

To: West Valley Citizen Task Force
From: Melinda Holland, Task Force Facilitator
Subject: Summary of the June 28, 2006 Meeting
Date: July 23, 2006

Next Meeting

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

Date: Wednesday, July 26, 2006
Time: 7:00 - 9:30 p.m.
Location: Ashford Office Complex
9030 Route 219
West Valley, NY

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) 817-0883, or Tom Attridge at (716) 942-9960, Ext. 2453.

CTF Attendees

Attending were: Pete Scherer, Stephen Kowalski, Eric Wohlers, Carol Sheibley (for Mike Hutchinson), Joe Patti, Lee Lambert, Tim Siepel, Bill King, Darwin John, Dave Wilcox, Paul Piciulo, Pete Cooney, Bryan Bower, and Warren Schmidt.

CTF Members not attending (nor represented by an alternate) were: Tom Buttafarro, Ray Vaughan, Gary Eppolito, Andrew Eszak, and John Pfeffer.

Agency Attendees

Pat Concannon, New York State Department of Environmental Conservation (NYSDEC).

Meeting Highlights

- Orientation session for newer members/alternates (at 6:00 p.m.) to review CTF past accomplishments;
- Presentation and discussion on current West Valley Demonstration Project (WVDP) site work and regulatory activities;
- Update on NYSERDA activities;
- Presentation on “National Environmental Policy Act (NEPA) 101;”
- Presentation on “Environmental Assessment for the Decontamination, Demolition, and Removal of Various facilities at the WVDP”;
- Technical Work Group report on draft CTF comments on the Nuclear Regulatory Commission’s (NRC) Standard Review Plan; and
- Discussion of next steps, action items and observer comments.

Meeting Summary

Tom Attridge, NYSERDA reviewed the materials distributed for this meeting¹, and Melinda Holland reviewed the meeting agenda.

Current Developments at the WVDP

Bryan Bower, DOE, explained that as a result of a recent reorganization of the DOE's Office of Environmental Management (EM), that the WVDP will report directly to EM's Office of Site Support and Small Sites at DOE Headquarters. Mr. Bower also mentioned that the WVDP Director's position should be filled soon².

Mr. Bower next reviewed the status of the Decommissioning Environmental Impact Statement (EIS), the work scope for the remainder of the year, and removal of drums from the Drum Cell. A Task Force member asked about the fixative being used to cover small amounts of contamination detected at the fill spout on the drums. A WVNSCO representative explained that they were using a black roof sealant which is being applied around the fill spouts and crimped lids of all of the drums. In response to another CTF member's question, Mr. Bower explained that the approximately 20,000 drums of low-level waste (LLW) are being sent to the Nevada Test Site (NTS). Each truck shipment contains 36 drums. This is being under contract with the Buffalo Fuels Corporation. Mr. Bower stated that approximately 10 trucks will leave per week, thus it will take a year to complete shipment of all of the drums in the Drum Cell. He further explained that because there is no rail line to NTS, it was less expensive to ship by truck as opposed to rail followed by truck. In response to another question, Mr. Bower explained that each drum weighed 1,000 pounds, they do not need additional shielding due to the nature of the LLW they contain, and that the drums will be wrapped in shrink wrap to prevent exposure to weather during shipment. A CTF member advised DOE that a planned resurfacing of Schwartz Road could cause shipping delays.

Bryan Bower, DOE and Dr. Paul Piciulo, NYSERDA, also briefly discussed a recent proposal by the U. S. Environmental Protection Agency (EPA) which was presented during the meeting among the cooperating agencies on the preliminary draft Decommissioning EIS. Dr. Piciulo spoke with Paul Giardina of EPA Region II, who stated that CTF members could e-mail him if they have any questions about the EPA proposal. A CTF member asked why EPA is speaking up at this time and under what regulatory jurisdiction. A NYSERDA representative explained that EPA is a cooperating agency in the EIS process and has been involved in the meetings with regulatory agencies regarding what regulatory standards should apply to the WVDP. She added that EPA had been the agency that ~~and~~ had suggested development of the Regulators Communication Plan. She also noted that in a recent meeting of the regulatory agencies,

1

Note that materials distributed at past meetings may be found at the Citizen Task Force's web site: www.westvalleyctf.org

2

It was announced subsequent to this meeting, that effective July 9th, Bryan C. Bower was named as WVDP Director

numerous significant concerns regarding the preliminary draft EIS were raised by the agencies and that these concerns will likely delay issuance of the EIS. Dr. Piciulo stated that he supports the EPA proposal and that if implemented, it would help resolve some of the difficult issues regarding the level of cleanup and DOE and NYSERDA's responsibilities at the WVDP. He noted that NYSERDA hopes to hear DOE's response soon. A Task Force member stated that the CTF should send a letter of support for the EPA proposal as soon as possible and all members agreed. Eric Wohlers offered to create the first draft of this letter for review by CTF members. The letter would be addressed to EPA with copies sent to the CTF's usual copy list, including Congressional representatives and other elected and agency officials. Another CTF member asked if EPA had the authority to enforce the conditions contained in the proposal. A NYSERDA representative explained that EPA and the New York State Department of Environmental Conservation (NYSDEC) have authority over hazardous and mixed wastes at the site under the Resource Conservation and Recovery Act (RCRA). Mr. Bower also noted that the EPA proposal is similar to one of the alternatives contained in the preliminary draft EIS, but that EPA has added recommendations regarding the division of responsibility between NYSERDA and DOE.

NYSERDA Report

Dr. Piciulo explained the status of the pending legislation, and that it was unlikely that the legislation would move forward this year. Hal Brodie, NYSERDA, also noted that the NYSERDA Board had approved the filing of litigation against DOE. Mr. Brodie stated that NYSERDA is waiting until they receive a response from DOE senior management regarding the potential for resolution of issues without litigation. Mr. Brodie also noted that the recent proposal by EPA is very positive from NYSERDA's perspective. NYSERDA asked DOE for a rapid response to the contents of EPA's proposal, and will delay filing the law-suit for a short time pending a response from DOE.

Regarding the issue of partial release of land from the NRC license, Dr. Piciulo explained that NYSERDA is not inclined to apply to NRC for release of any of the site lands from the license until they have a concrete proposal for reuse of specific portions of the site and a business plan for the same. In response to a CTF member question whether NYSERDA would release land if they receive a proposal, Dr. Piciulo explained that NYSERDA would have to go through the process described by NRC at the last CTF meeting. He noted that NYSERDA would also seek public input in the process. Mr. Brodie noted that the State of New York would also have to decide if it wanted to sell or lease the property, and that decision would depend on the nature of the reuse proposed. Another CTF member stated that to foster economic development in the area, people need to know now what properties may be available. A Task Force member asked if NYSERDA knew what lands would not be needed for a potential buffer zone. Dr. Piciulo stated that the buffer size would depend on the nature of the final cleanup alternative selected in the EIS which is not known at this time. Another Task Force member suggested releasing the Bulk Storage Warehouse at the end of Buttermilk Road at the south end of the site and asked if the agencies could specify what criteria would have to be met to get agency agreement for this action. Dr. Piciulo replied that reuse of the warehouse may be possible but it still would require an historical site assessment as part of the NRC process. Another CTF member stated that it did not make sense to release land just to release land, and that the NRC might not look favorably on this. A Task Force member stated that if a new industrial park were created on site that it may

not find any tenants under the current economic climate. Mr. Bower stated that the Department of Energy would work with NYSERDA to determine which areas of the Western New York Nuclear Services Center would not be impacted by WVDP activities. A group of CTF members (Siepel, Scherer, Kowalski, and King) agreed to hold a conference call before the next meeting to discuss development of a proposed approach regarding reuse of property to bring to the full CTF.

NEPA and the Environmental Assessment for the Decontamination, Demolition, and Removal of Various facilities at the WVDP

John Chamberlain, WVNCSO, gave an introduction to the National Environmental Policy Act (NEPA), which was followed by Bryan Bower's presentation entitled "WVDP National Environmental Policy Act (NEPA) Program: Environmental Assessment for the Decontamination, Demolition, and Removal of Various facilities at the WVDP". In response to a CTF member's question, Mr. Chamberlain stated that a Finding of No Significant Impact (FONSI) could only be issued by a Federal Agency. A Task Force member noted that if the EPA proposal discussed earlier is followed, then additional storage facilities on site may be needed in the future, thus he disagrees with the proposed Environmental Assessment (EA) approach regarding removal of storage facilities. Mr. Bower explained that DOE believes that the need for the structures described in the would no longer be required. The storage facilities in question were originally constructed because DOE did not have economical disposal options available. Since the late 1990's, DOE has had disposal options available and the project now ships newly generated wastes for disposal rather than storing them on-site. He also noted that this EA is to look at the environmental impacts of removal of the structures, not to address issues related to reuse of structures. Other CTF members stated that waste reduction and storage facilities may be needed if a more complete cleanup alternative is selected in the EIS process, thus they oppose removal of these structures at this time. Mr. Bower noted that the Remote Handled Waste Facility is not proposed for removal under this EA. He also stated that DOE believes that they are required under the West Valley Demonstration Project Act decontaminate and decommission facilities used in the project. Mr. Bower explained that the preliminary draft decommissioning EIS assumes that the work described in this EA has already been done, and these smaller facilities covered by the EA are not included in the EIS. In response to a question about what these facilities look like, Mr. Bower explained that there are pictures of the structures on the DOE West Valley web site (www.wv.doe.gov).

A representative of the Seneca Nation of Indians asked if DOE would brief the Nation on the EA and Mr. Bower agreed to respond to his request. Another CTF member expressed concern about local governments being excluded from such a meeting. Mr. Bower stated that such a meeting would be to provide the same type of information to the Seneca Nation that is provided to the CTF and the public.

Task Force members stated that the 14-day public review period for the EA was far too short a time for the CTF to prepare comments. The CTF reached agreement to request a 45 day extension of time to submit comments on the EA and Lee Lambert agreed to submit this request

on behalf of the CTF³. Mr. Bower explained that there will also be a public meeting in West Valley on the EA and announcements will be placed in local papers. Dave Wilcox and Eric Wohlers agreed to work on a first draft set of comments on the EA in cooperation with Ray Vaughan. CTF members were urged to submit their comments on the EA as soon as possible to Melinda Holland for circulation to the Task Force.

CTF Comments on the NRC Standard Review Plan

Lee Lambert explained that Ray Vaughan had circulated initial draft comments on the NRC Standard Review Plan to the CTF prior to this meeting. Comments are due to NRC by July 31st. The CTF Technical Work Group (including Lambert, Wilcox, Hutchinson, Vaughan, and John) agreed to develop the first complete set of comments for circulation to the CTF prior to the July 26th meeting.

Observer Comments

An observer asked if the structures covered in the EA were in the 1996 EIS. Mr. Chamberlain explained that the structures were divided out when the EIS was split. The observer stated that the structures should continue to be covered in the decommissioning EIS.

A NYSERDA representative advised the CTF to address the structures in the EA in the context of how they might be needed to support a future cleanup alternative under the decommissioning EIS instead of their value for economic development purposes.

Next Steps

Melinda Holland reviewed the recommendations from the Agenda Work Group conference call on June 13th. The Work Group recommended that the July 26th CTF meeting start with an orientation session at 6:00 p.m. on "Radiation 101" presented by Ray Vaughan and WVNSCO, and the 7:00 p.m. session would include an orientation presentation on site history, site overview and site cleanup progress. The CTF comments on the NRC Standard Review Plan will also be on the agenda.

Action Items From the June 28, 2006 Citizen Task Force Meeting

Action	Assigned To	Due Date
Draft a letter to the U.S. Environmental Protection Agency supporting EPA's recent recommendations on WVDP cleanup (M. Holland to circulate to CTF)	Eric Wohlers	7/7/06
Schedule a conference call with CTF members: Siepel, Scherer, King and Kowalski to discuss possible release of land from the NRC license	M. Holland	7/7/06

³

After this meeting the public comment period was extended to 30 days (until July 29, 2006)th. The public meeting date was moved from July 12, 2006 to July 19, 2006.

Respond to the Seneca Nation of Indians representative's request for a briefing on the EA	DOE	7/7/06
Provide web address where CTF may view pictures of the buildings proposed for removal under the EA	M. Holland	7/5/06
Email a request for a 45 day extension of time for the CTF to comment on the EA	L. Lambert	7/30/06
Inform the CTF regarding the date that DOE can respond to the CTF's request for a time extension	DOE	7/5/06
CTF members who wish to provide initial draft comments on the EA should send them to Melinda Holland who will compile and circulate the same to the full CTF	CTF & M. Holland	7/7/06
Hold conference call to discuss development of a first draft set of comments on the EA (M. Holland to coordinate)	Wohlers, Wilcox, Vaughan	7/7/06
Develop draft comments on NRC's Standard Review Plan (M. Holland to circulate and set up a conference call to discuss)	CTF Technical W.G. (Vaughan, Wilcox, Lambert, John, Hutchinson)	7/7/06
Request new DOE management to attend a future CTF meeting	DOE	7/26/06
Revise CTF work plan to reflect changes recommended at this meeting and circulate	M. Holland	7/7/06
Coordinate development of the Radiation 101 presentation for the July 26 th meeting	J. Chamberlain & R. Vaughan	7/14/06
Coordinate development of the Site History presentation for the July 26 th meeting	J. Chamberlain & D. Wilcox	7/14/06

Documents Distributed

Document Subject	Document Description	Generated By & Date
6-28-06 Meeting Agenda	Agenda	Holland; 6-28-06
WV CTF Accomplishments	Presentation	Attridge; 6-28-06
List of Acronyms	List	WVNSCO; 6-28-06
Project Update	Presentation	Bower; 6-28-06
Introduction to NEPA	Presentation	Chamberlain; 6-28-06
WVDP NEPA Program	Presentation	Bower; 6-28-06

DOE Letter to WVDP Stakeholders Announcing Release of Draft Environmental Assessment	Transmittal Letter	DOE; 6-28-06
“Draft Environmental Assessment for the Decontamination, Demolition, and Removal of Various Facilities at the WVDP”	Draft Environmental Assessment	DOE; 6-26-06
CTF Draft Comments on NRC Standard Review Plan, NUREG-1854	Comments	Vaughan; 6-24-06
CTF 2006 Work Plan	Work Plan	Holland; 6-28-06
EPA Regional Administrator Talking Points	Talking Points	US EPA; 6-15-06
“Pilot Demonstration Project for Tank Removal”	Presentation	US EPA; 6-15-06
Letter from NYSERDA to US EPA	Letter	NYSERDA; 6-22-06
Letter from NYSERDA to DOE	Letter	NYSERDA; 6-22-06
Letter from the Town of Ashford to EPA	Letter	King; 6-28-06
Summary of the June 13 th Agenda Work Group Conference Call	Summary	Holland; 6-16-06