

To: West Valley Citizen Task Force  
From: Melinda Holland, Task Force Facilitator  
Date: June 10, 2005  
Subject: **Summary of the May 25, 2005 Meeting**

### **Next Meeting**

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

Date: **Wednesday, June 22, 2005**  
Time: 7:00 - 9:30 p.m.  
Location: **Ashford Office Complex**  
9030 Route 219  
West Valley, NY

**NOTE:** Future CTF meetings will be held on the fourth Wednesday of each month at the Ashford Office Complex, unless otherwise noted. All participants must bring photo identification.

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, John Swailes, T. J. Jackson, Pete Scherer, Warren Schmidt, Bill King, Joe Patti, and Eric Wohlers.

CTF Members not attending (nor represented by an alternate) were: Gary Eppolito, Tim Siepel, Pete Cooney, Rev. Bill Kay, Chris Pawenski (for Larry Rubin) and Mike Hutchinson.

### **Agency Attendees**

Pat Concannon, New York State Department of Environmental Conservation ( NYSDEC); Chad Glenn, Kim Gruse; Nuclear Regulatory Commission (NRC).

### **Meeting Highlights**

- ▶ Presentation and discussion on current West Valley Demonstration Project (WVDP) site work and regulatory activities;
- ▶ Presentation and discussion with representatives of four environmental organizations 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**

Tom Attridge reviewed the documents provided for this meeting and Melinda Holland reviewed the agenda.

### *Status of Site Activities*

John Chamberlain, WVNSCO, gave a presentation on the status of site operations. A Task Force member asked if the NYS Departments of Labor and Health will be involved in reviewing the soon-to-be issued draft Decommissioning Environmental Impact Statement (EIS). A NYSERDA representative explained that these agencies will have input into the EIS review by working with the NYS Department of Environmental Conservation. A CTF member noted that the WVDP's community relations efforts have been and will continue to be very important and recommended that WVNSCO retain existing staff to maintain this function. In response to a CTF member's request, Mr. Chamberlain agreed to check on the pollution prevention measures to be used if any of the trailers are sent for disposal at landfills. Another CTF member asked if the decision on what type of staff will be retained is based on an assumption that the waste will be closed in-place. Mr. Chamberlain explained that they will retain employees who are best qualified to implement the scope of work for the next several years, which will not include the final site closure activities.

John Swailes, Director, DOE West Valley, added that the Request for Proposals (RFP) for the contract for the next several years of on-site work is being finalized by DOE. The scope of work for this contract will include all of the work needed to prepare the site for its final decommissioning. In response to a CTF member question about the fate of the Process Building, Mr. Swailes indicated that the decommissioning EIS will contain the answer, but he anticipates that this may include decontamination and demolition of the Process Building and off-site disposal of the rubble as low-level waste.

In response to a question, Tom Attridge, NYSERDA, explained that NYSERDA plans to build an office on the West Valley Nuclear Service Center site, but in the interim will lease space at the Ashford Office Complex.

#### *Presentation by Environmental Organizations*

Diane D'Arrigo, Nuclear Information and Resource Service; Anne Rabe, Center for Health, Environment & Justice; Seth Wochensky, Coalition on West Valley Nuclear Wastes, and Mike Schade, Citizens Environmental Coalition gave brief presentations to the Task Force on their concerns and suggestions regarding the draft legislation. These concerns were also described in their letter, Memo of Opposition, and Request for a West Valley Exhumation Study with Full-Cost Accounting of Remedial Options dated April 28, 2005. These documents were distributed at this meeting, along with NYSERDA's May 20<sup>th</sup> letter in response to the environmental organizations' letter and memoranda.

Highlights of each presenter's remarks are summarized below.

Mike Schade, Citizens Environmental Coalition (CEC) :

- Greater citizen involvement is needed regarding the West Valley site;
- Many groups not represented on the CTF are "watch-dogging" the site and need to be involved with the CTF and in other public processes; and
- CEC would like to help build a state-wide grassroots movement to achieve a comprehensive cleanup of the site.

Seth Wochensky, Coalition on West Valley Nuclear Wastes (the Coalition):

- CTF in the past has expressed a preference for exhumation of the wastes at the West Valley site - environmental organizations have the same goal;
- The majority of the members of the Coalition have voted in opposition to the proposed legislation; and
- Many states and environmental groups worked hard in opposition to the Waste Incidental to Reprocessing legislation last year and still failed to block the legislation - it will be just as difficult in this Congress to pass this draft legislation in its current form.

Diane D'Arrigo, Nuclear Information and Resource Service (NIRS):

- DOE ownership of the site is a major concern with the proposed legislation - continued New York State ownership of the site should be maintained - this is one of the key reasons why the environmental organizations oppose the NYSEDA bill;
- The fact that DOE wants to reclassify (via the Waste Incidental to Reprocessing or WIR process) high-level radioactive waste and grout it in the ground should be a strong indicator of the way DOE will manage the site if turned over to DOE;
- NIRS and others agree with NYSEDA that DOE should have greater financial responsibility for a comprehensive cleanup;
- All of the environmental groups signing the April 28<sup>th</sup> letter oppose the proposed legislation;
- Using the NRC License Termination Rule (LTR) as the standard for cleanup is inadequate. The NRC Final Policy Statement & LTR allow too much flexibility, could allow deregulation/reclassification, has too many loopholes, and will not drive exhumation of wastes;
- Exhumation of the wastes is the remedy strongly supported by the environmental organizations;
- The legislation does not prevent a new nuclear facility that generates nuclear waste from being sited at West Valley; for example, the U.S. House of Representatives recently approved (in the Energy Bill) a provision directing DOE to study building new nuclear power plants on existing DOE facilities;
- The U.S. House of Representatives also approved a provision for funding of new commercial reprocessing of irradiated fuel, reversing a 30 year ban in the U.S., and directing that high-level nuclear power waste be centralized at one or more DOE sites. This provision was in the Energy and Water appropriations bill, and Representatives Kuhl, Reynolds, and Higgins voted against the amendment to strike this provision from the bill.
- Environmental organizations would like to be allies of the CTF and work for full cleanup of the site.

Anne Rabe, Center for Health, Environment & Justice (CHEJ):

- The state's role as a watchdog at West Valley is very important - NYS has more political power to push for adequate cleanup and funding as site owner;
- The proposed legislation is highly likely to be amended and substantially weakened in this political climate;
- CHEJ and other environmental groups advocate a comprehensive study of the exhumation alternative with full-cost accounting for all remedial options - in the next EIS and in an independent study;
- Full-cost accounting would take into account all resources necessary to complete the work. For example, the approach would compare costs of exhumation with all long-term (more than the 10,000 year period which is the hazardous life of the waste) costs of long-term stewardship (including erosion control) of the site. The costs of failure of institutional or engineering controls and the related costs of cleanup if contaminated material is released into the Great Lakes Basin area (such as Lake Erie) should be considered as well; and
- Based on CHEJ's initial analysis using full-cost accounting (using the data from the 1996 EIS), implementation of Alternative 1 (exhumation) would cost \$8.3 billion with no post implementation costs. Alternative 3 (in-place stabilization) would cost 1.1 billion to implement and \$110 billion in post implementation costs (over 10,000 years).

Extensive discussion followed the presentations. In response to a CTF member comment, environmental group representatives explained that they do not believe that their interests are adequately represented or communicated by the existing members of the Task Force. Environmental group representatives expressed frustration that they did not receive a response from the CTF for many months when they

communicated concerns to the CTF in the past, and many of their concerns were not addressed in the revised legislation. A NYSERDA representative responded that NYSERDA and the CTF did modify the legislation to address some of the concerns expressed by the environmental groups. He noted that there were, and remain, some areas of disagreement, such as DOE eventually assuming ownership of the site.

When asked if the state is considering legal action, a NYSERDA representative responded that they have retained outside counsel and are seriously evaluating the legal options. He added that litigation would take years and may not be able to resolve all of the problems, whereas legislation could provide a much more comprehensive solution to the issues.

Environmental group representatives suggested that their organizations work together with the Task Force to seek a bigger DOE cleanup budget, strengthen and improve the EIS process, and press the state to advocate for a comprehensive cleanup at the site. They suggested preparation of an exhumation study which uses full-cost accounting to demonstrate that exhumation will be cheaper and safer over the long term.

In response to a question about the status of the proposed legislation, a NYSERDA representative explained that the legislation was submitted to Representative Kuhl and subsequently sent to Congressional legal counsel to be put into the proper format. They do not know if Representative Kuhl will agree to sponsor the bill. There has been no response from Congressional staff during the last month. The NYSERDA representative explained that he believes that the state (NYSDEC) will have a bit more leverage if this legislation passes as drafted. He also explained that NYSDEC currently does not have jurisdiction over radioactive waste at the site, only over wastes covered under the Resource Conservation and Recovery Act (RCRA), and NYSDEC has recently required the submission of a RCRA Part B permit application. A NYSDEC representative added that his agency has received the RCRA Part B permit application and they plan to review it along with the draft EIS, but they cannot yet give a time-line for completion of these reviews. A CTF member noted that he does not think that NYSDEC can use RCRA to require exhumation of all wastes at the site.

A Task Force member asked the environmental groups if they can see a way under existing law to get DOE to exhume the wastes at West Valley. An environmental group representative responded that they propose using a combination of tactics including lobbying for a larger appropriation for cleanup, get the New York State legislature to fund the exhumation study with full-cost accounting, work within the EIS process, and explore other legal remedies. She explained that some western states are using existing legal tools to drive DOE to do better cleanups. A CTF member stated that there is also a need for a nationwide dialogue and to have DOE improve the level of cleanup it provides at all sites. Another Task Force member reminded the participants during these discussions of future worries to not forget DOE's past accomplishments in successfully completing vitrification of the liquid high-level radioactive wastes (HLW) in the tanks.

A DOE representative reminded the group that if DOE cannot utilize a process to evaluate material that came into contact with high-level waste such as the Waste Incidental to Reprocessing (WIR) process, that they will be unable to ship any of these wastes off-site for disposal. If all material that comes into contact with HLW is categorized as HLW, then it could only be disposed of at a federal repository. This would mean that the residuals from the vitrification process and the residuals in the HLW tanks would have to remain at the West Valley site until a repository is available.

#### *Action Items & Next Steps*

Warren Schmidt announced that Representative Cathy Young is now a New York State Senator. Warren questioned the status of his seat on the Task Force as the position has been for a State Assembly

Representative's staff person. One option that was discussed was to convert this CTF position to one for a New York State legislative staff member from this district (not differentiating between Assembly or Senate representative) thus allowing Warren to retain the position. Another suggestion was made to have Warren remain (as the district's state Senate staff member) and also to send a letter to the new Assembly representative (once that person has been elected), inviting them to nominate a staff member to participate on the Task Force. There was discussion about only one vacancy remaining on the CTF and that position had been designated for a local West Valley resident and affiliate with the West Valley Central School. A Task Force member suggested that the CTF consider revising its ground rules to increase the number of members and to add an additional environmental group representative.

At the June meeting the CTF's Technical Work Group will give a presentation on their review of the RCRA Part B Permit Application.

**Observer Comments**

An observer noted that the High-Level Waste (HLW) Tanks may be exposed within 500 years as a result of erosion. He also stated that the defense HLW buried in the disposal areas should be exhumed to prevent its eventual release into Lake Erie. He also suggested seeking support from Representative Reynolds to increase the level of funding for site cleanup in 2006 and beyond.

**Action Items**

Action	Assigned To	Due Date
Provide the CTF with information on the pollution prevention measures to be used if any of the trailers are sent away for disposal	WVNSCO	6/22/05
CTF to discuss membership issues	CTF	6/22/05

**Documents Distributed**

Document Subject	Document Description	Generated by Date (if applicable/known)
Meeting Agenda	Agenda	Holland; 5/25/05
April 27, 2005 CTF Meeting Summary	Summary	Holland; 5/6/05
"Project Status"	Presentation	Chamberlain; 5/25/05
Letter from environmental organizations to Congressional delegation	Letter & Memoranda	Environmental Organizations; 4/28/05
Letter responding to 4/28/05 environmental organizations' letter	Letter	NYSERDA; 5/20/05
Draft CTF Work Plan	Work Plan	Holland; 5/25/05
Great Lakes United Resolution	Resolution	GLU; 6/6/04
Letter from the Coalition on West Valley Nuclear Wastes to the CTF	Letter	Coalition; 4/21/05

<b>Document Subject</b>	<b>Document Description</b>	<b>Generated by Date (if applicable/known)</b>
CTF letter to environmental organizations	Letter	CTF; 4/21/05