

To: West Valley Citizen Task Force  
From: Melinda Holland, Facilitator  
Subject: Summary of August 20, 2003, Meeting–**Revised**  
Date: September 11, 2003

### **Next Meeting**

The next Citizen Task Force meeting will be held as follows:

Date: September 17, 2003  
Time: 7:00 - 9:30 p.m.  
Location: West Valley Demonstration Project Site  
10282 Rock Springs Road  
West Valley, NY

**NOTE:** All participants must bring photo identification to enter the site.

If you have questions or comments regarding the upcoming meeting or about this summary, please contact Melinda Holland at (828) 894-5963, or Tom Attridge at (716) 942-2453.

### **CTF Attendees**

Attending were: Elizabeth Lowes, John Pfeffer, Tim Siepel, Pete Scherer, Lee Lambert, Bill Kay, Gayla Gray (for Lana Redeye), John Beltz, John Allan, Warren Schmidt, Paul Piciulo, Mark Mitskovski (for Larry Rubin), Ray Vaughan, Eric Wohlers, Joe Patti, and Mike Hutchinson.

CTF Members not attending (nor represented by an alternate) were: Bill King, and Nevella McNeil.

### **Regulatory Agency Attendees**

Denise D'Angelo, New York State Department of Environmental Conservation (NYSDEC)

### **Meeting Highlights**

- ▶ Overview of North Plateau Facilities
- ▶ Waste Characterization Status of North Plateau Facilities
- ▶ Discussion of Congressional Developments including DOE's proposed Waste Incidental to Reprocessing (WIR) amendments and the Energy Bill
- ▶ CTF comments on the DOE Headquarters Implementation Plan for DOE Policy 455.1, Use of Risk-Based End States

### **Meeting Summary**

After Colleen Gerwitz reviewed the documents distributed at this CTF meeting, a Task Force member inquired about how the public was notified of the opportunity to comment on DOE Headquarters Implementation Plan for DOE Policy 455.1, Use of Risk-Based End States. A DOE representative stated that this pre-decisional draft has been sent via e-mail to a number of stakeholder groups, but it was not announced in the Federal Register as it is an implementation plan for the previously adopted policy 455.1. Comments are due to Dave Geiser of DOE Headquarters by September 12. A Task Force member suggested that the CTF decide whether to submit comments on the implementation plan as a group. Ray Vaughan agreed to develop a first draft of these comments for CTF review.

Next, a DOE representative explained that recently the Secretary of Energy wrote to Congress proposing language to amend the Nuclear Waste Policy Act and the West Valley Demonstration Project Act (WVDPA) as well as other statutes which contain a definition of High Level Waste (HLW). The CTF was given a copy of the original faxed letter as well as a legible re-typed version. The purpose of the proposed

legislative language was to give DOE authority to make determinations of when HLW can be treated as Waste Incidental to Reprocessing (WIR) in response to the recent court ruling in the Natural Resources Defense Council (NRDC) vs. DOE case. On August 25, the Task Force was sent copies of letters from the NRDC and four states that originally sued DOE, responding to DOE's recent WIR letter.

#### *Overview of North Plateau Facilities*

John Chamberlain provided an overview of the facilities located on the North Plateau area of the site. During the discussion after this presentation, a CTF member stated that the ion exchange columns in Tank 8D-1 contain a large percentage of the 192,000 curies and that since this material is well contained, more discussion is needed about the pros and cons of trying to remove the columns. DOE representatives offered to provide the presentation on the HLW Tank layout that was recently given at a quarterly meeting, if requested by the CTF.

In response to a CTF member question about possible contamination from the North Plateau groundwater plume's movement through the Construction Demolition and Debris Landfill, a DOE representative said that the data so far seems to suggest that the plume is moving under the landfill instead of through it. The Decommissioning and Long-Term Stewardship Environmental Impact Statement (EIS) will investigate and evaluate remediation options. DOE agreed to provide more information on this issue to the Task Force in the future, if needed. A NYSERDA representative stated that earlier data suggested the eastern lobe of the plume appeared to go under the landfill, but it is not clear that the western lobe goes under the landfill. Another Task Force member asked about the availability of soil test bore data and NYSDEC analysis for the landfill; a DOE representative offered to provide that information if available. In response to another CTF member comment on the original discovery of the North Plateau groundwater plume, a DOE representative stated that they did not know that the groundwater contamination was moving until the early 1990s when many new monitoring wells were added due to Resource Conservation and Recovery Act (RCRA) requirements. The Annual Site Environmental Monitoring Report (ASER) has just been released, is in local libraries, and will be mailed to the Task Force in September. This report contains monitoring well data among other things.

#### *Characterization Status of North Plateau Facilities*

John Mahoney, WVNSCO, gave a presentation on the process being used to conduct the ongoing characterization of the North Plateau facilities. He estimates that the survey of each site facility will be completed by October 2004. Results of this characterization effort will be presented to the Task Force when available. During discussion following his presentation, a Task Force member asked how off-site contamination is being calculated without a completed erosion model. Mr. Mahoney responded that the work now underway will provide the data to be used in the computer model which will generate the off-site dose information. Preliminary modeling work is underway and the contractors in charge of the modeling are telling Mr. Mahoney's group what types of data they need for the model. A Task Force member requested copies of reports that support the decision to limit the scope of radionuclides being studied. A DOE representative responded that this information is not yet ready for release and the CTF member said he would like to discuss this issue further. In response to another question, Mr. Mahoney stated that Thorium is not being studied because very little Thorium came onto the site and little remains, most of the radionuclides at West Valley are Uranium related. He also responded that Carbon-14 is on the list because it is an impurity formed when nuclear material sits in a reactor, but it is also naturally occurring and the two cannot be differentiated.

The characterization data generated will be used to support the EIS and decommissioning plans as well as to inform the regulatory agencies on the residual contamination of the various areas of the site. Mr. Mahoney responded to a CTF member question by explaining that Cesium and Strontium are relatively short-lived and should be harmless within a few hundred years, the transuranics (TRU) are very long-lived and will be around for thousands of years so they are very important for the performance assessment calculations. A Task Force member inquired about how much contamination would be left in the Process Building/Vitrification Facility areas after the equipment is removed. Mr. Mahoney responded that in some

areas spills, dust, etc. leave high levels of residual contamination but in other areas the equipment contains most of the contamination. In response to a question about what might happen if a mortar shell hit the main plant building, Mr. Mahoney responded that there are no liquids to be released and although evaluations of this type are not in his area of expertise, he could say that there was some possibility that contaminated dust or small particles could become air-borne as a result of such an attack, however, explosions don't typically cause a lot of fine dust and he didn't want to speculate further. He also explained that the characterization report will not include standard deviation tables contrasting the historical data with what is actually being found because there is no documentation for dose rates found in the historical information. He added that his focus is just to collect accurate, current data.

A CTF member noted that cleanup of the vitrification cell does not appear to be as easy as the public was told it would be, thus he questions the level of contamination that will occur in the equipment in the Remote Handled Waste Facility now under construction, and whether the volume of contaminated equipment created will exceed the volume of the wastes processed. He suggested that this could be discussed at a future Task Force meeting.

### *Congressional Issues*

A NYSERDA representative explained that the Energy Bill which was recently passed by the Senate does not contain the West Valley amendment language which was included in the House version of the bill. The next step will be for a House/Senate Conference Committee to develop a compromise version of the Energy Bill. A Task Force member noted that the Energy Bill is likely to change because of last week's electricity blackouts.

A CTF member suggested that the CTF should react quickly on DOE's proposed WIR amendments which would create an end-run around the result of the NRDC vs. DOE case and the CTF's concerns about WIR. Congress is expected to return from recess on September 2 or 3.

The Task Force agreed to hold a conference call on Wednesday, September 3, at 7:00 p.m. to discuss legislative issues and draft letters. Eric Wohlers agreed to email Bob Van Wicklin of Congressman Houghton's staff, about DOE's proposed WIR amendments.

### *Other Issues*

A DOE representative explained the background on letters handed out at this meeting which deal with regulatory agency concerns over the proposed EIS schedule and DOE's response to NYSERDA's comments on the North Plateau groundwater plume issues. She explained that a meeting with the regulatory agencies will be held in September, and that the Decommissioning EIS will not be released in the next few months. A Task Force member noted that the EIS has been under development for 15 years and that current delays are probably due to more than objections to the schedule by the regulators. Another member noted that the characterization work discussed tonight must be finished and be incorporated into the EIS analysis. DOE offered to discuss DOE's letter to NYSERDA regarding the North Plateau Groundwater Plume at a future meeting, if the CTF desired to do that.

A CTF member suggested that the Task Force should become involved in supporting the site's budget requests for upcoming years. CTF members also suggested inviting legislative delegation members/staff to visit the CTF in the near future and to consider another CTF trip to Washington, DC. A DOE representative responded that the 2004 budget looks good at this point, and that the 2005 budget is being developed within DOE but is not yet available outside of DOE. She noted that in 2004, the Remote Handled Waste Facility is expected to become operational and significant quantities of waste need to be disposed of off-site. However, because the site does not have a final EIS and Record of Decision (ROD) for decommissioning, DOE tends to give funding priority to focus more on sites with a clear path forward to closure by 2006. She agreed to provide the CTF with the time-line for DOE development of the 2005 budget. A Task Force member noted that the CTF's past efforts have helped to remind DOE and Congress about the need to fund interim cleanup work at the site. A Task Force member also asked for information

on how possible future budget cuts will impact site cleanup. A NYSERDA representative summarized the federal budget cycle as follows: the Administration/agencies submit budget to the Office of Management and Budget (OMB) in September or October, OMB responds in November or December, 'passback' comes out in December or January, and the President's budget goes to Congress in January or February.

A NYSERDA representative noted that the new DOE Ohio Field Office manager, Bob Warther, is changing the vision of what DOE should accomplish at West Valley but nothing on this is available in writing at this time. A CTF member expressed concern that DOE may decide to take the approach of closing facilities in-place and monitoring.

Elizabeth Lowes clarified that both she and T.J. Jackson will rotate as DOE's Acting Director of the West Valley project until a permanent Director is selected. Elizabeth is currently acting in the capacity of the Director and DOE will notify the CTF when T.J. assumes this role.

Mark Mitskovski, Ray Vaughan, John Pfeffer, Lee Lambert, Mike Hutchinson, and Eric Wohlers offered to work together on a proposed CTF approach to the various legislative issues on the table during the September 3 conference call. Mark agreed to coordinate this working group's efforts.

### **Observer Comments**

There were no observer comments.

### **Next Steps**

Task Force members agreed to set future meetings on October 21, November 18, and December 16. CTF conference calls to work on legislative issues are scheduled for September 3 and September 10 at 7 p.m.

### **Action Items**

<b>Action</b>	<b>Assigned To</b>	<b>Due Date</b>
Provide address for submitting comments on Implementation Plan for Policy on Use of Risk-Based End States.	J. Chamberlain	Completed
Draft comments for CTF review on the Implementation Plan for Policy on Use of Risk-Based End States.	Ray Vaughan	September 5
Distribute copies of the letters from the Natural Resources Defense Council (NRDC) and four states in response to DOE's recent letter to Congress on WIR.	J. Chamberlain	Completed
Notify CTF and mailing list of date of next CTF meeting.	M. Holland/ J. Chamberlain	September 5
Check on the availability of soil/water samples from the Construction and Demolition Debris Landfill.	J. Chamberlain	September 17
Provide copies of the annual site environmental data report to the CTF, when available.	J. Chamberlain	September 15
Provide the CTF with the time-line for DOE development of the 2005 budget, and potential impacts on cleanup of budget cuts. <sup>1</sup>	E. Lowes	September 15

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<sup>1</sup>After the CTF meeting, Mike Hutchinson contacted Elizabeth Lowes regarding the DOE budget process, to which Ms. Lowes replied in an e-mail dated September 5, 2003.

<b>Action</b>	<b>Assigned To</b>	<b>Due Date</b>
Set up September 3 and 10 CTF conference call.	M. Holland/T. Attridge	September 2
Decide whether the CTF wants a presentation on HLW Tank Characterization	M. Holland/ CTF	September 15

#### Documents Distributed

<b>Document Subject</b>	<b>Document Description</b>	<b>Generated by–Date (if applicable/known)</b>
August 20, 2003, CTF Meeting Agenda	Agenda items listed for August 20, 2003, CTF Meeting	M. Holland (Holland & Associates) - 08/14/03
Overview of North Plateau Facilities	Presentation slides covering overview of North Plateau Facilities	J. Chamberlain (WVNSCO) - 8/20/03
Facility Characterization Status	Presentation slides covering waste characterization of North Plateau Facilities	J. Mahoney (WVNSCO) - 8/20/03
Final Waste Tank Farm Summary Radionuclide Inventory Estimate	Table showing curies by radionuclide for the Waste Tank Farm	WVNSCO
Plutonium Isotopes	Table showing the activity (Ci) and Mass (kg) of the Plutonium isotopes in the Waste Tank Farm	WVNSCO
Future Management of the North Plateau Groundwater Plume	Letter regarding concerns of North Plateau Groundwater Plume	P. Piciulo (NYSERDA) to A. Williams (DOE) - 3/13/02
North Plateau Groundwater Plume	Letter responding to NYSERDA concerns of North Plateau Groundwater Plume	A. Williams (DOE) to P. Piciulo - 8/20/03
Decommissioning EIS Schedule Comments	Comments from the regulatory agencies (NRC, EPA, NYSDEC) and NYSERDA on the schedule for the Decommissioning and Long-Term Stewardship EIS	8/20/03
Use of Risk-Based End States	Description of the purpose, scope, and implementation of DOE Policy (P. 455.1) on Risk-Based End States	DOE - 7/17/03
Implementation Plan - DOE Policy 455.1, Use of Risk-Based End States	Predecisional draft of the Implementation Plan	DOE - August 2003
Proposed legislative amendment to address management and disposal of high-level radioactive waste	Letter and draft legislation	S. Abraham (DOE) to D. Hastert (U.S. House of Representatives) - 08/01/03
July 16, 2003 CTF Meeting Summary	Summary of discussions at the July 16, 2003 CTF meeting	M. Holland (Holland & Associates) - 08/12/03