

To: West Valley Citizen Task Force
From: Bill Logue, Citizen Task Force Facilitator
Date: March 3, 2017
Subject: **Summary of the January 25, 2017 Meeting**

Next Meeting

Date & Time: **March 22, 2017, 6:30 – 9:00 PM**
Location: Ashford Office Complex
9030 Route 219
West Valley, NY

CTF Members and Alternates Attending

Deb Aumick*, Clyde Drake, Barbara Frackiewicz, Todd Gates, Heidi Hartley*, Paul Kranz*, Eric Lawton, Ann Lazroe, Joe Patti, John Pfeffer, Mary Reid, Ray Vaughan, Eric Wohlers.

Agency Participants and Observers

Department of Energy (DOE): Bryan Bower, Martin Krentz, Moira Maloney, Audrey Seeley, Sandra Szalinski, Zintars Zadins.

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

CH2M HILL BWXT West Valley, LLC. (CHBWV): Lynette Bennett, Jason Casper, Cindy Dayton.

Public: Rick Miller, Paul Siepierski.

INTRODUCTIONS, ANNOUNCEMENTS, ADMINISTRATIVE BUSINESS

Bill Logue welcomed all present and reviewed the meeting agenda and materials¹.

Paul Bembia informed the CTF of recent correspondence with DOE and Congressional representatives. He noted that, in June 2016, NYSERDA submitted comments to DOE on Consent Based Siting which included a request that West Valley Demonstration Project High Level Wastes (HLW) be reclassified as defense waste. NYSERDA believes if WVDP HLW is classified as “defense,” a potential disposal pathway for the West Valley HLW might be available prior to the current path, and New York State taxpayers would not have to bear the burden of paying a very large HLW disposal fee. NYSERDA also believes if WVDP HLW is classified as “defense,” a similar case could be made for West Valley transuranic (TRU) waste, and the West Valley TRU waste would have a disposal path. In October 2016, fourteen members of the New York Congressional delegation wrote a letter to DOE in support of the reclassification of West Valley’s nuclear waste. On January 13, 2017 DOE replied to the New York State delegation. Mr. Bembia said that NYSERDA would be reaching out soon to DOE to discuss this issue.

Mr. Bower introduced Audrey Seeley, Esq., DOE’s new counsel for WVDP. Ms. Seeley has previous experience with the WVDP as a law clerk for a previous contractor’s counsel at the site. She is assigned to the WVDP and a member of the EMCBC, Office of Chief Counsel in Cincinnati, Ohio. Later in the meeting Mr. Bower noted changes with the incoming administration were underway, there is a new Acting Assistant Secretary, Monica Regalbuto is now in a Senior Advisor role, Sue Cange is Acting Assistant Secretary and Stacy Charbonneau remains in her position as a federal employee within headquarters.

CHBWV PROJECT UPDATE

Jason Casper of CHBWV presented an update of 2016 accomplishments and a look ahead for 2017 cleanup activities.

Safety. He noted that the site had achieved more than 2.4 million work hours, almost 4 years, without a lost time injury or accident and had achieved a VPP Star Award for safety for the second consecutive year.

¹ Each is listed at the end of this summary and may be found at www.westvalleyctf.org

* Participated by telephone.

Wastes. The placement of the HLW canisters into Vertical Storage Casks and relocation to the interim storage pad was completed one year ahead of schedule. The three vitrification components were transshipped by truck to Blasdell where they were placed on railcars and shipped to Andrews Texas. The components were then grouted and placed in permanent disposal.

Facility Disposition. The Vitrification Facility deactivation is 95% complete and the Main Plant Process Building (MPPB) 56% complete. Some difficult areas remain in the deactivation process for the MPPB.

FY 2017 Work. In 2017 relocation of legacy waste from the Head End Cell in the MPPB will continue as will deactivation work. If funding is available demolition will start on the Vitrification Facility with simultaneous shipment of demolition debris and reconfiguration of water, natural gas, electric, communications and infrastructure to prepare for MPPB demolition.

In response to questions Mr. Bower noted there is currently no disposal pathway for Transuranic Wastes (TRU) and that Low-Level Wastes (LLW) would be disposed of based on the most efficient and cost effective method at facilities in Utah, Texas or Nevada. Some Vit Facility demolition wastes may be disposed of as industrial waste. Some wastes may be resized or repackaged in the Remote Handled Waste Facility. In the near term, repairs and maintenance to the railroad spur will be done based on a cost benefit analysis related to the need for the large volume of shipments that will arise during demolition of the MPPB. Mr. Bower also noted that CHBWV has a contract with incentives and penalties based on timeliness of work on each milestone and that they are entitled to incentive payment for the HLW relocation which will be reconciled at the end of the contract based on performance on all contract milestones.

DOE FY 2017 BUDGET UPDATE

Bryan Bower of DOE provided an update on the WVDP budget. The government is operating under a continuing resolution (CR) through April 28, 2017 with an allocation of \$34,534,835 for WVDP. The customary approach with a CR is to fund based on the lowest of the prior year budget or proposed budget. Currently the higher FY 2016 level is applied to West Valley. He reminded the CTF that the defense portion of the budget covers Safeguards and Security and the non-defense portion covers deactivation and decommissioning. The site will not change much visually in the coming year because most work will be inside the MPPB. MPPB demolition will occur in the 2019-2020 timeframe.

PATH FORWARD TO PHASE 2 DECISION

Bryan Bower of DOE provided an overview of the path forward to a phase 2 decision noting the complexity and number of components to the process. In the current Phase 1 process with the Record of Decision (ROD) and New York Findings Statement in 2010 the Phase 1 Decommissioning - Facility Disposition work is under way (it includes the HLW relocation, legacy waste shipment, Vitrification and MPPB demolition to grade and removal of ancillary facilities). A new contract or contracts will be awarded to complete the Phase 1 Soil Remediation which will remove below-grade portions of the MPPB and Vit Facility, the source area of the groundwater plume, lagoons, Liquid Waste Treatment Facility, shipping of TRU waste, removal of the RHWF and ancillary facilities and remediation of Waste Management Areas (WMA) 1 and 2 soils. By 2020 the Phase 2 decision will be made with decisions regarding the Waste Tank Farm, State and NRC-Licensed Disposal Areas, Construction Demolition and Debris Landfill and other miscellaneous contaminated soils.

Mr. Bower noted that the 2010 Consent Decree between DOE and New York State allocates costs for each waste management area. In general, if DOE, bears cleanup cost responsibility of 50% or more DOE will carry out the Remedy Action. If NYSERDA bears cleanup cost responsibility greater than 50%, NYSERDA will carry out the Remedy Action. He provided examples of the WMA for which each party would be responsible. DOE and NYSERDA have agreed to use NRC's License Termination Rule (LTR) as prescribed in the NRC Final Policy Statement for WVDP for evaluating decisions on all facilities at WVDP and the Western New York Nuclear Service Center in a consistent and integrated manner in advance of the Phase 2 Decisions. He noted the 2010 FEIS as the starting point, and ongoing data collection (including the Phase 1 Studies), and Probabilistic Performance Assessment (PPA) would occur. The activities would culminate in the preparation of a Joint Draft Supplemental Environmental Impact Statement (SEIS) in about 2019. .

The PPA will be used in evaluating the possible decommissioning approaches and long-term dose impacts used to analyze the closure alternatives and develop a preferred alternative in the SEIS. In response to questions Mr. Bower reminded the CTF that the unrestricted release requirement is 25 mrem, restricted release is 25-100 mrem with institutional controls and loss of institutional controls could be as much as 500 mrem based on ALARA (As Low As Reasonably Achievable). After discussion on how erosion processes may be modeled in the PPA, the CTF agreed that they may request a presentation on how the more complex modeling of the Phase 1 Studies Erosion Working Group and the PPA will relate to each other and address issues raised with the 2010 modeling. They will revisit this after reviewing future white papers prepared by the PPA contractor. A CTF member requested that the option of a one-day workshop on erosion modeling be considered in the future. An update on erosion may be available at the May Quarterly Public Meeting (QPM) and the Erosion Working Group Report will likely be available at the November QPM.

The SEIS will be developed between 2017-2020 jointly by DOE and NYSERDA through the required NEPA and SEQRA process including public review and comment. NRC, EPA, NYSDEC and NYSDOH are cooperating agencies in the process. NRC will review the SEIS and adopt it if it acceptable under their NEPA responsibilities under the WVDP Act. If the SEIS does not satisfy NRC's requirements, NRC will prepare its own NEPA document. Two Decommissioning Plans (DPs) will be prepared, one for the WVDP and one for the the SDA and WNYNSC. Mr. Bower noted that NRC will only review the WVDP DP once it is submitted. NRC will make Requests for Additional Information and prepare a Technical Evaluation Report. For the WNYNSC, because the license is under suspension, NYSERDA will submit a Proposed DP in parallel with the WVDP DP. The NYSERDA DP will include potential impacts from the SDA, but the SDA is not part of the license. The NYSERDA DP will be reviewed but not docketed.

Mr. Bower reviewed the timelines for the SEIS and parallel Decommissioning Plan processes. At some point the NRC license for New York will be reinstated and then amended, converted or terminated based on the final decision.

ANNUAL ORGANIZATIONAL MEETING

Changes in membership include: Kathy McGoldrick becoming the representative of the Coalition on West Valley nuclear Wastes and Judy Einach becoming the alternate; Anthony Memmo will represent the Seneca Nation of Indians; new alternates are Alison Hunt for Lee James and Kenneth Zittel for Clyde Drake. The CTF reviewed and approved the annual summary of activities and reviewed the annual survey and attendance. NYSERDA will present on the Consent Based Siting and reclassification issue at the March meeting.

Todd Gates noted that he would be traveling to Washington several times in the coming month and would advocate for funding the WVDP. The CTF will try to draft a letter to coincide with his visits. John Pfeffer stated that he and Charlie Davis would be attending the Energy Communities Alliance meeting in late February representing the Town of Ashford. He hopes to meet the new administration representatives of DOE there. The CTF members signed a card of appreciation for long-term member Lee Lambert.

OBSERVER COMMENTS

There were no observer comments.

ACTION ITEMS

| Action | Who; When |
|---|---------------|
| Facilitator to provide previous language to Ray Vaughan for drafting letters. | Logue/1-27/17 |

DOCUMENTS DISTRIBUTED

| Description | Generated by; Date |
|----------------|--------------------|
| Meeting Agenda | Logue; 1/25/17 |
| Project Update | CHBWV; 1/25/17 |

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|---|------------------|
| Budget Update | DOE; 1/25/17 |
| Path Forward to Phase 2 Decision | DOE; 1/25/17 |
| October 28, 2016 Congressional Letter to DOE & 1/13/17 Letter from DOE to Congressman Higgins | NYSERDA; 1/25/17 |
| News Clippings Distributed at Meeting | NYSERDA; 1/25/17 |