



November 7, 2012

Ms. Diane D' Arrigo
Nuclear Information & Resource Service
6930 Carroll, Suite 820
Takoma Park, MD 20912

Dear Ms. D' Arrigo:

Subject: Next Quarterly Public Meeting plus questions for Erosion Team, ECS, DOE and NYSERDA

On August 25, 2012 we received your email (to Lee Gordon and Moira Maloney et al.) and accompanying memorandum that provided detailed recommendations for the November 2012 Quarterly Public Meeting and additional areas of concern regarding the Phase 1 Studies process, including outstanding issues from the May 2012 pre-meeting, technical questions for the Erosion Working Group, a request for additional time to be allotted for interaction with the SMEs, and a follow-up regarding a FOIA informational request. DOE and NYSERDA have prepared the attached matrix that responds to each of the points raised in your memorandum.

Thank you again for your input on the agenda for the November Quarterly Public Meeting, scheduled for November 14, 2012. Based in part on your input, the QPM agenda will include:

- A presentation on the *Climate Guidance for the Phase 1 Studies* (Guidance document from the Climate Change Workshop)
- A discussion on the current status of the CSAP
- A discussion on air and water monitoring programs at the WVDP.

A handwritten signature in black ink, appearing to read "B.C.B.", with a long horizontal flourish extending to the right.

Bryan C. Bower, Director
U.S. Department of Energy
West Valley Demonstration Project

PJB/BB/amd

A handwritten signature in black ink, appearing to read "Paul J. Bembia", with a large, stylized initial "P" and "B".

Paul J. Bembia, Director
West Valley Site Management Program
New York State Energy Research &
Development Authority

PJB/BB/12amd040.amd

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cc: Dhananjay Rawal, ECS, _____
Lynette Bennett, CHBWV, _____
Bill Logue, Logue Group, _____
Lee Gordon, NYSERDA-WV, _____
Moirá Maloney, DOE-WVDP, _____

**DOE and NYSERDA Responses to the August 24, 2012 email from Diane D'Arrigo to Moira Maloney/Lee Gordon
Subject: Next Quarterly Public Meeting plus questions for Erosion Team, ECS, DOE and NYSERDA**

Comment	Agency Response
<p>At the November Quarterly Meeting, please include updates on</p> <ul style="list-style-type: none"> ➔ the Characterization report on the site (CSAP), ➔ the air monitoring (locations, types of monitors and what they can detect at what levels) ongoing and proposed, and ➔ how air monitoring results are being and will be reported to the public. ➔ How water monitoring results are being reported to the public ➔ More about the scopes of the new study teams and the assumptions they will be making – Response to our objections and concerns to initiating these teams ➔ Response to our suggested additional areas of study 	<p>Thank you for your input on the agenda for the November Quarterly Public Meeting (QPM). Based in part on this input, the agenda will include a presentation on the <i>Climate Guidance for the Phase 1 Studies</i>; the WVDP Project Update, which will include a discussion of the current status of the CSAP; and a discussion of the Annual Site Environmental Report (ASER), which will address air and water monitoring programs at the WVDP.</p> <p>It should be noted that during the April 25, 2012 Citizens Task Force meeting, which you attended, a presentation on the environmental monitoring program was given. Additionally, a presentation on the environmental monitoring program was provided to you during a meeting on May 23, 2012.</p> <p>With regard to your request to discuss recommendations on additional areas of study, please note that your recommendations were forwarded to the Independent Scientific Panel (ISP) and are being made available to the SME groups. Both agencies recognize the need to provide feedback on input received regarding recommended studies, and we are planning to do this in a future meeting.</p>
<p>A reminder for <i>before</i> the next meeting, we would like to know the status of the outstanding issues raised and listed at our pre-meeting just prior to the May Quarterly Public Meeting --at which Bill Logue and his recorder listed key issues of concern and promised followup. The air monitoring is one of those issues.</p> <p><i>Note: DOE and NYSERDA identified the following comments raised during the pre-meeting and have added them below:</i></p> <ol style="list-style-type: none"> 1. <i>A request was made for a better understanding of the timing of Project execution activities.</i> 2. <i>A request was made to clarify those topics that are open for public input.</i> 3. <i>A question was asked as to whether routine reporting and associated results could be provided to the public.</i> 4. <i>A request was made to participate in public meetings via Webcast.</i> 	<ol style="list-style-type: none"> 1. The agencies are developing a three-month WVDP project overview and timeline to be presented to the public during the WVDP Project update. 2. As the agencies have previously stated at meetings and in writing, the public is encouraged to provide input on all Phase 1 Studies topics. All written comments should be submitted to Moira Maloney and Lee Gordon. The agencies will respond to questions concerning the Phase 1 Studies process. Technical comments will be forwarded to ECS for distribution to the appropriate SME working groups for their consideration. The public is also encouraged to ask questions of the SMEs and the ISP as they are available during the QPM. 3. Environmental monitoring data collected as part of the WVDP environmental monitoring program is reported to the public annually in the WVDP Annual Site Environmental Report. Additionally, DOE is

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<p>5. <i>The agencies were asked to lengthen the duration of the Quarterly Public Meetings so that the public could have more time to ask questions.</i></p>	<p>developing a Data Management System which will be web based and publically accessible. It is anticipated that this system will be available within the next year.</p> <p>4. The agencies provided Webcast capability during the August 22, 2012 QPM. One individual participated in the WebEx conferencing. We will continue to utilize Webcast if it enhances the public process.</p> <p>5. The agencies are evaluating options on providing additional time for the public to ask questions of the SMEs and the ISP during the QPM.</p>
<p>The August 22, 2012 Quarterly Public Meeting was interesting – We appreciated the Erosion team attending and wish there had been more time to interact with them.</p>	<p>During the August meeting, approximately two hours of technical discussion with the Erosion Working Group (EWG) was afforded the public instead of the scheduled one and a half hour session. The EWG discussion began at approximately 7:35 PM and ended at 9:40 PM. We also note that much of the August meeting was spent discussing process-related issues. The agencies are taking steps to manage the meetings more effectively in the future, and will be updating the Frequently Asked Questions (FAQs) on the ECS website in an effort to address some of the recurring process-related comments that have been received of late.</p>
<p>We were shocked to learn our technical comments were not passed on to ECS or the Erosion Team and surprised that we were not even informed directly that they were not being forwarded. This appears to violate the Guidance document which was imposed on the process. We were disappointed to see in the response to our Feb. 2012 letter to the Science Panel that DOE and NYSERDA are simply not following the National Academy of Science recommendations for public involvement in important environmental processes.</p>	<p>Barbara Warren's February 29, 2012 email to Moira Maloney and Lee Gordon concerning suggestions for the EWG SME was inadvertently overlooked and was not provided to the EWG prior to August 22, 2012. Following the August QPM, the email was located, sent to Enviro-Compliance Solutions (ECS), and forwarded it to the EWG on August 27, 2012. Responses to the B. Warren email were sent September 13, 2012. As indicated in that response, following the EWG's review of the comments, the EWG concluded that all of the suggestions pertaining to technical aspects of erosion analysis had been addressed within their recommended set of studies (<i>Recommendations for Phase 1 Erosion Studies</i>, July 20, 2012). Further, DOE and NYSERDA have implemented a more stringent correspondence tracking system to prevent this from occurring again.</p> <p>As discussed in the August 8, 2012 agencies' response to your</p>

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	<p>February 15, 2012 letter to the Independent Scientific Panel (ISP), the Phase 1 Studies process was not developed within the framework of the National Research Council process as described in the report you quote. The process for the Phase 1 Studies is described in the Phase 1 Studies Guidance document and includes numerous opportunities for public participation.</p>
<p>We appreciated having the full Erosion Team at the August 22 meeting. Having been introduced and hearing their perspectives, I am formulating more questions to which I wish I could hear their responses. Please ask the following TECHNICAL question(s) to the Erosion Working Group or Team members SMEs—</p> <ul style="list-style-type: none"> → As you make plans for extensive technical study of the geology of the area in the 4 different proposed studies, what kind of information from each of these studies could provide the justification for a decision for full excavation and what information could provide justification for leaving waste in place? → After all the technical studies are done, will 1, 2, 3 or 4 or portions of one or more be sufficient to justify a site disposition decision? → How will information that does not conform with other information be assessed, reported and incorporated? → How much will these 4 studies cost and are they necessary and sufficient to determine the amount of instability of the site into the future? → Do you each know that the some of the waste in the ground will remain radioactively hazardous for literally millions of years? EX: Iodine- 129 ~16 million year half life. → Do you know that damaged irradiated fuel (high level radioactive waste) is buried in the NDA burial holes and that there are more than 14 pounds of plutonium (hazardous life 240,000 to 480,000 years) in the SDA trenches? The Full Cost Accounting Study, which you received (or at least the CD and website link for it) addresses some of this. 	<p>This technical input was provided to the EWG for their consideration as they move forward to develop more detailed study plans. EWG SMEs will be available to discuss and address comments on their study plans at future QPMs.</p>

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<p>Who is it that these studies need to convince? DOE/Bryan Bower/ David Huizenga/Frank Marcinowski/ Secretary Chu or their successors? NYSERDA/ Paul Bembia/ Frank Murray or their successors?</p> <p>Since the Science Panel will be assessing all of the studies and giving their guidance, we once again ask that consideration be given to adding 2-3 public health experts with a public interest perspective to that Panel, if there is any hope it can gain public credibility.</p>	<p>The DOE and NYSERDA are responsible for making the decision on the Phase 2 decommissioning approach for the facilities remaining at the WVDP and WNYNSC following the completion of Phase 1 decommissioning. The primary objective of the Phase 1 Studies is to conduct scientific studies to facilitate consensus between DOE and NYSERDA to complete Phase 2 decommissioning decisionmaking. The Phase 1 Studies may address uncertainties associated with long-term performance models: the viability and cost of exhuming buried waste and tanks; the viability of engineered barriers; and detailed analysis of site soil erosion, groundwater flow, and contaminant transport. DOE and NYSERDA will consider the results of these various Phase 1 Studies in their Phase 2 decommissioning decision.</p> <p>The ISP will review the Phase 1 Studies PAS, proposed study recommendations, work plans, and reports as determined by DOE and NYSERDA. The primary function of the ISP is to provide independent scientific guidance to the SME working groups, DOE, and NYSERDA during the identification and scoping of scientific studies identified by the SME working groups. If differences of opinion within a SME working group prevent the group from making a consensus recommendation on Phase 1 Studies, the ISP may be consulted with to resolve these differences.</p> <p>The agencies will limit the size of the ISP to four members after adding Dr. Kristin Shrader-Frechette, who was recommended by the public. The three original members of the ISP are knowledgeable of public health impacts associated with radiological and chemical contaminants in the environment. Two of these ISP members were past presidents of the Society for Risk Analysis.</p>
<p>Finally, FYI to DOE—The FOIA information request on geological information has not been received yet. Is there anything you can do to have it sent? We know West Valley staff worked hard and fast to gather the information but it still has not arrived. Many thanks to NYSERDA for providing the requested data several months ago.</p>	<p>The FOIA information request on geological information was sent to you on September 12, 2012.</p>