

To: West Valley Citizen Task Force
From: Bill Logue, Citizen Task Force Facilitator
Date: April 15, 2013
Subject: **Summary of the March 27, 2013 Meeting**

Next Meeting

The next Citizen Task Force Meeting will be:

Time & Date: **6:30 – 9:00 PM, April 24, 2013**
Location: Ashford Office Complex
9030 Route 219
West Valley, NY

Note: Participants must be U.S. citizens and have photo identification. Please contact Bill Logue (860-521-9122, Bill@LogueGroup.com) with questions or comments concerning this summary or future meetings.

CTF Members and Alternates Attending

Mike Hutchinson, Lee James*, Steve Kowalski*, Lee Lambert*, Kathy McGoldrick, Joe Patti, Warren Schmidt, Ray Vaughan.

Agency Participants and Observers

Department of Energy (DOE): Bryan Bower, Martin Krentz, Sandra Szalinski, Ben Underwood*.

New York State Energy Research and Development Authority (NYSERDA): Tom Attridge, Paul Bembia, Lee Gordon, Elizabeth Lowes, Andrea Mellon, Allyson Zipp.

CH2M Hill B&W West Valley, Inc. (CHBWV): Charles Biedermann, Dan Coyne, John Rendall*, Jenny Wangelin.

New York State Department of Environmental Conservation: Ken Martin

Observers: Joanne Hameister*, Barbara Warren*.

INTRODUCTIONS AND ANNOUNCEMENTS

Bill Logue welcomed all present and reviewed the meeting materials and revised agenda.¹ Paul Bembia of NYSERDA introduced Allyson Zipp who recently joined NYSERDA as Assistant Counsel. Ms. Zipp was formerly with the State of Washington and has experience with matters relating to the Hanford site. At several points Mr. Logue confirmed with phone participants the quality of the sound with the new system.

PHASE I STUDIES UPDATE

Lee Gordon of NYSERDA provided an update on the Phase I Studies process. Mr. Gordon reported that on January 12, 2013 the Independent Scientific Panel (ISP) submitted their review of the Erosion Working Group (EWG) recommendations for Phase 1 Erosion Studies, in consideration of all regulator and stakeholder input (listed on the Phase 1 Studies website; www.westvalleyphaseonestudies.org). The ISP's review identified six themes: 1) the main objective of the studies and study plans should be clearly articulated; 2) emphasis should be placed on basing the studies on sound science - study plans should address how data and model quality will be assessed; 3) recommendations should specifically address uncertainty; 4) include consideration of natural analogs; 5) collaborate with the other working groups to provide a systematic perspective; and 6) stakeholder comments provided useful technical suggestions and valuable insights. The ISP's comments on uncertainty were similar to the EWG's assertion that perceptions of uncertainty lie at the root of differences in agency views. All three Subject-Matter Expert (SME) working groups (EWG, Engineered Barriers Working Group [EBWG] and the Exhumation Working Group [EXWG]) are on hold as DOE and NYSERDA are holding weekly meetings and evaluating a path forward with the goal of addressing uncertainty issues in support of agency consensus.

¹ Each is listed at the end of this summary and may be found at www.westvalleyctf.org under 2013 Meeting Materials.

*Participated by telephone.

In response to a question, Mr. Gordon stated that the ISP identification of gully advance did not restrict the EWG in its recommendations of studies and consideration of long and short-term evolution of the landscape. Mr. Bower reminded all that the ISP provides comments and recommendations to the agencies who then provide direction to the Subject-Matter Expert (SME) panels. Mr. Gordon and Mr. Bembia made a series of points noting that the working groups were on hold so that the uncertainty issues could be integrated into their work and the work of future working groups and so that better decisions could be made about which studies to conduct so as not to spend funds on studies that would not provide useful information for reaching consensus and final decisionmaking; that the process of stakeholder and ISP input had been very important on this issue; and finally that a number of working groups, including the EXWG, will address aspects of cost.

A discussion ensued about the differences between deterministic and probabilistic risk assessment. Mr. Bower stated that a deterministic assessment results in a numerical value which is akin to a yes/no answer. A probabilistic assessment, which uses analytical tools such as Monte Carlo methods, results in a range of possible outcomes with a likelihood of various events within the range. He noted that the Environmental Impact Statement largely used a deterministic performance assessment and that the Qualitative Risk Assessment performed for NYSERDA on the State-Licensed Disposal Area (SDA) used a probabilistic analysis of risk. The agencies are considering the best way to frame, consider and convey information from any assessment. It is also possible that a study could use both forms of assessment depending on the issue. Mr. Bembia noted that deterministic assessments address uncertainty through the use of conservative values and an area of difference between the agencies had been whether the values in the EIS were conservative. A CTF member noted that he expected uncontrolled causes would be addressed in the process models and that this would reduce the level of uncertainty. In response to a question, Mr. Gordon stated that the agencies were attempting to design the process such that these issues would be continuously re-evaluated. The input from stakeholders, regulators and ISP had functioned in exactly this fashion.

STATE-LICENSED DISPOSAL AREA UPDATE

Lee Gordon provided an update on recent increases in SDA Trench 14 leachate elevation. Trench 14 is the south-east most trench. In the past, significant levels of leachate had accumulated in the trenches by water infiltrating through the clay cap. In 1992, a slurry wall was installed parallel to Trench 14. In 1993, a geomembrane cover was installed over several trenches including Trench 14 (the remaining SDA trenches were covered in 1995). Since 1992-1995, (when these infiltration controls were installed) the leachate levels in Trench 14 have generally been decreasing. Water flow in the area is along the clay fractures lines. A review of leachate level measurements is available in the SDA Annual Report.

Mr. Gordon reported that since late 2011, the leachate level in Trench 14 has increased slightly. Monitoring wells have been measured quarterly. Those wells in and around Trench 14 and the slurry wall will now be monitored monthly. The total increase in the trench since mid-2011 is 4.3 inches. Regulatory agencies have been notified and NYSERDA is working with DOE on a path forward. The increased elevations do not pose any risk to public health or safety at this time. If the increase were to continue at the initial rate of 2.2"/yr in 2011 it would take about 9 years to reach previous high level seen in October of 1992. If it were to continue at the more recent rate of 0.72"/yr it would take 27 years to reach the previous high elevation.

NYSERDA is investigating the cause and will be engaging a hydrologist from the Barnwell, South Carolina site to assess the situation and develop a mitigation plan. The only changes in the area in recent years are the installation of the slurry wall along the NDA, the capping of the NDA with a geomembrane cover (in 2008) and the installation of a new cover over the existing one on Trenches 12, 13 and 14 of the SDA along with the reworking of some drainage areas (in 2010).

In discussion, the CTF learned that the trench bottom slopes slightly, that there are no corresponding changes in adjacent trenches and that the only other changes relate to slight increases in wells outboard of the slurry wall due

some mounding of water. Based on prior pumping, NYSEDA estimates that an increase in elevation of 1 inch in leachate levels reflects 1,000-2,000 gallons of water infiltration with the variance due to sporadic void spaces. There is estimated to be 6 feet of leachate in the trench bottom. A CTF member noted that this had occurred with institutional controls in place which raises the question of integrity for situations with loss of controls. Mr. Bemba reminded the CTF that the SDA was not in a closed condition without active maintenance. Mr. Gordon noted that there were no significant changes in the NDA except, as expected, the inboard wells were trending down in elevation and the outboard wells up slightly.

PROJECT UPDATE

Dan Coyne of CHBWV gave a project update.

Safety. Mr. Coyne stated CHBWV has worked 135 days without a lost-time work accident or illness. A recent slip and fall in the parking area and a knee injury with a shelf resulted in recordable injuries and one resulted in lost work time. No injuries were related to hazardous work and a program is being developed to address attention to safety on routine work. Prior to this, there have been more than 4.8 million hours without a lost-time work accident or illness. Mr. Coyne then reviewed accomplishments by milestone.

Milestone 1. Design Review is complete for the High-Level Waste (HLW) Storage System. DOE and NYSEDA have agreed on the soil management plans and lay-down locations for the storage pad. Nuclear Assurance Corporation awarded the fabrication subcontract for the storage cask liners. The bid package is being prepared for the slab construction and roadway improvements.

Work continues on the Canister Project to move the canisters from the Main Plant Process Building (MPPB). A mockup of a canister dry vacuum to decontaminate the canisters was completed. Plans are being finalized for the Hanford site to return a remote grapple and welder. This will result in significant savings.

Milestone 2. Low-level Waste (LLW) sampling and repacking continues with containers being moved inside, liquid dried when necessary, samples retaken and repackaged for shipment. LLW boxes which are stored outside are being evaluated for disposition. One container had 500 gallons of water in it and others are being examined.

Milestone 3. Preparations continue for demolition of the Main Plant Process Building (MPPB) where the Radio/Analytical Lab Asbestos containing material has been fully removed and work continues with interference removal in the Liquid Waste Cell. This will be some of the most challenging work this year. Work in deactivation of the Vitrification Facility with the Instrument Rack Piping Systems is about three-quarters complete and Vit Cell clean out of hazardous waste removal is progressing.

Milestone 4. Step 2 of demolition is complete for the 01-14 building and Step 3 is commencing. Load-out demolition debris removal shipping to Pennsylvania of materials from the Vit Fabrication Shop, Counting Lab, Old Warehouse West Foundation. Waste shipments continue with 9,585 ft³ Construction Debris Industrial Waste shipped in February and 65,070 ft³ total to date. In the Remote-Handled Waste Facility, 3C-2 Dissolver processing is 90% complete, 13 boxes of LLW have been surveyed and packaged with 95% packaged as LLW and four Remote-handled TRU drums packaged and loaded into a Kistner box. The size reduction and packaging of the 3C-2 Dissolver resulted in a significant reduction in the amount of TRU waste compared to what was anticipated.

Other maintenance is in progress with repairs being made or in planning to several fire hydrants and the Lake 2 gate valve. In addition, the Fire Hazard Analysis is being updated, an electrical heating system is being installed in place of the steam system, the waste water treatment plant shutdown continues and the rail inspection is complete. Several Cold, Dark and Dry initiatives continue. For the rail repairs a cost estimated has been received and CHBWV is reviewing it. They are looking at timing of repairs relative to the next rail shipments for the Melter and feed tanks.

A CTF member expressed displeasure at the sample photo of the storage pad and casks and stated that the CTF

and others should have been apprised of the possible visual impacts, which could be long-lasting, at a much earlier stage. They also questioned whether some existing facilities could store the casks prior to shipment. Mr. Bower responded to the latter question, stating that the Vit Facility was considered but use of this or another existing facility would require active confinement ventilation systems and backup power generation which mean ongoing expense and maintenance at a higher level. In addition, use of that facility would mean that other demolition work could not continue and the General Process Cell and source area of the plume would not be accessible for clean up. A CTF member asked how DOE and CHBWV planned work. Mr. Bower explained that there were a lot of interdependencies that needed to be considered. For example, if funds are used to ship waste now that will restrict funds available for the workforce.

A CTF member raised the recent legal issues for CHBWV parent company CH2M HILL. Mr. Coyne responded that, as stated in press releases, the company had admitted guilt on time card violations which occurred at another DOE site. These violations had been going on prior to CH2M HILL involvement in that contract. Mr. Coyne stated that internal controls and monitoring were in place at WVDP to prevent such issues from occurring. As to other issues and indictments he offered to provide contact information for John Corsi the CH2M HILL corporate communications representative.

DISCUSSION OF INVITATION TO PARTICIPATE IN DOE NATIONAL TRANSPORTATION STAKEHOLDERS MEETING

DOE is hosting a meeting in Buffalo May 14-16 of National Transportation Stakeholders. It is being sponsored by the Council of State Governments Eastern Regional Conference and that group is proposing a panel with DOE, NYSERDA and several CTF members on May 16. The Panel would discuss the history of West Valley and a site tour might be arranged. Bill Logue will send information about the conference and the invitation. CTF members Ray Vaughan, Warren Schmidt and possibly Lee Lambert expressed interest.

BUDGET DISCUSSION AND CTF MEETING WITH DOE IN WASHINGTON

Mr. Bower reported that the impact of sequestration on WVDP was still to be determined. President Obama has signed the continuing resolution for funding through then end of the fiscal year. On the positive side the sequestration number is based on the FY 12 budget of \$66 million which would be reduced by 5.5% rather than the proposed FY 2012 budget of \$50 million. However, reprogramming of funds could impact this. He committed to informing the CTF as soon as he was advised of the budget.

Joe Patti reported on the visit to Washington by the CTF delegation, which consisted of himself, Rob Dallas, Mike Hutchinson, John Pfeffer, Ray Vaughan and Etic Wohlers. They were accompanied by Mr. Bower and Mr. Bembia. The group met with Dave Huizenga and other leadership of DOE Environmental Management and was accompanied by Senator Reed. Mr. Patti noted that DOE emphasized that funds are allocated based on risk assessment and that the Hanford and Savannah River sites are operating under court oversight which restricts DOE's ability to reprogram funds. He opined that later in their meeting Mr. Huizenga came to realize that WVDP was receiving diminished funding when, unlike other sites, the site had reduced risk.

The group also met with staff of the House Energy and Water Appropriations Committee. Staff emphasized that simply asking for funding would not be effective at this time but emphasizing the risk to the Great Lakes and 20% of the world's fresh water supply was important. Congressman Reed emphasized fiscal responsibility and encouraged the CTF to advocate for funding with the administration rather than relying on Congress to restore funding.

Later in the meeting Mr. Bower noted that DOE funding decisions for sites are made based on the integrated priority list which ranks prioritization first for min-safe, then high risk elements such as liquids left in tanks.

Other participants in the trip noted how many people were lobbying for funds and suggested another trip be planned in several years. The CTF asked Bill Logue to draft a letter of thanks to DOE, Congressman Reed and Committee staff.

OTHER BUSINESS

Members suggested future meeting topics including discussion of the budget, Scope of Work impacts, Phase 1 Studies Update, Cask Storage aesthetics, and brainstorming of outreach to the public and how to frame funding requests.

OBSERVER COMMENTS

Joanne Hameister of the Coalition on West Valley Nuclear Wastes expressed interest in participating in the Transportation meeting. Bill Logue committed to send her contact information to Cort Richardson of the Council of State Governments. She also asked why in 2005 the WVDP had been downgraded from a Category 3 nuclear facility and whether this would impact funding or the perception of the need for funding. Mr. Bower replied that the categorization is based on the amount of nuclear materials that could get into the environment and as these have been reduced the categorization changed. He stated this would not impact funding. Ms. Hameister also suggested that WVDP has played an important role as a pilot site for cleanup techniques and that experience at this small but complex site could inform decisions at other sites and therefore it should be funded.

Barbara Warren of the Citizens' Environmental Coalition asked how CTF participation and WVDP fit the Transportation meeting. Those present surmised there was not a direct connection but rather information about the host community.

ACTION ITEMS

Action	Who; Date
Send email from Council of State Governments to the CTF	Logue; 3/29/2013
Draft letter of thanks re Washington meeting	Logue; 4/3/2013

DOCUMENTS DISTRIBUTED

Document Description	Generated by; Date
Meeting Agenda	Logue; 3/27/2013
Phase 1 Studies Update	NYSERDA; 3/27/2013
SDA Update Observed Leachate Increase in Trench 14	
WVDP Project Update	CHBWV; 3/27/2013
Erie County Legislative Resolution on WVDP Funding	3/7/2013
News Clipping Distributed at Meeting	NYSERDA; 3/27/2013