

To: West Valley Citizen Task Force  
From: Bill Logue, Citizen Task Force Facilitator  
Date: April 10, 2009  
Subject: **Summary of the March 25, 2009 Meeting**

## Next Meeting

The next Citizen Task Force Meeting will be:

Time & Date: **7:00 – 9:30 PM, April 7, 2009**

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:** Mike Brisky, Chris Crawford, Rob Dallas, Judy Einach, Gladys Gifford, Paul Kranz, Lee Lambert, Anthony Memmo, Joe Patti, Pete Scherer, Warren Schmidt, Tim Siepel, Ray Vaughan.

## Agency Participants and Observers

*Department of Energy (DOE):* Bryan Bower, 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):* Charles Biedermann, John Chamberlain.

*Observers:* Natalie Condor-Smith (Springville Journal), Joanne Hameister, Kathy Kellogg (Buffalo News), Phil Quinlin (Congressman Massa's Office), Alvin Schuster.

## Introductions and Announcements

Bill Logue welcomed the group and reviewed the meeting documents.<sup>1</sup> The CTF welcomed Phil Quinlin of Congressman Massa's office who was present to observe the CTF meeting. Anthony Memmo of the Seneca Nation of Indians informed the CTF that the Tribal Council had passed a resolution supporting full exhumation of the West Valley site.

## CTF Discussion of Press Release/Oral Comments for DEIS Hearings

The CTF reviewed and approved the draft press release/oral comments for the public hearings. Several grammatical corrections were made. The comments will be read by the following CTF members at the public meetings on the Draft Environmental Impact Statement (DEIS): March 31, 2009, Seneca Nation of Indians – Anthony Memmo, April 1; 2009, West Valley, NY – Warren Schmidt; and April 2, 2009, Buffalo, NY – Judy Einach. Bill Logue will email it to the press and post it on the CTF website.

## CTF Discussion of Draft Comments on the Decommissioning Plan

Ray Vaughan reviewed comments he drafted on the Phase 1 Decommissioning Plan for the West Valley Demonstration Project (DP) for submission to the Nuclear Regulatory Commission (NRC) for consideration and inclusion in their Request for Additional Information to DOE. He noted that the DP parallels the DEIS. He provided a brief overview of each of his comments for the CTF and engaged in

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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)

discussion with the CTF. (The CTF subsequently agreed upon the comments, which are available with the March 25 meeting materials at [www.westvalleyctf.org](http://www.westvalleyctf.org).) The comments included the following points:

1. The Phase 1 DP will help work move forward but a Phase 2 DP will be needed.
2. The DP should state that it is only an interim plan and that a Phase 2 plan will be necessary before NRC and the public can determine whether the combined parts of the DP meet the decommissioning requirements prescribed by NRC under the West Valley Demonstration Project Act and set forth in NRC's License Termination Rule.
3. The DP Executive Summary is ambiguous concerning whether it is the only DP that will be submitted.
4. The language in the main body of the DP is less ambiguous concerning a Phase 2 DP but does not guarantee that one will be submitted. Language concerning the DP being a "living document" might allow the DP to evolve into a Phase 2 DP without public notice, comment or participation as required by NRC regulations. Therefore, a Phase 2 DP should be required.
5. With a Phase 1 DP that is interim, it cannot yet be determined if the combined Phase 1 & 2 DP's will meet the requirement for unrestricted site release.
6. If the Phase 1 & 2 DP's do not meet unrestricted release, the Phase 1 DP will be deficient because the NRC site requirements for public comment for restricted release will not have been met.
7. The Phase 1 DP is not clear as to whether it will meet the requirements for unrestricted release because the assertion is dependent on DOE assumptions that, if not met, may underpredict exposures. Given this, safeguards including public consultation should be provided.
8. The cover page disclaimer notes that the DP will be "revised as necessary" if the preferred alternative is not selected. In these circumstances the DP should be revised and resubmitted.
9. The DP should use probabilistic risk assessment rather than deterministic risk assessment to create a more transparent and neutral framework for calculations and assumptions.
10. Several areas of assessment in the DP are deficient including erosion modeling.

CTF members made several suggestions for language changes which were incorporated into the final comments. The language changes addressed an introductory sentence, comment 7 on public input, and comment 10 concerning lack of consensus in the scientific community on the reliability of long-term erosion modeling.

In reviewing the DP comments the CTF discussed several issues. A CTF member asked how many erosion studies had been performed. Paul Bembia stated that he believed more than six had been completed and that each of these studies addressed different issues such as time scales and spatial scales. He stated that the lack of consensus was largely focused on the landscape evolution models and that the preparers of the DEIS were comfortable with the results of those models as they are used in the long-term performance assessment while NYSERDA's experts were not comfortable with the results. Chris Crawford and Ray Vaughan discussed issues of risk assessment and sensitivity analysis. Ray Vaughan noted that DOE has used probabilistic risk assessment at other sites, but opted for a deterministic approach at West Valley. Paul Bembia described how a deterministic risk assessment works and the sensitivity analysis that is applied with the model. He noted that the results of these sensitivity studies are not incorporated into the main analysis of the DEIS. Because single values are used, NYSERDA feels

that this does not reflect the complexity of the real world and therefore probabilistic risk assessment would better predict uncertainties than deterministic risk assessment.

The CTF agreed that they would review and note any changes to the comments by Sunday March 29 and directed Bill Logue to forward the comments to NRC on March 30.

## CTF Discussion Concerning Comments on DEIS

After discussion the CTF agreed on the following schedule for continuing to develop comments on the DEIS:

Meeting Date	Comments due to Bill	DEIS Section
April 7	April 4	NYSERDA View, Chapter 2-4 and related appendices
April 22	April 19	Chapter 4 and following and related appendices
May 6	May 4	Any remaining chapter and appendices not addressed
May 27	May 20	Final integration of comments for submission
June 8	<b>COMMENTS DUE</b>	

## Observer Comments

Gladys Gifford stated that the Presbytery of Western New York would be adopting a resolution on the DEIS in the near future. Joanne Hameister of the Coalition on West Valley Nuclear Wastes inquired about NYSERDA being a member of the Core Team that helped develop the preferred alternative and a commenter, by way of the NYSERDA View in the DEIS, and how this might appear to be a conflict in roles. Paul Bembia explained that NYSERDA was a joint lead agency on the DEIS with DOE managing the EIS contract, EIS preparers and contractors. NYSERDA in reviewing the drafts had a number of technical disagreements, many of which were resolved in the DEIS. For those technical issues that were not resolved, NYSERDA provided its "view" for inclusion in the DEIS which allows the DEIS and work to move forward. NYSERDA will not be providing any further "comment" on the DEIS.

## Action Items

Action	Assigned To	Due Date
Disseminate Oral Comments/Press Release	Logue	3/26/2009
Read CTF Comments at Public Meetings on DEIS	Schmidt Memmo Einach	3/31/2009 4/1/2009 4/2/2009
Send DP Comments to NRC	Logue	3/30/2009

## Documents Distributed

Document Description	Generated by; Date
Oral Comments/Press Release on DEIS	CTF; 3/25/2009
DP Comments to NRC	CTF; 3/25/2009
Compilation of News Articles	NYSERDA; 3/25/2009