

To: West Valley Citizen Task Force  
From: Melinda Holland, Task Force Facilitator  
Date: November 3, 2005  
Subject: **Summary of the October 26, 2005 Citizen Task Force Meeting**

### **Next Meeting**

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

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

**NOTE:** The final CTF meeting of 2005 will be held on Wednesday, December 21<sup>st</sup> at the Ashford Office Complex. All participants must be U. S. citizens and 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: Lee Lambert, Paul Piciulo, Rev. Bill Kay, Tim Siepel, Darwin John, T. J. Jackson, Pete Scherer, Warren Schmidt, Bill King, John Pfeffer, Stephen Kowalski and Eric Wohlers.

CTF Members not attending (nor represented by an alternate) were: Ray Vaughan, Chris Pawenski (for Andrew Eszak), Joe Patti, Gary Eppolito, Mike Hutchinson, Tom Buttafarro (for New York State Assemblyman Giglio), and Pete Cooney.

### **Agency Attendees**

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

### **Meeting Highlights**

- ▶ Presentation and discussion on current West Valley Demonstration Project (WVDP) site work and regulatory activities;
- ▶ Presentation and discussion on the “Integrated Regulatory Process Flowchart”;
- ▶ Discussion on full-cost accounting study proposal;
- ▶ Update and discussion on the proposed 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. Darwin John was introduced as the Seneca Nation of Indians representative to the CTF.

#### *Status of Site Activities*

John Chamberlain gave an overview of recent activities at the West Valley Demonstration Project (WVDP). Mr. Chamberlain announced that on December 3<sup>rd</sup> the WVDP will provide bus tours of the WVDP to interested members of the public and a review of progress made to date.

A Task Force member mentioned that he continues to hear from site workers that they are concerned that work is being rushed and safety is not as important as it was in the past. A DOE representative responded that they are unwavering in their commitment to safety and do a full debrief after each job is complete. Another CTF member asked about the train cars that he sees sitting unattended in Ashford Junction. Mr. Chamberlain explained that the waste shipped by rail is Class A low-level radioactive waste which does not require warning placards and may be treated as regular freight. The rail cars may be staged by the railroad company in Ashford Junction for a few days until it is combined with another rail shipment. A Task Force member asked if these rail cars could be exploited by terrorists. Mr. Chamberlain explained that the risk from this material is very low and this type of waste is routinely shipped from various sites around the country without extra security precautions.

A Task Force member asked about the New York State water quality standards issue that was raised at the meeting of the NRC Advisory Committee on Nuclear Waste (ANCW) on October 18<sup>th</sup> in Ellicottville, NY. Mr. Chamberlain explained that the meeting was attended by NYSERDA, NYSDEC, NRC and DOE representatives. The water quality issue related to whether the north plateau groundwater plume was affecting groundwater quality. A NYSDEC representative explained that the ANCW specifically asked if the state of New York had a groundwater standard for Strontium, which they currently do not. He explained that the state is working on adoption of such a standard. He also said that NYSDEC currently regulates all groundwater as if it were drinking water.

#### *Integrated Regulatory Process Flowchart*

Colleen Gerwitz, NYSERDA Regulatory Affairs Manager, reviewed the “Integrated Regulatory Process Flowchart” which describes the following three regulatory processes:

- NRC Decommissioning Plan (DP) Process;
- NYSDEC Resource Conservation and Recovery Act (RCRA) Part 373 (also known as RCRA Part B in the federal law) permitting process; and
- Environmental Impact Statement (EIS) process (as it pertains to the Decommissioning EIS).

During the discussion a CTF member asked how long the public would have to review the NRC DP. An NRC representative stated that the usual time was 30-60 days, but the public review time has not yet been set for this DP. A CTF member stated that 30-60 days would be too short a time for a group like the Task Force which only meets on a monthly basis. Another Task Force member noted that the only time for public comment on the draft DP was early in the process and suggested that another opportunity for comment should be added before the DP is final. Mrs. Gerwitz also noted that there are some parallel public comment opportunities during the Decommissioning Environmental Impact Statement (EIS) process that should not be overlooked. A DOE representative explained that the DP is to show compliance with the NRC Policy Statement requirements, and the EIS will cover the same information.

A Task Force member asked if areas of the site will be closed that are not covered under the RCRA Part 373 permit. Mrs. Gerwitz explained that the site is operating under RCRA Interim Status which allows DOE to ask NYSDEC for approval to close low or non-contaminated areas before the final Part 373 permit is issued. NYSDEC may approve an interim status closure plan and issue a “negative declaration” for those units. If closed under interim status, these units will be excluded from the Part 373 permit. Mrs. Gerwitz noted that there are public comment opportunities during interim status closures.

In response to a question, Mrs. Gerwitz explained that DOE’s Notice of Availability of the Draft EIS and NYSERDA’s Notice of Completion will be done in concert to the extent possible. She noted that NRC could issue a Supplemental EIS if they find that all or part of the DOE EIS does not meet NRC’s needs. This is an optional step and is listed in the flow chart to show when it could be developed. In response to a question about why the EIS was not done 10 years ago, Mrs. Gerwitz explained that the NRC decommissioning standards (which were issued a few years ago) were necessary to provide targets for the EIS. She also noted that an EIS is just one tool that agencies use to meet the requirements of the National Environmental Policy Act (NEPA). For less significant actions with no associated environmental

impacts an Environmental Assessment, Categorical Exclusion or Finding Of No Significant Impact may suffice.

Ms. Gerwitz noted that this EIS will not be available for public review until 2007. In response to a question, she explained that the EIS process was split into two parts. The Waste Management EIS was issued in 2005 to allow interim cleanup work to be completed prior to final decommissioning decision making and issuance of the DEIS. CTF members expressed concern over the amount of time to complete the DEIS and noted that the 2008 elections could impact the schedule if there is a change in policy within the federal agencies.

#### *Full Cost Accounting Study Proposal*

At the September 28<sup>th</sup> Task force meeting two CTF members presented a memorandum entitled “Request for Support of Full Cost Accounting Study Proposal” seeking full CTF support in asking the state legislature for \$50,000 in funding. The Task Force was not able to reach consensus at the September meeting on this topic and agreed to continue the discussion at the October meeting.

The Task Force member proposing the study explained that it is important to have a third-party assessment of costs of the EIS alternatives and long-term costs of leaving wastes at the site. She suggested that the request for funding to the state legislature be proposed as a “member item,” but another CTF member noted that member item funding is only available to 501(c)(3) non-profit organizations. He suggested contacting Senate Grants staffer, Cathy Vrell, to confirm the conditions for obtaining such funding. Task Force members questioned whether the CTF was the appropriate group to request such funding and to oversee the study and suggested that local non-profit environmental groups be approached. A CTF member expressed doubts that \$50,000 would be sufficient for such a study and suggested that NYSERDA conduct the study as part of its evaluation of the EIS. A NYSERDA representative stated that they are investigating hiring a consultant to evaluate the cost analysis portion of the EIS. The NYSERDA representative also encouraged the CTF members to read the information that was handed out at the meeting on discounting equity over long time periods. Another Task Force member noted that the EIS will use a 1,000 year time-frame for analysis, while the memorandum suggesting the third party full-cost accounting study would be based on a 10,000 year time frame. The CTF deferred this topic until more information is obtained.

#### *Legislation*

A NYSERDA representative noted that his conversation with Congressman Kuhl’s staff revealed that hurricane disaster relief, the energy bill and Supreme Court nominees are the main focus in Congress at the moment, and there has been no movement of the legislation. He stated that NYSERDA representatives will travel to Washington D.C. next week to provide a briefing to the entire New York Congressional delegation on the proposed legislation. A Task Force member stated that Congressman Kuhl recently held a town meeting in West Valley and, during that meeting, reported that he had taken the bill to the White House and was told that the legislation seemed like the right thing to do.

#### **Next Steps**

Due to the holidays, the November and December CTF meetings will be held on Wednesday November 30<sup>th</sup> and Wednesday December 21<sup>st</sup>.

Potential meeting topics suggested by CTF members for the November 30 and December 21<sup>st</sup> meetings:

- Site Utilization Management Plan (SUMP);
- Review of what materials are buried in the State-Licensed Disposal Area (SDA) and NRC-Licensed Disposal Area (NDA), and the pros and cons of leaving those wastes in-place;
- Review the “Strategy for Disposition of Facilities and Equipment Used for the WVDP” (dated 9-30-

- 04) and how the color coded maps contained in this document relate to the “Integrated Regulatory Process Flowchart” presented at tonight’s meeting; and
- 2007 DOE budget.

Melinda Holland will schedule an Agenda Work Group meeting as soon as possible, to develop topics for the November and December Task Force meetings.

CTF members suggested that a “thank you” letter be drafted from the CTF to Governor Pataki regarding his letter in support of the WVDP budget. A Task Force member asked for clarification on the phrase “action to control source of the plume” in Governor Pataki’s letter. A NYSERDA representative explained that the north plateau ground water plume continues to migrate and no effort has been made to clean up its source. A DOE representative reminded the group that DOE had written NYSERDA a letter stating that DOE would add it to the scope of work for the next contract if NYSERDA could find a funding mechanism to pay for the work. DOE does not believe that cleanup of the plume is covered under the West Valley Demonstration Project Act.

A thank you letter to former CTF-Member, Gayla Gray, will be sent this month.

### **Observer Comments**

An observer commended the Task Force on its dedication to this task over the past eight years.

### **Action Items**

Action	Assigned To	Due Date
Contact Senate Grants staffer, Cathy Vrell, to confirm the conditions for obtaining/spending member-item funding	Warren Schmidt	11/30/05
Schedule an Agenda Work Group conference call	Holland	11/11/05
Send a CTF thank-you letter to Governor Pataki regarding his letter in support of the WVDP budget.	Bill King/Holland	11/18/05
Send a thank you letter to Gayla Gray	Attridge	11/4/05

### **Documents Distributed**

Document Subject	Document Description	Date; Generated by (if applicable/known)
10/26/05 Draft Meeting Agenda	Agenda	10/26/05; Holland
“WVDP Work Status”	Presentation	Chamberlain; 10/26/05
“Integrated Regulatory Process Flowchart”	Presentation	Gerwitz; 10/26/05
Letter to DOE Secretary Bodman	Letter	10/21/05; Governor Pataki

<b>Document Subject</b>	<b>Document Description</b>	<b>Date; Generated by (if applicable/known)</b>
CTF Letter to Southern Tier West (STW) Commenting on the Draft WVDP Reuse Plan	Letter	10/13/05; Task Force
Synopsis and Chapter 1 of the book "Discounting and Intergenerational Equity"	Synopsis and Chapter 1	10/26/05; NYSERDA
2005 CTF Work Plan	Work Plan	10/26/05; Holland
NYSERDA Letter to STW Commenting on the Draft WVDP Reuse Plan	Letter	10/12/05; NYSERDA
Summary of the 9/28/05 CTF Meeting	Summary	10/7/05; Holland