

To: West Valley Citizen Task Force
From: Bill Logue, Citizen Task Force Facilitator
Date: December 30, 2009
Subject: **Summary of the November 18, 2009 Meeting**

Next Meeting

The next Citizen Task Force Meeting will be:

Time & Date: **7:00 – 9:30 PM, January 27, 2010**
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: Deb Aumick, Judy Einach, Anthony Memmo, Phil Quinlan, Pete Scherer, Tim Siepel, Bill Snyder, Ray Vaughan, Eric Wohlers.

Agency Participants and Observers

Department of Energy (DOE): Bryan Bower, Ben Underwood (via telephone).

New York State Energy Research and Development Authority (NYSERDA): Tom Attridge, Paul Bembia, Dave Munro (via telephone), Paul Piciulo.

West Valley Environmental Services, LLC (WVES): John Chamberlain, Sonja Allen.

Observers: Dan Evans, Don Giardini, Jessie Owen (Springville Journal).

Introductions and Announcements

Bill Logue welcomed the group and reviewed the meeting documents.¹

NYSERDA – Release of Property at the WNYNSC

Paul Bembia began the presentation by stating that NYSERDA was seeking feedback from the West Valley Citizen Task Force (CTF) concerning the possible release of a portion of the the Western New York Nuclear Service Center (WNYNSC) property. NYSERDA has made a similar presentation to the Ashford Town Board and will meet with the Nuclear Regulatory Commission (NRC) in the near future. He noted that 4-5 years ago the CTF and Ashford Town Board had engaged in discussions with the agencies concerning partial release of property and that in 2005 NRC had provided guidance concerning partial release from the NRC license. Such a release would allow the property to return to the public tax roll if it were transferred to private ownership.

Mr. Bembia reviewed the full boundaries of the WNYNSC, almost all of which is in the Town of Ashford and small portion of about 15 acres in the Town of Concord. After analysis, NYSERDA has identified two parcels for possible release. One is approximately 345 acres which is considered “non-impacted” and is

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

located to the southeast of the WVDP premises. The other is 4.5 acres in size that is considered "impacted," and resides within the bounds of this larger area and includes the Bulk Storage Warehouse (BSW). NRC terms an area "non-impacted" if there is no reasonable potential to contain radionuclide concentration(s) or radioactivity above background levels. He noted that the goals for selection include that the area is not impacted by reprocessing operations or West Valley Demonstration Project (WVDP) operations and its release will not impact the cleanup of the WNYNSC.

During commercial operations the BSW was used to store plutonium in overpack containers. The NRC license as a storage facility was terminated in 1975. The containers were surveyed and found not to be contaminated and were disposed of in the scrap material landfill. Although the containers are not contaminated, NYSERDA intends to exhume the containers prior to release of the area because it is under the consent order as a solid waste management unit and will be closed under RCRA standards prior to release. From 1982-2009 the BSW was used by DOE to store equipment. In July 2009 it was returned to NYSERDA by DOE.

Paul Piciulo of NYSERDA presented on how the candidate sites for partial release were selected. Screening criteria were applied which eliminated the WVDP area, rail spurs and reservoirs, State-licensed Disposal Area (SDA), aerial radiation survey areas, streams and some watersheds, and land not developable due to steep slopes. Once all of the screening criteria were applied the potential candidate area as described above was identified.

In 2005, NRC provided a process for release of the non-impacted portion of the center from the NRC license through the application of specific sections of 10 CFR 50.83 *Release of part of a power reactor facility or site for unrestricted use*. NYSERDA will propose using the sections of 10 CFR 50.83 that are applicable for release of an "impacted" area of the WNYNSC (i.e., the 4.5 acre area). NYSERDA will request a single license amendment for the impacted and non-impacted areas. The application will describe the area, provide a characterization of the area and the impacts to the license program, demonstrate compliance with NRC dose criteria and provide an environmental review. The NRC will review the application for completeness, at that point in time the application will also be available to the public for review and NRC will hold public meetings. The NRC will then perform a detailed technical review, and probably site inspections and confirmatory surveys. If NRC confirms compliance with its requirements, they will prepare any necessary NEPA document before approving license amendment. NYSERDA will ask that NRC consult with the public early in the process.

In response to a question, Mr. Piciulo noted that no firm documentation has been located concerning the license boundaries but they are being considered as the same as the bounds of the WNYNSC. Based on available information, the areas are classified under the NRC guidance as having a very low probability of contamination. Because of potential impacts to the license program, NYSERDA will be closely coordinating its actions with DOE.

To be released, dose compliance with 10 CFR 20.14.402 will need to be demonstrated. NRC will require records concerning the entire site to ensure that releasing portions of the site at different times will not result in a cumulative dose in excess of the dose criteria. Bryan Bower noted that this issue was

addressed in the Phased Decision-Making alternative and that with scenarios based on different receptors any residual dose is not necessarily additive.

Mr. Bembia noted that once the property is released from the license, New York state laws concerning disposal of excess property will apply. The goal is unrestricted release for any use including business, farming or housing. He also noted that this partial release will pilot the process for other areas of the site. In response to a question, NYSERDA committed to determining who owns the mineral rights to the property.

NYSERDA will continue to keep the CTF and the public informed of the process. The current schedule estimates that the Application for License Amendment will be submitted to NRC in the fourth quarter of 2010.

DOE Update on ARRA Projects at WVDP

Bryan Bower of DOE provided an update of activities under the American Recovery and Reinvestment Act (ARRA) projects at the WVDP. There are \$74 million in ARRA project activities.

Safety. Overall the WVDP has passed 2 million safe work hours since the last lost-time work accident and ranks first in DOE's Office of Environmental Management. Almost 115,000 of these hours have been performed on ARRA project activities.

ARRA Projects. The additional funding will allow a number of projects to move forward including:

Main Plant Decontamination. Acceleration of decontamination of the Main Process Plant Building (MPPB) will accomplish removal of residual process vessels and piping in a number of areas including various cells, aisles and storage areas.

MPPB Liquids Solidification. A solidification system for approximately 7,500 gallons of residual liquids from flushing the Liquid Waste Treatment System Tank in the MPPB will be installed in the Fuel Storage Receiving Area where it may be reused during MPPB decommissioning. The Liquid Solidification System work will involve system design, RCRA permitting, training, and eventual shipment of the waste containers to a disposal site. The liquids will be mixed with concrete to solidify them for disposal at the Nevada Test Site.

Tank and Vault Drying. By the end of December 2010 the high level waste (HLW) tank and vault drying system will be designed, installed and operating in the four underground tanks and associated storage vaults. Solidification of liquids in Tank 8D-4 will be completed by June 30, 2011. This work under the ARRA will be integrated with other work under baseline funding including Waste Tank Farm isolation, HLW Tank characterization and liquid removal, and groundwater infiltration mitigation. The drying system, in addition to eliminating liquids in the tanks, will reduce the risk of a leak, reduce humidity in and around the tanks, and reduce corrosion thereby extending the lives of the tanks.

Radioactive Waste Management. ARRA work will accelerate processing of Contact-Handled-Transuranic (CH-TRU) waste, legacy (stored) Low-Level Waste (LLW), and Mixed LLW (MLLW) for offsite disposal by

December 31, 2010. A second work crew will be deployed for some of this work. An audio-visual record is being created of all waste thereby reducing future need to reopen containers.

North Plateau Groundwater Plume Mitigation. Installation of the Permeable Treatment Wall (PTW) to mitigate the North Plateau Groundwater Plume (NPGP) will begin using a continuous trencher to place the zeolite material which will absorb the Strontium-90. WVES is partnering with the University of Buffalo and other organizations to test the material. The field characterization report has been completed, as has a draft zeolite testing report. In early November PTW design review and a test of installation with the trenching equipment were conducted.

01-14 Building Demolition. The 01-14 building attached to the MPPB will be decontaminated and demolished under the ARRA work. This will reduce infrastructure costs and provide a model for demolition techniques and provide cost data relevant to future potential demolition of the MPPB. Electrical, water, sewer and other services and lines are being isolated and/or severed. The filter bank, remaining process piping and Waste Dispensing Vessel are being isolated and removed. Demolition crews will be mobilized in June 2010 and the demolition will be complete by October 2010.

Hiring. WVES has hired 54 new employees and will have 10 new hires starting at the end of November. Subcontractors and vendors will have hired additional employees. Mr. Bower noted that activities and hiring under the ARRA can be tracked on the website.

CTF Discussion of Consent Decree

The CTF discussed potential comments on the proposed consent decree resolving litigation over allocation of responsibility for cleanup costs. After discussion, the CTF agreed to send a letter addressing several issues including suggested corrections as to the dates of reprocessing and disposal at the site and clarifications to language to ensure that the reference to the West Valley Demonstration Project Act was complete. As written, it might lead to confusion as to the authority of the NRC. Other suggestions include highlighting future potential conflicts because soils that might be contaminated by future spread (e.g., through such pathways as the MPPB pilings, or such as the NPGP) did not seem to be adequately addressed. Ben Underwood of DOE and Dave Munro of NYSERDA noted that paragraph 26 and Appendix D of the consent decree in combination with the dispute resolution provisions would address this but they indicated the agencies would consider any comments submitted by the CTF. Several members expressed concern that the gap in federal regulations caused by the WVDP Act allowed the spread of the NPGP because the agencies could not agree on which agency would be responsible for taking action. Consequently, they felt the federal government should be responsible for the plume mitigation.

Other Business

The CTF agreed to cancel the December meeting. Bill Logue will circulate the year end survey in December.

Bryan Bower noted that, if the schedule holds, the January meeting could be devoted to the Final Environmental Impact Statement. Other potential topics for future meetings include: the Record of

Decision; NRC Technical Evaluation Report on the Decommissioning Plan; and State Licensed Disposal Area and NRC Licensed Disposal Area characterizations.

Observer Comments

There were no observer comments.

Action Items

Action	Assigned To	Due Date
Draft letter on consent decree	Vaughan/Logue	11/23/09
Disseminate Yearend Survey	Logue	12/21/09
Determination of Mineral Rights Ownership on property to be released.	NYSERDA	To be determined

Documents Distributed

Document Description	Generated by; Date
Meeting Agenda	Logue; 11/18/09
NYSERDA Presentation on Release of Property at WNYNSC	NYSERDA; 11/18/09
DOE Presentation on ARRA Work	DOE; 11/18/09
Newspaper clippings distributed at the meeting	NYSERDA; 11/18/2009