

To: West Valley Citizen Task Force
From: Bill Logue, Citizen Task Force Facilitator
Date: February 23, 2009
Subject: **Summary of the February 10, 2009 Meeting**

Next Meeting

The next Citizen Task Force Meeting will be:

Time & Date: **7:00 – 9:30 PM, February 25, 2009**
Location: Ashford Office Complex
9030 Route 219
West Valley, NY

There will also be meetings March 11 and March 25, 2009 from 7:00 – 9:30 PM.

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).

CTF Participants

CTF Members and Alternates attending: Judy Einach, Robert Engel, Mike Hutchinson, Lee Lambert, Anthony Memmo, Joe Patti, Pete Scherer, Warren Schmidt, Tim Siepel, Bill Snyder, Ray Vaughan, Eric Wohlers.

Agency Participants and Observers

Department of Energy (DOE): Cathy Bohan, Bryan Bower, Ben Underwood.

New York State Energy Research and Development Authority (NYSERDA): Tom Attridge, Paul Bembia, John Kelly, Andrea Mellon, Dave Munro.

West Valley Environmental Services, LLC (WVES): Charles Biedermann, John Chamberlain, Steve Warren.

Observers: Joanne Hameister.

Introductions and Announcements

Bill Logue welcomed the group and reviewed the agenda and meeting documents.¹ He noted that Julie Sirianni resigned as a CTF member and will be moving out of state. The CTF agreed that Warren Schmidt become a full member and that he and Mike Brisky would each be alternate for the other. Oral argument on the appeal by the Coalition on West Valley Nuclear Wastes will be heard the week of March 9 at the 2nd Circuit U.S. Court of Appeals. Bill Logue reminded the group that by the end of March the CTF should send the NRC comments on any Decommissioning Plan issues for possible inclusion in the NRC Request for Additional Information.

Bryan Bower noted that the stimulus bill was in conference committee to reconcile differences between the House and Senate bills. The Senate package includes \$500 million in non-defense Environmental Management funds, which would include the West Valley Demonstration Project (WVDP), and the House bill does not include any funds. DOE and NYSERDA asked CTF members to remind their constituents that while the informal dialogue, issues and questions raised and answered in CTF meetings

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

is invaluable, they do not replace the formal NEPA comment process. Only through the formal NEPA process will each question and comment on the recently-released DEIS be received and responded to.

CTF Discussion

CTF members, DOE and NYSERDA engaged in a wide ranging discussion. Many of the questions in the CTF caucus meeting of January 14 were addressed. CTF members made the following points:

- The Phased Decision Making Alternative or Preferred Alternative (PA) should study the impact of levels of employment over time. In the PA, after the 7-8 years to implement phase 1 about 50 employees would be on site until the phase 2 decision is made having a negative local impact. Mr. Bower noted that the PA phase 2 decision would be made in *no more* than 30 years.
- The CTF encouraged the agencies to commit to an ongoing public involvement process as future decisions are made. Mr. Bower noted that because no decision has been made they could not make a commitment at this time but noted that this was an appropriate topic for a formal comment. Mr. Bembia noted that some of the regulatory agencies have formal public involvement mechanisms in their permitting processes and stated that the New York State Department of Environmental Conservation (NYSDEC) had shared information regarding public involvement at a CTF meeting last year. Bill Logue said he would look back at the meeting materials and send that information to the CTF members.
- A CTF member stated that it was important to determine a path moving forward given the time it will take to conduct the work. The potential for loss of information, files, and institutional memory exists and should not be left as a burden on future generations.
- CTF members stated that their ultimate goal is the full cleanup of the site allowing for unrestricted release and engaged in a lively dialogue about whether it was more effective to achieve this by supporting site-wide cleanup or the PA.
- A CTF member noted the importance of sharing ideas and techniques across DOE sites, something that has not always been done. Mr. Bower noted that former Assistant Secretary for Environmental Management, James Rispoli had established a program of “corporate boards” for high-level, low-level and TRU waste. Several WVDP staff members participate on the boards.
- The CTF discussed whether they should join other groups in requesting an extension to the DEIS comment period. Members encouraged DOE to increase opportunities for public participation in the comment process and to seriously consider the request of other groups, but chose not to request an extension at this time.
- The CTF agreed to begin compiling DEIS comments for the next meeting. The initial comments should fall into either substantive comments or comments regarding the ongoing public process.

DOE and NYSERDA clarified the following points:

- If the PA becomes the Record of Decision (ROD), phase 1 studies identified in the Draft Environmental Impact Statement (DEIS) include: sampling and characterization of

contamination; evaluation of technical options for exhumation and perhaps a demonstration exhumation; evaluation of engineered barriers considered for the close in place option; and data collection for stream gauges, sampling for erosion and groundwater modeling. The Core Team members will help define the scope of this work.

- Mr. Bower noted that the close in place option was included in the DEIS so as not to prejudice a final decision. Mr. Bembia noted that the studies of engineered barriers are needed to assess the efficacy of the close in place option.
- In response to a question about whether the New York State Environment Quality Review Act would be applicable during phase 2, Mr. Bembia noted that performance of the site controls during that period will be important, as will the results of any studies, the development of new technologies and the resolution of issues such as the disposal of orphan waste.
- DOE provided a graphic that depicts the inventory of radionuclides on site and the rate of decay over time. Mr. Bembia noted the graphic did not include nickel-63, with a half-life of 100 years, and tritium, with a half-life of 12.3 years, which are in the State Licensed Disposal Area (SDA) and the NRC-Licensed Disposal Area (NDA).
- John Kelly of NYSERDA stated that the agency would be conducting visits to several sites to view exhumation technology in use. Mr. Bembia noted that, unlike West Valley, many of these sites are dry with little water infiltration and wet weather conditions. He also noted that NYSERDA was looking at sprung structures for containment that could be used and moved to conduct exhumation. They will be looking at associated exhumation issues including potential savings, airborne transport and dose rates. Mr. Kelly noted that the structures have been used at the Los Alamos and designs have improved over time. Mr. Bower noted that sprung structures have been used at the Idaho National Laboratory. At West Valley five sprung structures have been used, with two failing over time.
- NYSERDA will examine transuranic waste (TRU) disposal costs. The DEIS estimate of \$1.5 billion is based on disposal costs for the Yucca Mountain repository. Currently there is no repository for West Valley TRU wastes. No additional analysis of the inventory of the SDA trenches has been conducted since 2002, and NYSERDA feels the 2002 data is the best that will ever be generated.
- WVES is currently developing a plan for the demolition of the Main Process Plant Building (MPPB). This includes analysis of dose considerations to operators when they physically enter cells and if large equipment is used to conduct some of the work.
- The Construction and Demolition Debris Landfill (CDDL) does not contain radioactive waste. Groundwater and soil sampling was conducted in the fall of 2008 upgradient and downgradient of the CDDL to better map the leading edge of the area of Strontium-90 contaminated groundwater. Potential materials to adsorb the Strontium-90 from groundwater have been considered and tests on two materials are being conducted at the University of Buffalo (UB). The materials are natural clay-like materials that Strontium binds to as the water passes through it. Other charged atoms (ions) also bind to the materials and may limit the amount of Strontium that can be adsorbed. Calcium is of primary concern. The testing at UB is focused on how these

ions interact. The Core Team recommended alternative for phased decommissioning calls for removal of the MPPB and excavation of the highest concentrations of Strontium near the MPPB and associated long-lived radionuclides that do not readily move in groundwater. On decay, Strontium-90 becomes Yttrium, a short-lived beta emitter, which then decays to Zirconium, a non-radioactive mineral.

- Erosion control measures for the SDA include monitoring and maintenance with regular walk-overs. The steep north slope is monitored through the use of spaced stakes and annual topographic surveys of the trench caps. No movement has been discerned in quite some time. As part of the NYSDEC permit renewal, there will be an erosion monitoring plan and a maintenance and control plan. These will include an ongoing photographic record, more visual inspections and more detailed topographic studies. An erosion mat has been placed in one location and two gullies will be repaired on the east side of the SDA during the next construction season. An independent erosion monitoring team has been established to provide advice and recommendations. The members are: Sean Bennett (University of Buffalo), Michael Wilson (SUNY Fredonia) and Robert Fakundiny (former NYS Geologist). DOE is looking at the use of erosion control mats, possible rip-rap of several areas and has asked the Army Corp of Engineers for advice. The SDA and NDA caps are designed with detention basins that meter out water slowly so as to reduce erosion. Several CTF members noted that severe storm events could overwhelm any of these mechanisms. Paul Bembia noted that during the 1998 rain storm event, the SDA geomembrane covers/detention basins worked fine.
- The Derived Concentration Guideline Level (DCGL) are based on the 25 and 100 millirem/year and are dependent on the activity being undertaken. Nu-Reg 1757 volume 2 sets this forth. The DCGL for the MPPB is contained in the Decommissioning Plan in section 5.

CTF Caucus

The CTF held a brief caucus to discuss initial decisions on comment strategy and organization. The outcomes of that are contained with the public dialogue summarized above.

Observer Comments

There were no observer comments.

Action Items

Action	Assigned To	Due Date
CTF preliminary comments to Bill Logue	CTF	2/20/2009
Distribute 2008 NYSDEC Presentation Materials to CTF	Bill Logue	2/25/2009

Documents Distributed

Document Description	Generated by; Date
CTF Letter to Congressional Delegation re Stimulus Funding	CTF; 2/4/2009

Document Description	Generated by; Date
US EPA Letter to DOE Office of Envir. Management re Stimulus Funding	EPA; 2/3/2009
Projected Inventory Over Time	DOE; 2/10/2009
Compilation of News Articles	NYSERDA; 2/10/2009