

To: West Valley Citizen Task Force
From: Bill Logue and Loraine M. Della Porta*, Citizen Task Force Facilitators
Date: July 10, 2015
Subject: **Summary of the June 24, 2015 Meeting**

Next Meeting

The next Citizen Task Force Meeting will be: September 23, 2015

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

CTF Members and Alternates Attending

Rob Dallas, Clyde Drake, Paul Kranz*, Lee Lambert, Kathy McGoldrick, Joe Patti, John Pfeffer, Ray Vaughan.
Alternate: Barbara Frackiewicz.

Agency Participants and Observers

Department of Energy (DOE): Tom Aug, Bryan Bower, Martin Krentz, Moira Maloney, Sandra Szalinski, Randy Tormey, Ben Underwood

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

CH2M HILL BWXT West Valley, LLC. (CHBWV): Lynette Bennett, Dan Coyne, John Rendall.

New York Department of Environmental Conservation: Ken Martin, Tim Rice.

U.S. Nuclear Regulatory Commission: Amy Snyder*.

Observers: Diane D'Arrigo*, Rick Miller, Paul Siepierski, Barbara Warren*.

INTRODUCTIONS AND ANNOUNCEMENTS

Bill Logue welcomed all present and reviewed the meeting agenda and materials¹. Bryan Bower introduced DOE counsel Ben Underwood who then introduced Tom Aug, Assistant Chief Counsel for Environment and General Law and Randy Tormey, Environmental Attorney. Mr. Bower informed the CTF that the DOE Environmental Management (EM) Tank Waste Corporate Board met in West Valley and was joined for a portion of the meeting by Monica Regalbuto who is the nominee for Assistant Secretary of Energy for Environmental Management (EM). Mr. Bembia introduced Noah Shaw, General Counsel of NYSERDA.

CHBWV PROJECT OVERVIEW

Dan Coyne of CHBWV presented a project update.

Safety. Mr. Coyne displayed a graphic of DOE-EM prime contractor safety rankings. CHBWV is the only site with zero total recordable cases and days away, restricted or transferred. As of June 18 this is 955 days without a lost-time work accident or illness.

Tank Waste Corporate Board. Mr. Coyne informed the CTF of the Waste Tank Corporate Board meeting on June 16-17 at the site noting the composition of the board and a site visit by Ms. Regalbuto and Mr. Picha, Deputy Assistant Secretary for Tank Waste and Nuclear Material Management.

High-Level Waste (HLW) Project. Mr. Coyne reviewed the project including the flow path. Sixteen Vertical Storage Casks (VSC) and Overpacks have been fabricated and are awaiting transport from the North Parking Lot through the Main Gate using the Vertical Cask Transporter and TL-220 Tugger along the haul path to the Load-In Facility. An air

¹ Each is listed at the end of this summary and may be found at www.westvalleyctf.org under 2015 Meeting Materials.

*Participated by telephone.

pallet will be used to move the casks into and within the Load-In Facility. The TL-220 will operate along the “runway” in the Load-In Facility through the Equipment Decontamination Room to a rail cart. The canisters will be placed into the overpacks, then loaded into the VSC and welded closed. The loaded VSC will weigh 87.5 tons together with the transport equipment almost 100 tons will be transported along the haul path to the HLW Storage Pad. The building door was enlarged and floors are being grouted for additional support and the haul path road has been repaired and paved. The equipment and roads are being tested. The plan is for the HLW move to start in August with 16 VSCs containing 80 of the 275 HLW canisters being moved during the “campaign.” The first VSC will take some time to move and with experience, efficiency will increase. Mr. Coyne noted that the work focus and funding was first on the HLW relocation and decontamination in the Main Plant Process Building (MPPB). A CTF member asked that future updates include information on the efficiency of spending so the CTF could more effectively advocate for funding. The cost efficiency ratio is currently close to 1:1.

Waste Operations. The Cement Filter Boxes, the last of the legacy Mixed Low-Level Waste (LLW), was shipped and the Concentrator Feed Make-up Tank, Melter Feed Hold Tank and Melter will be shipped in 2016.

Milestone 3. Pipe removal continues in the Liquid Waste Cell and Off-Gas Cell. Debris is being removed from the floor of XC-1 and other areas are being cleaned. A new head-end ventilation unit was installed in a small structure adjacent to the MPPB. In closing Mr. Coyne showed a chart of the level of completion of various activities for preparation for MPPB demolition. Characterization is 48% complete and Asbestos Removal/Demotion Ready 46%. Hazardous material removal, Piping and Strip-Out, Mechanical Isolation are all between 21-28%; Penetration Stabilization/Repair, Decontamination and Electrical Isolation are between 12 and 15% complete.

RELOCATION OF SPDES OUTFALL S09

Bryan Bower of DOE informed the CTF of planned work to relocate State Pollution Discharge Elimination System (SPDES) permit outfall S-09, which is the discharge point for stormwater runoff from the North Plateau. In accordance with their requirements, NYSDEC had recently published the WVDP’s application for the permit modification for public review. Outfall S-09 currently discharges at the top of the embankment on the northeast corner of Lagoon 3 and contributes to erosion in the area. The plan is to redirect the flow to a downstream point, onto an engineered surface, thereby significantly reducing erosion. There will be no change in water quality or the amount of discharge. The proposed work has undergone NEPA review and DOE has discussed the work with NYSDEC and the Army Corps of Engineers. Work is planned for late July through October 2015.

PROBABILISTIC PERFORMANCE ASSESSMENT CONTRACTING UPDATE

Mr. Bower informed the CTF that placement of the Probabilistic Performance Assessment (PPA) contract was in the procurement process and, to ensure a fair bidding process, he could not provide any additional information. He will have information at the conclusion of the procurement process.

PHASE 1 STUDIES AND OTHER UPDATES

Lee Gordon of NYSERDA provided several updates.

Phase 1 Studies(P1S). Enviro Compliance Solutions (ECS), the P1S prime contractor is developing program plans and procedures which address health and safety of field work and quality assurance/quality control for data collection and analysis and modeling. The plans do not direct the nature of the studies and the level of safety or other controls will depend on the type of work being performed. DOE and NYSERDA are reviewing drafts of these program documents.

The **Erosion Working Group** (EWG) has submitted to DOE and NYSERDA a draft Study Plan for implementation of the recommended studies. The Study Plan should be finalized by the end of the month. The Plan focuses on data quality objectives that will be used to measure the level of success and attainment of goals for the studies. This year, the EWG is focusing on age dating, installing monitoring equipment, and modeling and data analysis.

The **Exhumation Working Group** (EXWG) is finalizing their Study Plan, which should be publicly available shortly after the EWG Plan. Work in 2015 will focus on non-intrusive geophysical measurements at the disposal areas and data analysis of the radionuclide inventories.

The **Engineered Barriers Working Group** (EBWG) had been on hold pending agency consensus on the Phase 2 decisionmaking process and the PPA. They have been asked to finalize their draft recommended studies. The draft will be made available, probably this summer, to the public and the Independent Scientific Panel.

Aerial Radiation Survey. The data has been collected and submitted and is undergoing review by NYSERDA, DOE and the regulatory agencies. The study team will present findings at a future QPM.

LiDAR Survey and Orthophotography

An updated and expanded LiDAR topographic survey will be conducted in 2015. Aerial orthophotography will also be collected. The data will supplement and update a previous LiDAR survey conducted in 2010. Change detection techniques can be used to evaluate topographic changes that have occurred in the intervening timeframe.

DISCUSSION WITH NOAH SHAW

Mr. Shaw introduced himself noting that he became General Counsel of NYSERDA about 8 months ago and had been working closely with retired General Counsel Hal Brodie and with Paul Bembia. He reviewed his prior career in law private practice and as Senior Advisor to the Department of Energy General Counsel. He grew up in Warren County in the Adirondacks. He noted that nuclear waste is a forgotten issue in many areas of the country and that many people, nationally and locally, are not aware of the issues and liabilities. He said that this community is an exception, and is very aware of the issues and liabilities. NYSERDA recognizes this as well and takes their responsibilities at West Valley seriously. Mr. Shaw stated that the NYSERDA Board has recently approved the Third Supplemental Agreement to the Cooperative Agreement. It will be formally executed and a copy provided to the CTF in the coming weeks. It addresses Phase 2 decisionmaking, the Probabilistic Performance Assessment and cost sharing for the contracting and decisionmaking process related to Phase 2.

In response to questions from CTF members Mr. Shaw noted that he had not worked with a similar advisory group before but that in his role had been involved in public engagement issues and working groups, statutorily required and otherwise. He also noted the NYSERDA budget is \$800-900 million annually with \$6-7 million going to the WVDP. NYSERDA's share of WVDP funding is determined annually as a percentage of the federal funding level. NYSERDA has about 350 employees with about 11 at the West Valley Site Management Program. He continued that, as a lawyer who focuses on liability issues, his time and attention to the site is much greater than funding or staff ratios would indicate.

CTF DISCUSSION

Draft Memo on Climate Change. The CTF then reviewed a draft memo on climate change prepared by Ray Vaughan and Paul Kranz. Mr. Vaughan stated that federal and state agencies were driving a conversation on climate change and adaptation, also known as community resiliency planning. In drafting the memo the intent was to express CTF views on climate change adaptation as they relate to the West Valley site. Mr. Vaughan noted the need for better baseline information on the existing frequency and intensity of storms in the region and local area, and for a reliable assessment of how storm frequency and intensity will increase due to climate change. This is a challenging task in any area, given the spatial and temporal variability of storm events and the relatively sparse network of weather stations. An additional challenge in Western New York comes from the intense lake-effect snow and rain events that we experience in areas downwind of Lake Erie. Climate change is expected to produce more lake-effect precipitation overall (as ice cover on the lake is reduced/delayed), with an increasing proportion of lake-effect rain rather than snow as average temperatures gradually rise. Mr. Vaughan referred to the erosion prone nature of the site and the conclusion in the 1998 CTF Final Report that the site is not suitable for long-term storage or disposal of wastes. Mr. Bembia stated that climate change would be factored into the analysis by the PPA contractor. He

continued that the agencies would review any climate guidance issued by NYSERDA, DOE, NYSDEC or other agencies. A question was asked about whether the Council on Environmental Quality would build it into the EIS process. That is not known at this time. The group discussed site and local weather station data collection, the role of schools and online access to the data.

After discussion, the CTF agreed that members be given a few days to comment on the memo in detail and that, after any revisions, asked the facilitator to draft a cover letter and prepare to send it to DOE, NYSERDA, regulatory agencies and others as appropriate. The group will use electronic approval to finalize the draft and cover letter.

Proposal to Comment on Changes to 10 CFR 61. Mr. Vaughan informed the CTF that NRC was proposing changes to 10 CFR 61 regulations concerning shallow burial of LLW. The original regulations came into place in the 1980's and some gaps have been identified since then; which the proposed changes are meant to address. Mr. Vaughan noted that he had long disagreed with the agencies concerning the applicability of the regulations to portions of the West Valley site, particularly the tank farm. He set that issue aside as background information, then highlighted several portions of the proposed changes on which he had drafted comments for consideration. In general he felt that the proposal relaxed the regulations to an unwise degree that would not sufficiently protect the public. He noted several things in particular: relatively unprotective dose limits associated with the proposed addition of timeframes for protection of the public; relatively unprotective dose limits associated with changing inadvertent intruder protection from qualitative to quantitative; changes in site suitability requirements. Comments are due to NRC by July 24. After discussion the CTF asked the facilitator to poll the CTF and schedule a conference call to refine comments and circulate them for consideration and possible approval via email.

Funding Advocacy. The CTF reviewed a timeline of how DOE budgets are developed, proposed and implemented showing how three fiscal years are tracked simultaneously. They also reviewed how they typically advocate through correspondence and visits to congressional representatives and DOE in Washington. The CTF reiterated that they felt \$75 million in funding was appropriate and that advocacy should start with DOE to have it included in the president's budget. Mr. Shaw stated that there was "never a bad time" to go to Washington as budgets are always under discussion. In response to a question he stated that it was difficult to obtain a meeting with OMB due to their staff size and the number of meeting requests. The facilitator committed to developing an outline for advocacy.

Other. Mr. Logue noted that he would be interviewing and bringing forward a replacement for Lee Lambert as she is considering stepping down. Ms. Lambert noted there might be a transition period where her replacement serves as her alternate.

In early July, the CTF will decide if a July meeting is warranted.

OBSERVER COMMENTS

Diane D'Arrigo informed the CTF that the NRC would be hosting a webcast on the proposed regulations on June 25. She also appreciated the CTF consideration of comments as she felt the regulations were being severely weakened. She also noted that NRC would require agreement states, such as New York, to apply the revised regulations.

ACTION ITEMS

Action	Who; Date
Draft cover letter/executive summary on climate change memo; convene NRC comment ad hoc workgroup; outline funding advocacy calendar	Logue
Provide copy of Third Supplemental Agreement	NYSERDA

DOCUMENTS DISTRIBUTED

Document Description	Generated by; Date
Meeting Agenda	Logue; 6/24/2015
CHBWV Project Update	CHBWV; 6/24/2015
DOE Presentation SPDES Outfall S09	DOE; 6/24/2015
DOE Budget Development & Implementation Timeline	6/24/2015
News Clippings Distributed at Meeting	NYSERDA; 6/24/2015