



June 10, 2014

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SUBJECT: Request for Agenda Items at the May 2014 Quarterly Public Meeting (QPM)

REFERENCE: Memo, Diane D'Arrigo et al. to Moira Maloney, DOE and Lee Gordon, NYSERDA, "Request for Agenda Items at May 2014 Quarterly Public Meeting (QPM); The new Path Forward"

Dear Ms. D'Arrigo et al.:

The U.S. Department of Energy (DOE) and the New York State Energy Research and Development Authority (NYSERDA) thank you for your continued interest in the Phase 1 Studies and Phase 1 decommissioning work being performed at the West Valley Demonstration Project (WVDP) and the Western New York Nuclear Service Center (WNYNSC) as expressed in your May 14, 2014 memo to Moira Maloney and Lee Gordon (Reference). DOE and NYSERDA have prepared the attached matrix, which includes a response to each of your comments in your May memorandum. And, as requested, we have prepared the matrix in the requested grid format.

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DOE and NYSERDA value your continued interest in the Phase 1 Studies and Phase 1 decommissioning of the WVDP and WNYNSC. Should you have any questions or comments regarding this letter or the attached matrix, please contact Moira Maloney at (716) 942-4255 or Lee Gordon at (716) 942-9960, Extension 4963.

Sincerely,



Moira N. Maloney, Team Leader
Regulatory Strategy & Environmental Compliance
U.S. Department of Energy
West Valley Demonstration Project



Lee M. Gordon, Ph.D.
Project Manager/Geologist
West Valley Site Management Program
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Attachment:

1. DOE and NYSERDA Responses to May 14, 2014 Request for Agenda Items at May 2014 Quarterly Public Meeting (QPM), dated June XX, 2014.

cc: B. C. Bower, USDOE-WVDP, w/att. Bryan.Bower@wv.doe.gov
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**DOE and NYSERDA Responses to May 14, 2014 Request for Agenda Items at May 2014 Quarterly Public Meeting (QPM)
Dated June 10, 2014**

No.	Comment	Response
The Supplemental Environmental Impact Statement (SEIS)		
1a	DOE and NYSERDA's current vision of the scope and goal of the SEIS	The agencies are proceeding with an analysis that will supplement the 2010 FEIS and as such the proposed action, purpose and need are as stated in the FEIS (broadly stated, decommissioning and/or long-term stewardship at the West Valley Demonstration Project [WVDP] and the Western New York Nuclear Service Center [WNYNSC]).
1b	How Probabilistic Modeling/Performance Assessment and the Studies will be incorporated	The Studies and other data collection efforts are expected to provide input to the probabilistic modeling done in support of the long-term performance assessment (PA). The long-term PA will be a component of the SEIS analysis, which will ultimately inform the decision-making process.
1c	Did DOE do an environmental assessment to decide to do the SEIS?	No, the decision to move forward with an SEIS was made based on a desire to further the purposes of NEPA/SEQRA as part of the Phase 2 decision-making process.
The Probabilistic Modeling/Performance Assessment		
2a	Transparency – how will it be guaranteed; Provision for open understanding of methodology and data for every step	The probabilistic performance assessment (PA) will be an integral component of the SEIS providing the agencies information to make a Phase 2 decision for the WVDP and WNYNSC. Since the SEIS is part of the NEPA and SEQR process, the public will have the opportunity to review and provide comments on the PA during the public comment period for the draft SEIS. In addition, the agencies will continue to hold the quarterly public meetings (QPM) during which the PA contractor will provide the public with updates on the progress of the probabilistic modeling effort.
2b	Contractor selection – public input	The agencies will be jointly administrating and managing this contract, and the selection of the probabilistic modeling contractor will be in accordance with requirements stipulated in the Federal Acquisition Regulation (FAR) and the Department of Energy Acquisition Regulation (DEAR). There are no provisions in the FAR or the DEAR for public participation in the contractor selection process.

No.	Comment	Response
2c	Scope of Work – public input	The agencies will be jointly administrating and managing this contract; development of the scope of work for this contract will be in accordance with requirements stipulated in the Federal Acquisition Regulation (FAR) and the Department of Energy Acquisition Regulation (DEAR). There are no provisions in the FAR or the DEAR for public participation in developing the statement of work. NYSERDA and DOE have shared with you the process that will be used to migrate from the current deterministic approach to the proposed probabilistic modeling approach. The proposed probabilistic modeling/PA work scope will support the joint NEPA and SEQR process, which has a very prescriptive process for public involvement.
2d	How will this contractor be directed to deal with “uncertainty”	Discussion of this subject is premature and inappropriate during the initial stages of the contracting/procurement process. The agencies do not want specific information to make its way to some contractors which may bias the contractor selection process.
2e	Role in the SEIS	The long-term probabilistic PA will assess human health impacts associated with each of the alternatives proposed for remediation or closure of the WVDP and WNYNSC that are evaluated in the SEIS. The SEIS and the probabilistic PA will provide the agencies necessary information to make a Phase 2 decommissioning decision for the WVDP and WNYNSC. The Phase 2 Decommissioning Decision will be done through the NEPA and SEQRA process, with the appropriate level of public involvement.
2f	What contractors responded to the “sources sought” memo (the description of the proposed contract on Probabilistic Modeling which DOE published on www.fedbizapps.gov in April)	The agencies cannot provide the requested information as the procurement is ongoing.
The Studies		
3a	<p>Status of the 3 working groups studying Erosion, Exhumation and Engineered Barriers</p> <p>Are they all proceeding since the halt to clarify “uncertainty” and good science? What is the new timeline for these teams? How will they deal with “uncertainty?”</p>	<p>The Erosion Working Group (EWG) is developing work plans for studies detailed in their July 2012 Recommendations for Phase 1 Erosion Studies and as revised in their October 2013 report (Uncertainty Considerations and Prioritization of Recommended Phase 1 Erosion Studies). The agencies anticipate that some work planning will be complete in time to conduct some field work during this summer and fall.</p> <p>The Exhumation Working Group (EXWG) submitted their</p>

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		<p>Recommendations for Phase 1 Exhumation Studies in November 2013 and shortly thereafter presented the recommendations to the public at a Quarterly Public Meeting. The recommendations have recently been sent to the Independent Scientific Panel (ISP) for their review and the agencies expect to receive the ISP's input shortly.</p> <p>The Engineered Barriers Working Group (EBWG) remains on hold. The agencies believe that progress by the EWG and EXWG, as well as work on the sensitivity analysis and PA (in 2015), will help provide focus for the evaluation of engineered barriers.</p> <p>An uncertainty evaluation will be integral part of the agencies' path forward to Phase 2 decisions with the probabilistic modeling for the PA and the SEIS. Each Phase 1 Studies working group is aware that they are to consider and evaluate uncertainty as it relates to their subject matter. More specifically, the EWG's report on Uncertainty Considerations and Prioritization of Recommended Phase 1 Erosion Studies details the nature and magnitude of uncertainties in erosion prediction, and focuses the recommended studies to best evaluate and potentially reduce uncertainty. The EXWG has recommended a study (Study 2; Recommendations for Phase 1 Exhumation Studies) to specifically evaluate methods to address uncertainty with respect to the source term.</p>
3b	<p>Status of future studies</p> <p>Will there be other Phase I studies? Which ones? Which ones could be completed prior to 2019?</p> <p>Have DOE and NYSERDA reached agreement on which studies will and will not be carried out including those suggested by the public?</p>	<p>The agencies plan to conduct sensitivity analyses in order to identify components of the performance assessment which may benefit from additional data collection efforts. These components may be addressed through additional Phase 1 Studies, by other data collection activities, or by the SEIS process. The agencies agree that all of the original 13 Potential Areas of Study identified in the Phase 1 Studies guidance will be considered in the Phase 2 decision-making process, whether or not they are evaluated by a working group through the Phase 1 Studies Process. At a meeting held prior to the August 28, 2013 Quarterly Public Meeting, the agencies provided responses regarding how studies suggested by the public may or may not be incorporated in the Phase 1 Studies. Many of the study recommendations provided by the public are being or will be addressed through various study approaches, such as the Phase 1 Studies (inventory information for the disposal areas and tanks, and the evaluation of the need for pilot exhumation); new data collection efforts (the aerial radiation survey to address</p>

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		<p>possible contamination along Cattaraugus Creek; and the sensitivity analyses, probabilistic performance assessment, and SEIS (significance of groundwater transport of contamination, inclusion or radioactive daughter products). As noted above, the sensitivity analysis and probabilistic performance assessment is expected to help focus data collection activities that may be addressed through the Phase 1 Studies or other data collection programs.</p> <p>The Phase 1 Studies are expected to be completed such that the information will be available for use in the SEIS.</p>
3c	<p>Role of the studies in the</p> <p>i. Probabilistic Modeling/Performance Assessment and in the</p> <p>ii. SEIS</p>	<p>Information gathered through the Phase 1 Studies process is intended to be made available for incorporation in the probabilistic performance assessment and SEIS. Work on the probabilistic performance assessment may identify additional necessary data collection activities, and/or may provide focus to existing data collection activities, including the Phase 1 Studies.</p>
<p>Characterization, Sampling and Analysis Plan (CSAP) of the primary waste areas about which the Agencies will be making Phase 2 decisions</p>		
4a	<p>What CSAP work will be done prior to or in conjunction with the SEIS?</p>	<p>CSAP characterization activities performed to date have included Gamma Walkover Surveys (GWS) and soil sampling to characterize background soil conditions and soils exposed during the removal and construction of WVDP site facilities by the WVDP Facility Disposition contractor. These characterization activities will continue during the preparation of the probabilistic PA and the SEIS. Pre-design data collection will commence near the end of the Facility Disposition contract to provide data to support the design planning for the WMA 1 and WMA 2 excavations that will be completed during the subsequent Soil Remediation contract.</p>
4b	<p>Please provide a detailed update on the CSAP and how it is fulfilling its 4 goals listed especially the 4th one which is to provide data for phase 2 decision making.</p>	<p>The Phase 1 CSAP described the environmental data collection activities that will support Phase 1 decommissioning activities described in the Phase 1 Decommissioning Plan for the WVDP. As discussed in the CSAP, the four primary purposes of CSAP data collection are: (1) pre-design data collection, (2) remedial support, (3) post-remediation status documentation, and (4) Phase 2 decision-making support. Data collection to support these objectives is organized into two distinct data collection efforts during Phase 1 decommissioning. The first is data collection activities that will take place before the Phase 1 WMA 1 and WMA 2 excavations (pre-</p>

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		<p>design data collection). The second is data collection that will occur during and immediately after site remediation activities (remedial support, post-remediation status documentation).</p> <p>To date, CSAP data collection activities have concentrated collecting survey and soil analytical data for remedial support (characterization of background soils, HLW Canister Interim Storage Area excavation) and post-remediation status documentation objectives (characterization of exposed soil after removal of WVDP facilities).</p> <p>Pre-design data collection activities for the WMA 1 and WMA 2 excavations will begin near the end of the Facility Disposition contract and continue into the start of the Soil Remediation contract in order to provide data required by the Soil Remediation contractor to complete the WMA 1 and WMA 2 excavations.</p> <p>Phase 2 decision making will be supported by data collected from a variety of DOE and NYSERDA programs including but not limited to: the Phase 1 Studies; the WVDP site environmental monitoring program; regulatory programs (RCRA); DOE and NYSERDA site characterization programs (North Plateau Plume, SDA); aerial gamma surveys; best management practices (PTW investigation), and CSAP sampling that support Phase 1 decommissioning activities.</p>
4c	How is it possible to complete all of the characterization work by 2019? Soil remediation will just be starting in 2019 and this is an prime opportunity for data collection.	There is no requirement to complete all of the characterization work by 2019. Pre-design data collection activities to support the planning of the WMA 1 and WMA 2 excavations will begin near the end of the Facility Disposition contract and continue into the start of the Soil Remediation contract. This schedule will provide the appropriate data required by the Soil Remediation contractor to plan and complete the WMA 1 and WMA 2 excavations. Additional soil characterization and any required remediation outside of the WMA 1 and WMA 2 excavations within the WVDP will be performed during the excavation of WMA 1 and WMA 2.
Independent Scientific Panel		
5	Did the Science Panel (ISP) review the new Path Forward and if so what comments did they provide?	The path forward was developed considering of input received from the public, the ISP, and regulatory agencies. The agencies briefed

No.	Comment	Response
		the ISP on the path forward, and the ISP was generally supportive of the path forward, which includes a probabilistic performance assessment and SEIS.
Phase 1 Physical Activities		
6a	<p>Clarification on the agency decision to split the physical Phase 1 into 2 phases or parts:</p> <ol style="list-style-type: none"> 1. Facility Disposition-- expected completion in 2020 of decontamination and the dismantling of multiple buildings at the site. 2. Soil Remediation-- Contract expected to be awarded in 2019. Has the commitment to excavation of the plume been scaled back to "remediation?" 	<p>The FEIS and the Phase 1 Decommissioning Plan for the WVDP were prepared assuming an annual WVDP budget of \$100M. Phase 1 decommissioning activities were assumed to be completed within eight years based on this assumed annual funding. Subsequent to the publication of these documents, the expected annual WVDP budget was revised downward to \$75M. Based on the expectation of further reduced funding, and the potential difference in the level of expertise required to demolish and remove facilities as opposed to conducting soil remediation, the DOE decided to split the Phase 1 decommissioning work scope into two separate shorter duration contracts - Facility Disposition followed by Soil Remediation, rather than issuing a single longer (10+ year) duration contract that would address all Phase 1 decommissioning activities.</p> <p>Facility Disposition Contract – This contract is currently expected to be completed in 2019.</p> <p>Soil Remediation Contract - The agencies remain committed to completing the major WMA 1 and WMA 2 excavations as described in the Phase 1 Decommissioning Plan for the WVDP during the Soil Remediation contract that will follow the completion of the facility disposition contract.</p>
6b	Status of the outstanding Report on Sept 2013 Contamination under the pad.	The April 2014 draft of the <i>Radiological Characterization Report for the HLW Canister Interim Storage Area</i> was reviewed by DOE and NYSERDA. The report is currently being revised incorporating DOE and NYSERDA review comments. The final report is expected in June 2014.
6c	Status of method development for moving high level radioactive logs from building to casks to pad.	DOE (through our contractor CHBWV) will continue to provide briefings on the High-Level Waste canister relocation through our Quarterly Public Meeting process.