

To: West Valley Citizen Task Force
From: Nancy Raca and Anne Redmond, Highland Planning
Date: March 30, 2023
Subject: **Summary of March 22, 2023 meeting**

Next Meeting

Date & Time: April 26, 2023, 6:30 p.m.
Location: Ashford Office Complex and Zoom

CTF Members and Alternates Attending (in person or via Zoom)

Kevin Boyle, Anna Carr, John Hood, Tony Memmo, Ray Raffel, Shannon Seneca, Pat Townsend, Ray Vaughan, John Pfeffer.

Facilitators: Nancy Raca, Anne Redmond.

Agency Participants and Observers

Department of Energy (DOE): Stephen Bousquet, Bryan Bower, Jeff D’Agostino.

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

CH2M HILL BWXT West Valley, LLC (CHBWV): Joe Pillittere, Kelly Wooley.

New York State Department of Environmental Conservation: Pat Concannon.

New York State Department of Health: Cynthia Costello, Nate Kishbaugh, David O’Hehir.

Observers: Diana D’Arrigo, Charlotte Salmon, Alison Steiner, Janice Dean, Lynn Winterberger, Michael Adkison, Misa Yasumiishi, Patrick Hefflinger, Zhenduo Zhu, Tom Mooney.

Introductions, Announcement, Administrative Business

CTF Facilitator Nancy Raca welcomed all present and reviewed the meeting agenda and materials.¹ Nancy acknowledged there had been some concerns regarding the sound quality and visibility of meeting attendees. She requested CTF members, Agency members, and contractors to identify themselves at the beginning of the meeting and before speaking during the meeting.

Bryan Bower shared information about DOE’s 2024 budget request. The West Valley budget request for non-defense activities is \$89.9 million, which is a slight increase from FY 2022. The request for defense-related activities, including security and cybersecurity, is approximately \$6 million. The 2024 request is almost the same as the 2023 enacted budget.

¹ Each meeting material is listed at the end of this summary and may be found at www.westvalleyctf.org

CHBWV West Valley Demonstration Project Update

Kelly Wooley of CHBWV presented a project update.

Safety: As of February 2023, the Total Recordable Case Rate is at 0.61, with the last recordable case in December 2022. Mr. Wooley noted that the Days Away Restricted or Transferred (DART) is 0.61. The last recordable injury was in May 2022.

Kelly said that an incident occurred in early March at the Clive, Utah disposal site in which a container shipped to Utah from West Valley was observed to be producing a slow drip. No contamination was detected on the container or on the soil, and CHBWV suspended all shipping until personnel could evaluate the event and identify mitigation actions. A CHBWV team of four employees representing ESH&Q and Waste Operations travelled to Energy Solutions to evaluate the container. The waste bag liner inside the container appeared to be intact during the container unloading process. They determined the liquid was likely in the container during preparation and transport and noted a 3-4" indentation and assessed there was likely a pinhole leak. The State of Utah was notified and did not provide any actions. Energy Solutions stated the leak did not violate the Waste Acceptance Criteria, did not require submittal of a formal corrective action plan, and released the container to be emptied along with the resumption of shipments from WVDP. CHBWV has issued a management concern occurrence report. All containers at West Valley were reinspected and no additional damage was noted.

Main Plant Process Building Deconstruction: Mr. Wooley showed photos from the deconstruction of the Main Plant Process Building (MPPB). Deconstruction of Extraction Cell #3 is complete, and deconstruction of the Chemical Process Cell west wall has begun, with the first three feet of wall removed. The Extraction Cell monorail crane has also been deconstructed. Mr. Wooley showed images of the deconstruction of the Acid Recovery Room, including the walls and floors of the Off-Gas Operating Aisle. The crews have additionally removed the west-facing windows of the Chemical Process Cell (21,500 lbs each) and successfully loaded them for transport.

Other Updates: The new Guardhouse is complete and will be operational on March 27. Also, a mock-up to demonstrate the use of a specialized pump to obtain a liquid sample from Tank 8D-4 is wrapping up. The radiation-resistant camera is on-hand, which has shielding to protect the electronic devices inside.

In addition, air monitoring data through September 30 will be posted online at www.chbwv.com. Water monitoring data is also located there.

NYSDOH Presentation

Ms. Raca introduced Cynthia Costello from New York State Department of Health (NYSDOH) to discuss the roles and responsibilities of the NYSDOH for the West Valley project. Cynthia introduced herself as the Chief of the Environmental Radon/Emergency Response section in the Bureau of Environmental Radiation Protection.

Ms. Costello said that the Bureau of Environmental Radiation Protection is responsible for regulatory issues including licensing, equipment registration, inspection and enforcement, management of public information program for environmental radiation and radon, and the facility surveillance program. If there are contaminated site cleanups in the state, they monitor activities and provide input as appropriate. In most cases, they do not have regulatory authority, so input is advisory in nature. In addition, the Bureau is responsible for responding to non-ionizing radiation and electromagnetic field inquiries. In relation to West Valley, Ms. Costello indicated there are several different areas and different roles associated with those areas.

State Licensed Disposal Area (SDA): The State Licensed Disposal Area (SDA) is licensed by NYSDOH and is currently under “Timely Renewal,” meaning that as long as the renewal application is submitted before the expiration date, which NYSERDA’s application was, the license will remain in effect until the renewal is processed. Radiation procedures are specified in the license to ensure the facility performs according to the license requirements (i.e., 10 NYCRR 16, 12 NYCRR 38) and include any additionally imposed conditions on the license. Additionally, the SDA is regulated by the DEC under a Part 380 permit.

West Valley Demonstration Project (WVDP) Nuclear Regulatory Commission (NRC)-Licensed Disposal Area: Ms. Costello described this area as managed under U.S. DOE, which has its own policies, plans, procedures, directives, and orders. NYSDOH has no regulatory jurisdiction over radioactive materials or worker safety for this portion of the site. The NYSDOH will review and comment on work plans if there are potential offsite impacts, but DOE has no obligation to address these comments.

Ms. Costello said that some aspects of the NRC license for the Western New York Nuclear Service Center (except the SDA) are in abeyance while DOE conducts decommissioning and cleanup work at the West Valley Demonstration Project. It was clarified that the technical specifications for the NRC license are in abeyance; however, NYSERDA still maintains the NRC License for the Western New York Nuclear Services Center. NYSDOH follows the decommissioning process and participates in stakeholder meetings (including CTF and Quarterly Public Meetings) but has no authority. NYSERDA noted that the NRC license for the Western New York Nuclear Service Center was never in abeyance; that only its technical specifications were in abeyance, and that the license was recently amended to update its radiation protection program.

Supplemental Environmental Impact Statement (SEIS): NYSDOH has been designated as an involved agency under SEQRA, which indicates the agency has or will have a discretionary decision to make regarding some aspect of the action. NYSDOH will have opportunity to review and comment on Draft SEIS.

Environmental Surveillance: Quarterly samples are collected from Cattaraugus Creek, Buttermilk Creek, Franks Creek and Erdman Brook. Dosimeters are used to measure gamma

radiation exposure at the site. Results of the environmental sampling are available on the Open Data website:

- <https://health.data.ny.gov/Health/Environmental-Radiation-Surveillance-West-Valley-R/dsf2-pnie>
- <https://health.data.ny.gov/Health/Environmental-Radiation-Gamma-Radiation-Readings-f/nn9d-gugy>

Ms. Costello provided contact information for the Bureau staff at the NYSDOH and opened the floor up for questions.

A participant asked for NYSDOH comments on the 1996 draft EIS. Ms. Costello indicated she could look but because of the substantial time lapse she may not be able to access that information. In response to a question about what NYSDOH's discretionary decision is that provides it with SEQRA Involved Agency status in the SEIS, Ms. Costello indicated she will need to check on the nature of that; a NYSERDA representative subsequently clarified that it is the SDA licensing decision itself. Finally, the participant asked about the NYSDEC cleanup guidelines (DER-38) and what the NYSDOH recommends. Ms. Costello indicated the cleanup values end up being negotiated on a case-by-case basis depending on who is regulating and the license that is being operated. NYSDOH can negotiate lower limits, but because they are not the regulator for the WVDP activities there is no way to enforce a lower standard. A CTF member clarified that the criteria for the WVDP are specified in the WVDP Act that was established by the NRC.

A representative from NYSERDA indicated that decommissioning criteria for the SDA that NYSDOH regulates with NYSDEC were provided to the CTF a year ago. NYSDEC has the role of identifying any closure criteria. The NYSDOH role is to hold the license and would be responsible for any modifications to the license, if necessary.

An attendee asked about the water and air sampling data since 2018. Ms. Costello indicated the data are not yet online. The participant asked if the data is made available to the people working on-site or if others cross-check against the NYSDOH data. Ms. Costello indicated that the data posted on the website are posted for public consumption and anyone is able to access it. NYSDOH does review the data on an ongoing basis and alerts the West Valley site about any anomalies.

A participant asked if quarterly water samples were duplicate locations. NYSDOH indicated they are not duplicates, some samples are co-located and others are not. NYSDOH takes samples both on and off-site, in addition to sampling for background samples. NYSDOH is behind in posting data.

A participant additionally asked about revision of cleanup standards (DER-10 and DER-38) and asked if there is interaction between the NYSDOH and NYSDEC regarding tightening of the cleanup criteria. Ms. Costello indicated that NYSDOH has been looking at it because there hasn't been a cleanup standard in their regulations, but their standards apply to licensed facilities and everything else is under the NYSDEC purview. NYSDOH and NYSDEC are both

required to adopt the NRC regulations word-for-word, so they don't always have discretion to advise standards.

CTF Discussion

Washington, DC Visit: John Pfeffer reviewed the schedule for the upcoming CTF trip to Washington, DC on March 29. Meetings with Senator Gillibrand and Congressman Langworthy are scheduled and meetings with Senator Schumer and U.S. DOE are in the works. Mr. Pfeffer, Anna Carr, Ray Raffell, and Kevin Boyle will attend.

The CTF reviewed the key points to be discussed at the visit and asked CTF members to provide additional comments or content by Monday, March 27.

Town of Ashford Grant Award: John Pfeffer gave an update on the ECA grant that has been awarded to the Town of Ashford to support technical and public outreach support at West Valley. Two RFPs have been drafted. Evaluators from the CTF are needed to review responses to both RFPs. John Hood and Anna Carr volunteered to evaluate the technical RFP and Pat Townsend volunteered to review the community outreach RFP. Ms. Raca indicated she would circulate a call for additional reviewers by e-mail.

A member reminded the group of the CTF ground rules, which indicate that the CTF work group meetings may be closed to the public at the discretion of the members. The CTF has decided that meetings regarding the grant will be open to the public once the RFPs have been released.

The RFPs should be completed and ready to go to the Town Board for advertisement shortly, and after a 15-day announcement, evaluators will have 15 days to evaluate and award contracts.

Observer Questions and Comments

Accommodations for Zoom participants have improved but there is still work to be done to improve audio and video.

A commenter asked whether CTF members are going to be taking a position on interim storage. A member clarified that they are not entertaining becoming a storage facility but rather were referring to the fact that there is no place to send materials off-site.

A participant asked if the on-site monitors have detected any elevated radiation levels above what is expected. Kelly Wooley noted that there have not been any elevated radiological results above established project control levels. The participant again asked if there were any incidents during demolition that may have resulted in higher-than-normal exposures. Mr. Wooley noted there has been nothing unexpected; however, there was a continuous air monitor false alarm in February due to an instrument glitch triggered by dust that irritated the sensor.

In response to a question, Ms. Costello clarified that there is a license from the NRC that was issued to Nuclear Fuel Services, which was put partially in abeyance when Congress initiated the WVDP. NYSERDA is still the licensee and the license is still in place, but the portion of the license that pertains to operations of a reprocessing facility is on hold.

An attendee requested clarification on the discretionary decision. Ms. Costello indicated that this relates to status as an involved agency for the purposes of environmental review. Because they hold a license, that qualifies them as an involved agency.

Ms. Costello additionally clarified the meaning of “timely renewal” of the SDA license, which is a common occurrence. The NYSERDA license is for possession of radioactive materials in the SDA, which covers the radioactive safety procedures for monitoring and maintenance. As long as the license applicant gets the renewal application in before expiration, it remains active. For West Valley, the application is being reviewed and the applicants are working to respond to the additional questions. Ms. Costello clarified that relicensing is not subject to public review or input because it is not a public action. The documents are, however, available for review at the request of the public through the Freedom of Information Law.

To more fully answer questions raised during the meeting discussion, NYSERDA will work to provide additional information on the role(s) of SEQRA Involved Agencies and applicable cleanup standards to the CTF in the near future.

The next meeting will be April 26, at 6:30 p.m. on Zoom and in person at the Ashford Office Complex.

Meeting Documents Available on the CTF Website

| Description | Generated by; Date |
|----------------------|---------------------------|
| Meeting Agenda | Raca; 3/22/23 |
| CHBWV Project Update | CHBWV; 3/22/23 |
| CTF attendance list | Raca; 3/22/23 |