

To: West Valley Citizen Task Force  
From: Melinda Holland, Task Force Facilitator  
Subject: Summary of the July 26, 2006 Meeting  
Date: August 15, 2006

### **Next Meeting**

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

Date: Wednesday, August 23, 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, Ray Vaughan, Stephen Kowalski, Mike Hutchinson, Joe Patti, Lee Lambert, Tim Siepel, Bill King, Darwin John, Mike Brisky (for Assemblyman Giglio), Dave Wilcox, Paul Picuolo, Rob Dallas (for Pete Cooney), Bryan Bower, and Chris Pawinski (for Andrew Eszak), Warren Schmidt, and John Pfeffer.

CTF Members not attending (nor represented by an alternate) were: Eric Wohlers, Gary Eppolito and Eric Wohlers.

### **Meeting Highlights**

- ★ Orientation session for newer members/alternates (at 6:00 p.m.) on the basics of radiation science (Radiation 101);
- ★ Presentation and discussion on current West Valley Demonstration Project (WVDP) site work and regulatory activities;
- ★ Update on NYSERDA activities;
- ★ Review and consensus approval of CTF comments on the Nuclear Regulatory Commission's (NRC) Standard Review Plan;
- ★ Review and consensus approval of CTF comments on the "Draft Environmental Assessment for the Decontamination, Demolition, and Removal of Various facilities at the WVDP"; and
- ★ Discussion of next steps, action items and observer comments.

## **Meeting Summary**

Tom Attridge, NYSERDA reviewed the materials distributed for this meeting<sup>1</sup>, and Melinda Holland reviewed the meeting agenda.

### *Current Developments at the WVDP*

Task Force members welcomed Bryan Bower as the new DOE WVDP Director. Mr. Bower gave a presentation on current developments at the WVDP. In response to a CTF member's question regarding the loss of a breathing mask filter cartridge, Mr. Bower explained that the cartridge was attached to the side of the mask and an investigation is underway on the cause of the incident.

A Task Force member asked when DOE plans to make a decision on the "Draft Environmental Assessment for the Decontamination, Demolition, and Removal of Various Facilities at the WVDP (draft EA)". Mr. Bower explained that the timing of the decision will depend on the number and nature of the comments received on the Draft EA and that the final decision will be made at DOE Headquarters. Another CTF member asked why the old school house was proposed for removal. Mr. Bower stated that the school house was in disrepair and there is no further use planned for the building other than a deer hunting check station, which can be accommodated elsewhere.

A CTF member asked about the dose rates from the drums from the Drum Cell facility which are to be transported off-site. Mr. Bower explained that the dose rates vary from 5 - 10 mrem, with a small number as high as 20 mrem. He further explained that the drums and some low-level waste will be disposed at the Nevada Test Site (NTS) in Nevada and other low-level waste will be disposed at Energy Solutions (formerly know as Envirocare) in Utah.

In response to a CTF member's question, Mr. Bower stated that they are not planning to make changes to the utilities which come into the WVDP. In response to a question regarding changes in staffing at the site, Mr. Bower explained that DOE is hiring some staff and that approximately nine subcontractors who were doing laboratory analysis have been laid off. This lay-off was the result of a reduction in sampling related to off-site shipping of wastes.

### *NYSERDA Report*

Dr. Piciulo explained that there has been no change in the status of the pending legislation and that it was unlikely that the legislation would move forward until after the August Congressional

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Note that materials distributed at past meetings may be found at the Citizen Task Force's web site: [www.westvalleyctf.org](http://www.westvalleyctf.org)

recess. Regarding the pending litigation by NYSERDA against DOE, Dr. Piciulo explained that they are still waiting for a response from DOE regarding NYSERDA's June 22, 2006 letter to DOE Under Secretary Garman about the EPA Region II cleanup proposal (which was distributed at the June 28<sup>th</sup> CTF meeting).

Dr. Piciulo offered a presentation by NYSERDA on the preliminary draft Decommissioning Environmental Impact Statement (EIS) at the August 23<sup>rd</sup> Citizen Task Force meeting, which was welcomed by the CTF.

Tom Attridge, NYSERDA, announced that a Request for Proposals (RFP) will be issued this fall for the CTF facilitator's contract. A Task Force member asked if the CTF could have input into the process such as the scope of work and type of experience required for this RFP. Mr. Attridge responded that the state has set procurement processes, and he is looking into how the CTF can be involved in the contracting process. Mr. Attridge said he would like to have a CTF member on the proposal review panel and that he will have more information at the August 23<sup>rd</sup> CTF meeting.

#### *CTF Comments on the NRC Standard Review Plan*

Ray Vaughan reviewed the draft cover letter and detailed comments on the NRC Standard Review Plan (SRP) which he, along with Lee Lambert, had drafted for Task Force consideration. Mr. Vaughan also gave a brief overview of the context and terminology of the SRP. He also noted that the draft comments were approximately 75 percent in support of items that NRC has included in the SRP. CTF members discussed possible impacts on the WVDP caused by climate change and noted that NRC did a good job of analyzing weather-related issues, with the exclusion of global warming-related impacts such as increased severity of storms and drought. A couple of clarifying edits were made to the detailed comments.

One of the draft CTF comments pointed out that NYSERDA may have a concern with an SRP statement that "...analyses to support NRC license termination or modification will be performed independently of the waste determination process..." A discussion regarding this comment ensued with a NYSERDA representative who pointed out that NYSERDA had previously raised this concern to NRC in a formal comment on the WV Policy Statement Implementation Plan. In that comment NYSERDA expressed their concern about sequential NRC decisionmaking processes and requested that NRC make concurrent decisions under both their Atomic Energy Act (AEA) and West Valley Demonstration Project (WVDP) Act authorities. With the potential for a lapse in time in between decisions, there is the possibility that cleanup requirements might change and NYSERDA would be left with the liability. The NYSERDA representative indicated that NRC's response was not favorable to NYSERDA and NRC reasserted their intention to make the WVDP decommissioning decision prior to the licensing decommissioning decision. Mr. Bower responded that it concerned him to have NYSERDA speaking for NRC, especially as NRC was not participating in this meeting. It was noted that NRC had been given late notification of the meeting and could not participate. Two CTF members stated that they would

like to hear from NRC regarding the re-licensing process at a future Task Force meeting.

A discussion ensued in response to Mr. Bower's questioning the inclusion of legal interpretations in the CTF draft comments, and on whether individual CTF members have the authority to speak for their constituent organizations by agreeing to these draft comments. Task Force members responded that they all have the approval of their constituents to enter into CTF consensus agreements on comments such as the ones under consideration. After some additional discussion, the CTF members present at the meeting all agreed that the draft cover letter and comments should be submitted with no additional changes to NRC on behalf of the Task Force. Tom Attridge, NYSERDA, offered to transmit the final comments on behalf of the CTF.

*CTF Comments on the Draft Environmental Assessment for the Decontamination, Demolition, and Removal of Various Facilities at the WVDP*

Melinda Holland, CTF Facilitator, explained that she had contacted all CTF members (prior to July 19<sup>th</sup>) and had received their agreement to Ray Vaughan's draft comments on the draft Environmental Assessment (EA) to allow Mr. Vaughan to present these comments at the public meeting on behalf of the Task Force. The CTF discussed some additional proposed comments, but decided unanimously to support written submission of the original comments as approved prior to July 19<sup>th</sup>. Tom Attridge, NYSERDA, offered to transmit the final comments on behalf of the CTF.

A brief caucus of the CTF members and ex-officio representatives (DOE and NYSERDA) was held at the end of the meeting.

**Observer Comments**

An observer requested information on what "cut-off levels" or levels of contamination allowed for what is considered radioactive or not. She mentioned that the EA refers to other documents on this issue. She also asked what levels of radioactive contamination are allowed on materials leaving the site (e.g. buildings being taken down as described in the EA).

**Next Steps**

For the August 23<sup>rd</sup> meeting, CTF members agreed to hold the "Regulatory 101" orientation session at 6:00 p.m., and to have the site history, site overview, and cleanup progress presentation (which had previously been scheduled for the July 26<sup>th</sup> meeting) during the 7:00 p.m. portion of the meeting. The CTF also agreed to hear a presentation by NYSERDA on the preliminary EIS at the August 23<sup>rd</sup> meeting.

**Action Items From the July 26, 2006 Citizen Task Force Meeting**

<b>Action</b>	<b>Assigned To</b>	<b>Due Date</b>
Transmit the final SRP comments on behalf of the CTF	T. Attridge; NYSERDA	7/31/06
Transmit the final EA comments on behalf of the CTF	T. Attridge; NYSERDA	7/29/06
Coordinate development of the presentation on the preliminary draft Decommissioning Environmental Impact Statement (EIS) for the August 23 <sup>rd</sup> CTF meeting	P. Bembia; NYSERDA	8/23/06
Coordinate development of the Regulatory 101 presentation for the August 23 <sup>rd</sup> CTF meeting	C. Gerwitz; NYSERDA	8/23/06
Coordinate development of the Site History presentation for the August 23 <sup>rd</sup> meeting	J. Chamberlain; WVNSCO D. Wilcox; CTF	8/15/06

**Documents Distributed**

<b>Document Subject</b>	<b>Document Description</b>	<b>Generated By &amp; Date</b>
Meeting Agenda	Agenda	Holland; 7/26/06
June 28 CTF Meeting Summary	Summary	Holland; 6/23/06
“Principles of Radiation Science” Presentation	Presentation	Vaughan; 7/26/06
“WVDP Progress Update” Presentation	Presentation	Bower; 7/26/06
NYSERDA Comments on the Draft EA	Letter	NYSERDA; 6/30/06
DOE Letter Extending Comment Period on the Draft EA	Letter	DOE; 7/06/06
Draft CTF Comments on the NRC SRP	Letter	Vaughan/Lambert; 7/23/06
Town of Ashford Comments on the Draft EA	Letter	Wm. King; 7/17/06
Draft CTF Comments on the Draft EA	Letter	Vaughan; 7/13/06

CTF Letter to EPA Region II	Letter	CTF; 7/17/06
CTF 2006 Work Plan	Work Plan	Holland; 6/19/06
Article “New Director named at WVDP”	News Article	Salamanca Press; 7/11/06
Article “WVDP Demolition Plans Draw Questions, Concerns from the State”	News Article	Springville Journal; 7/06/06
Article “State, Federal Aid Needed for Beaches Like Durand, Charlotte”	News Article	Democrat & Chronicle; 7/24/06