

To: West Valley Citizen Task Force  
From: Melinda Holland, Task Force Facilitator  
Subject: Summary of the February 22, 2006 Meeting  
Date: March 13, 2006

### **Next Meeting**

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

Date: Wednesday, March 22, 2006  
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) 942-9960 ext. 2453.

### **CTF Attendees**

Attending were: Paul Piciulo, T. J. Jackson, Ray Vaughan, Eric Wohlers, Darwin John, Pete Scherer, Mike Hutchinson, Chris Pawenski (for Andrew Eszak), John Pfeffer, Stephen Kowalski, Tom Buttafarro, Pete Cooney, Joe Patti, Lee Lambert, Tim Siepel, and Warren Schmidt.

CTF Members not attending (nor represented by an alternate) were: Bill King and Gary Eppolito.

### **Agency Attendees**

Hal Brodie, New York State Energy Research and Development Authority (NYSERDA), and Pat Concannon, New York State Department of Environmental Conservation (NYSDEC).

### **Meeting Highlights**

- ▶ CTF Annual Meeting - Membership, 2005 CTF Accomplishments, Process Evaluations, 2006 CTF Work Plan;
- ▶ Presentation and discussion on current West Valley Demonstration Project (WVDP) site work and regulatory activities;
- ▶ Report from the Mound/Miamisburg/Fernald CTF Field Trip; and
- ▶ Discussion of next steps, action items and observer comments.

### **Meeting Summary**

#### *Task Force Annual Meeting*

**CTF Accomplishments & Evaluations:** Melinda Holland reviewed highlights from the list of

CTF 2005 accomplishments and congratulated them on an impressive amount of work. Ms. Holland then reviewed the results of the compilation of the CTF member process evaluations and asked Task Force members for suggestions on how to improve the CTF process. CTF member suggestions included:

- An orientation session to provide more background information for the five new CTF members, and as a refresher course for CTF members who have served for a while. An all-day Saturday session was suggested as the best format for this ‘in-service’ training;
- Possible topics suggested for the orientation training session included: CTF goals and mission, overview of current and past key issues/accomplishments of the CTF (such as the CTF Recommendations Report), how to improve communication to and from each CTF member’s constituent group, and the technical/regulatory framework;
- Form a CTF Education Work Group to help decide what material to review in the in-service training and new member orientation;
- Produce a press release after each CTF meeting and distribute to all local/regional news services. The press release could be distilled from the meeting summary (who/how to produce such press releases needs further CTF discussion);
- Include all local/regional news service reporters on the CTF mailing list; and
- Use electronic media such as the CTF web site to store and make CTF-related documents available to the public.

CTF Attendance: Next, Ms. Holland reviewed CTF member attendance during 2005 as required by the Task Force Ground Rules. She noted that four members did not attend at least 50 percent of the scheduled meetings in 2005. 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.*”

One of those members, Reverend Bill Kay offered his resignation prior to this meeting. NYSERDA, DOE and the CTF discussed the attributes of a replacement for Rev. Kay and suggested that Ms. Holland look for a local resident with technical background. The CTF members, DOE and NYSERDA are encouraged to suggest candidates as soon as possible.

The status and level of interest of each of the remaining three members who missed more than 50 percent of the 2005 meetings were discussed and the Task Force agreed unanimously to the following:

- Tim Siepel - will continue membership based on Dr. Siepel’s desire to continue as a CTF member and his promise to attend at least 50% of the meetings in 2006;
- Pete Cooney - will continue membership based on Mr. Cooney’s desire to continue as a CTF member and his promise to attend at least 50% of the meetings in 2006;
- Gary Eppolito - Ms. Holland is to ask Mr. Eppolito to appoint or otherwise locate an alternate and either attend the March 22<sup>nd</sup> CTF meeting himself or have his alternate attend. If Mr. Eppolito is unable to do this, the CTF will re-evaluate his membership at the March 22<sup>nd</sup> meeting.

CTF Goals for 2006: CTF members were asked for their goals for the CTF to accomplish in 2006 and the following suggestions were made:

- Increase awareness within the Congressional delegation regarding West Valley issues and the legislation;
- Improve publicity regarding CTF and site activities;
- Issue a press release after each CTF meeting;
- Increase public awareness of the CTF and its activities;
- Produce an electronic media summary of the CTF process/activities for free public distribution;
- Prepare/educate CTF members for review of the upcoming Decommissioning Environmental Impact Statement (EIS);
- Bring new CTF members up to speed on key issues/information, and refresh the long-term members on same; and
- Provide CTF with an educational overview of the National Environmental Policy Act (NEPA) and EIS process later in 2006.

### *Current Developments at the WVDP*

John Chamberlain gave a presentation on the WVDP work scope planned for 2006. After information on safety was shared, a Task Force member asked if a “lost time” event had occurred due to unplanned radiation exposures to workers in 2005. Mr. Chamberlain explained that no employee work time was lost, the incident was exposure over the administrative limit for that particular job. A DOE representative explained that specific rules exist on what constitutes a “lost work day.” A NYSERDA representative noted that, even without a lost work day, an exposure incident can cost a great deal of money.

In response to a question on the presentation slide on “High-Level Waste Tank Characterization,” Mr. Chamberlain clarified which tanks, 8-D-2 and 8-D-1, he was referring to and which are the larger tanks on site. Regarding the Drum Cell waste, a Task Force member asked what would have happened if the high-level waste (HLW) stream had not been separated. Mr. Chamberlain explained that the removal of sodium and sulfur salts from the liquid HLW from the tanks allowed the production of a better quality of glass and reduced the number of glass canisters produced by approximately 1,000. He explained further that the U.S. Nuclear Regulatory Commission (NRC) agreed at the time that this sodium and sulfur salts waste stream, which is now stored in the Drum Cell, could be disposed of as Low-Level Waste (LLW) if it satisfies the criteria for LLW.

Task Force members expressed concern and confusion over whether the waste in the drum cell is HLW or LLW. Mr. Chamberlain explained that a waste determination through the “Waste Incidental to Reprocessing (WIR) process” is currently under review at DOE Headquarters. When DOE Headquarters releases the proposed Waste Determination, it will be released for a 45-day public comment period. A CTF member asked if the WIR process allows highly radioactive waste to be declared LLW. Mr. Chamberlain stated that there are two issues being discussed and he attempted to differentiate between these issues. With regard to waste like the Drum Cell Waste the question is one of what point does waste that has come into contact with HLW not be considered HLW. This is a question in that the designation of HLW is only based on what process the waste was created by, not its level of radioactivity. Mr. Chamberlain explained that some other waste, such as the residual waste in the tanks, may be more radioactive than LLW, and may also go through the WIR process. Mr. Chamberlain further explained that if the waste meets the Waste Acceptance Criteria for disposal at a LLW disposal site it can be disposed as LLW. He stated that a radiation profile of the waste in the Drum Cell would show

LLW characteristics.

A CTF member stated that wastes which have been called LLW for decades are now being referred to as HLW subject to a WIR Determination. He expressed concern that DOE is using the WIR Determination of the Drum Cell waste to lead up to a WIR Determination of the wastes remaining in the HLW Tanks. Mr. Chamberlain explained that at the time the WVDP Drum Cell wastes were created (the late 1980s), there were NRC criteria for determining if waste originating from HLW can be managed as LLW. The DOE's procedures and requirements for conducting evaluations of waste incidental to reprocessing were not present in the forms they are today. He explained how WIR resulted from a lawsuit over how DOE determined if waste was HLW or LLW. As a result of that law suit, DOE created the WIR Determination process and agreed to give the public an opportunity to comment on these WIR determinations.<sup>1</sup> A DOE representative clarified that the WVDP was not a part of that lawsuit, but DOE decided to use the WIR process created in response to the lawsuit at all DOE sites. Thus, WVDP determinations must be updated to be consistent with Section 3116 and a 45-day public comment period given on all proposed WIR Determinations. The DOE representative further explained that a WIR Determination and public comment opportunity must be done for the melter and some other things removed from the Vitrification Facility.

A NYSERDA representative explained that the lawsuit and the WIR process was developed in response to activities at the DOE Hanford site where DOE was separating highly radioactive material from less radioactive material.

Due to the level of interest in and confusion regarding the WIR Determination issue, it was agreed to have further discussions on this topic (including an introduction to the radiological terminology used) at the March 22<sup>nd</sup> CTF meeting.

#### *CTF Mound/Miamisburg/Fernald Field Trip*

Pete Scherer, John Pfeffer, Mike Hutchinson, T.J. Jackson, Paul Piculio, and Tom Attridge visited the DOE Mound and Fernald sites in Ohio in February. They gave an overview of what they learned at the Fernald and Mound site, and about the Miamisburg redevelopment efforts. The Fernald site will be reused as a wildlife refuge and educational facility, this will be funded by DOE. The decision on this reuse was developed via a community involvement process. DOE owns the Fernald site and will perform the long-term stewardship activities. CTF members asked for more information on how much the Payment-In-Lieu-of-Taxes (PILOT) is and on the clean up standard used for uranium in soil.

They explained that the City of Miamisburg received significant funding from DOE for redevelopment and education at the Mound site, but it took extensive lobbying in Congress on the part of Mayor Church to obtain the funding (via the Hall Amendment). A NYSERDA representative noted that it took two pieces of legislation - one to authorize DOE to transfer the property and another that keeps DOE responsible for monitoring and maintenance of the cleaned up areas. John Pfeffer explained that the most important thing he learned from Mound/Miamisburg is the need to meet with the Congressional delegation and press for funding

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<sup>1</sup> For further information a brief section from an NRC SECY paper (SECY-05-0073) is attached which provides a summary of the history of WIR.

and other assistance. Creation of a redevelopment corporation (MMCIC) to take title to the Mound properties was also crucial. The MMCIC is a Section 501(c)(4) non-profit corporation and its Board has representatives from city, county, local business, and citizens. John Pfeffer noted that DOE worked with the Miamisburg community to reach agreement on the level of cleanup and reuse.

**Observer Comments**

An observer asked who is the owner of the HLW in the burial grounds.

Another observer suggested that the CTF fill the new vacancy with a representative of a Great Lakes regional environmental organization. He stated that the WVDP site could remain dangerous for 10,000 years and potentially affect people in the Great Lakes region.

A WVNSCO representative explained that they have provided Eric Wohlers with data on the North Plateau ground water sampling data, and Darwin John with information on runoff from the process building roofs on site, as they requested at the last CTF meeting.

**Action Items**

<b>Action</b>	<b>Assigned To</b>	<b>Due Date</b>
Develop agenda for and schedule CTF in-service training	CTF; Holland; NYSERDA; DOE; WVNSCO	as soon as possible
Form CTF Education Work Group to assist in developing in-service training for the CTF	CTF; Holland	3/13/06
Continue CTF discussions on development of press releases after each meeting	CTF	3/22/06
CTF members suggest changes and additions to the Task Force mailing list	CTF	3/22/06
Regarding the Fernald DOE site, find out how much the PILOT is and the clean up standard used for uranium in soil	Hutchinson	3/22/06
Send a thank-you letter to Rev. Bill Kay for his participation on the CTF	Attridge	3/22/06
Find an appropriate CTF replacement for Bill Kay	Melinda Holland	3/22/06
Contact Gary Eppolito regarding his participation in the CTF, asking him to appoint an alternate preferably from the Town of Concord or Village of Springville government.	Melinda Holland	3/6/06

**Documents Distributed**

<b>Document Subject</b>	<b>Document Description</b>	<b>Generated by Date (if applicable/known)</b>
Meeting Agenda	Agenda	Holland; 2/22/06
Summary		
Draft CTF letter providing comments on the WVDP SUMP	Draft Letter	
Presentation “2006 Work”	Presentation	Chamberlain; 2/22/06
Letter from the ACNW to NRC Chairman Diaz regarding the ACNW meeting at West Valley	Letter	ACNW; 12/23/05
Letter to DOE Asst. Sec. Rispoli commenting on Performance Incentive #WM-1	Letter	NYSERDA; 1/18/06
News Article “DOE Considering Separate Contract for Waste Disposal at West Valley”	Article	Weapons Complex Monitor; 2/20/06
News Article “At West Valley ... State Not Happy with Near-Term Cleanup Plans”	Article	Weapons Complex Monitor; 1/30/06
NRC Announcement: “ NRC Regulatory Issue Summary 2002-15, Revision 1 - NRC approval of Commercial Data Encryption Products for the Electronic Transmission of Safeguards Information”	Announcement	NRC; 1/26/06
List of names currently on the CTF mailing list	List	Holland; 2/22/06
Email message from Rev. Bill Kay	Email	Kay; 2/21/06
CTF 2005 Accomplishments List	List	Holland; 2/22/06
2006 Draft CTF Work Plan	Work Plan	Holland; 2/22/06
CTF Ground Rules	Ground Rules	Holland; 2/22/06
Energy Communities Alliance Bulletin	Newsletter	ECA; January 2006

