

To: West Valley Citizen Task Force
From: Bill Logue, Citizen Task Force Facilitator
Date: April 20, 2009
Subject: **Summary of the April 7, 2009 Meeting**

Next Meeting

The next Citizen Task Force Meeting will be:

Time & Date: **7:00 – 9:30 PM, April 22, 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).

CTF Participants

CTF Members and Alternates attending: Chris Crawford, Chris Gerwitz, Paul Kranz, Lee Lambert, Kathy McGoldrick, 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.

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

SAIC: Zintars Zadins.

Observers: Joanne Hameister.

Introductions and Announcements

Bill Logue welcomed the group and reviewed the meeting documents.¹ He noted the CTF's comments to NRC on the Decommissioning Plan (DP) had been submitted and that additional comments will be accepted for the next several weeks.

Bryan Bower of DOE informed the CTF that the West Valley Demonstration Project (WVDP) will receive \$74 million in stimulus funding. He also noted that NRC accepted the DP for technical review. Paul Bembia of NYSERDA stated that NYSERDA submitted comments on the DP to NRC and these are available to CTF members by request. Ben Underwood, counsel to DOE, stated that DOE is available to clarify issues raised by the CTF but to ensure the integrity of the National Environmental Policy Act (NEPA) process, DOE representatives would not engage in any dialogue which could be seen as influencing the comments of the CTF on the Draft Environmental Impact Statement (DEIS).

CTF Discussion Concerning Stance in Light of Public Comments

Ray Vaughan noted that he has been supportive of the phased decision making approach contained in the DEIS, however, he is reconsidering his stance in light of the comments by individuals, organizations

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

and on behalf of elected officials at the public meetings on the DEIS which support immediate site-wide removal. His support for phased decision making has been predicated on his interest in keeping the work moving forward. His difficulty with supporting site-wide removal at this time is that the data contained in the DEIS does not currently support this conclusion. John Pfeffer stated that he shares this concern. Kathy McGoldrick noted her concern that there is no venue for public participation in the phase 2 decision. Joe Patti stated that the CTF continues to be in favor of full cleanup but is conceding to the phased decision making approach with the goal of participating in and advocating for phase 2 decisions that would make the work safer and reduce costs thereby making total cleanup the selected decision in phase 2. For example, this might be done by looking at the removal of just the steel part of the HLW Tanks or removing the waste from the trenches but leaving the soil behind.

Tim Siepel asked if the others who commented at the public meetings were fully informed of the issues and complexities to the same degree the CTF is. Ray Vaughan stated that he believed they are but perhaps not as politically patient as the CTF. Warren Schmidt stated that all share the same goal of full cleanup. He added that he sees the first phase of the preferred alternative as a big step forward, and as long as there is a definition of Phase 2 soon, the preferred alternative is consistent with the CTF view.

Paul Bembia stated that NYSERDA has considered the public sentiment on the issue of future public participation as an area that needs to be clarified for phase 2. For decisions concerning the State-Licensed Disposal Area (SDA), because further studies are needed, NYSERDA will complete a second EIS including public participation elements. The agency is currently exploring whether this commitment may be included in the State Environmental Quality Review Act (SEQRA) findings statement. He also noted that the process for public comment during the ongoing assessment period needs to be improved and that the Core Team will be involved in discussions concerning this.

Several CTF members expressed concern that the DEIS will result in a Final EIS and Record of Decision (ROD) because the decisions appear to be interim in nature rather than final. A CTF member stated concern that DOE was not committing to a second EIS and that, if the ROD indicates there will be phased decision making, possible outcomes includes close in place or full clean up without further consultation. Mr. Bower noted that DOE feels the DEIS is sufficient to form a basis for decision making on the reasonable alternatives. The phased approach would provide time to explore any new questions such as the generation of orphan waste. He stated that under the preferred alternative, DOE could re-examine the conclusion that close in place is supported by the existing evidence. At the time of the Phase 2 decision, the need for a supplemental EIS or other NEPA documentation would be determined.

In response to a question about waste volumes transported Mr. Bower noted his recollection. He later clarified by email, stating that DOE-WVDP shipped and disposed over 1,000,000 cubic feet of waste over the last 12 years without a major incident. Under the Site-Wide Removal Alternative waste volume is calculated at approximately 50,000,000 cubic feet of low-level waste. Under the Preferred Alternative over 6,000,000 cubic feet of Low Level Waste would be expected to be removed from the site.

Paul Bembia noted that some of the problematic calculations in the DEIS will probably be corrected in the FEIS, and won't have to wait until the ongoing assessment period studies. One example is the transportation risk calculation associated with rail transport.

In discussion of comments on the DEIS, the CTF members clarified their understanding of the maximum dose levels allowed under the License Termination Rule (LTR). The 25 millirem/year or As Low As Reasonably Achievable (ALARA) specification in the LTR applies to the maximum dose under foreseeable circumstances over time when there is unrestricted release of the site or restricted release with institutional controls. The 100 millirem maximum dose is for situations where there is restricted release and a fallback maximum dose of 500 millirem if institutional controls fail. DOE may apply for alternate criteria if they believe they will not meet these standards. In past meetings DOE has indicated they have no intention of applying for alternate criteria. Ray Vaughan noted that some ambiguity exists between the LTR and the West Valley Demonstration Project Act (the Act). If DOE were to decommission the high-level waste tanks in the ground he believes this would constitute “disposal” with engineered barriers and therefore the LTR would apply. The criteria are applied to various scenarios for land use for a receptor (the individual being exposed, e.g., a farmer, hiker) to determine what the level of radioactive exposure is for that potential receptor.

Comments on DEIS Chapters 1 and 2

Three CTF members, Lee Lambert, Paul Kranz and Ray Vaughan, provided specific written comments on DEIS chapters 1 and 2 for discussion. (These are available with the meeting documents.) Lee Lambert’s comments addressed chapter 1. Paul Kranz’s addressed chapter 2 and Ray Vaughan’s both chapters. The CTF members engaged in a discussion concerning general concerns about the DEIS which are captured above. The CTF reviewed each comment individually and this is summarized as noted below. To better understand this summary it should be read in association with the draft comments. The accepted comments will be edited, similarly formatted, and compiled for review and final approval at a future meeting.

Chapter 1 Comments.

- Page 1-1 comment on “joint lead agencies” was dropped.
- Page 1-5 comment on splitting the EIS and implications of their titles will be edited to remove the reference to “illegal” and the names of the various documents will be verified.
- Page 1-5 comment on allowable doses will be edited and revised to reflect the clarification from the discussion noted above.
- Page 1-5 on the LTR will be edited to more fully address concerns of the CTF regarding the relationship of the LTR and the NRC Final Policy Statement on West Valley.
- Page 1-6 another question will be added on whether the disposal requirements of the Act apply?
- Page 1-8 the comment/question concerning NRC ability to disapprove the DOE plan at a later point was accepted.
- Page 1-8 concerning NRC resuming its regulatory role was accepted.
- Page 1-10 Section 1-5 the comment will be revisited at a later time.
- Page 1-14 Section 1.6.9 will be addressed as a question to DOE for information purposes and not included as a comment.
- Page 1-14 Section 1.6.11 concerning the wisdom of removing certain facilities if they might be needed during cleanup in the future was withdrawn as a comment.

- Ray Vaughan’s comment on chapter 1 will be revisited in the context of a preamble to the CTF comments.

Chapter 2 Comments

- Page 2.1 Section 2.1 concerning consistent use of the term DEIS was accepted.
- Page 2.1 Section 2.1 concerning reference to the “preferred alternative” was accepted.
- Page 2.1 Section 2.1 concerning the DEIS being tantamount to an interim remedial action was accepted and the CTF decided that it should also be included in edited fashion as a preamble to the CTF general comments.
- Page 2.18 Section 2.3.2.2 the comment was accepted and it was clarified that a “hardstand” is a gravel pad used for staging equipment.
- Page 2.27 Section 2.3.2.11 concerning the scrap material landfill was accepted.
- Page 2.31 Section 2.4 was accepted recommending the reference to a “preferred alternative”.
- Page 2-46 Section 2.4.3.2 concerning an upgradient barrier will be edited to indicate the text needs clarification to reflect what is planned for excavation of the source area of the North Plateau Ground Water Plume.
- Page 2-60 Section 2.6.4 concerning a clarification for the long term benefits of site-wide removal was accepted.

Observer Comments

There were no observer comments.

Action Items

Action	Assigned To	Due Date
DOE clarification of the status of DOE/EIS-0391(<i>Tank Closure and Waste Management EIS for the Hanford Site, Richland, Washington</i>) referenced in section 1.6.9 of the WV revised DEIS	DOE	4/22/2009
Edit comments on chapters 1 & 2	Lambert/Logue	4/21/2009

Documents Distributed

Document Description	Generated by; Date
CTF individual member draft comments	Various CTF members; 4/7/2009
Newspaper clippings distributed at the meeting	NYSERDA; 4/7/2009