

To: West Valley Citizen Task Force
From: Melinda Holland, Task Force Facilitator
Date: December 6, 2005
Subject: **Summary of the November 30, 2005, Citizen Task Force Meeting**

Next Meeting

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

Date: **Wednesday, December 21, 2005**
Time: 7:00 - 9:30 p.m.
Location: **Ashford Office Complex**
9030 Route 219
West Valley, NY

NOTE: 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) 942-9960, ext. 2453.

CTF Attendees

Attending were: Lee Lambert, Paul Piciulo, Darwin John, T. J. Jackson, Pete Scherer, Warren Schmidt, Bill King, Ray Vaughan, Chris Pawenski (for Andrew Eszak), Joe Patti, Mike Hutchinson, Tom Buttafarro (for New York State Assemblyman Giglio), and John Pfeffer.

CTF Members not attending (nor represented by an alternate) were: Gary Eppolito, Stephen Kowalski Tim Siepel, Eric Wohlers, Bill Kay, and Pete Cooney.

Agency Attendees

Pat Concannon and Tim Rice, 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;
- ▶ Presentation and discussion on DOE's Site Utilization Management Plan (SUMP);
- ▶ Discussion on full-cost accounting study proposal;
- ▶ Update and discussion on the proposed legislation; and
- ▶ Discussion of next steps, agenda topics, 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 welcomed as the official Seneca Nation of Indians representative to the West Valley Citizen Task Force (CTF).

Status of Site Activities

John Chamberlain gave an overview of recent activities at the WVDP. Mr. Chamberlain announced that on December 3rd they will provide bus tours of the WVDP to interested members of the public and a review of progress made to date.

Regarding Mr. Chamberlain's description of two recent transportation incidents, a Task Force member asked whether the railroad cars used to ship low-level radioactive waste (LLRW) are kept under surveillance at all times. Mr. Chamberlain explained that due to the low risk of this LLRW, the railroad may follow the procedures for regular commercial shipment and the rail cars do not need to be kept under surveillance. He also explained that while some of the tie-down chains were removed from the waste boxes on the rail cars, this did not create any safety, environmental or health risk. The WVDP will be placing locks on the chains to prevent future tampering. A CTF member asked for more information on the flat tire incident on the LLRW truck shipment in Nevada. Mr. Chamberlain explained that the tread separated from the tire and the driver safely pulled the truck over and replaced the tire with no resulting safety or environmental problems.

A CTF member asked whether WVNSCO will meet the goals for the volume of waste to be shipped in 2005. Mr. Chamberlain explained that they had estimated approximately 400,000 cubic feet (cu.ft.) of LLRW was a shipping goal in 2005, and they estimate that around 300,000 cu.ft. will have been shipped by the end of the year.

A Task Force member asked if Warehouse # 2 would be removed or left for potential future use now that it is empty. A DOE representative explained that they have been contacted by some businesses which are interested in using the warehouse. He further explained that there are ways for businesses to operate on or around an NRC licensed site, but it is up to NYSERDA as the site owner to decide what should be done with the warehouse. A NYSERDA representative stated that DOE has a long way to go with the cleanup and they should consider keeping (or removing) the buildings in the context of the entire site cleanup.

Mr. Chamberlain explained that the DOE appropriation was approved and they believe that the WVDP will receive approximately \$79 million for 2006.

Site Utilization Management Plan

T. J. Jackson, DOE, gave a presentation on the Site Utilization Management Plan (SUMP). This document may be viewed on DOE's web site at:

<http://www.wv.doe.gov/LinkingPages/Draft WVDP SUMP FINAL.pdf>

A Task Force member stated that the future need for storage facilities will be dependent on which site closure alternative is chosen and suggested that existing storage facilities should not be dismantled until that decision has been made. A DOE representative stated that most debris or waste generated during clean up would be shipped off-site quickly, thereby lessening the need for storage facilities. The CTF member noted that technical or political problems could create the need for short-term storage at the least. A DOE representative agreed that they will need to consider this and noted that by the end of 2005 (based on the amount of waste that gets shipped off-site) they will have up to 400,000 cu.ft. of additional storage space available. DOE is reviewing how much storage may be needed to complete the work and to allow for contingencies due to legal, technical, or physical challenges.

A NYSERDA representative stated that his agency needs to know what DOE is currently planning for the Project, and that some decisions need to wait until the Environmental Impact Statement is complete. A DOE representative stated that the SUMP provides this information and that DOE is reviewing NYSERDA's comments on the SUMP. A DOE representative further explained that the SUMP is intended to provide a high-level picture of how procurement should be done to support the site work, but not to provide details on how to do the work. In response to a question, a DOE representative explained that the SUMP shows three stages: the first is doing all the work that does not need the EIS; the second stage is to do everything required by the EIS; the third stage includes the work necessary to remove the vitrified waste canisters from the site and complete decontamination and decommissioning (D&D).

A Task Force member questioned the removal of buildings which could be useful for economic redevelopment. An extensive discussion ensued over the tension between DOE's interest in removing facilities used in the WVDP's high-level waste (HLW) vitrification project and the local communities' desire that sound buildings be left for potential economic redevelopment. A DOE representative explained their position on the re-use of existing facilities as follows:

- DOE has a legal obligation to decontaminate and decommission facilities used during the WVDP;
- DOE will leave any structures that NYSERDA wishes to keep and will take possession of;
- NYSERDA must approve leaving facilities in-place, and is responsible as the landowner for deciding what, if any, re-use is appropriate;
- NYSERDA will have to obtain NRC approval to release land or facilities from the NRC license.

A NYSERDA representative stated that they believe the process to allow re-use of an existing building (as was recently requested by a business) is complex and noted that there are a lot of questions which need to be answered before these kinds of decisions can be made. He stated that the SUMP is lacking in details such as which buildings are proposed for removal. He also noted that NYSERDA's position is that DOE is responsible for decommissioning everything within the 200-acre WVDP premises, including the D&D of the main Process Building but excluding a portion of the NRC-Licensed Disposal Area (NDA) and the entire State-Licensed Disposal Area (SDA).

Task Force members expressed frustration over the continuing delay in issuing the EIS and in resolving the disagreements between NYSERDA and DOE. They also reminded the agency representatives of the community's desire to bring economic redevelopment to the site. The proposed legislation was mentioned as one effort to resolve some of these issues. A DOE representative noted that the WVDP is dissimilar from other DOE sites like Mound where DOE owns the site and can assist in redevelopment efforts. In response to a question, he noted that a community organization, like the CTF, could take on the challenge of seeking support for redevelopment and work to resolve the issues and barriers.

A CTF member stated that the source of the North Plateau groundwater plume should be found and remediated, noting that the source appears to be under the Process Building. She asked why the vitrified waste canisters could not be moved out of the process building so it could be decommissioned and the plume source cleaned up. A DOE representative responded that this is being investigated but it would cost a great deal to construct (and later remove) a building to store the canisters until the Repository is available for their disposal. He further stated that the data on the North Plateau plume indicates that it is not a health or environmental risk, however, the decision on remediation of this plume will be made in the EIS. DOE does not view that it is authorized to clean up the plume as it not covered by the WVDP Act. DOE is pumping and treating some of the plume under the Cooperative Agreement with NYSERDA which makes them responsible for management of the 200-acre WVDP site, and because DOE is considered to be an "operator" under the Resource Conservation and Recovery Act (RCRA). A NYSERDA representative stated that they take a broader interpretation of DOE's responsibilities to D&D the entire 200-acre WVDP premises. The Cooperative Agreement only excludes the waste placed in the NDA before the WVDP began, not the waste that DOE placed in the NDA as part of its D&D responsibilities under the WVDP. A CTF member stated that it is important to the Task Force that the plume be shown on DOE's future vision pictures portraying the site.

In response to a question regarding who owns the waste that was sent to the site, a DOE representative explained that 40 percent of the waste came from commercial nuclear facilities, 60 percent came from federal facilities through a contractual arrangement with NFS, but the State of New York provided indemnification and now owns the radionuclides. NYSERDA clarified that per the WVDP Act, DOE is not authorized to take title to HLW. The Act, however, requires DOE to dispose of the [HLW] LLRW and TRU waste generated and thus ownership is not an issue.

A Task Force member asked why D&D of the main Process Building and NDA is not covered in the

SUMP. A DOE representative explained that these decisions should be made in the EIS, but DOE does not believe that Congress intended DOE to exhume what waste they buried in the NDA. The CTF member questioned the distinction between DOE's use of the high-level waste tanks vs. the use of the NDA during the West Valley Demonstration Project. The DOE representative explained that both uses were authorized under the WVDPA and that a few years after DOE began the project, the NDA and other disposal areas became unavailable requiring the construction of the Lag Storage Area.

In response to a question about the projected date for completion of D&D, a DOE representative explained that completion is estimated a few years after the final EIS and Record of Decision (ROD) are issued barring any legal challenges. The ROD is projected to be issued in 2008.

In response to a question regarding whether the technology exists to safely exhume the high-level waste (HLW) tanks, A DOE representative stated that the answer is probably yes depending on how 'exhumation' is defined in this context. The CTF member asked that this technology question be addressed further at a future meeting.

A CTF member asked if the SUMP assumes that the lagoons are exhumed or capped. A DOE representative explained that this decision will be made in the EIS and if exhumation is selected, the soil remaining would have to meet regulatory cleanup standards.

CTF members Lee Lambert, Ray Vaughan and John Pfeffer offered to develop a first draft set of comments for the CTF on the SUMP. Melinda Holland will circulate these draft comments to the full CTF as soon as they are received. A DOE representative noted that the prior End States document was somewhat similar to the SUMP, and the CTF might want to review its comments on that document to assist them in developing comments on the SUMP.

Full Cost Accounting Study Proposal

At the September 28th and October 26th Task Force meetings 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 either meeting on this topic and agreed to complete the discussion at the November meeting.

Warren Schmidt explained that he checked with Senate Grants staffer, Cathy Vrell, who told him that member item funding is only available to 501(c)(3) non-profit organizations - thus the CTF could not apply for this funding. CTF members noted that while the town governments are non-profit organizations, they can only apply for member item funding for something for the town, not for such a study. It was suggested that an organization like Southern Tier West or local environmental groups could seek funding to conduct a full-cost accounting study, if they are interested.

Legislation

Paul Piciulo mentioned that on November 2nd NYSERDA representatives gave a presentation to staff from the New York State delegation of U.S. Representatives in Washington D. C. They also held separate meetings with staff for Representative Kuhl, Senator Clinton and Senator Schumer, and with Representative Reynolds regarding the legislation. These discussions showed that hurricane disaster relief, the energy bill and Supreme Court nominees remain a major focus in Congress at the moment, and there has been no movement of the legislation. Dr. Piciulo mentioned that NYSERDA received a call from the Library of Congress Congressional Research Service which is writing a report on the legislation at the request of a member of Congress. Bill King offered to contact Bob VanWicklin to see if this is a good time for CTF members to be writing letters to the House and Senate committee members regarding support for the legislation.

Next Steps

A Task Force member suggested that the CTF's Technical Work Group set up a meeting with knowledgeable representatives from NYSERDA, DOE, WVNSCO and NYSDEC to obtain an overview of the RCRA Part B Permit Application and Closure Plans. Melinda Holland agreed to coordinate schedules for participants of this meeting. After this meeting occurs, the Technical Work Group will develop draft comments on the RCRA Part B Permit Application.

Potential meeting topics suggested by CTF members for 2006 meetings:

- RCRA Part B Permit Application comment development;
- Presentation on HLW Tank exhumation, technology options, and rough cost estimates;
- Pros and cons of controlling the part of the North Plateau Ground Water Plume which is not affected by the existing pump and treat system;
- Potential methods for dealing with the source of the North Plateau Ground Water Plume;
- Pros and cons of moving the vitrified HLW canisters back into the Vitrification Facility for storage;
- 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 the October 26th meeting; and
- 2007 DOE budget.

Melinda Holland will schedule an Agenda Work Group meeting as soon as possible, to develop topics for the 2006 Task Force meetings.

Observer Comments

A NYSERDA representative noted that the plume continues to expand at the same rate and the pump and treat system is missing approximately half of the plume. He also asked why the vitrified waste canisters could not be moved into the Vitrification Facility which would allow the cleanup of the Process Building without necessitating construction of a new storage facility for the canisters.

A representative of the Citizens Environmental Coalition asked if the trailers and buildings which have been removed thus far would have been useful in the future. In response, a DOE representative explained why the trailers were removed. The Citizens Environmental Coalition representative also suggested that the CTF consider supporting an environmental organization like the Citizens Environmental Coalition to apply for funding and oversee a full-cost accounting study.

In response to a Task Force member's question, a NYSERDA representative explained that NYSERDA will be hiring a consultant to assist them in analyzing how costs are addressed in the EIS.

Action Items

Action	Assigned To	Due Date
Contact Bob VanWicklin to see if this is a good time for CTF members to be writing letters to the House and Senate committee members regarding support for the legislation.	Bill King	12/6/05

Schedule an Agenda Work Group conference call.	Holland	12/07/05
Develop a first draft set of comments for the CTF on the SUMP.	Lee Lambert, Ray Vaughan and John Pfeffer	12/16/05

Documents Distributed

Document Subject	Document Description	Date; Generated by (if applicable/known)
November 30 Meeting Agenda	Agenda	Holland; 11/30/05
October 26, 2005 CTF Meeting Summary	Summary	Holland; 11/3/05
WVDP Work Status Presentation	Presentation	Chamberlain; 11/30/05
Site Utilization Management Plan Presentation	Presentation	Jackson; 11/30/05
WVDP Site Utilization Management Plan	Report	DOE; 8/05
Summary of the November 9, 2005 CTF Agenda Work Group Conference Call	Summary	Holland; 11/10/05
2005 CTF Work Plan	Work Plan	Holland; 11/30/05
NYSERDA Comments on DOE SUMP	Letter	NYSERDA; 10/17/05
Possible Topics for 2006 CTF Meetings	List	Holland; 11/30/05
DOE Site Tour Announcement Letter	Letter	Swales; 11/7/05
CTF Letter to Gov. Pataki	Letter	CTF; 11/14/05
Thank You Letter to Gayla Gray	Letter	CTF; 11/8/05
Summary of Member Qualifications, WVDP Performance Assessment Peer Review Group	Summary	NYSERDA; 11/30/05