

To: West Valley Citizen Task Force  
From: Melinda Holland, Task Force Facilitator  
Subject: Summary of the December 15, 2004 Meeting  
Date: January 17, 2005

### **Next Meeting**

The Citizen Task Force Annual Meeting will be held as follows:

Date: **Thursday, January 27, 2005**  
Time: 7:00 - 9:30 p.m.  
Location: West Valley Demonstration Project Site  
10282 Rock Springs Road  
West Valley, NY

NOTE: All participants must bring photo identification to enter the site.

If you have questions or comments regarding the upcoming meeting or about this summary, please contact Melinda Holland at (828) 894-5963, or Tom Attridge at (716) 942-2453.

### **CTF Attendees**

Attending were: Paul Piciulo, Dan Sullivan (for T. J. Jackson), Ray Vaughan, Lee Lambert, Bill King, Mark Mitskovski (for Larry Rubin), Joe Patti, Tim Siepel, and Warren Schmidt.

CTF Members not attending (nor represented by an alternate) were: John Allan, Pete Scherer, John Pfeffer, Eric Wohlers, Mike Hutchinson, Gayla Gray, Rev. Bill Kay, Ron Buczak, and Nevella McNeil.

### **Agency Attendees**

Hal Brodie, New York State Energy Research and Development Authority (NYSERDA), Pat Concannon, New York State Department of Environmental Conservation (NYSDEC).

### **Meeting Highlights**

- ▶ Presentation and Discussion on current West Valley Demonstration Project (WVDP) site work and regulatory activities;
- ▶ Discussion of NYSERDA's revised draft legislation; and
- ▶ Discussion of next steps, action items and observer comments.

### **Meeting Summary**

#### *Current Developments at the WVDP*

Dan Sullivan, DOE, gave the CTF an update on recent activities at the WVDP which included dismantlement of the vitrification facility, decontamination of the Main Plant, shipment of low-level waste, operation of the Remote Handled Waste Facility (RHWF), site contract extension, and need for office space. A Task Force member asked which definition of Transuranic (TRU) waste will the site use when deciding if the waste is low-level waste (LLW) or TRU waste. Mr. Sullivan stated that they will use the waste acceptance criteria of the disposal site. In response to a question regarding where the waste will be sent, Mr. Sullivan stated that although it has not yet been determined, the waste could go to the Nevada Test Site (NTS), the Hanford, Washington site, or the Envirocare facility in Utah. He noted that

past shipments have gone to NTS and Envirocare.

A CTF member asked if the site was considering renting the Ashford Office Complex (AOC) in its search for replacement office space, and a WVNSCO representative responded that the AOC is one possibility but under the procurement regulations they must seek multiple bids. Another Task Force member requested a copy of the written determination that the melter and other equipment removed from the vitrification facility are not high-level waste (HLW). Mr. Sullivan agreed to check to see when this might be available.

Mr. Sullivan also reviewed a document entitled “Strategy for Disposition of Facilities and Equipment Used for the WVDP” and stressed the importance of the various maps contained in the document for discussion at the January 27<sup>th</sup> CTF meeting. Mr. Sullivan explained that the Waste Management Environmental Impact Statement (WM EIS) is at the DOE General Counsel’s office and they hope to release it soon.

Next, Bill Wierzbicki, WVNSCO, gave a brief overview of the Resource Conservation and Recovery Act (RCRA) Part B permit application which will be submitted to New York State Department of Environmental Conservation on December 28<sup>th</sup>. He also mentioned that copies of this permit application will be placed in the Springville public library and the WVDP site, and that stakeholders, including the CTF, will be notified by mail when the application is available for public review. A CTF member inquired about having a copy of the permit application placed in the West Valley Central School library.

#### *Discussion of NYSERDA’s Revised Draft Legislation*

Regarding the recently revised draft legislation presented by Hal Brodie, NYSERDA, at this meeting, a CTF member raised several concerns. He stated that the draft legislation does not adequately address the burial grounds and does not contain provisions to force action regarding compliance with NRC’s License Termination Rule. He also stated that the draft legislation does not require timely action regarding NRC licensing of the burial grounds and does not encourage a coordinated environmental review in the EIS process. The CTF member regarded the legislation’s use of the term “remediation” without also requiring “decommissioning” as possibly allowing the burial grounds to slip through the first decommissioning EIS. He was concerned over the lack of a deadline for the following NRC licensing process. Mr. Brodie explained that the legislation will require that the LTR requirements be applied to all wastes including the burial grounds. Mr. Brodie explained the three-step process under the LTR where first the site is evaluated to see if it qualifies for unrestricted release. If the site does not warrant unrestricted release, it may qualify for restricted release if it meets the corresponding LTR criteria. If the site cannot be cleaned up to the level required for unrestricted or restricted release and the licensee can meet certain requirements, then an NRC license could remain in force. The CTF member expressed the concern that the third option, leaving the NRC license in place, would eliminate any serious environmental technical review of the burial grounds. Mr. Brodie disagreed and explained that the technical environmental review would be done during the EIS process. Task Force members then asked if a more rigorous, well defined test/review process for the burial grounds could be written into the legislation.

In response to another CTF member’s questions, Mr. Brodie explained that based on the data developed so far for the burial grounds, NYSERDA believes exhumation of those areas may not be justified in terms of risk reduction. As part of the EIS analysis, the costs and risks of exhumation must be weighed against the risk of failure of institutional controls if the waste is closed in place. The CTF member responded that he is concerned about leaving such high risk waste in an erodible area. He asked if NYSERDA has plans to continue to study ways to remediate the burial grounds in the future if they close them in place now. Mr. Brodie responded that nothing would preclude exhumation of the burial grounds in the future and noted that there is currently no place to ship some of the waste in the burial grounds for

disposal.

The CTF agreed that the Legislative Work Group (and any other CTF members who want to participate) will meet on January 4<sup>th</sup> with Hal Brodie and other NYSERDA representatives to work on refining the legislative language to address the issues discussed at this meeting.

A Task Force member asked that NRC clarify which portions of the 3,300 acre site are covered by the existing license and which are not. A NYSERDA representative responded that they are waiting for a reply from NRC to this question along with the question of how uncontaminated land could be removed from the license to allow redevelopment in the area.

A Task Force member asked that Section 11 of the legislation be modified to provide local governments with \$3 million per year after completion of remediation and as long as waste remains on the site. He explained that this funding is needed for local governments to continue to provide adequate fire and emergency response resources which may be needed due to release of waste from the site.

### **Next Steps**

*Thank-You Letters* - A Task Force member suggested, and the CTF agreed, that letters be sent to Congressman John Kuhl and Congressman Higgins welcoming them to Congress and inviting them to participate in the CTF process. Mike Hutchinson was volunteered to draft the letters, with production and mailing assistance from Melinda Holland or WVNSCO.

*Legislative Work Group* - The Legislative Work Group will meet in Buffalo (at the NYSERDA-Buffalo Offices) on January 4<sup>th</sup> at 11:00 a.m. with NYSERDA staff to continue discussion of NYSERDA's recent revised draft legislation.

*Agenda Work Group* - The Agenda Work Group agreed to meet on January 5<sup>th</sup> at 7:00 p.m. via conference call to develop a draft CTF Work Plan for 2005.

*Resolutions* - With a few additions, the CTF approved John Pfeffer's draft follow-up letter to the local government organizations which have not yet responded to the CTF's Resolution regarding site cleanup and closure. The letter gives a late January deadline for submitting supporting resolutions, after which the CTF will package and mail all resolutions received to the Congressional Delegation. John Pfeffer and Melinda Holland will take care of mailing the letter.

*Web Site* - John Pfeffer and Melinda Holland's recommendation to select Yahoo Web Hosting for the CTF web site was approved by DOE, NYSERDA and the CTF. John will begin building the web site based on the outline of the web site contents previously provided to the CTF. A CTF member also suggested that material to be posted be reviewed for security concerns. Another member suggested that the site be able to count the number of "hits" or times it is accessed. A NYSERDA representative suggested that the web site start small and grow by including existing documents such as meeting minutes, the CTF mission statement, CTF work products, CTF membership, etc.

*January CTF Meeting Agenda and 2005 Meeting Dates* - The CTF agreed that the Task Force's meetings in 2005 should be held on the 4<sup>th</sup> Thursday of the month, based on the information obtained by Melinda Holland's survey of the membership. The CTF recommended that the January 27<sup>th</sup> Task Force meeting should focus on the CTF annual review, the draft legislation and the RCRA Part B permit.

A CTF member requested that other members look at the November, 2004 Energy Communities Alliance's November newsletter which contains an article stating that the chairs of the site-specific

advisory boards (SSAB) at DOE EM sites urged DOE to sponsor a national forum to address “system-wide waste and material disposition challenges” during 2005. She also noted that the ECA Annual meeting will be held March 10, 11 in Washington D.C. This Bulletin will be sent to CTF members.

**Observer Comments**

There were no observer comments.

**Action Items**

<b>Action</b>	<b>Assigned To</b>	<b>Due Date</b>
Provide the CTF with a copy of the written determination that the melter and other equipment removed from the vitrification facility are not high-level waste	DOE; WVNSCO	When Available
Write welcome letters to the new Congressional delegation members.	Drafting assigned to Mike Hutchinson	1/7/05
The Legislative Work Group will hold a meeting with NYSERDA to discuss NYSERDA's latest draft legislation on January 4th at 11:00 a.m. in Buffalo.	Legislative Work Group	1/4/05
Agenda Work Group conference call on January 5 <sup>th</sup> at 7:00 p.m. to develop a draft 2005 CTF Work Plan.	M. Holland, Agenda Work Group, DOE, NYSERDA	1/5/05 <del>7:00 p.m.</del>
Draft a follow-up letter to those municipal organizations who did not respond to the CTF's original request for supporting resolutions.	John Pfeffer to draft, M. Holland to circulate to the CTF for comments	11/30/04
Continue development of the CTF Web site.	John Pfeffer	1/26/05
Notify CTF members when the RCRA Part B permit application is available for review	DOE, WVNSCO	1/27/05
Package and send all resolutions received to date to the Congressional delegation.	John Pfeffer & M. Holland	1/28/05
Provide CTF members with a copy of the November, 2004 Energy Communities Alliance's November newsletter.	M. Holland	1/14/05

**Documents Distributed**

<b>Document Subject</b>	<b>Document Description</b>	<b>Generated by–Date (if known)</b>
Agenda	Agenda	M. Holland; 12/15/04

<b>Document Subject</b>	<b>Document Description</b>	<b>Generated by–Date (if known)</b>
Summary of the 11-17-04 CTF Meeting	Meeting Summary	M. Holland; 11-26-04
Presentation “WVDP Work Status”	Presentation	D. Sullivan; 12-15-04
West Valley Remediation Act	Draft Legislation	NYSERDA; 11-15-04
“Strategy for Disposition of Facilities and Equipment Used for the WVDP”	Draft Report	DOE; 9/30/04
Presentation “RCRA Part B Permit Application”	Presentation	B. Wierzbicki; 12/15/04
“Synopsis Sole Source Extension of WVDP M&O Contract”	Contract Synopsis	DOE; 12/13/04
Draft letter to retiring Congressional representatives	Letter	T. Siepel; 12/15/04
Draft Letter to Municipalities Regarding the CTF Resolution	Letter	J. Pfeffer; 12/15/04
Draft 2005 CTF Work Plan	Work Plan	M. Holland; 12/15/04
CTF Web Site Contents Outline	Outline	M. Holland; 12/1/04

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