

To: West Valley Citizen Task Force  
From: Bill Logue, Citizen Task Force Facilitator  
Date: July 13, 2012  
Subject: **Summary of the June 27, 2012 Meeting**

## Next Meeting

The next Citizen Task Force Meeting will be:

Time & Date: **6:30 – 9:00 PM, July 25, 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](mailto:Bill@LogueGroup.com)) with questions or comments concerning this summary or future meetings.

## CTF Members and Alternates Attending

Deb Aumick\*, Chris Crawford\*, Rob Dallas, Lee James, Paul Kranz, Lee Lambert, Kathy McGoldrick, Anthony Memmo, Joe Patti, Warren Schmidt, Ray Vaughan.

## Agency Participants and Observers

*Department of Energy (DOE)*: Bryan Bower, Ben Underwood\*.

*New York State Energy Research and Development Authority (NYSERDA)*: Lee Gordon, Andrea Mellon.

*CH2M Hill B&W West Valley, Inc. (CHBWV)*: Lynette Bennett, Charles Biedermann, Dan Coyne, John Rendall.

*Observers*: Joanne Hameister, Cort Richardson, Chuck Wright.

## Introductions and Announcements

Bill Logue welcomed all present and reviewed the meeting materials.<sup>1</sup> He noted the change in the agenda with a status update on the draft Waste Incidental to Reprocessing (WIR) evaluation for the Concentrator Feed Makeup Tank and Melter Feed Hold Tank in place of the WIR Determination Precedent Discussion. He also noted that the Phase 1 Studies website is operational and has information related to public meetings including a climate change workshop on August 2 from 9:00 AM to 3:00 PM. The website is [www.westvalleyphaseonestudies.org](http://www.westvalleyphaseonestudies.org). Alternate Gladys Gifford is resigning after many years of involvement.

## Permeable Treatment Wall Status Update

Charles Biedermann, of CHBWV, presented an update on the status of the Permeable Treatment Wall (PTW). He started by reminding the CTF of the PTW function/design requirements. At their core, the requirements are to have the wall bind Sr-90 from the groundwater passing through it without either redirecting contamination or causing substantial changes in groundwater flow. The design is intended not to preclude strategies for addressing the plume during site decommissioning. The PTW is removable.

The wall installation was completed in November 2010. Twenty-two existing monitoring wells for the plume were augmented by 66 new wells up and down gradient of the wall and within the wall. Baseline sampling and monitoring was conducted in January 2011. Monthly visual inspections are made for erosion, standing

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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)

\* Participated by telephone.

water, rutting and excessive vegetation. Monthly hydraulic monitoring is conducted; as is quarterly sampling and monitoring for Sr-90 and gross beta radionuclides. An annual monitoring report should be available in July.

The wall is designed based on a conservative mathematical assumption that a constant source of groundwater with Sr-90 activity of 50,000 picocuries/liter/year through the wall for 20 years. He noted the current concentrations of Sr-90 are below the design requirements and that wall is more permeable than the soil up and down gradient. As the source area of the plume migrates over time the concentrations approaching the wall are expected to increase. At the close of the meeting, Mr. Biedermann provided groundwater elevation maps to Ray Vaughan and following the meeting via email he provided flow velocities presented in the final PTW design report:

- Thick Bedded Unit (TBU) eastern lobe: 1.7 ft./day or 640 ft./yr.
- TBU Central Lobe: 0.7 ft./day or 270 ft./yr.
- Slack Water Sequence (Central Lobe only): 1.5 ft./day or 570 ft./yr.
- TBU western lobe: 0.7 ft./day or 260 ft./yr.

Flow Velocities within the PTW average 1.5 ft./day with a range of 1.2 to 3.2 ft./day (data obtained from the PTW Baseline Report).

In highlighting the conclusions from sampling and monitoring, Mr. Biedermann stated that the PTW is working by removing Sr-90 from the groundwater and does not substantially change groundwater flow on the North Plateau. Levels of Sr-90 at Cattaraugus Creek remain near background conditions. He reviewed a chart with baseline and 1<sup>st</sup> year data for the West Lobe, Central Lobe and East Lobe of the plume which supports these conclusions. Graphics were displayed showing the delineation of the plume in the Thick Bedded Unit and Slack Water Sequence.

Mr. Biedermann answered a number of questions. The PTW will not be core sampled in the immediate future so as to protect its integrity. However, cation and anion data is being collected to demonstrate sorption of strontium-90 as well as other divelant cations. After weather events groundwater levels can increase by several feet and the area is inspected monthly. Scheduled monitoring does not change but precipitation events preceding a sampling event are documented. When monitoring data is reviewed the timing of recent weather events is noted to see if there is any impact. With drier conditions the expectation is that Sr-90 concentrations will increase but this season Sr-90 levels are low both down-gradient of the PTW and in the swamp ditch, which is interpreted as a positive sign.

In conclusion he noted that the Pump and Treat System is inefficient and WVDP is investigating options for the permanent shutdown of the system. A SPDES closure plan is being prepared for a potential shutdown and closure in fall 2012.

### **CTF Funding Discussion**

The CTF agreed that a letter of thanks be drafted to Congressman Reed and Higgins for the introduction and passage of an amendment to restore some budget cutbacks at WVDP. A letter to Senators Schumer and Gillibrand to encourage support in the senate for a parallel amendment will be drafted. Lee Lambert agreed to draft the letters and the CTF will finalize them via email.

## **Draft WIR Evaluation**

Bryan Bower of DOE informed the Draft CTF that the WIR Evaluation for the Concentrator Feed Makeup Tank and Melter Feed Hold Tank would be released within days or weeks for NRC review and a 45-day public comment opportunity. DOE will also request comments from the Seneca Nation of Indians and the states of Nevada and Texas where waste could be shipped if it is determined to be WIR. He reminded the group that DOE Manual 435.1-1 is the controlling document for determining whether this waste meets the incidental to reprocessing criteria and can be managed as LLW. Mr. Bower noted that Section 3116 of the Ronald Reagan National Defense Authorization Act does not apply to West Valley; however the criteria are very similar to 4351.1. NRC, as a consulting agency, will review the evaluation and may request additional information or provide technical comments in the consultation process. DOE will respond in writing to both NRC and public comments.

A CTF member noted the group's longstanding concern about what they felt could be the reclassification of waste as WIR because it could open the door to determining that some facilities on-site are WIR and could be left in place. Several members asked if the determination for this equipment, because it was being disposed of off-site, could be distinguished from site facilities and asked if a list of possible additional equipment is available. Ben Underwood, counsel for DOE, acknowledged the group's concern and stated that a WIR determination is not a reclassification. He said he would be able to discuss the two regulatory regimes and the question of precedent at an upcoming meeting. He explained the two separate regulatory regimes, referencing the language in Section 3.1 of the Melter WIR Determination.

([http://www.wv.doe.gov/Documents/Melter\\_WIR\\_Eval\\_FINAL\\_2-1-12.pdf](http://www.wv.doe.gov/Documents/Melter_WIR_Eval_FINAL_2-1-12.pdf) pages 28-29). Further discussions on this issue may be scheduled for a future CTF meeting. Mr. Bower noted that the determination can be made by evaluation or citation methods. (See March 28, 2012 CTF meeting summary for more on this point.) He also stated that the NRC Policy Statement applies to closure criteria and that 435.1 applies to off-site disposal. As an example, he said the NRC Policy Statement would apply for a close-in-place decision the High-Level Waste (HLW) Tanks and DOE Order 435.1 for disposal of waste off site for a tank exhumation decision. Andrea Mellon noted that from NYSERDA's perspective, any close-in-place decisions would require a defensible Performance Assessment.

## **CTF Outreach and Other Business**

The CTF held a wide ranging discussion about the need, goals and audience for outreach about its activities and opinions concerning the site. Several members noted that the public was aware of the budget issues and frequently there was little to report. Some felt that there is limited interest largely due to the highly technical and complex nature of the issues and the long timeframes. Some members noted that as representatives of local or county agencies their role is to be a resource on scientific and technical information.

Several suggestions were discussed:

- Produce an annual, or perhaps more frequent, advertisement or other media that would indicate progress made, progress remaining, and the impacts on jobs and environment.
- Identify stakeholders and partners to disseminate information.
- Hold a periodic CTF meeting in other locations as a public outreach event.

Mr. Bower encouraged the group to think about the desired goals and outcomes of an outreach process

such as the Phase 2 decision or funding. A small Work Group consisting of Ray Vaughan, Lee Lambert, Kathy McGoldrick and Paul Kranz was formed and other CTF members will be invited.

A member suggested that the CTF republish its core values and engage in the difficult discussion of return on investment in making decisions concerning closure by weighing costs and the number of curies removed given current economic conditions and risk. The example was given of looking at selective exhumation of the HLW tanks and the burial grounds and seeing what would remain and the associated risks and additional costs to remove it. Mr. Bower noted that DOE was looking into these questions. He commented that this was the source of some of the differences between the agencies. Andrea Mellon noted that NYSERDA felt that the Phase 1 Studies were necessary in order to assure that any performance decision was scientifically defensible.

### Observer Comments

Cort Richardson, Director of the Northeast High-Level Radioactive Waste Transportation Project at the Council of State Governments - Eastern Regional Conference informed the CTF that for 2-3 years starting in late 2013 or 2014 the number of shipments of HLW through the region would increase from the average of about 5/year to around 60/year as HLW is returned from the Chalk River Reactor in Ontario which is being shut down and from and other locations in the region. Dates and routes of shipments are safeguarded by NRC for security purposes. He also encouraged the CTF to continue to advocate for the inclusion of WVDP HLW orphan waste in the decision making process concerning interim and long-term HLW disposal facilities.

Joanne Hameister of the Coalition on West Valley Nuclear Wastes asked for clarification about a Supplement Analysis. Mr. Underwood stated that DOE is continually assessing progress and ongoing activities at the Site and whether there is a need for a Supplement Analysis. If one is warranted there would be an associated public comment process. Ms. Hameister asked about the status of the contaminated soil removed when the PTW was installed. The soil is being de-watered and will be disposed of when other soil remediation occurs for the source area of the North Plateau Groundwater Plume and the Main Plant Process Building. She also asked about the status of release of facilities for Asset Revitalization. Ms. Mellon stated that NYSERDA had looked at the possible release of 400 acres and learned that there might be tax advantages for its use by others if it remained under New York State ownership. Therefore, the possible early release of property is no longer being considered. In conclusion, Ms. Hameister cautioned the CTF not to allow any situation where the site could become an interim waste storage facility.

### Action Items

Action	Who; Date
Provide additional information concerning PTW flow rates	CHBWV; 7/2/2012
Draft Letters to Senators and Congressman Reed Higgins	Lambert/Logue; 7/9/2012
Provide link to WIR §3.1	Logue; 7/2/2012

### Documents Distributed

Document Description	Generated by; Date
Meeting Agenda	Logue; 6/27/2012
Presentation on Permeable Treatment Wall Status	CHBWV; 6/27/2012