

To: West Valley Citizen Task Force
From: Bill Logue, Citizen Task Force Facilitator
Date: November 7, 2008
Subject: **Summary of the October 22, 2008 Meeting**

Next Meeting

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

Time & Date: **7:00 – 9:30 PM, November 19, 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).

CTF Participants

CTF Members and Alternates attending: Joe Atkinson, Chris Gerwitz, Stephen Kowalski, Paul Kranz, Lee Lambert, Kathy McGoldrick, Anthony Memmo, Joe Patti, Pete Scherer, Warren Schmidt, Tim Siepel, Ray Vaughan, Eric Wohlers.

Agency Participants and Observers

Department of Energy (DOE): Craig Rieman, Ben Underwood.

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

New York State Department of Environmental Conservation (NYSDEC): Pat Concannon.

West Valley Environmental Services, LLC (WVES): Ken Alkema, Sonja Allen, Charles Biederman, John Chamberlain.

Observers: Natalie Condor (Springville Journal), Chris Crawford, Gladys Gifford, Joanne Hameister, Kathy Kellogg (Buffalo News), Rick Miller (Olean Times Herald).

Introductions and Announcements

Bill Logue welcomed the group and reviewed the agenda and meeting documents.¹ Steve Kowalski noted that Tim Lund would no longer be his alternate and that he would designate an alternate in the near future. Eric Wohlers noted that Chris Crawford would be his alternate. Joanne Hameister, Steering Committee Chair, asked the CTF and others to consider her as the primary contact for the Coalition on Nuclear Wastes at West Valley. Judy Einach will continue to be the Coalition representative on the CTF but, due to funding issues, will be a volunteer with the Coalition.

US Department of Labor Energy Employees Occupational Illness Compensation Program

Joanna Janik, Case Worker, from the Energy Employees Occupational Illness Compensation Program – Resource Center located in Amherst, NY provided an overview of the elements of the program. (Program materials including brochures and sites are available on the CTF website with the monthly

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

meeting materials.) She noted that the program covers the West Valley Demonstration Project (WVDP), one of 39 sites in New York. Her office advises the public about the program; attempts to locate ill employees, their spouses, children, grandchildren and parents; and assists individuals in understanding eligibility criteria and filing claims.

WVDP is unique in that employees are eligible for compensation for both parts of the compensation program. Part B of the program includes cancer, Beryllium Disease, Beryllium Sensitivity and Chronic Silicosis. Part E of the program includes chronic illnesses and toxin exposure injuries. There are four tiers of compensation for eligible claimants. The first is a lump sum payment of \$150,000 for those meeting eligibility criteria as deemed by the Department of Labor (DOL). The second tier provides medical benefits related to the covered illness for life. The third tier covers wage losses. Covered employees may receive compensation for wage loss if approved by DOL under part E of the program. The final tier provides compensation for impairment. An impairment award is based on permanent loss of function of a body part or organ due to a covered illness under Part E of the program.

One-hundred nineteen employee claims have been filed for the WVDP site. Ms. Janik encouraged CTF members and others to let people know of the program so that they call the Resource Center, and together with a case worker, individuals could determine if they might be eligible for compensation. To be eligible an employee needs to have worked as a contractor or subcontractor for 250 cumulative (not necessarily consecutive) days on-site. Other sites have lower requirements. Lower eligibility criteria may be set through legislation. A CTF member noted that about 1,400 temporary employees who worked at the Center when Nuclear Fuel Services operated the reprocessing plant, reached annual exposure limits in as little as a few days. Under current criteria these individuals are probably not eligible because they would not have worked the minimum number of days.

A local group is working to achieve Site Exposure Cohort status for WVDP. DOL requested the Resource Center's assistance in inviting employees who have filed a claim to a meeting last year to discuss their day-to-day exposures to toxin at the site. This information has been recorded in a Site Exposure Matrix. This information may cause changes in the way claims are evaluated because these matrices could simplify the dose reconstruction process by assigning doses to specific work areas.

NYSERDA Quantitative Risk Assessment for the SDA

Paul Bembia, NYSERDA West Valley Site Director, presented an overview of the Quantitative Risk Assessment (QRA) for the State-Licensed Disposal Area (SDA) prepared by NYSERDA's Independent Review Panel QRA Team of Dr. John Garrick, John Stetkar, Andrew Dykes, Thomas Potter and Stephen Wampler. Mr. Bembia noted that NYSERDA's Preferred Alternative calls for the SDA to be managed in place for up to 30 years and that, as most models address the long-term risks, additional quantitative information was needed to assess the impacts associated with this shorter-term decision. An abbreviated version of the 600 page QRA will be included as an appendix to the Draft Environmental Impact Statement (DEIS). The QRA may be found at: <http://www.westvalleyctf.org/NYSERDA-QRA.html>

The QRA is a probabilistic risk assessment to assess radiation risk to the public under current administrative controls. The risk is calculated using a variety of scenarios, the probability of occurrence

of those scenarios, and the consequences of the scenarios as a dose to the public if they occur. The “public” in the scenario is one of two potential people receiving a dose, one is assumed to be a resident farmer at the confluence of Buttermilk and Cattaraugus Creeks and the other is a hunter/hiker who enters the site on foot and walks up Buttermilk and Frank’s Creeks.

Two types of “events” that might cause exposure were considered. One is a disruptive event and the other are nominal and process events. The risks are calculated differently for these types of events. Threat scenarios that were evaluated and included are ten types of disruptive events (e.g., aircraft crashes, erosion, small meteor impacts, fire, earthquake, etc.) and three types of nominal and process events (e.g., corrosion/deterioration/decomposition, groundwater intrusion, soil shrink / swell / consolidation). Approximately 30 threats were evaluated and eliminated. For a full list of included and excluded threats with subcategories see the presentation materials for the October 2008 meeting at www.westvalleyctf.org.

Thirty-one major scenarios were assessed and five categories of release mechanisms were identified as accounting for more than 97% of the risk. These included three types of release through ground or surface water, physical breaches, and extensive physical disruption and airborne release. The risk was plotted on risk curves that show a higher frequency of “events” that could cause low doses and a lower frequency of “events” that could cause high doses. They further show that an event resulting in a dose of 0.1 mrem might occur once in every 28 to 66 years and a dose exceeding 100 mrem might occur every 365 to 667 years. These probabilities are at the 90% confidence level.

The QRA Team concluded that the public health risk from operating the SDA for 30 years is well below the state and federal dose limits for individual members of the public if NYSERDA continues to operate with the current physical and administrative controls. The Team made additional recommendations including: further refinement of several important risk contributors; further analysis and more formal elicitation to refine trench water levels; continued active maintenance of trench water levels below the unweathered Lavery Till/weathered Lavery Till interface; minimization of the time the geomembrane cover is not intact due to disruption, repair or replacement; formalization of emergency preparedness plans and guidelines; monitoring of activity levels in Buttermilk Creek at a point just upstream from the confluence with Frank’s Creek; and periodically sampling the water in each trench and monitoring of the concentration of radionuclide species.

In response to questions, Mr. Bembia noted terrorist attacks were not analyzed due to their great uncertainty, the feeling that other portions of the site presented more attractive targets to potential terrorists than the SDA and that other types of events, for example an airplane crash, might produce a similar exposure. The DEIS does analyze this risk for other areas of the WVDP. River diversion and stream piracy were not analyzed but gully growth was. Because of regular monitoring and security patrols, NYSERDA anticipates that animal burrowing and intentional intrusion would be detected in a timely manner. Climate change was considered only as it is evidenced by severe weather events. A CTF member encouraged NYSERDA to analyze the exponential impacts of severe storm events. In closing, Mr. Bembia noted that the QRA would likely undergo further refinement after the release of the DEIS and that it could result in a publication in the future.

NYSERDA “View” on the DEIS Analysis and Results

Paul Bembia informed the CTF that NYSERDA would include a foreword in the DEIS setting forth NYSERDA’s perspective or “view” on certain portions of the DEIS. This allows the DEIS to be released with NYSERDA acting as a joint lead agency supporting the Preferred Alternative while identifying several specific concerns with the long-term analysis and results in the DEIS. The view includes analysis from NYSERDA’s Independent Expert Review Team. The topics addressed in the view include: Erosion Analysis, Groundwater Analysis, Engineered Barriers, Uncertainty Analysis, Exhumation Approach for the High-Level Waste (HLW) Tanks and Disposal Areas, Non-radiological Transportation Fatalities from Rail Transport, and use of the current Long-Term Performance Assessment to support in-place closure of the HLW Tanks and other facilities.

Working Session to Plan for DEIS Comment Period

Due to the late hour, the CTF decided to address other business. At the November meeting the CTF will consider: what additional information or deeper understanding might be requested by way of presentations; how they might structure their work (as a full group, with work groups, etc.); what outreach they might want to conduct and for what purposes; and the possible schedule of meetings. A member suggested that presentations on Waste Management Areas 1 and 2 might be desirable.

Other Business

Congressional Visit. John Pfeffer visited with Congressional Delegation members and staff in early October; however the economic crisis limited opportunities to speak to CTF issues.

Worker Safety. Bill Logue reported that Judy Einach had expressed concerns about compromises in worker safety due in part to the structure of contracts with incentives for bonus payments.

DOE Dose Modeling for Decommissioning Plan. DOE and NRC held a meeting on October 21, 2008 to address dose modeling for the Decommissioning Plan. Ray Vaughan attended as an observer. He handed out several pages from the DOE presentation on dose modeling and expressed his concern that the three proposed cleanup levels for surface, subsurface and streambed contamination have not been fully explained. He also stated that it might be possible for Phase 1 of the EIS work to use a significant portion of the allowable dose, thereby leaving a smaller dose to cover the Phase 2 work. He encouraged the CTF to write DOE and NRC and object to the lack of public participation in the decommissioning plan process. Lee Lambert and Bill Logue will review Mr. Vaughan’s draft letter and then circulate it to the CTF for review and comment.

Future Meeting Agendas. The CTF will reserve November for planning for the public comment period and, if possible, receive the year end review of accomplishments. The Coalition on West Valley Nuclear Wastes will be invited to present their Full Cost Accounting Study at the January meeting.

Observer Comments

An observer encouraged the CTF to allow time for other groups to hear and understand the CTF’s draft comments so that they could use them in guiding or mobilizing additional public comment.

Action Items

Action	Assigned To	Due Date
Draft letter to DOE/NRC on decommissioning plan public involvement	Vaughan/Lambert / Logue	10/31/2008
Draft annual evaluation questionnaire	Logue/Patti	10/31/2008

Documents Distributed

Document Description	Generated by; Date
Agenda	Logue; 10/22/2008
Energy Employees Occupational Illness Compensation Program – Materials	US Dept. of Labor
NYSERDA Quantitative Risk Assessment for the SDA – Presentation	NYSERDA; 10/22/2008
NYSERDA “View” on the DEIS Analysis and Results – Presentation	NYSERDA; 10/22/2008
Excerpts from 10/21/2008 DOE Decommissioning Plan Dose Modeling presentation to NRC	DOE; 10/21/2008
Compilation of News Articles	NYSERDA; 10/2/2008