, Tim Rice, Lynn Winterberger, Barbara Youngberg
U.S. Environmental Protection Agency: Jeanette Eng, Paul Giardina
U.S. Nuclear Regulatory Commission: Chad Glenn, Mark Roberts, Keith McConnell (via telephone)
Observers: About two dozen observers were present for the Quarterly Public Meeting. A number of these individuals stayed for the Citizen Task Force Meeting.

Meeting Summary

Cindy Cook and Bill Logue welcomed the group. The meeting documents and the meeting agenda were provided at the outset of the Quarterly Public Meeting which preceded the CTF Meeting.¹ During the break between the two meetings the facilitators informally reviewed administrative issues with CTF members. These included minor corrections to the November Meeting Summary, a preliminary

¹ The documents are listed at the end of this summary and may be found at www.westvalleyctf.org

invitation to participate in a conference in March at Lake Forest College in Illinois, potential future agenda items, and the status of website revisions.

Quarterly Public Meeting

Prior to the CTF meeting, DOE, NYSERDA and other Core Team agencies presented the Preferred Alternative recommended by the Core Team. The presentations are available with the CTF meeting materials on the Citizen Task Force website. A number of CTF members and alternates attended.

The Quarterly Public Meeting presentation is not summarized here; however, several CTF members asked questions, expressed concerns and noted their appreciation. Issues not previously addressed in CTF meetings included:

- Appreciation of the significant work contemplated in the Preferred Alternative and the fact that the work does not preclude a clean closure. Several members are concerned that the Core Team Preferred Alternative defers final decision on a number of significant issues. They asked how DOE and NYSERDA could guarantee, or otherwise commit, that a final decision on those issues would occur within the 30-year time frame proposed in the Core Team recommended Preferred Alternative.
- Paul Bembia noted that New York State Department of Environmental Conservation (NYSDEC) could make this a requirement within their permits and licenses. Bob Phaneuf of NYSDEC confirmed that NYSDEC permits will be periodically reviewed, and that NYSDEC will review the monitoring data, and may also require submissions regarding new waste management technologies and the availability of off-site disposal, etc.
- CTF members encouraged the agencies to continue to investigate cost and technologies for exhumation of the SDA and NDA. Bryan Bower noted that the EIS would include a number of studies and that under the phased approach additional studies would be performed. Paul Bembia noted that NYSERDA was discussing the possibility of a pilot exhumation study and that conceivably NYSDEC could require such a study as part of its regulatory review process. Water infiltration at the West Valley site presents exhumation problems that other sites do not have to address. Members noted that a commitment to action will spur technological design as happened with the vitrification process.
- A member encouraged the agencies to continue monitoring. This not only protects public health but acts to maintain public confidence. He also encouraged the agencies to seek public input into modifications of monitoring programs. Bryan Bower noted that as facilities are removed the level of monitoring will likely decrease because some potential exposure sources will no longer exist. Paul Bembia noted that SDA monitoring will not be decreased. The Annual Site Environmental Report describes the monitoring program and results.

CTF Meeting

The CTF ceded some of its meeting time to the Quarterly Public Meeting and therefore only a brief meeting was held in which CTF members and the Core Team members engaged in a dialogue about the Core Team Preferred Alternative.

Several CTF members expressed appreciation for the progress the Core Team has made considering the difficulty of the issues and relationships that had existed only a year ago. In particular they noted that clean closure options are not foreclosed, that the Main Plant Process Building will be removed and that the source of the plume will be addressed. Several Core Team members noted that, during the discussions, the agencies had looked closely at, and been influenced by, the 1998 CTF Final Report. They also noted that if future issues – primarily the tanks and burial grounds – resulted in exhumation or removal that there is no federal repository to receive them. The lack of a political solution overshadows steps toward a clean closure. Several CTF members noted that they had heard that the proposed Yucca Mountain repository had not resolved all technological issues, including water infiltration. Paul Giardina of EPA emphasized that the absence of a facility that will accept waste from West Valley is a major sticking point. Until such a facility is operating, the high-level waste has to be managed on-site. Mr. Giardina encouraged the CTF to actively consider its position regarding the Yucca Mountain facility, emphasizing the inability of agencies to act politically, as opposed to that freedom allowed individuals and groups such as the CTF.

CTF member Ray Vaughan encouraged the agencies, and DOE in particular, to use a probabilistic risk assessment in the EIS. Such an assessment would result in a range of possible outcomes over a period of time. Chad Glenn of the NRC noted that the Commission has supported probabilistic assessment but that the licensee (or whoever is preparing the Decommissioning Plan) may choose to use a deterministic assessment with the understanding that it must be adequately justified. The implication being that with a deterministic risk assessment the standard for justification may be higher. Bryan Bower noted that a hybrid assessment could be performed and that the central issue was how the assessment outcome is used to make an informed decision.

Mr. Vaughan also noted that the CTF and public are facing institutional issues and roadblocks in decommissioning the West Valley site. He stated that these issues should not be postponed until the EIS public comment period, as suggested by the Core Team, but should be addressed as early as possible. As an example, he encouraged the Core Team to analyze and develop information on what waste forms will meet acceptable disposal criteria and what work is needed to better understand how to prepare the waste tanks for disposal.

The group discussed the basis of the previous EIS cost estimates for exhumation of the disposal areas. The volume of waste that will need to be removed will affect cost significantly. The Core Team has not yet had the opportunity to assess the basis of these estimates. Several CTF members noted the importance of analysis regarding the SDA waste volume estimates made by the agencies in relation to trench volume. A significant issue is whether contamination has migrated from the burial trenches, and

how much earth from the margins of the trenches will need to be removed. Several members felt that the assertions made by the agencies with respect to these issues are inconsistent.

Several CTF members noted that, while the Core Team Preferred Alternative has merit, they believed that it did not seem to qualify as a decommissioning alternative for either the DOE-NYSERDA EIS or the NRC Decommissioning Plan because major decisions are deferred. Their understanding is that a deferred decision cannot be evaluated in an EIS or Decommissioning Plan and therefore do not qualify as decommissioning decisions. In addition, Judy Einach noted that the Coalition on Nuclear Wastes at West Valley was concerned that the Preferred Alternative recommended by the Core Team did not meet the requirements set forth in the 1987 Stipulation of Compromise, because the proposed EIS is not as comprehensive as that envisioned in the Stipulation. She encouraged DOE to engage in a discussion to ensure that the Core Team recommended Preferred Alternative would satisfy the Stipulation.

Observer Comments

There were no observer comments during the CTF meeting.

Action Items

Action	Assigned To	Due Date
Arrange Agenda Work Group Call	Cook/Logue	2/8/08
Arrange Orientation & Refresher Session for new members and other interested individuals	Logue/Cook	2/15/08
Solicit interest in attending Illinois conference	Cook/Logue	2/1/08

Documents Distributed

Document Description	Date; Generated by
Agenda	Cook/Logue; 1/23/08
History of the WVDP Decommissioning and/or Long-Term Stewardship EIS - WVDP Quarterly Public Meeting	DOE; 1/23/08
Preferred Alternative Recommended by Core Team - WVDP Quarterly Public Meeting	DOE;1/23/08
Preferred Alternative for the State-Licensed Disposal Area - WVDP Quarterly Public Meeting	NYSERDA; 1/23/08
Memo: Issues the Core Team Needs to Address	Ray Vaughan; 1/15/08
Compilation of News Articles	NYSERDA