

To: West Valley Citizen Task Force  
From: Bill Logue, Citizen Task Force Facilitator  
Date: October 14, 2008  
Subject: **Summary of the September 24, 2008 Meeting**

## Next Meeting

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

Time & Date: **7:00 – 9:30 PM, October 22, 2008**  
Location: Ashford Office Complex  
9030 Route 219  
West Valley, NY

Note: All participants must be United States citizens and must bring photo identification. If you have questions or comments regarding the upcoming meeting or about this summary, please contact Bill Logue (860-521-9122, [bill@loguegroup.com](mailto:bill@loguegroup.com)).

## CTF Participants

**CTF Members and Alternates attending:** Joe Atkinson, Rob Dallas, Judy Einach, Bob Engel, Mike Hutchinson, Lee Lambert, Anthony Memmo, Joe Patti, Chris Pawenski, Pete Scherer, Warren Schmidt, Ray Vaughan, Eric Wohlers.

## Agency Participants and Observers

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

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

*West Valley Environmental Services, LLC (WVES):* Ken Alkema, Sonja Allen, John Chamberlain, Steve Warren.

*Observers:* Joanne Hameister, Kathy Kellogg (Buffalo News), Paul Wojtaszek, Lois Ann Zendarski (CCCC Mercury-Gazette).

## Introductions and Announcements

Bill Logue welcomed the group and reviewed the agenda and meeting documents.<sup>1</sup> He noted that the video of Dr. Voegele's presentation on the Yucca Mountain Repository should be available online as soon as the University of Buffalo is able to resolve issues with its servers. The New York State Department of Health provided copies of the 1963 License Exemption Authorizing the Burial of Radioactive Wastes, the Supporting Considerations, and a copy of the statute in effect at the time. There is voluminous other information available should the CTF request it.

## DOE Update

Bryan Bower provided an update on recent activities at the West Valley Demonstration Project (WDVP). **Safety.** Mr. Bower noted that as of September 3, 2008, the project had achieved 1 million safe work hours, or 71 weeks, without a lost-time work accident or illness. In early September a worker required sutures when his finger was pinched while disassembling a waste sorting station. Later in September an emergency response exercise simulated an accident with potential transuranic and hazardous waste

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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)

exposure. Bertrand-Chafee Hospital and DOE-Headquarters Emergency Operations Center participated. Having previously responded to the finger injury, the West Valley Hose Company chose not to participate.

**Main Process Plant Building (MPPB).** In the MPPB Acid Recovery Cell, asbestos-containing material has been removed and in-cell piping is being drained and removed. An 8' wide by 6' high opening for access on the ground floor is being cut into the Product Packaging and Handling/Product Purification Cell-North. Once gutted, the cell will act as a shaft for removing waste from other cells as the MPPB is readied for demolition. Recent news coverage stating that the high-level waste (HLW) canisters had been moved to rail cars was erroneous; they remain in the MPPB.

**Waste Management.** The inventory of stored wastes continues to be reduced with processing in five locations. Two are remote processing (Remote Handled Waste Facility and the Vitrification Facility) and three are contact-handled work areas. With available funding, Low-Level Waste (LLW) shipments resumed in August and 22 shipments are planned through October.

**NRC-Licensed Disposal Area (NDA).** The barrier wall installation is complete and cap installation is underway with completion scheduled for mid-October. During cap installation a seep of liquid was discovered near the pre-treatment system building. A small trench has been dug to collect liquid, which filled a 1,000 gallon container over the course of a weekend and subsequently dropped off to approximately 20 gallons every 2-3 hours. The liquid contains about 18-20 ppm of organic carbon and iodine 129. The seep was contained within the NDA boundaries. The cause may be soil compaction from heavy installation equipment or surface water from seasonal rains. Samples have been sent off-site for analysis. Results are received in seven days for premium rates and in 21 days for standard rates. Mr. Bower will provide water level data from nearby monitoring points and other information when available.

**North Plateau Ground Water Plume (NPGP).** Samples collected from 23 locations inside and outside the MPPB are being analyzed for hazardous and radioactive constituents and will be compared against background samples. Results are expected by year-end and will be shared with the New York State Department of Environmental Conservation (NYSDEC). The leading edge of the NPGP will be analyzed to develop the mitigation plan. Pumping and treating within the MPPB footprint is unlikely because mobile constituents have migrated from that area. Therefore, remediation by soil removal is being considered as the preferred alternative in the draft EIS.

**Other work.** Three small facilities were demolished and a bid was accepted from the Boys and Girls Club of Springville for dismantlement of the Vitrification Test Facility. The facility was considered for storage of HLW canisters, but was determined not to be appropriate for this purpose. A CTF member noted that the old sewage treatment facility was being dismantled and that some contaminated liquid was detected on September 23. DOE agreed to look into this development and report back to the CTF when information is available. Fifty-two WVDP employees participated in the United Way Day of Caring on projects at the Springville Community Pool and Delevan Head Start.

## **NYSERDA Deer Hunting Program**

Tom Attridge provided an update on the history and status of the deer hunting program at the Western New York Nuclear Service Center (the Center).

**History.** The program started in 1994 in response to requests from the Town of Ashford and the public, in part because of the number of car/deer accidents in the area. NYSDEC performed a study and estimated the deer population at the Center at twice the surrounding area. In 1994 25 hunters took 7 deer; in 1997 more than 500 hunters took 149 deer and in recent years 40-75 deer have been taken annually by about 300 hunters. Most are repeat hunters. Recent changes include an archery season, reduction of the gun season to 7 days and curtailment of littering at entry points. Hunters register and receive a car tag valid at one of 7 entry points with no more than 10 hunters allowed at each entry point. Hunters are limited to designated areas and rifles and ATVs are not permitted. NYSERDA regularly consults with neighbors.

**Radiological Monitoring.** Hunters may submit samples for radiological analysis, although few have done so recently. Each year samples are analyzed from three road-kill deer near the site and are compared with three other road-kill deer from farther away. In 2006 cesium was detected in one sample, although DOE determined it to be within safe limits. In 2007, DOE detected cesium in another venison sample. At this point, NYSERDA decided to conduct an assessment of the cesium in venison and its impact on the deer hunting program. NYSERDA contacted the New York State Department of Environmental Conservation (NYSDEC) and New York State Department of Health (NYSDOH) for assistance. NYSDEC deferred to NYSDOH, stating that NYSDOH was the most appropriate agency to conduct the assessment. NYSDOH conducted its assessment which was similar to one they conducted in 1999 at the Brookhaven National Lab on Long Island. NYSDOH concluded that no health or safety issue exists according to guidance and regulatory limits. Mr. Attridge showed comparative data from 1992 - 2007 from near-site and background deer populations and data from Brookhaven. The voluntary analysis program for hunters will continue and NYSERDA plans to conduct increased sampling during the upcoming program. This information will be assessed and the public will be informed. Several CTF members and observers encouraged NYSERDA to increase sampling and include in the presentation of analytical data the deer's sex, age, size, location and time of collection.

## **DOE Decommissioning Plan – Structure and Organization**

Moira Maloney of DOE provided an overview of the structure and organization of the Draft Phase 1 Decommissioning Plan (DP). She noted that the purpose of the DP is to assist the U.S. Nuclear Regulatory Commission (NRC) in determining if the EIS Preferred Alternative will meet NRC decommissioning requirements. Mr. Bower noted that Section 10 CFR part 50 does not apply to DOE but does apply to NYSERDA (as the licensee). He assumes that if NRC approves the decommissioning by DOE it would not then apply a different standard to NYSERDA, once the license is out of abeyance. Mr. Bembia noted that the NRC Policy Statement on West Valley specifies the License Termination Rule (LTR) as the standard.

**DP Scope.** Ms. Maloney described the scope of the DP, noting that the DP starting point is consistent with the EIS and will be done in a manner which ensures that all decommissioning options (ongoing license, restricted release, unrestricted release) are available as possible Phase 2 actions. She noted the Phase 1 proposed actions are: removal of the MPPB, Vitrification Facility and source area of the NPGP; removal of treatment lagoons 1-5; removal of other facilities and slabs and underlying soils; characterization and potential remediation of surface soils and stream sediment outside the Phase 2 areas; and monitoring and maintenance of the Waste Tank Farm, NDA and non-source area of the NPGP.

**DP Structure and Process/Timeline and Matching of Timeline with EIS Process.** The following chapters are likely to be of interest to the CTF: Chapter 5 on dose modeling, Chapter 7 on planned decommissioning activities and Appendix C with dose modeling supporting detail. The DEIS and DP are planned for release in December 2008 and a Federal Register Notice will be published indicating the DP is available for public inspection. NRC will perform DP acceptance review through March 2009. Public comment on the DEIS will run from December 2008 through June 2009. From March through September 2009 NRC will conduct detailed review and issue Requests for Additional Information (RAIs). The RAIs will be available to the public at some point. DOE will respond to RAIs from June through October 2009. NRC will prepare its Technical Evaluation Report (TER) on the Phase 1 DP from June through December of 2009. The Final EIS will be released in November of 2009 with a Record of Decision and Statement of Findings in December 2009. At this same time NRC will transmit its TER on the DP. DOE then publishes a notice in the Federal Register and makes the TER available for public inspection.

**Public Involvement.** Several CTF members commented that, because of the complexity of the issues and underlying assumptions it is important that people be able to comment on both the DEIS and DP. The CTF and agencies discussed how the NEPA process (DEIS) allows for formal public comment while the DP process simply allows for public inspection. Mr. Bower explained this is because the DP is a regulatory-like process to document how DOE will meet the NRC decommissioning criteria for unrestricted release. So long as the criteria are met, public comment is not required. If DOE were to request an exemption to the decommissioning criteria, then public comment would be part of the process. Mr. Bower noted that it is the policy for DOE at the WVDP to answer all correspondence. So, if someone has a question concerning the DP that could not be accommodated through the NEPA process, his office would respond to correspondence.

Ms. Maloney noted that NRC and DOE had met twice concerning the DP. The most recent meeting concerned dose modeling and a summary of that meeting was provided to the CTF. These meetings are publicly noticed and CTF members have been offered the opportunity to participate in the meetings via teleconference and video conference.

**On-going Assessment Period and Phase 2.** Several CTF members expressed concern with the concept of deferred decision-making and implications for future accountability. They also noted concern about long-term site integrity and potential reliance on institutional controls. DOE and WVES noted that, under the preferred alternative, decisions would not be deferred *for* 30 years but would be made *within* 30 years. During that time exhumation technologies will be examined, engineered barriers studied, an

annual review conducted and a 5-year review to determine if sufficient new information is in hand to make a final decision.

## OTHER BUSINESS

**Congressional Visit.** Pursuant to its Ground Rules, the CTF authorized John Pfeffer to speak on its behalf when he attends meetings with Congressional Delegation members and staff in early October on behalf of the Town of Ashford. The CTF requested that he encourage full funding, especially at the Senate mark during any continuing resolutions, and that he emphasize the importance of addressing the nuclear waste and disposal issue at the WVDP and nationally.

**Future Meeting Agendas.** For October the following were proposed agenda items: U.S. Department of Labor presentation on the Energy Employees Illness Occupational Cancer Program Act (EEOICPA); overview of NYSERDA risk assessment considerations and methodologies for the State-Licensed Disposal Area and the role of the Independent Review Panel and their report; and how the NYSERDA view will be incorporated into the DEIS. If warranted, members of the Independent Review Panel may present at a future CTF meeting. The CTF will also set aside time for a working session on planning for the comment period. For November, the Coalition on West Valley Nuclear Wastes may be able to present on their cost accounting study.

## Observer Comments

There were no observer comments.

## Action Items

Action	Assigned To	Due Date
NDA water levels near seep and updates on cause and contaminants.	DOE	When available
Findings concerning contamination found on dismantling of sewage treatment facility.	DOE	When available

## Documents Distributed

Document Description	Generated by; Date
Agenda	Logue; 9/24/2008
DOE Project Update	DOE; 9/24/2008
DOE Presentation: Draft Phase 1 Decommissioning Plan Structure and Organization of Chapters and Appendices	DOE; 9/24/2008
NYSERDA's Annual Deer Hunting Program	NYSERDA; 9/24/2008
NYSDOH License Exemption Documentation	NYSDOH

<b>Document Description</b>	<b>Generated by; Date</b>
NRC Letter to DOE with July 24, 2008 Meeting Report	NRC; 9/4/2008
Compilation of News Articles	NYSERDA; 9/24/2008