

To: West Valley Citizen Task Force
From: Melinda Holland, Task Force Facilitator
Subject: Summary of the January 27, 2005 Meeting
Date: February 17, 2005

Next Meeting

The next Citizen Task Force meeting will be held as follows:

Date: Thursday, February 24, 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, T. J. Jackson, Ray Vaughan, Bill King, Eric Wohlers, Gayla Gray, Pete Scherer, Mike Hutchinson, Lou Brehm (for Mark Mitskovski & Larry Rubin), John Pfeffer, and Warren Schmidt.

CTF Members not attending (nor represented by an alternate) were: Lee Lambert, Tim Siepel, Rev. Bill Kay, Joe Patti, 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), and Chad Glenn, Nuclear Regulatory Commission (NRC, via video conference).

Meeting Highlights

- ▶ Presentation and discussion on current West Valley Demonstration Project (WVDP) site work and regulatory activities;
- ▶ Overview of the New York State Energy Research and Development Authority's (NYSERDA) revised draft legislation and discussion;
- ▶ CTF annual meeting, and
- ▶ Discussion of next steps, action items and observer comments.

Meeting Summary

Current Developments at the WVDP

T. J. Jackson, U.S. Department of Energy (DOE), gave the CTF an update on recent activities at the WVDP. In response to a CTF member's question about a recent incident involving a worker exposure to radiation, Mr. Jackson explained that technicians working to remove liners from some boxes in the vitrification cell noted an unusually high reading on a radiation detection monitor which had been placed next to a waste box liner. When checked, they discovered that the box had a 50 rem "hot spot". The workers received a radiation dose in excess of their daily administrative limit but not exceeding their annual limit or regulatory thresholds. In response to another question, Mr. Jackson explained that it was a gamma radiation dose measured by a Thermo-Luminescent Dosimeter (TLD) to the entire body. Due to this incident and two small fires in the Vitrification Cell (which Mr. Jackson explained did not result in the release of any radiation into the environment), cleanup work has been temporarily stopped in the Vitrification Facility to allow the evaluation of the incidents and prevent future problems. In response to a question, Mr. Jackson explained that one fire was the result of sparks from a remote-controlled cutting saw falling on small wood chips. The wood chips came from wooden frames which had been used to support equipment that was remotely cut. The second fire occurred when the remote-controlled cutter sliced through a synthetic strap which ignited due to friction.

In response to another question, Mr. Jackson confirmed that, while conducting routine surveys of buildings, contaminated rodent droppings have been identified. This is a problem that has occurred in the past and is probably at least partly due to the increase in decontamination work at this time. They are trapping rodents to control this problem.

Mr. Jackson explained that the WVNSCO contract has been extended for three months and a request made to Congress to allow an extension until December of 2005. DOE is still developing the procurement package for 2006. In response to a CTF member's request, Mr. Jackson agreed to share the scope of work for the contract extension and the new procurement package, once they are available for distribution. He explained, in response to another question, that they have adequate funds to continue operating the Remote Handled Waste Facility (RHWF) which is now in its second campaign of size-reducing and packaging waste for shipment.

Mr. Jackson announced that they are planning to hold a High-Level Waste Tank technology oriented workshop at the WVDP on February 16 and 17th.¹

Draft Legislation

Hal Brodie, NYSERDA, gave an overview of the latest changes to NYSERDA's draft legislation. Mr. Brodie explained in general terms how this draft responded to the issues raised by CTF members at the meeting between the CTF's Legislative Work Group and NYSERDA representatives in Buffalo on January 4th, as well as to the suggestions made at the December 15th CTF meeting. He reviewed a flow chart entitled "LTR Eligibility Demonstrations for Decommissioning Options" prepared by NYSERDA which outlined the NRC License Termination Rule (LTR) regulatory process for decommissioning. Mr. Brodie explained that it is NYSERDA's understanding that when applying the LTR the licensee must start with the goal of achieving unrestricted release. The licensee must make the demonstrations indicated in the flow-chart before progressing to restricted release, LTR exemption or NRC licensing. He further

¹ This workshop was subsequently postponed.

explained that, under the legislation, the LTR would apply to the entire site including the burial grounds.

There was extensive discussion regarding a letter sent by several national and local environmental group representatives to the Western New York Congressional delegation regarding their concerns about the draft legislation. Task Force members discussed the need for improvements in communications between the CTF and other concerned groups and individuals. Task Force members expressed concern that the parties writing this letter did not approach CTF members in an effort to have their concerns aired at CTF and Legislative Work Group meetings. Other Task Force members feared that additional public involvement processes at this stage would cause too great a delay in submitting the draft legislation. They suggested additional public involvement once a bill is introduced in Congress.

One of the signers of the letter was invited to explain his concerns to the CTF. He stated that a key concern was inadequate opportunity for the public to have input into the CTF process. Information on how to contact CTF members is not distributed to the public and the observer comment period at the end of CTF meetings is not adequate. He also stated that submitting information through a CTF member is not adequate as a CTF member may not advocate the position as fully as expected. Another primary concern is the possibility of transfer of ownership of the site to DOE and reservations regarding DOE's performance at the other sites it owns.

A Task Force member suggested that the CTF set aside time for members of the public to make presentations to the CTF. He suggested that an hour every third meeting could be set aside. Increasing observer comment opportunities at meetings was also recommended. Placing a local representative of one of the environmental groups on the CTF was suggested. After some discussion the CTF agreed to offer the opportunity to the public to make presentations to the Task Force, but asked that the facilitator, Melinda Holland, be the gatekeeper to screen and manage requests for time on the CTF agenda. This will be done over the next three months on a trial basis to evaluate the effectiveness of this approach. An observer comment period at the middle of the meeting will also be added to each CTF meeting agenda. A written announcement of this opportunity will be placed in the next CTF mailing. People may also contact the CTF through the new Task Force web site by sending a message to the facilitator.

Regarding the revised draft legislation, the Task Force members present at the meeting reached consensus in support of this draft and urged NYSERDA to move ahead as soon as possible with introduction of the legislation. In response to a question, Mr. Brodie stated that NYSERDA was researching the best approach for rolling out the legislation and having it introduced in Congress.

A CTF member noted that several Task Force members were not present at this meeting, and suggested that the facilitator contact them regarding their view of the legislation and whether they would support the CTF consensus reached at this meeting. The Task Force agreed to this process.

Task Force Annual Meeting

Next Melinda Holland asked the Task Force to fill out the evaluation forms and return them to her within two weeks. She also asked them to read the list of CTF 2004 accomplishments and

congratulated them on an impressive amount of work.

Ms. Holland then reviewed CTF member attendance during 2004 as required by the Task Force Ground Rules. She noted that 4 members did not attend at least 50 percent of the scheduled meetings. Under Section II.A.1 of the Ground Rules "*Members who fail to attend half of the scheduled meetings in a calendar year may be removed from the CTF by consensus of the CTF Members present at the first schedule meeting of each year.*"

The status and level of interest of each of the 4 members who missed more than 50 percent of the 2004 meetings were discussed and the Task Force agreed unanimously to the following:

1. John Allan - Mr. Allan resigned from the CTF prior to this meeting so no action was needed. Ms. Holland was tasked with searching for a replacement from the Town of Concord or Village of Springville governments. Based on CTF recommendation, if a replacement cannot be found from those municipalities, Congressional or state legislative staff will be approached to fill this vacancy.
2. Rev. Bill Kay - Rev. Kay could not make the 2004 meetings (held on Wednesday evenings) due to church activities, but stated that he will be able to attend the meetings that are scheduled for the fourth Thursday of every month in 2005. He was invited to continue based on his desire to remain and commitment to attending meetings in 2005.
3. Ron Buczak - The CTF agreed to ask Pete Cooney (alternate) or Mr. Buczak if the site Union work force wishes to continue to be involved in the CTF and if they can find a member who will attend at least 50 percent of the meetings in 2005 - in which case the union would continue to be a member.
4. Nevella McNeil - Given Ms. McNeil's inability to attend CTF meetings and extended absence, the Task Force agreed to ask her to resign and to seek a replacement. Pete Scherer agreed to speak to West Valley Central School Board members about their interest in a seat on the CTF. Melinda Holland will work with Mr. Scherer to find an appropriate replacement for Ms. McNeil. A Task Force member suggested that if a School Board member could not be found, that the CTF should consider adding another environmental group member.

A Task Force member asked if he may select his own alternate for the CTF, and was told yes.

Next Steps

Thank-You Letters - Mike Hutchinson drafted a letter be sent to Congressmen John Kuhl and Brian Higgins welcoming and inviting them to participate in the CTF process. The CTF approved the letter with some revisions and asked WVNSCO to assist with mailing the letter.

Resolutions - The CTF decided to wait until the end of February before mailing the supporting resolutions received by the Task Force to Congress.

Web Site - John Pfeffer demonstrated the new CTF web site and asked for comments or suggestions. He will continue to develop the web site over the next month. Task Force members will be asked to provide information on what personal information they want included on the web site. This information might include a link to an organizational web site, their address, e-mail address, telephone number, fax number, etc.

February CTF Meeting Agenda - Topics suggested for the February meeting agenda include:

- Souther Tier West WVDP Redevelopment Study;
- Disposition of WVDP facilities;
- RCRA Part B Permit Application & Closure Plans;
- Waste Tank Workshop review; and
- NRC response to CTF question about release of site land for redevelopment.

A Task Force member asked if the Draft Environmental Impact Statement (DEIS) would be available by the end of summer 2005. A DOE representative responded that the DEIS is hoped to go to the regulatory agencies for their review by the end of summer, but it will not go out for public comment until agency comments have been addressed.

Observer Comments

An observer noted that the ability for members of the public to make presentations to the CTF would be a significant step toward resolving his objections to the CTF process. He also suggested that national environmental groups not be added to the CTF's membership - instead he recommended groups like the Cattaraugus Creek Watershed Task Force. He also suggested checking with Bob Muhlbauer, who is a member of the Concord Planning Board, on his interest in joining the CTF.

Action Items

Action	Assigned To	Due Date
Revise and mail the welcome letters to the incoming legislative delegation members.	M. Hutchinson & WVNSCO	2/4/05
Contact CTF members not present at the 1/27/05 meeting regarding the consensus reached on the draft legislation at this meeting. Give them one week to respond.	M. Holland	2/4/05
Include in the next CTF mailing an announcement of the opportunity for members of the public to request time to make presentations to the CTF and explain the process to be followed.	M. Holland	2/16/05
CTF members to provide M. Holland with the contact information they wish to be placed on the Task Force web site.	CTF & M. Holland	2/24/05
Provide the CTF with the scope of work for the contract extension, and the new procurement package	DOE	When available
CTF members to complete the 2004 Evaluation Forms and return to M. Holland	CTF members	2/11/05

Find an appropriate CTF replacement for Nevella McNeil, preferably a West Valley School Board member. If not, the CTF should consider adding another environmental group member to fill this vacancy.	Pete Scherer/Melinda Holland	2/24/05
Find an appropriate CTF replacement for John Allan, preferably from the Town of Concord or Village of Springville government. If not, the CTF should consider adding Congressional or state legislative staff to fill this vacancy.	Melinda Holland	2/24/05

Documents Distributed

Document Subject	Document Description	Generated by Date (if applicable/known)
Jan. 27, 2005 CTF Meeting Agenda	Agenda	Holland; 1/27/05
December 15, 2004 CTF Meeting Summary	Summary	Holland; 1/17/05
CTF Draft 2005 Work Plan	Work Plan	Holland; 1/18/05
Draft CTF Letters to Representatives Higgins and Kuhl	Letter	Mike Hutchinson; 1/27/05
Letter from Various Environmental Organizations to the WNY Congressional Delegation Regarding Draft Legislation	Letter	Several; 1/27/05
NRC Monitoring Report and Cover Letter; DOE transmittal Letter.	Letters and Report	NRC; 12/9/04
CTF 2004 Accomplishments List	List	Holland; 1/27/05
CTF 2004 Year-End Evaluation	Form	Holland; 1/24/05
Legislative Work Group 1/4/05 Meeting Summary	Summary	Attridge; 1/12/05
Agenda Work Group 1/5/05 Conference Call Summary	Summary	Holland; 1/13/05
List of Supporting Resolutions	List	Pfeffer; 1/26/05
Town of Concord Resolution	Resolution	Concord; 7/12/04
Village of Allegany Resolution	Resolution	Allegany; 1/10/05

Document Subject	Document Description	Generated by Date (if applicable/known)
Town of Niagara Resolution	Resolution	Niagrara; 1/19/05
Panama Central School Resolution	Resolution	Panama CS; 1/12/05
Town of Machias Resolution	Resolution	Machias; 7/19/04
City of Olean Resolution	Resolution	Olean; 1/10/05
Town of Pavilion Resolution	Resolution	Pavilion; 1/13/05
Cheektowaga Central School District Resolution	Resolution	Cheektowaga CSD; Received 1/14/05
Town of Almond Resolution	Resolution	Almond; 7/12/04
CTF Letter Requesting Supporting Resolutions & Attachments	Letter	Pfeffer; 12/29/04
CTF Address List	Addresses	WVNSCO; 1/26/05
CTF Letter to Representatives Houghton and Quinn	Letter	Siepel; 12/20/04
2/16 & 17/05 HLW Tank Workshop Draft Agenda	Agenda	DOE; 1/27/05
Letter from NYSERDA to DOE	Letter	12/20/04
Presentation "WVDP Work Status"	Presentation	Jackson; 1/27/05
Energy Communities Alliance Bulletin	Newsletter	ECA; 12/04