

To: West Valley Citizen Task Force
From: Bill Logue, Citizen Task Force Facilitator
Date: May 14, 2010
Subject: **Summary of the April 28, 2010 Meeting**

Next Meeting

The next Citizen Task Force Meeting will be:

Time & Date: **6:30 – 9:00 PM, May 26, 2010**
Location: Ashford Office Complex
9030 Route 219
West Valley, NY

Note: Participants must be U.S. citizens and have photo identification. Please contact Bill Logue (860-521-9122, Bill@LogueGroup.com) with questions or comments concerning this summary or future meetings.

CTF Members and Alternates Attending

Rob Dallas, Bob Engel, Chris Gerwitz, Mike Hutchinson, Deb John, Paul Kranz, Lee Lambert, Kathy McGoldrick, Anthony Memmo, Joe Patti, John Pfeffer, Warren Schmidt, Bill Snyder.

Agency Participants and Observers

Department of Energy (DOE): Bryan Bower.

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

New York State Department of Environmental Conservation: Pat Concannon, Lynn Winterberger.

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

Observers: Jack Alexander, Daniel Evans, Joanne Hameister, Tom Mason, Barbara Mazurowski, Jeff Neff, Bill Potts, Bob Runge, Brian Tomczyk.

Introductions and Announcements

Bill Logue welcomed the group and reviewed the meeting documents.¹ Tony Memmo introduced Deb John of the Seneca Nation of Indians who will serve as his alternate. Bryan Bower noted that John Kelly of NYSERDA would be returning to Tennessee to work on projects there and expressed the group's appreciation for his efforts and contributions over the last several years.

DOE WVDP Project Update

Bryan Bower provided the CTF with a project update noting that with upcoming work there would be significant updates on several activities including the Permeable Treatment Wall (PTW), the Tank & Vault Drying System, and Main Process Plant Building (MPPB) demolition preparation.

Safety. As of April 19, WVDP employees have worked more than 2.4 million hours without a lost-time accident or illness. There was a minor first aid in March and none in April. The Total Recordable Case Rate (TRC) and Days Away, Transferred, Restricted (DART) both stand at 0.2.

MPPB. Preparations for demolition of the MPPB continued. In Extraction Cell – 1 (XC-1) one of two hatches has been lifted, wrapped and staged and core drilling continued from XC-2 to XC-1. The cells are

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

20'x20' and 60' deep. In May a mechanical arm will be deployed through the hatch and removal of 9 vessels and more than a mile of piping will begin.

Off-Gas Cell decontamination activities will be complete in May. Nitrocision® decontamination processes are being used in the Process Mechanical Cell to remove contamination on the floor and walls. Work is approximately 10% complete. Once complete in the Process Mechanical Cell, the Nitrocision® equipment will be moved to the General Purpose Cell. Three "Cold & Dark" crews of 20 specialized operators continue to remove piping, asbestos, ventilation systems and other mechanical equipment in various locations in the MPPB. They have been working in the Upper Extraction Aisle. Asbestos removal is ongoing and has been challenging because work in areas which have been isolated caused shaking of pipes in an adjacent area, which loosened asbestos in an uncontained area. Measures have been taken with temporary walls and barriers and "locking down" asbestos to prevent airborne hazards.

Tank & Vault Drying. Work continues on installation of the drying system for the High-level Waste Tanks and Vaults. The system will remove liquids and reduce humidity which will minimize the effects of corrosion. Work includes test excavations to verify locations of underground lines, removal of two of the four underground ventilation lines, with excavation planned in May. The Rotary Dryer was installed and above ground ventilation piping is being installed.

Waste Processing. As of March 31, 2010, 71,939 ft³ of stored Low-level Radioactive Waste (LLW) and 38,835 ft³ of Transuranic (TRU) waste have been processed and 47,079 ft³ of LLW disposed of. Two waste shipments to Energy Solutions were completed with American Resource and Recovery Act (ARRA) funds. The wastes are newly generated LLW from MPPB deactivation and decontamination work. The work with contact handled waste processing was difficult and required both respirators and bubble suits for operators to ensure their safety. In March three times the amount of planned waste processing occurred.

North Plateau Groundwater Plume (NPGP). Preparations are underway for the installation of the PTW which will be 750 – 800' long. A single-pass trencher will install the zeolite wall at depths up to 30'. Delivery of 2,000 1-ton bags will begin soon. Preparations will take 4-5 months and wall installation will take 8-9 days in September or October. Monitoring will begin immediately. The wall will be installed at the 10 picocurie line of Strontium-90 contamination to capture the main body of the plume.

Other News. The Record of Decision (ROD) has been issued. (Detailed below.) The solicitation for Phase 1 work is being prepared. Several months ago a "sources sought" synopsis was published and the DOE team is now determining if the solicitation will be a small business set aside or full open competition. CTF members raised questions about how existing employees would be protected under a new contract. Mr. Bower noted that the "H" clauses of the contract would address this. He has seen no indication that DOE would change the standard H clause terms and promised to provide the existing language to the CTF members. A member noted that President Obama had signed an Executive Order, currently in the comment period, on retained worker rights. When the solicitation is available to the public for comment or release Mr. Bower will notify the CTF.

DOE Record of Decision (ROD)

Bryan Bower provided the CTF with an overview of the ROD for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center. He

quickly reminded the CTF of the starting point for the Environmental Impact Statement (EIS), the proposed actions, the alternatives examined and preferred alternative of phased decisionmaking.

The ROD selected the Preferred Alternative, Phased Decisionmaking. This two-phased approach allows for the continued cleanup or removal of several facilities during Phase 1, with a commitment to make the Phase 2 decision in less than ten years.

Phase 1 includes:

- Removal of major facilities such as the MPPB, the Vitrification Facility, the Remote Handled Waste Facility, and waste water treatment lagoons
- Removal of source area for the North Plateau Groundwater Plume (NPGP)
- Phase 1 studies to be used in making the Phase 2 decision

Phase 2 includes:

- Final decommissioning decision on remaining NRC-licensed facilities
- NYSERDA decision on the management of the SDA

During Phase 1, it is anticipated that progress would be made in the following areas:

- Identifying and developing disposal facilities for orphan waste if removal actions are selected as part of Phase 2,
- Establishment of improved close-in-place designs if close-in-place is selected, and
- Improved analytical models for long-term performance assessment.

Not included in Phase 1 are areas such as the Waste Tank Farm, NRC Licensed Disposal Area (NDA), non-source area of the NPGP, and the Construction Demolition Debris Landfill.

A CTF member inquired about funding, cost estimates, and timelines and milestones associated with the ROD work. Mr. Bower noted that the estimates contained in the EIS for Phase 1 assume baseline funding of \$75 million per year to complete the work in 10 years. The President's budget calls for \$60 million in funding for the upcoming fiscal year. DOE does not receive multi-year funding and the Federal baseline (out-year planning document) at West Valley is not public information and was likely to stay so due to the upcoming solicitation. In response to a CTF member's question, Mr. Bower noted that WVDP has been asked to release \$11 million in ARRA funds earmarked for the WVDP to support decommissioning the Brookhaven Laboratory reactors by the close of 2012. Other sites have also been asked to release funds. At the WVDP there would be no impact on WVDP employees and likely less than 10 subcontractors would be released. After discussion, the CTF agreed to draft a letter supporting short and long-term funding of the WVDP to ensure work is completed in a timely fashion and that there are no delays which could cause losses in experienced employees. John Pfeffer and Paul Kranz will draft the letter with assistance from Bill Logue and circulate it to the CTF for consideration.

The group discussed opportunities for input into ongoing assessment studies and data collection on such issues as groundwater modeling and engineered barriers. DOE stated that it is comfortable with the existing studies that were completed during the development of the FEIS, however, NYSERDA and some members of the public have raised concerns about the technical details of the FEIS and expressed the

desire to conduct additional studies to inform Phase 2 decisionmaking. Consequently, before determining what studies to perform the agencies will be seeking public input. The agencies have also committed to open public involvement while the studies are being completed.

Future public involvement will include the Quarterly Public Meeting (QPM), the CTF meetings, input on studies for better Phase 2 decisionmaking and any required participation for National Environmental Policy Act (NEPA) and State Environmental Quality Review Act (SEQRA) processes for the Phase 2 decision. DOE may not be required to continue the QPM but is committing to continue them at the discretion of the Coalition on West Valley Nuclear Wastes. The agencies asked the CTF to consider what other forms of public participation might take during Phase 1. The goal, as emphasized by Mr. Bower of DOE and John Kelly of NYSERDA, is to create a transparent public process.

NYSERDA SEQRA Findings Statement

John Kelly of NYSERDA gave a brief overview of the SEQRA Findings Statement which is required by New York State regulations. The Statement must articulate how the requirements are met, the rationale for the findings, and how environmental impacts are minimized or avoided to the maximum extent possible by the selected action. The draft statement was approved by the NYSERDA Board of Directors on April 12 and forwarded to Governor Paterson on April 22. The Governor has 15 days to take action. If no action is taken by May 7 the Statement is deemed final, and the Findings Statement will be available on NYSERDA's Web site at www.nyserdera.org.

Mr. Kelly reviewed the elements of the Statement which include:

- History and background of the site and the EIS,
- The alternatives considered and described in the Draft and Final EIS,
- The SDA Quantitative Risk Assessment,
- Additional studies for Phase 1, and
- The facts and conclusions in the EIS relied upon to support NYSERDA's decision.

The facts and conclusions include that the:

- FEIS does not provide sufficient information to demonstrate that either close-in-place or sitewide removal avoids or minimizes adverse environmental impacts,
- Substantial work will be completed in Phase 1 which will not bias future remediation decisions for Phase 2,
- The phased decisionmaking alternative will avoid adverse environmental impacts to the maximum extent possible, and
- The public health risk from active management of the Cesium prong area and areas with contaminated stream sediments is below applicable regulatory standards. Mitigation measures include implementing plans and procedures and requirements in New York Department of Health and New York Department of Environmental Conservation permits, licenses and orders. In addition, other measures will be taken to prevent water infiltration in the SDA trenches and formalize emergency preparedness outlined in the Quantitative Risk Assessment.

NYSERDA and DOE will be prepared to discuss initial thoughts on future studies at the June or July CTF meeting.

Mr. Bower noted that DOE could take some additional mitigation actions in Phase 1 but that some actions could be interpreted by the public as the first steps towards close-in-place actions. DOE is concerned that they not be interpreted as such. As an example he noted that the Tank and Vault Drying System could be supplemented by an upgradient slurry wall or geomembrane to limit water infiltration into the area. CTF members encouraged DOE to bring such issues before the group for feedback and public awareness before decisions are made so that they will be fully understood and properly interpreted by the CTF and the public. Lastly in response to comments, Mr. Bower noted that the highest levels of long-lived radionuclides are in the NDA and SDA, not the Waste Tank Farm, and that decisions on these facilities must be balanced along with the risks associated with removal of the HLW tanks.

Observer Comments

Joanne Hameister of the Coalition on West Valley Nuclear Wastes noted that 61 trainloads of waste were shipped from Kuwait to Idaho without incident. She encouraged the agencies to shift funds to studies to ensure safety in the removal and transport of wastes so that risks associated with exhumation and disposal are not used as excuses to select the close-in-place alternative. The Coalition has consistently supported the exhumation and temporary storage above ground as an acceptable approach. Mr. Bower noted that the agencies could not commission studies with a foregone conclusion to remove wastes, but could commission studies to address particular questions associated with exhumation and disposal.

Action Items

Action	Who; Date
Copy of H clauses and draft Executive Order to CTF	Logue; 5/7/2010
Draft Funding Letter for circulation to CTF	Pfeffer, Kranz, Logue; 5/14/10

Documents Distributed

Document Description	Generated by; Date
Meeting Agenda	Logue; 4/28/10
DOE WVDP Update	DOE; 4/28/10
DOE Record of Decision Presentation	DOE; 4/28/10
Newspaper clippings distributed at the meeting	NYSERDA; 4/28/10