

To: West Valley Citizen Task Force
From: Melinda Holland, Task Force Facilitator
Date: April 5, 2005
Subject: **Summary of the March 24, 2005 Meeting**

Next Meeting

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

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

NOTE: Future CTF meetings will be held on the 4th **Wednesday** of each month, unless otherwise noted. 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: Ray Vaughan, Gayla Gray, John Pfeffer, Lee Lambert, Paul Piciulo, T. J. Jackson, Pete Scherer, Pete Cooney, Warren Schmidt, Joe Patti, Bill King, Chris Pawenski (for Larry Rubin), and Eric Wohlers.

CTF Members not attending (nor represented by an alternate) were: Tim Siepel, Mike Hutchinson, Gary Eppolito, and Rev. Bill Kay.

Agency Attendees

Chad Glenn and Bob Prince, Nuclear Regulatory Commission (NRC).

Meeting Highlights

- ▶ Discussion on the Southern Tier West Draft Redevelopment Study;
- ▶ Presentation and discussion on current West Valley Demonstration Project (WVDP) site work and regulatory activities;
- ▶ Recent activities regarding the New York State Energy Research and Development Authority's (NYSERDA) revised draft legislation; and
- ▶ Discussion of next steps, action items and observer comments.

Meeting Summary

Melinda Holland distributed and reviewed the compilation of the results of the 2004 CTF process evaluation. She encouraged Task Force members to communicate suggestions for how to improve the facilitation and effectiveness of the CTF meetings. The CTF requested that Tom Attridge, NYSERDA, send a thank-you letter to Mark Mitskovski for his participation on the CTF.

Status of Site Activities

T.J. Jackson, Deputy Director, DOE West Valley, gave a presentation on the status of site activities. A CTF member asked why, considering the site's excellent safety record, did it take a radiation exposure incident and two fires to get attention to a developing safety problem at the site. He further questioned whether the rush to complete the cleanup of the vitrification cell in order to earn a contract bonus was a major contributing factor in the incidents. Mr. Jackson explained that DOE had the same expectations for the vitrification cell dismantlement project as the other recently completed dismantlement projects. He stated that the same safety clauses contained in the contract applied to all D&D work. Mr. Jackson also discussed the conservative measure the contractor took by stopping work and the recently completed analysis of the incidents. He said that, based on past work planning practices and safety performance they did not anticipate such accidents, but the problem seems to have resulted from how the contractor approached the work in the vitrification cell. He added that it has been a painful process and that the local DOE office, DOE Ohio, and DOE-HQ has been critical of the events.

Mr. Jackson told the CTF that the WVNSCO contract extension was signed on March 24th and will run through December, 2005. In response to a CTF member's question, he explained that 100 to 150 site workers would be moving to the Ashford Office Complex (AOC) and that numerous office trailers would be removed (sold or disposed) from the WVDP. Mr. Jackson also explained that the reason for moving staff back to the AOC was the difficulty and cost of maintaining the decaying office trailers. When asked about the cost of renting office space, Mr. Jackson explained that moving staff to the AOC would be a cost savings over the long term. Another CTF member noted that an even larger cost savings could be obtained if DOE signed a longer lease. In response to a question, Mr. Jackson explained that oversight of cleanup activities at the WVDP would not lessen due to the relocation of staff, because the cleanup workers will continue to be on-site and the project managers will routinely visit the site.

Mr. Jackson explained that the site will be focused on shipping waste off-site for disposal in 2005. A CTF member asked how the WVNSCO's contract bonus works regarding the waste shipping. Mr. Jackson explained that the contractor earns more money per waste shipment as the number of shipments increases. He explained that these bonuses are intended to create an incentive to ship more waste faster. However, Mr. Jackson stressed that schedule does not override safety. It is DOE's expectation that all work is to be completed safely in accordance with the contract. When questioned about whether the pressure to meet the schedule for the bonuses could lead to additional accidents, Mr. Jackson responded that this schedule is what WVNSCO said it could accomplish safely. The CTF member reminded Mr. Jackson that the prior push to meet contract milestones in the Vitrification dismantlement project resulted in accidents. Mr. Jackson explained that additional measures have been taken to make sure that doesn't happen again. The Task Force member suggested taking the time to do the job safely instead of faster. He also stated that the accidents, just cost the taxpayers more money, as well as moving in and out of the AOC.

A CTF member stated that local governments should be receiving additional compensation for the increased impacts on government services that result from the large number of nuclear waste shipments. Mr. Jackson explained that they do not see any additional burden created by the shipments. Another Task Force member mentioned that DOE's upgrading and repair of the local railroad spur has kept one community asset viable. Another CTF member asked for information on how many truck shipments will be needed to haul the 400,000 cubic feet of waste that is planned to be shipped in 2005. DOE agreed to provide that information.

In response to another question, Mr. Jackson explained that the "waste acceptance criteria" for wastes shipped to disposal sites vary according to the disposal site to be used. He said that the Envirocare facility in Utah only takes Class A low-level radioactive waste (LLRW), and the Nevada Test Site (NTS) facility takes more radioactive LLRW.

In response to a CTF member's question, Mr. Jackson explained that the target completion date for the first draft Environmental Impact Statement is August 29, 2005. The contract with the consultant preparing the EIS was signed last month. When the draft EIS is complete it will first go to the regulatory

agencies for their review and comment.

Discussion of the Southern Tier West Draft Reuse Study

Next, the CTF discussed the draft Reuse Study prepared by ERA for Southern Tier West. A working group comprised of Gayla Gray, Ray Vaughan, Chris Pawenski, and Lee agreed to develop a draft set of comments on the report. They asked all CTF members to read the report and forward comments and suggestions to the work group. The history and background for the report was discussed.

Overall, the CTF members that had read the report said it did not have sufficient analysis and reuse recommendations. Specific comments and questions regarding the report discussed at this meeting included:

- On page 36 of the report there is a reference to an appendix, but it was not included in the draft;
- A large number of typographical errors were noted;
- An overall impression of the report is that it is a collection of bits of information such as socioeconomic data, which are not linked to each other, nor to the potential reuses or recommendations;
- The socioeconomic data only looked at Cattaraugus County, yet there is a large economic impact in Erie County from jobs, subcontracts, materials, etc. used at the site. The report needs to include that data as well;
- No connection or relevance is shown for the discussion on the Pennsylvania economic opportunities and climate;
- Prejudicial assumptions were made [such as on pages 6 and 37] regarding the nature of the final cleanup of the site. These conclusions should not be made until after the Environmental Impact Statement (EIS) and the Record of Decision (ROD) have been finalized;
- The WVDP is closer than 50 miles from Buffalo;
- On page 7 the use of “low-level radioactive waste” should be changed to “radioactive waste”;
- On pages 25 - 31 there is no acknowledgment of the existing Route 219 expressway, and there is no mention of the Buffalo airport;
- On pages 34 & 35 - Education - should mention the University of Buffalo and other local educational institutions which might be interested in site reuse opportunities;
- The draft report did not include the comments and suggestions made by the CTF at the meeting where some of the report authors made their presentation;
- The listing of possible reuses is too limited, and needs improvement. Analysis of the suggested reuses is needed, and linkages should be made to the data in other parts of the report;
- For the bio-fuel reuse, information should be provided on the local sources for the agricultural feedstock needed to make bio-fuel;
- The data on the employment history shows low numbers and ~~does~~ probably does not include numbers for subcontractors, government employees, etc.; and
- The report is heavy on demographics, it needs increased focus on Section 4 and redevelopment options.

Release of Site Property from the NRC License

CTF members discussed issues related to possible release of property from the NRC license with Chad Glenn of NRC. A Task Force member requested copies of the documents which define the geographical boundaries of the NRC license for the site and for the boundary shift between the WVDP and the State-Licensed Disposal Area that took place when the Drum Cell was built. Mr. Glenn offered to work with NYSERDA to find these documents. He noted that the search will be time consuming thus he could not promise a quick turn around on this information. A CTF member asked that the information be provided in the next few months.

Mr. Glenn noted that NRC views the license as applying primarily to the 190 acres of the WVDP, and to

a more limited degree to the rest of the property, excepting the SDA. He said that non-impacted portions of the site can probably be released from the license. Mr. Glenn also stated that NRC will possibly be able to use existing procedures (that focus on release of land from power reactor licenses), to release land from the WVDP license. A CTF member noted that this information is important to understand as it would be a waste of time to go through a process to release portions of the site from the NRC license only to find out that those portions were never subject to the license to begin with. The Task Force member also noted that if the agencies cannot find the records related to the license, then how are they going to maintain important records over time during an institutional control period at the site.

NYSERDA Draft Legislation

Dr. Paul Piciulo, NYSERDA, explained that there has been no further action taken by his agency on the draft legislation since their meeting with members of the Western New York Congressional delegation in February. They also have not had any response from the delegation since that meeting. In response to a question regarding the Governor's approval of the draft legislation, Dr. Piciulo explained that the Governor's office has been briefed and is aware of NYSERDA's path forward.

A Task Force member explained that environmental group representatives met the afternoon of Saturday, March 19th. Two members of the CTF attended the afternoon meeting. The meeting with all CTF members planned for the evening of the 19th was canceled because no other Task Force members had responded to the invitation. One recommendation from the afternoon meeting was to ask that the legislation not be formally introduced until after April 30th, to allow more time for public comment. A CTF member who attended the Saturday afternoon meeting noted that one Senate staff member had responded that this request seemed reasonable. A Task Force member asked why this delay was needed. Another member responded that the environmental groups do not feel that their views have been heard adequately in the process of development of the draft legislation. CTF members expressed concern over delaying the introduction of the legislation and questioned whether the environmental groups want to kill the legislation. Another CTF member explained that the environmental groups key concerns are:

- 1) Retaining key provisions of the legislation (and avoiding disadvantageous amendments) as it moves through the legislative process; and
- 2) Distrust of DOE and NRC and reluctance to have them become the decision makers regarding cleanup of the WVDP.

A major concern is that if the existing West Valley Demonstration Project Act (WVDPA) is repealed, as proposed, that the new legislation could provide weaker protections than what's now contained in the WVDPA. For example, a CTF member stated that the WVDPA defines the waste in the tanks as High-Level Waste (HLW), which may preclude DOE making a Waste-Incidental to Reprocessing (WIR) determination at West Valley. A NYSERDA representative reminded the group that currently DOE is in charge of the cleanup, DOE is self-regulating, and NRC only has an advisory role (not a regulator role). A CTF member responded that the environmental groups believe that the state currently has more authority than it would under the new legislation.

Another Task Force member explained that he believed the environmental groups were looking for a reply from the Congressional delegation. A CTF member mentioned that the environmental groups would like to make a presentation to the CTF at its May meeting. A Task Force member questioned whether the environmental organizations have suggestions for improving the weaknesses they perceive in the draft legislation. Another responded that the environmental organizations are currently developing their own recommendations and that it is important for the CTF to open a dialogue with these organizations.

After discussion, all but one Task Force member agreed that they would like to set up a conference call with Congressional staff to discuss the issues and possible next steps regarding the legislation. Bill King

had a call with Representative Kuhl scheduled for March 25th and he agreed to ask about setting up the conference call and report back to the Task Force. Another CTF member mentioned that Erie County Commissioner for the Environment, Larry Rubin, will be in Washington D.C. to meet with the WNY Congressional delegation in April. Commissioner Rubin has offered to communicate Erie County's support of the draft legislation.

Action Items & Next Steps

The Task Force discussed edits to a draft letter to the Western New York Congressional delegation which will accompany the 50+ supporting resolutions received to date. A list of supporting resolutions will be enclosed with the letter to the WNY Congressional delegation.

The April 27th meeting will focus on finalizing the CTF's comments on the Southern Tier West draft reuse study; a presentation by the Technical Work Group on the RCRA Part B permit application; a presentation on the proposed munitions recycling plant; and next steps on the NYSERDA legislation.

Observer Comments

There were no observer comments.

Action Items

Action	Assigned To	Due Date
Send a thank you letter to Mark Mitskovski.	T. Attridge	4-11-05
Provide the CTF with information on how many truck shipments are anticipated to haul the 400,000 cu.ft. of waste to disposal sites.	DOE/WVNSCO	4-27-05
Provide the CTF with copies of the document that defines the geographical boundaries of the NRC license.	Chad Glenn, NRC & NYSERDA	As soon as feasible
Speak with Representative Kuhl and his staff regarding setting up a conference call between the CTF and the WYN Congressional delegation staff to discuss next steps on the draft legislation. Report findings to the CTF	Bill King	4-25-05

Documents Distributed

Document Subject	Document Description	Generated by Date (if applicable/known)
Agenda	Agenda	Holland; 3/24/05
Summary of the 2/24/05 CTF Meeting	Summary	Holland; 3/7/05
"West Valley, NY - Redevelopment of the Nuclear Service Center Site"	Draft Report	Southern Tier West's Consultant ERA; Feb.05
Presentation "WVDP Work Status"	Presentation	Jackson; 3/24/05

Document Subject	Document Description	Generated by Date (if applicable/known)
Results of the WVCTF 2004 Year-End Evaluation	Tabulation	Holland; 3/24/05
2005 WVCTF Draft Work Plan	Draft Work Plan	Holland; 3/24/05
Thank-You Letter to Nevella McNeil and John Allen	Letters	WVCTF; 3/21/05
Buffalo News Opinion “State, not federal government; was responsible for West Valley”	Opinion	Stan Lundine; 3/17/05
March 9 th Agenda Work Group Conference Call Summary	Summary	Holland; 3/11/05