

To: West Valley Citizen Task Force  
From: Cindy Cook and Bill Logue, Citizen Task Force Facilitators  
Date: June 14, 2008  
Subject: **Summary of the May 28, 2008 Meeting**

## Next Meeting

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

Time & Date: **7:00 – 9:30 PM, June 25, 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](mailto:bill@loguegroup.com)).

## CTF Participants

**CTF Members and Alternates attending:** Joe Atkinson, Rob Dallas, Judy Einach, Robert Engel, Chris Gerwitz, Gladys Gifford, Mike Hutchinson, Steve Kowalski, Paul Kranz, Lee Lambert, Joe Patti, John Pfeffer, Pete Scherer, Tim Siepel, Ray Vaughan, Eric Wohlers.

## Agency Participants and Observers

*Department of Energy (DOE):* Bryan Bower, Desi Crouther, Moira Maloney, Ben Underwood  
*New York State Energy Research and Development Authority (NYSERDA):* Tom Attridge, Paul Bembia, John Kelly, Andrea Mellon, Paul Piciulo  
*West Valley Environmental Services, LLC (WVES):* Sonja Allen, Ken Alkema, John Chamberlain  
*U.S. Nuclear Regulatory Commission:* (by telephone) Chad Glenn, Keith McConnell  
*Observers:* Hillary Bowen, Joanne Hameister

## Introductions

Bill Logue and Cindy Cook welcomed the group and reviewed the agenda and meeting documents.<sup>1</sup> Bryan Bower introduced Desi Crouther of DOE. CTF members welcomed the return of Pete Scherer and new alternate Robert Engel (Alternate for Tim Siepel). Paul Bembia noted that Paul Tonka is resigning as president of NYSERDA to run for congress. He also announced that Tom Attridge has been named Program Manager for the State Licensed Disposal Area and Retained Premises and introduced John Kelly who is joining NYSERDA as Program Manager for the West Valley Demonstration Project and End-State Planning. The facilitators advised the CTF that EPA had provided a video of a presentation on the Yucca Mountain Repository and that it will be made available to CTF members on DVD.

In June NYSDEC staff will make a presentation to the CTF regarding NYSDEC's regulatory role at the West Valley site, and WVES will present on the interrelationship of the regulatory processes, and the opportunities for CTF and public involvement in each of these processes. Ray Vaughan asked that NYSDEC be prepared to discuss RCRA standards and the relationship to NEPA requirements.

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<sup>1</sup> The documents are listed at the end of this summary and may be found at [www.westvalleyctf.org](http://www.westvalleyctf.org)

## CTF Letters Re Project Funding

**May 2 Letter Re DOE 2010 Budget.** The facilitators noted that the email exchanges among CTF members in drafting the letter to DOE concerning the 2010 DOE budget had raised questions about:

- the extraordinary amount of time that has elapsed since the EIS process started for the West Valley site, and
- the disposal problems associated with a site that was intended to be a demonstration project.

Several CTF members indicated support via e-mail for language speaking to these issues. The facilitators consulted with the person who initially suggested adding language about the above issues, and with Lee Lambert, who had volunteered to take the lead on letter development. The consensus was that the letter ought to focus on the Office of Environmental Management's internal budget process, and that the CTF may discuss these broader policy issues at some point in the future.

**March 26 Letter to Congressional Delegation.** Mike Hutchinson reported that Representative Kuhl had spoken with leadership at DOE and with EPA Regional Administrator Alan Steinberg. Judy Einach reported that Senator Schumer had met with WVES Project Manager Admiral Albert Konetzni and advocated for full project funding, and that the Senator's office intends to send a formal reply to the CTF. Lee Lambert reported that Senator Clinton's office had no record of receiving the letter and that another copy had been faxed. She will follow up soon.

## Presentations

Bryan Bower of DOE presented a general overview of the West Valley Site facilities, then a presentation on the Decommissioning Plan. Tom Attridge of NYSERDA presented on the State Licensed Disposal Area (SDA) aspects of the Decommissioning Plan. Zintars Zadins of SAIC presented on the Proposed Phase 1 Decommissioning Plan Approach. The presentation materials are comprehensive and self explanatory. They may be found with the May 2008 meeting materials at [www.westvalleyctf.org](http://www.westvalleyctf.org). The following are highlights and points of discussion raised by CTF members.

### *West Valley Site Overview*

Bryan Bower reviewed the history of the WVDP including vitrification, waste shipment and facility removal to date. He reiterated the goals for the interim end state (end of FY 2011):

- decontaminating and deactivating the Main Plant Process Building (MPPB),
- shipping off-site of low-level radioactive waste (LLW),
- removal of unneeded facilities, and
- upgrades for containment and management of a) the NRC-licensed disposal area (NDA) by installation of the cap and cover, b) the underground radioactive tanks and vaults by installation of the drying system, and c) placement of a mitigation barrier at the leading edge of the North Plateau groundwater plume.

Proposed work for Phase 1 decommissioning (2011-2018) includes:

- relocation of the high-level waste (HLW) canisters to onsite shipping-ready storage,
- removal of the MPPB to gain access to the source areas of the groundwater plume,

- removal of the LLW waste water treatment facility including the lagoons, and removal of facilities not needed to maintain the tank farm,
- remediation of the source area of North Plateau Groundwater Plume, and
- NDA and general site monitoring and maintenance.

Mr. Bower noted that during the ongoing assessment period the HLW tank farm, non-source areas of the plume and the NDA and SDA will remain on site. Ray Vaughan commented that, in addition to increased regulatory requirements and economics, one of the reasons West Valley Nuclear Fuel Services ceased operations in the early 1970's was difficulty keeping workers' annual exposure below the 5.0 rem/year standard.

Mr. Bower and Mr. Bembia noted that the stormwater runoff from the caps on the burial grounds requires a State Pollutant Discharge Elimination System (SPDES) permit. Under the permit for the SDA, discharge is sampled twice a year for radiological and other water quality parameters and the surrounding area is monitored for erosion.

Mr. Bower will provide the CTF with the location and dimensions of the North Plateau groundwater plume and how the placement of the barrier wall will intercept the plume. He also noted that the Construction Demolition Debris Landfill (CDDL) contains construction debris and other waste material that was disposed in a former gully. Gladys Gifford commented that the groundwater plume is likely to behave differently as it travels through the CDDL than it does in native soil.

**State-Licensed Disposal Area (SDA).** Tom Attridge presented on the SDA including environmental monitoring, regulatory compliance and operations and maintenance, and the recommended preferred alternative for the SDA. Mr. Attridge noted that the SDA is not part of the West Valley Demonstration Project, but the Draft Environmental Impact Statement will address the management of the SDA. He noted that ongoing monitoring will inform future decision making and that scientific and academic experts will assist NYSERDA in examining possible exhumation technologies, and improving erosion and groundwater monitoring and modeling. NYSERDA is currently holding internal discussions on what studies to conduct and is considering pilot programs. NYSERDA surveys the SDA annually for potential subsidence. A small depression was located and repaired several years ago. NYSERDA is developing a long term plan for erosion monitoring and management program for the SDA, as required by NYSDEC.

Judy Einach asked how NYSERDA intends to manage the SDA after the conclusion of the 30 Year Assessment period. Mr. Attridge responded that NYSERDA is studying possible exhumation technologies, and may conduct a pilot exhumation during the assessment period. These studies will help inform NYSERDA on the long-term management options for the SDA. He noted that most exhumation experience is at western sites with considerably drier conditions than those at West Valley. Ray Vaughan noted that he was encouraged by the recent NYSDEC report that recommends a pilot exhumation study for both the SDA and NDA using a combination of federal and state funds. ([www.dec.ny.gov/chemical/43501.html](http://www.dec.ny.gov/chemical/43501.html))

**Thirty-Year Assessment Period.** In response to questions about the rationale for phased decommissioning and the 30-year ongoing assessment period, NYSERDA, DOE and NRC noted that the Core Team agencies agreed that the 30-year period is appropriate but that the agencies had different

rationales. NYSERDA would like to see improvement of the uncertainty of the long-term performance assessment modeling. NRC would like to see disposal pathways for “orphan” wastes become available. Bryan Bower noted that the Core Team dialogue on the issue was healthy and productive. CTF members expressed concern that while current agency participants seem to have developed effective working relationships and are focused on common objectives, turnover in agency representatives could lead to serious misunderstandings in the future that might delay cleanup.

### ***Decommissioning Plan***

Mr. Bower presented on the WVDP Decommissioning Plan, noting that it was based on the presumptive preferred alternative for the DEIS but that no decision had yet been made because the NEPA process is not yet final. He noted that site decommissioning will meet established NRC criteria as set forth in the License Termination Rule (LTR) and the NRC Final Policy Statement for West Valley. The Decommissioning Plan will be delivered to NRC concurrently with the release of the DEIS in the fall of 2008. NRC will then issue a Technical Evaluation Report in late 2009 (estimated) following the final EIS and prior to the EIS Record of Decision.

Decommissioning options include:

- 1) unrestricted release suitable for reuse with no controls based on meeting 25 mrem/year or less under the “as low as reasonably achievable” (ALARA) standard;
- 2) restricted release with institutional controls (fences, deed restrictions, etc.) that would meet the 25 mrem/year standard and, if institutional controls fail, a maximum 100 mrem/year exposure; and
- 3) ongoing license with active control of the site and monitoring where off-site exposure would be less than 100 mrem/year, and, if institutional controls are lost, a maximum of 500 mrem/year for intruder exposure.

When developing cleanup standards, DOE must demonstrate that further reductions are not technically achievable, are prohibitively expensive or would result in net public or environmental harm. For Phase 1, DOE intends to meet the unrestricted release requirements for all actions. Doing so keeps open all potential options for Phase 2 decisions for the remaining facilities. It was clarified that a curie is a measure of the amount of radiation emitted from a source, and a mrem is a measure of the radiation to which an individual is exposed.

Judy Einach encouraged DOE to actively consider potential engineering solutions for those parts of the site that will not be cleaned up until Phase 2. In particular, she requested that DOE and NYSERDA begin a pilot study for the exhumation of the NDA and SDA.

### ***Proposed Phase 1 Decommissioning Plan Approach***

Zintars Zadins of SAIC<sup>2</sup> presented the Phase 1 Decommissioning Plan Approach. He reiterated the plans for the Phase 1 decommissioning. His presentation is located with the May 28, 2008 meeting materials at [www.westvalleyctf.org](http://www.westvalleyctf.org).

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<sup>2</sup> SAIC is the firm that is preparing the Draft Environmental Impact Statement.

Mr. Zadins provided an overview of the decommissioning actions for the MPPB and vitrification facility and associated piping and tanks, relocating the HLW canisters, installation of barrier walls to support excavation and isolation of the plume, removal of pilings to the base of the excavation and backfilling with clean native soils. He noted that the remediation effort would likely require dewatering of the excavation area. Mr. Zadins will provide an estimate of the volume of soils to be removed as part of the remediation of the plume source area under the MPPB, a map of sample bore hole locations, and the results of these samples. In response to a question from Eric Wohlers, Mr. Zadins noted that the geoprobe sampling in the MPPB area was conducted between 10 and 15 years ago.

Other Phase 1 actions include removal of the LLW Treatment Facilities, including removal of the lagoons and neutralization pit and interceptors, backfilling the excavations and removing a number of structures and floor slabs. Paul Bembia raised the question about whether the lagoon removal work might provide an opportunity to regrade and re-engineer the area to prevent erosion along Erdman Brook. Mr. Zadins indicated that this could be considered as part of the decommissioning work plan. Monitoring and maintenance will continue for the HLW tanks, the NDA, the CDDL, the non-source area of the remaining North Plateau groundwater plume and other areas of soil contamination.

### **Decommissioning Plan Scoping Meeting held May 19**

On May 19<sup>th</sup> DOE and NRC held a meeting on the scope of the Decommissioning Plan. Ray Vaughan reported that he participated as an observer via video conference. He noted that he was pleased with the decision that Phase 1 will meet the unrestricted release standard. He expressed concern about several aspects relating to Phase 2. He suggested that the CTF hold time at a meeting in the near future to review the fall 2007 letter from NRC and the 2004 agreement between NRC and DOE. He also noted a concern that environmental monitoring and control responsibility be clearly defined and noted the North Plateau groundwater plume as an example of an issue that was delayed because it wasn't clear who was responsible. Mr. Vaughan noted that the NRC license for the site is an operating license, not a perpetual care license, and that this may complicate NRC's role in the long-term regulation of the site.

Mr. Vaughan commented that he feels that it is good news that DOE plans to clean up the MPPB area to unrestricted release standards, but noted that details are important. He raised a number of questions and issues including:

- 1) for the MPPB, leaving several feet of contaminated Lavery till may not meet the ALARA;
- 2) NRC does not appear to be requiring (as it normally does) upfront sampling to determine if the plume contamination has migrated down the building pilings into the Kent Recessional;
- 3) full understanding of the relationship of the SDA to the decommissioning plan and how this relates to the termination of the Part 50 license; and
- 4) whether the dose contribution from the SDA can be considered separately from the remainder of the site or if the site must be considered as a whole for purposes of calculating dose rates.

Paul Bembia noted that the SDA has a separate license and that NYSDEC will adopt a New York State version of the radiation standards set for in the LTR. Keith McConnell of NRC offered that someone from NRC can give a presentation to the CTF on the relationship of the SDA and LTR.

## Next Meeting

Ray Vaughan asked that the NYSDEC presentation include information regarding the relationship of the state RCRA process to the NEPA process. Lee Lambert asked that someone from NYSDEC brief the CTF on the NYSDEC report regarding the West Valley site that was issued recently. The facilitators asked CTF members to email questions for them to present to NYSDEC to help the agency prepare for the June meeting.

## Observer Comments

Alternate Gladys Gifford thanked DOE and NYSERDA for conducting the site tour prior to the CTF meeting.

## Action Items

Action	Assigned To	Due Date
Distribution of Yucca Mountain Presentation DVD	Logue/Cook	TDB
Dimension of Plume at Barrier Wall	Bower	6/25/08
Volume of soil to be removed as part of MPPB removal & bore hole locations and sampling results beneath the MPPB	Zadins	6/25/08

## Documents Distributed

Document Description	Date; Generated by
Agenda	Logue/Cook; 5/28/2008
West Valley Site Overview	DOE; 5/28/2008
WVDP Decommissioning Plan	DOE; 5/28/2008
Proposed Phase 1 Decommissioning Plan Approach	DOE/SAIC; 5/28/2008
DOE-NRC Meeting on Decommissioning Plan (handout)	NRC; 5/19/2008
CTF Agenda Work Group Conference Call Summary	Logue/Cook; 4/29/2008
CTF Letter to DOE concerning 2010 Environmental Management Budget	CTF; 5/2/2008
Town of Concord Resolution requesting air monitoring be continued	4/10/2008
Compilation of News Articles	NYSERDA; 4/23/2008