

To: West Valley Citizen Task Force
From: Cindy Cook and Bill Logue, Citizen Task Force Facilitators
Date: May 9, 2008
Subject: **Summary of the April 23, 2008 Meeting**

Next Meeting

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

Time & Date: **7:00 – 9:30 PM, May 28, 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) or Cindy Cook (802-223-1330, ccook@adamantaccord.com).

CTF Participants

CTF Members and Alternates attending: Joe Atkinson, Mike Brisky, Rob Dallas, Judy Einach, Chris Gerwitz, Gladys Gifford, Mike Hutchinson, Paul Kranz, Lee Lambert, Kathy McGoldrick, Anthony Memmo, Warren Schmidt, Tim Siepel, Bill Snyder, Eric Wohlers.

Agency Participants and Observers

Department of Energy (DOE): Cathy Bohan, Bryan Bower, Jeanie Loving, Janet Masters, Ben Underwood
New York State Energy Research and Development Authority (NYSERDA): Tom Attridge, Paul Bembia, Hal Brodie, Andrea Mellon, Paul Piciulo

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

New York State Department of Environmental Conservation: Pat Concannon, David O’Hehir, Robert Phaneuf, Tim Rice, Lynn Winterberger

U.S. Environmental Protection Agency: Paul Giardina

U.S. Nuclear Regulatory Commission: Jerry Bonannon, Chad Glenn, Keith McConnell, Behram Shaeff
Observers: Jeff Burreight, Joanne Hameister, Kevin Kytola

Meeting Summary

At the start of the CTF meeting, Cindy Cook and Bill Logue welcomed the group. The meeting documents and agenda were provided at the outset of the Public Meeting which preceded the CTF Meeting.¹ CTF members welcomed new alternates Gladys Gifford (for Ray Vaughan), Deborah King (for Bill Snyder), Paul Kranz (for Holly Sinnott) and Kathy McGoldrick (for Judy Einach).

Public Meeting

Prior to the CTF meeting, the Core Team Agencies held a public meeting to gather input on the Core Team proposed preferred alternative. Bryan Bower of DOE presented an update on activities at the

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

West Valley Demonstration Project and the status of the Environmental Impact Statement (EIS). Although the presentation is available at www.westvalleyctf.org, Mr. Bower's presentation is not summarized here. Points made during the public meeting which were of particular interest to CTF members and members' questions and comments concerning the Core Team proposed preferred alternative are noted.

WVDP STATUS. Due to budget limitations, waste management activities in the near term will emphasize processing and *preparing* waste for shipment rather than shipping waste. This will help with maintaining a fairly stable workforce. One goal is to reduce the infrastructure that needs active maintenance as soon as possible. This will lower annual maintenance costs significantly, thereby freeing funds for other work. DOE is investigating the steps to clean release the bulk storage warehouse to NYSERDA who could then release it for community use that might generate tax revenues.

Work on the NDA cap should be completed by fall 2008. Work in anticipation of mitigating the North Plateau Groundwater Plume is beginning, including: sampling to assess contamination and establish background levels and a pilot one-fifth scale test of a lining media material to capture strontium where the plume has daylighted to a swale. Because the pilot test involves placement of a media strip in a manner which has not been attempted before, Mr. Bower suggested that WVES staff provide more detailed information on the pilot test at a future meeting. He noted that for the Main Plant Process Building (MPPB) the first step is to conduct further decontamination to prepare the building for demolition and the second is to actually dismantle it. The plan is to complete decontamination by 2011. Drying of the high-level waste tanks could be accomplished by air circulation and evaporation or application of a desiccant. Some grouting may be necessary where pipes enter the tanks from trenches where the underground pipes are located. The design life of the drying system is approximately 30 years. Some repairs will need to be made to the rail line embankment before rail shipments of waste can resume. Finally, Mr. Bower noted that they are currently performing Waste Incidental to Reprocessing (WIR) determinations for the Melter and two tanks used in the vitrification process. These WIR determinations will undergo internal review at DOE in the Environmental Management Program, then at its Office of the General Counsel. There is a public involvement process for these WIR determinations. DOE believes this waste will be classified as Low-Level Waste (LLW).

Preferred Alternative. Mr. Bower stated that the current schedule anticipated release of the draft EIS for comment in the fall of 2008. He reviewed the Core Team proposed preferred alternative noting that the goal was to achieve the interim end state by 2011 and have Phase 1 work completed from 2011-2018.

In response to questions as to why 30 years was selected as the outside limit for on-going assessment, Mr. Bower stated that technical resources, the design lives of the tank drying system and burial ground caps, and policy issues concerning the availability of a repository for high-level waste all factored into the decision. Annual evaluations will ensure the systems are working properly and decisions will be revisited every five years. In response to a question, he noted that with additional funding some work could be accelerated; this includes moving the HLW canisters out of the MPPB (which is contingent on

the decommissioning plan, NEPA documents and having a Record of Decision (ROD)). If these are in place, the MPPB dismantling could be accelerated by two to three years and be completed by 2015-2016.

Paul Giardina of EPA indicated that EPA and NYSDEC would make available a PowerPoint presentation and accompanying video of a briefing on the status of the Yucca Mountain Repository. DOE is in the processes of developing a national-scale EIS for Greater-than-Class-C Waste, often known as "orphan waste." Mr. Giardina noted that DOE, EPA and NRC were working on the issue but that funding, a mandate, and the political will to address the problem were necessary to reach long-term resolution.

CTF Meeting

At the outset of the CTF meeting, Paul Bembia noted that a copy of the qualifications of NYSERDA's expert review team had been provided to the CTF. The team will help NYSERDA review the draft EIS, primarily focusing cost/benefit analysis, performance assessment modeling, erosion and groundwater processes and other factors, as well as performing a quantitative risk assessment for the continued monitoring and maintenance of the SDA for up to 30 years.

Mr. Bower noted that the drum cell storage building could not be used as a temporary storage for the HLW canisters due to its inadequate design to withstand seismic events. This determination was from a study conducted by Burns and Row in the late 1990s.

CTF members expressed concern that the exhumation of the SDA and NDA might not be fully considered. Lynn Winterberger noted that NYSDEC regulates the SDA and NDA through the state equivalent of RCRA and that this process is in effect independent of NEPA. Bob Phaneuf noted that the NYSDEC permitting processes will contain public involvement aspects. NYSDEC will present more detailed information about its regulatory processes and possible mechanisms for affecting the 30-year monitoring and assessment period at the June CTF meeting. Keith McConnell of the NRC noted that all agencies are committed to decommissioning and decontamination, but that options are constrained by the lack of long-term disposal facilities for orphan wastes. Paul Bembia noted exhumation involves uncertainties, including the amount of material that will need to be exhumed and the cost of disposal. CTF members encouraged agency staff to actively investigate exhumation options. Mr. Bembia commented that NYSERDA plans to use the monitoring and assessment period to better understand exhumation options.

Several members expressed concern about the phased approach to decommissioning and how the public might ensure that commitments to completing work to the level specified in the ROD will be met. Tim Rice of NYSDEC noted that other sites that are regulated by NYSDEC have used a phased decommissioning approach. These include Brookhaven and Tonawanda. Mr. McConnell noted that phased decommissioning is not uncommon, especially at Formerly Used Site Remediation Act (FUSRA) sites. RCRA landfill permits are another parallel example where a variety of mechanisms have been used to ensure compliance.

Other Business of the CTF

Bill Snyder advised the CTF that the Town of Concord had passed a resolution requesting that the off-site air monitoring that DOE discontinued be reinstated. WVES staff has offered to meet with the Town to answer questions about the monitoring program and discuss the future of those monitoring sites.

As follow-up on the letter to the Congressional Delegation, Judy Einach committed to contact Senator Schumer's office, Mike Hutchinson will contact State Representative Giglio and U.S. Representative Kuhl's offices, and Lee Lambert will contact Senator Clinton's office.

Bryan Bower indicated he would inquire as to whether the internal budget request for 2010 could be made public. He also noted that some budget numbers are specified in the WVDP five-year plan which is publicly available. Lee Lambert will work with the facilitators to draft a letter from the CTF to DOE concerning the 2010 budget request.

Mike Hutchinson asked how the cleanup standards will be set for the site and how they will be enforced. This is a critical issue, as it will affect all subsequent cleanup decisions. Mr. McConnell stated that the cleanup standards will be established in the Decommissioning Plan, and that the Decommissioning Plan development process will be concurrent with the development of the EIS.

Mr. McConnell noted that NRC will convene a Decommissioning Plan Scoping meeting on May 19, 2008. Members of the public can join the meeting via telephone and are welcome to make comments at the close of the meeting. Mr. McConnell will circulate more information about what will be covered at the meeting, the time the meeting will begin, and call-in information.

The facilitators agreed to schedule an Agenda Work Group conference call to plan out future meeting agendas for the group.

Observer Comments

Joanne Hameister asked about opportunities for public comment between the release of the Final Environmental Impact Statement (FEIS) and the ROD. Jeanie Loving of the DOE Office of General Counsel noted that there is a 30-day period after the FEIS before the ROD can be issued. During that period the public may submit comments, and it is DOE's policy to respond to these comments in the ROD.

Action Items

Action	Assigned To	Due Date
Availability of DOE WVDP 2010 budget	Bower	5/1/2008 ²
Follow-up on March 26 CTF letter to Congressional delegation	Einach, Hutchinson, Lambert	5/9/2008

² The Environmental management Program Five Year Plan is available online at www.em.doe.gov

Draft letter to DOE concerning 2010 budget request	Lambert, Cook, Logue	5/2/2008
Copy of video and PowerPoint of Yucca Mountain presentation to facilitators	Paul Giardina-EPA	5/7/2008
Description of Public Involvement Process for Waste Incidental to Reprocessing Determinations	Bower	5/28/2008
Information re NRC Decommissioning Process Scoping Meeting, to be held on May 19	McConnell	5/2/2008
Schedule CTF Agenda Work Group Call to discuss future meeting agendas	Logue, Cook	4/29/2008

Documents Distributed

Document Description	Date; Generated by
Agenda	Cook/Logue; 4/23/2008
WVDP and EIS Status –DOE Presentation 4/23/08	DOE; 4/23/2008
Qualifications Summaries for Members of the Independent Expert Review Team Convened by NYSERDA to Assist in the Review of the 2008 West Valley Draft Decommissioning EIS	NYSERDA; 4/23/2008
Long-term Stewardship of the Environmental Legacy at Restore Sites Within the Department of Energy Nuclear Weapons Complex by James R. Wells and Henry B. Spitz (2003)	Einach
Compilation of News Articles	NYSERDA; 4/23/2008