

To: West Valley Citizen Task Force
From: Bill Logue, Citizen Task Force Facilitator
Date: February 14, 2012
Subject: **Summary of the January 25, 2012 Meeting**

Next Meeting

The next Citizen Task Force Meeting will be:

Time & Date: **6:30 – 9:00 PM, March 28, 2012**
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.

NOTE: The CTF will forgo its February meeting. DOE and NYSERDA will host the Quarterly Public Meeting on February 22, 2011 at 6:30 PM at the Ashford Office Complex. A Phase 1 Studies Update will be part of that meeting.

CTF Members and Alternates Attending

Deb Aumick*, Chris Crawford, Rob Dallas, Judy Einach*, Chris Gerwitz, Mike Hutchinson, Lee James*, Paul Kranz, Lee Lambert, Anthony Memmo, Joe Patti*, Warren Schmidt, Ray Vaughan.

Agency Participants and Observers

Department of Energy (DOE): Moira Maloney, Marty Krentz, Craig Rieman, Sandra Szalinski.

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

CH2M Hill B&W West Valley, Inc. (CHBWW): Lynette Bennett, Charles Biedermann, John Rendall, Bill Schaab (American DND).

ECS: Daryl Armstrong, Dawn Ford, Dhananjay Rawal, Mike Wolff.

Observers: Barry Boyer, Diane D'Arrigo, Joanne Hameister, Barbara Warren.

Presenter: John Heaton*, Carlsbad, New Mexico.

Introductions and Announcements

Bill Logue welcomed all present and reviewed the meeting materials.¹ He noted that the annual review of membership and planning for 2012 was postponed until the March meeting. He encouraged CTF members and agency representatives who had not completed the online survey to do so.

Carlsbad, New Mexico Presentation

John Heaton, representing the City of Carlsbad, NM, made a presentation via telephone to the CTF. Mr. Heaton is a former seven term state representative for the district which includes the Waste Isolation Pilot Project (WIPP). He served as the legislative chair and vice-chair of the Radioactive and Hazardous Waste Committee responsible for oversight of projects and agencies including WIPP and the New Mexico Energy and Environment Departments. He also served on the National Conference of State Legislatures

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

* Participated by telephone.

Environmental Management sub-committee and High Level Waste Working Group. In his presentation Mr. Heaton provided an overview of WIPP, presented an interim storage proposal and thermal salt testing and discussed strategies for moving the New Mexico projects forward in a way he believes could be beneficial to New Mexico, the country and WVDP. He invited CTF members to tour WIPP.

WIPP, located in Carlsbad, is the only US deep geologic repository for permanent disposal of defense-generated transuranic (TRU) radioactive waste. The site is two-thirds of a square mile sitting within a larger 16 square mile area. The Land Withdrawal Act removes the land from public use and makes it the responsibility of the Department of Energy. Waste from 21 closed weapons research and production facilities has been disposed of at WIPP. The geology of the WIPP location is stable with very little water and a salt layer that is easy to mine with plastic qualities that close in on the waste and close fractures due to mining and seismic events. Waste is disposed of 2,150 below the surface within a below surface salt layer starting at 1,000 feet and extending to 3,000 feet.

Mr. Heaton reviewed the history of consideration of a deep geologic repository and the WIPP project. He also noted that TRU waste is typically clothing, tools, rags, debris, and other items contaminated with elements heavier than uranium. Contact-handled (CH) waste is about 96% of waste disposed of at WIPP and can be disposed of in containers without additional shielding. Remote-handled (RH) waste is about 4% of the waste at WIPP and is shipped and disposed of in certified shielded casks. The casks are inserted in large holes mined in the side walls of the tunnels and the tunnels are then backfilled with CH waste containers. Wastes shipped to WIPP are transported in one of four types of casks depending on volume and weight. To be certified casks, must pass drop and puncture tests. During transport, wastes are tracked by satellite with 500 feet with 5-minute updates. States and tribes have password protected access to a tracking website. Some states monitor shipments closely and others have determined that they do not need to be notified of shipments. First responders along routes are specially trained and conduct exercises. In operation for 12 years, WIPP has received 10,000 shipments safely and 12 million load miles have been traveled without incident. WIPP will be recertified by the EPA every 5 years until closure and has a Hazardous Waste Permit from the New Mexico Environment Department.

Mr. Heaton stated that 98% of the community is supportive of the storage and disposal activities in the area. An LLC formed by the cities of Carlsbad and Hobbs and Eddy and Lea counties are proposing an interim storage site for spent nuclear fuel (SNF). The need arises for safety and security issues relating to increased severity of natural events, the construction of new nuclear power plants, the current inventory of SNF (64,000 metric tons of used fuel inventory, 15,000 metric tons in dry storage), the termination of Yucca Mountain as a permanent disposal site, new NRC rules for fuel pools and dry casks, a probable recommendation for an interim storage site by the Blue Ribbon Commission of America's Nuclear Future (BRC), and recent proposed legislation.

The City also feels there is a need for an integrated plausible approach to managing used fuel responsibly. The existing SNF from 40 years of electricity generation would cover a football field 7 yards deep. The proposal calls for a centralized interim storage facility. Mr. Heaton stated that the area has safe, proven technology, is isolated from populations, allows for removal of SNF from decommissioned facilities and prevents over packing of pools, provides for a path for HLW and halts fines and settlements resulting from the lack of a permanent disposal facility while allowing for evaluation of a long-term solution, is dry and

geologically stable, has infrastructure including rail, a robust workforce, and a supportive community. The costs of the litigation are estimated to be \$500 million a year by 2020. The corporation formed by these partners has purchased 1,000 acres about 10 miles from WIPP. The land was studied during the Global Nuclear Energy Partnership process.

A request for information was issued for companies to manage the facility, collect wastes, and manage container research and manufacturing. Two companies will be interviewed and a request for proposals will be issued in March with a contract expected by June. This will be done in conjunction with looking at funding opportunities. Other next steps include a 3-5 year generic salt disposal investigation in order to confirm bedded salt as an appropriate HLW repository medium for SNF and HLW. It will include a field scale heater test and modeling because the waste is heat producing. Mr. Heaton described the heater tests which are proposed to be conducted at WIPP to save time and money and take advantage of the existing infrastructure and workforce. If done at WIPP, the tests would take 6-7 years rather than about 20 years at a new site. The Salt Disposal Investigation is expected to cost \$43 million over 10 years.

Mr. Heaton noted that the BRC is wrestling with the question of whether to deal with commercial used nuclear fuel with or separately from defense and government owned waste. He noted that the latter is cold and ready for disposal now with financing, transportation and studies in place. Addressing this waste would also stop fines from states and build confidence. Regarding SNF, some time is needed before disposal, it may be valuable for reuse, it needs a better transportation system and it requires additional studies and regulatory decisions. Based on this, he suggested that these wastes be sequenced with defense and government owned wastes addressed now. The disposal of these wastes would provide a roadmap for SNF to follow. He also suggested that WVDP waste be classified as government owned or generated and that would solve the pathway problem for WVDP.

In response to a question from a CTF member, Mr. Heaton noted that the amount of water in residual bubbles in the salt is very small and that although water will migrate towards heat, it will become supersaturated and will only move micro-millimeters; however, the testing will examine this issue. The Carlsbad Field Office and the community are looking to DOE for funding of the tests and, because mining at WIPP is ahead of schedule, some activities can be absorbed in the existing budget. In addition there is a proposed \$7 million in the appropriations bill for geologic repository testing and he hopes this would be used for the salt investigation. No legislative changes are needed for the studies or for the interim storage facility. The storage facility would need an NRC license which, optimistically, could be granted in 2.5 years. To allow for WVDP wastes to be accepted at WIPP, the Land Withdrawal Act Section 12 would need to be amended. Mr. Heaton stated an interim storage facility makes economic sense. As he understands it, both WVDP and Savannah River would spend \$100 million each to store HLW on-site awaiting a disposal site and the use of an interim site in New Mexico would cost less. He noted that most SNF exceeds road weight limits of 80,000 pounds and would therefore need to be shipped by rail, whereas, defense vitrified waste is in 40,000 pound containers and could be shipped by truck along the predetermined WIPP routes. In closing, Mr. Heaton stated that many of the decisions are political and that the communities could benefit by working together. The CTF thanked him for the presentation.

Update on Asset Revitalization Initiative and Future Site Use

The DOE Asset Revitalization Initiative (ARI)² is an agency wide effort to advance beneficial reuse of land, facilities, infrastructure, equipment, technologies, natural resources, and a highly-skilled workforce through collaboration of the public and private sector. DOE sites are now available as a result of the cleanup activities. Although WVDP is not a DOE owned facility, NYSERDA had proposed to DOE that the site be considered for the program.

In December 2011, CTF member Chris Gerwitz, in his role as Ashford Town Supervisor, and Ashford Councilman Charles Davis met with Cynthia Anderson, ARI Program Execution Officer. Mr. Gerwitz gave a brief update concerning the meeting stating that Ms. Andersen had appeared supportive of the concept. He provided copies of follow up letters sent to Ms. Anderson and Congressman Higgins from the town.

CTF member Ray Vaughan cited Brookhaven as an example of productive use in a site closure based on a recent visit. In response to a question, Paul Bembia noted that Payment in Lieu of Taxes (PILOT) comes from New York State and this is not part of the ARI program whose goal is to take advantage of trained workforce and sites to put assets into productive economic use through partnerships with local communities. He said that NYSERDA would work with DOE to try to help the efforts succeed, and he said that the community needed to take the lead in developing ideas for the ARI. He cited the town gravel mine on NYSERDA property at the Western New York Nuclear Service Center as an example of a partnership to use a portion of the site, even while it remains under the existing license. He also noted that a confluence of events make this an opportune time to explore ARI. Those events include the creation of the Western New York Regional Economic Development Council and a New York State initiative to invest \$1 billion in western New York. He will explore a letter from NYSERDA in support of the Town of Ashford request for consideration. Judy Einach provided the name of the contact person for the Regional Economic Development Council and stated that she believed their focus was on job creation. Craig Rieman cited Oakridge, TN as an example of a partnership that has started.

The CTF discussed whether it should also write a letter supporting inclusion of WVDP in ARI. Some reservations were expressed that this could distract from Phase 1 activities and decisions and whether NYSERDA should lead the effort as the property owner. Mr. Bembia noted that NYSERDA has a cleanup mission for the site, not an economic development mission, and that the ARI program is about the community working in partnership with the agencies to develop reuse ideas for a site. Chris Gerwitz stated that his goal at this stage is to have WVDP simply get on the list for consideration and that if the town sets up meetings it would include the CTF. Others noted that reuse is a long-term process and ideas for future site use could influence cleanup decisions by expanding the sources of ideas through an analysis of the strengths and weaknesses of various concepts and not preconceived notions.

Following the discussion, John Pfeffer and Lee Lambert volunteered to draft a letter of support for inclusion of WVDP in ARI. The CTF agreed to finalize the letter via email and send it to DOE. An observer suggested

² See: http://ncppp.org/publications/FedProp_1111/Anderson_FedProp1111.pdf and <http://energy.gov/articles/department-energy-announces-next-steps-asset-revitalization-initiative>

that the CTF gather more details on ARI before taking action.

Phase 1 Studies: Nature and Roles of Public Process and Relationship of Public Process to CTF Meetings and Involvement

Following the last Quarterly Public Meeting (QPM) in November, a number of CTF members expressed reservations about how it had been conducted and whether the CTF should continue to forgo meetings in deference to the QPM process as a forum for Phase 1 Studies updates. Joanne Hameister of the Coalition on West Valley Nuclear Wastes expressed frustration about the lack of contact concerning the development of an agenda for the upcoming February QPM and noted that the Coalition was making decisions one meeting at a time. Representatives of NYSERDA, DOE, and CHBWV stated that they were working with the new facilitators of the QPM on methods to manage the meetings in a way that will allow for more organized input from all and committed to sending a draft agenda to the Coalition by the end of the week. Based on this, the feeling that it was an effective use of time, and way to increase public involvement, the CTF agreed to continue the pattern for now of foregoing the February, May, August and November CTF meetings in favor of the QPM/Phase 1 Studies Meetings subject to the desire of the Coalition and the agencies to use those dates.

Other Discussion and Future Meetings and Schedule

The 2012 budget for WVDP was \$66 million. The President's FY 2012-2013 budget request will be submitted to congress on February 13. New redistricting maps will be available soon and could impact who represents the area. Suggestions for future meeting topics included: Project Update by DOE / CHBWV / NYSERDA, the 2012 work schedule, backshift monitoring plan, environmental monitoring, additional information on ARI, annual review and planning. The tentative 2012 schedule is on the CTF website.

Observer Comments

Other than those noted above, there were no observer comments.

Action Items

Action	Who; Date
Draft letter in support of WVDP inclusion in ARI	Pfeffer/Lambert; 2/21/2012
Gather additional information on ARI	Rieman/Logue 3/1/2012
Explore NYSERDA letter of support for ARI inclusion	Bembia; TBD
Schedule Agenda Workgroup call and circulate 2011 yearend report	Logue; 2/22/2012

Documents Distributed

Document Description	Generated by; Date
Meeting Agenda	Logue; 1/25/2012
Carlsbad, NM Presentation	Heaton; 1/25/2012
Correspondence from Town of Ashford to DOE & Congressman Higgins	Ashford; 1/25/2012
News articles distributed at January 25, 2012 meeting	NYSERDA; 1/25/2012