

To: West Valley Citizen Task Force
From: Bill Logue, Citizen Task Force Facilitator
Date: February 13, 2009
Subject: **Summary of the January 28, 2009 Meeting**

Next Meeting

The next Citizen Task Force Meeting will be:

Time & Date: **7:00 – 9:30 PM, February 10, 2009**
Location: Ashford Office Complex
9030 Route 219
West Valley, NY

There will also be a February 25, 2009 meeting from 7:00 – 9:30 PM.

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: Rob Dallas, Judy Einach, Robert Engel, Chris Gerwitz, Pete Scherer, Tim Siepel, Ray Vaughan. **Via conference call:** Chris Crawford, Lee Lambert, Kathy McGoldrick, Anthony Memmo.

Agency Participants and Observers

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

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

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

Nuclear Regulatory Commission: (via video conference) Keith McConnell, Tison Campbell, Chad Glenn, Rebecca Tadesse.

SAIC: Sue Crede, Jim Hammelman

Observers: Kathy Kellogg (Buffalo News) (via conference call).

Presenters: Diane D'Arrigo, Anne Rabe, Mike Wilson (via conference call).

Introductions and Announcements

Bill Logue welcomed the group and reviewed the agenda and meeting documents.¹ Immediately preceding the CTF meeting the NRC conducted a public on the Decommissioning Plan process for the West Valley site cleanup. The meeting had to be conducted via video conference due to weather conditions. During that meeting, the NRC described its process and schedule for reviewing the Decommissioning Plan. The presentation materials are included with the CTF meeting materials. Of particular import for the CTF is that any comments to the NRC and DOE on the Decommissioning Plan (DP) should be sent by the end of March 2009 so that the NRC may consider their inclusion in drafting the Request for Additional Information (RAI).

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

Paul Bembia announced that Governor Paterson had selected Francis Murray as President and CEO of NYSERDA. Mr. Murray is experienced in state government and familiar with the West Valley site. Sonja Allen announced that the next Quarterly Public Meeting will be held on February 3 at the Concord Town Hall. Bryan Bower reiterated the points made in his January 22, 2009 letter to the CTF concerning DP public participation. He noted that DOE was not asking for an exemption from the LTR under the unrestricted release requirements and therefore the public comment regulations do not apply. Nonetheless, DOE has attempted to involve the public and the CTF by inviting them to DP meetings between DOE and NRC and making presentations to the CTF. He apologized if this had not previously been made more explicit.

Full Cost Accounting Study for the Clean Up of West Valley Site

Diane D'Arrigo of the Nuclear Information and Resource Service, Anne Rabe of the Center for Health, Environment and Justice and Michael Wilson of SUNY Fredonia presented some of the findings of the study "*The Real Costs of Cleaning Up Nuclear Waste: A Full Cost Accounting of Cleanup Options for the West Valley Nuclear Waste Site*" from Synergy Energy Economics. Ms. D'Arrigo noted that the study was underwritten by two New York state grants and sponsored by the Coalition on West Valley Nuclear Wastes, the Citizens Environmental Coalition, the Center for Health, Environment and Justice, and the Nuclear Information Resource Service and it is intended to better inform decisions at the site.

Ms. D'Arrigo noted that the study used the 2005 Draft Environmental Impact Statement (DEIS) as its source and assessed two alternatives; one removing wastes and the other leaving all wastes in place and assuming a realistic but catastrophic contamination leak. The time frame for the latter is 1,000 years. Traditionally a DEIS examines impacts over periods of 10's to 100's of years. The study concludes that leaving waste in the ground is more expensive (\$13-27 billion) than waste excavation (\$9.9 billion) and the latter poses lower risk to future generations. The study authors recommend that assumptions be rejected about time frames, institutional controls, discount rates and budget requirements in the 2005 DEIS.

Anne Rabe reviewed the findings associated with drinking water and public health impacts. She stated that the study concludes that there is significant danger to those living along Cattaraugus and Buttermilk Creeks, in Buffalo and around Lake Erie if any radionuclides leak from the site. Partial water replacement costs in 500 years are \$272 million in the first year and \$27.5 million per year thereafter to maintain water treatment plants. Two scenarios were analyzed. In the first a 1% leak of radioactivity would expose 800,000 Lake Erie water users to substantial radiation and would exceed federal and state limits along Buttermilk and Cattaraugus Creek. In the other scenario a similar leak starting in 100 to 1,000 years would expose 400,000 people receiving water from one treatment plant and result in up to 334 cancer deaths.

Ms. Rabe stated that the half life of Thorium-232 is thousands of years and to expect the continuity of government and language is problematic and that no generation has the right to impose the hazards on future generations. She encouraged the CTF to support the site-wide removal alternative, improve the level of public participation throughout the upstate area with DEIS meetings in Rochester and Albany in addition to Buffalo and to join in a request to extend the comment period to October 31, 2009.

Mike Wilson, geology professor at SUNY Fredonia, presented the findings concerning erosion problems at the West Valley site and the issue of off-site contaminant transport. He noted that for erosion no one can see into the future. The models tend to look at the historical rate of erosion and apply that hindsight into the future. The study examines 5-6 models. The various models used a number of methods such as site-specific data for the rate of gully growth and erosion in the region and at West Valley of 7-10 feet per year, the use of a 30 x 50 foot scale model, and remote sensing images over time of coastal processes and sediment drift. This information predicts that in several thousand years there will be 100's of additional gullies and the loss of the site in time frames of several hundred to several thousand years due to vulnerability from erosion. They also predict where radionuclides will end up from transport due to erosion. Lastly he noted that erosion prevention and control measures, if neglected, are likely to become ineffective quickly especially when subjected to rare extreme floods. The ability to maintain these over a millennium is highly unlikely.

Discussion. A CTF member noted that institutional controls are unlikely to hold up over extended periods of time and therefore removal of waste to a safe location is essential. Ms. Rabe stated that over the predicted 73 year cleanup period there would be time to engage in a national dialogue about safe disposal options. Mr. Bower asked if costs for waste-receiving communities were considered in the study. Ms. Rabe said they were not.

A CTF member asked about erosion control methods. Dr. Wilson responded that a variety of methods were examined and that he had studied existing structure in the region for more than 10 years. Many consistently fail and the use of vertical sheet piles has been less effective than anticipated because they are eventually consumed as erosion undercuts the structure through upstream movement. The final costs reported in the study are only a portion of the costs he projects would be incurred. They are unable to predict when or how new gullies will form, but they can predict that they will form and tend to form at a geometric rate. They appear to be forming more rapidly, maybe as a result of deforestation or climate change, but the exact cause can't be known for sure. Mr. Bembia inquired about the inclusion of costs for putting drop structures in both Heinz Creek and Buttermilk Creek, suggesting that the controls may be overly extensive and costs overestimated. Dr. Wilson said that he believes the costs for Heinz Creek drop structures were not included in the final costs, though all of the costs are clearly reported in the Appendix of the study. Mr. Bembia stated that NYSERDA will submit comments after reviewing the report.

A CTF member asked what the impact of waiting 1,000 years would be on the level of radioactivity on site after decay. Mr. Bembia noted that many of the shorter-lived radionuclides would be gone, but that several of the long lived ones would remain. NYSERDA is currently analyzing the data to get a more accurate understanding of the effect of radioactive decay over time. Mr. Bembia reminded the CTF of Dr. Wild's study characterizing the SDA radionuclide inventory which was presented to the CTF (delivered in July 2003 and included with the August 2007 meeting materials). Ms. Rabe noted that Appendix A of the report contains estimates of the reduction in radionuclides over time. Another CTF member noted that hazardous wastes would also likely remain and that little is known about the interaction of radioactive and hazardous wastes.

Ray Vaughan's Presentation of DP Public Participation Issue

CTF member Ray Vaughan made a brief presentation expressing the opinion that DOE and NRC had misunderstood the CTF's letter of November 19, 2009 concerning the need for more formal public participation for restricted release under 10 CFR 20.1403 (d). That section requires that a DP document state how the advice of potentially affected individuals and institutions in the community should be sought and incorporated. He stated that although DOE is claiming it will meet unrestricted release criteria, the claim is based on a number of assumptions (for example dose concentration for Iodine-129 based on well depth and pump rate for a resident farmer) that could turn out to be invalid and the unrestricted release criteria would not be met. Given this fine line distinguishing what might be restricted or unrestricted release, he stated that the community should be entitled to the formal participation procedures.

Letter to Congressional Delegation

Bill Logue noted that John Pfeffer had drafted a letter to the Western New York congressional delegation, which had been edited at the meeting by several other members. He committed to emailing the draft to the CTF the following day. The CTF agreed to comment within several days, then Mr. Logue he will send a revision for final comment. The group agreed to attempt to have the letter mailed by the middle of the week of February 2-6.

Observer Comments

There were no observer comments.

Action Items

Action	Assigned To	Due Date
Letter to Congressional Delegation	CTF/Logue	2/5/09

Documents Distributed

Document Description	Generated by; Date
Agenda	Logue; 1/28/2009
CTF Conference Call Summary	Logue; 1/24/2009
CTF Caucus Meeting Summary	Logue; 1/24/2009
Full Cost Accounting Study	Synapse Energy Economics; 11/2008
Full Cost Accounting Study Summary and Handouts	
DOE Response to CTF 11/19/2008 Letter on DP Public Participation	DOE; 1/22/2009

Document Description	Generated by; Date
NRC Response to CTF 11/19/2008 Letter on DP Public Participation	NRC; 1/22/2009
Governor Paterson press Release on Francis Murray Selection as President and CEO of NYSERDA	
Compilation of News Articles	NYSERDA; 1/28/2009