

To: West Valley Citizen Task Force
From: Melinda Holland, Task Force Facilitator
Date: May 3, 2007
Subject: **Summary of the May 21, 2007, Citizen Task Force Meeting**

Next Meeting

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

Date: **Wednesday, June 27, 2007**
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: Ted Sonntag (for Paul Piciulo), Craig Rieman (for Bryan Bower), Lee Lambert, Joe Patti, Ray Vaughan, Bill King, Stephen Kowalski, Paul Salzler (for Bill Snyder) and participating by conference phone: Paul Piciulo, Bryan Bower, Hal Brodie, Colleen Gerwitz, and Paul Bembia.

CTF Members not attending (nor represented by an alternate) were: Eric Wohlers, Tim Siepel, Mike Hutchinson, , Pete Cooney, Pete Scherer, John Pfeffer, Chris Pawenski, Mike Brisky (for New York State Assemblyman Giglio), Julie Sirianni (for NYS Senator Young), and Darwin John.

Agency and Other Attendees

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

Meeting Highlights

- ▶ Dialogue with Judith Enck, New York State Deputy Secretary for the Environment;
- ▶ DOE Project Update Presentation;
- ▶ NYSERDA Update; and
- ▶ Discussion of next steps, agenda topics, action items and observer comments.

Meeting Summary

Tom Attridge reviewed the documents¹ provided for this meeting and Melinda Holland reviewed the agenda.

Dialogue with Judith Enck, New York State Deputy Secretary for the Environment

Judith Enck, New York State Deputy Secretary for the Environment, addressed the CTF by conference call. In response to a CTF member's question about a suggested solution for issues at the site, Ms. Enck stated that they are still gathering information and have not yet formulated a recommended approach. She expressed a desire to continue dialogue with the Task Force and the public and provided her email and telephone number: enck@chamber.state.ny.us, 518-473-5442.

In response to Ms. Enck's question about the CTF's short term concerns, a Task Force member noted that in the short-term work is going forward, however, it is the long-term issues which need to be addressed. Those issues include finalizing a decommissioning Environmental Impact Statement (EIS) and resolving the issues of responsibility for future site work/maintenance between NYSERDA and DOE.

A Task Force member explained his proposed strategy for cleanup of the West Valley site as follows:

1. Use the recommendations in the CTF's October 30, 2006 letter to NYSERDA and DOE which outlines a long-term closure approach for the State-Licensed Disposal Area (SDA). He noted that the burial grounds should not be left in-place forever and that he would like to see a closure plan from DOE for the Nuclear Regulatory Commission (NRC) Licenced Disposal Area (NDA). He stated that the burial grounds should be exhumed and the wastes disposed off-site. In response to Ms. Enck's question about risk to workers and the environment from exhumation, the CTF member responded that he believes that the technology exists to take care of the risks, but it will be costly. He also responded that he does not know where these wastes could be disposed of, but noted that it should be a site that is dryer and more suitable for long term disposal than West Valley.
2. The state should make maximum use of the NRC's License Termination Rule (LTR) which provides a lot of authority. He recommended that the agencies insist that the LTR be followed to the letter especially under the loss of institutional controls scenario. He further explained that the West Valley Demonstration Project Act (WVDPA) gave NRC the responsibility for establishing requirements for the WVDP decommissioning, and NRC chose the LTR as the standard. After DOE is done with the decommissioning, then New York must assume responsibilities under the re-instated NRC license and satisfy the requirements of the LTR.
3. New York State should take a stand against new nuclear power plants until nuclear waste issues are resolved.
4. Enact legislation to require full cleanup of the West Valley site.

Ms. Enck noted that nothing is off the table at this point and that the status-quo is not working.

¹ The documents distributed at this CTF meeting may be found on the "Meeting Materials" page of the CTF web site at www.westvalleyctf.org

She suggested asking Congress for more direction about long-term remediation at the site, but noted that most New Yorker's don't know about the WVDP so there is less public pressure. She suggested more public education.

A Task Force member stated that he favored adopting a plan for decommissioning in the near future in stead of deferring the decision as suggested in DOE's "Way Ahead" proposal. Ms. Enck asked the CTF members for their view on this point. The CTF members present at the meeting all agreed with this recommendation.

Another Task Force member stated his concern regarding the reduction in site funding and personnel and the impact of loss of jobs and revenue on the local community. He noted that exhumation of the burial grounds would create new jobs in the area. Ms. Enck noted that restoration of the site cleanup budget is a high priority for New York State and that a letter was sent from the Governor to Congressional representatives requesting the same.

A CTF member asked if the Governor's office has looked into the possible reuse of the uncontaminated portion of the 3,300 acre West Valley site. Ms. Enck stated that until proper remediation of the site is accomplished, it is difficult to think about redevelopment. The Task Force member noted that he is only talking about re-use of the uncontaminated portions (approximately 3000 acres). Ms. Enck asked about the availability of utilities and other infrastructure and restated her preference for closure before reuse. A CTF member noted that at many other hazardous materials sites, the cleanups are driven by the desired future use for the site, noting that the economic needs of the area need to be considered as well.

Core Team Process Update

NYSERDA representatives noted that there are a number of disagreements under debate within the Core Team which seems stuck on how to find compromise solutions. A DOE representative stated that there are a lot of Core Team discussions on difficult issues with the goal of finding solutions.

A CTF member asked if having a Task Force representative at Core Team meetings was a possibility and if the CTF could see the Core Team's ground rules or operating procedures. A NYSERDA representative stated that there was a general document describing a generic Core Team process but there are no specific ground rules or procedure for this Core Team. A DOE representative suggested review of the U.S. Environmental Protection Agency's Superfund web site for an overview of their Core Team process, but the West Valley Core Team process is different due to National Environmental Policy Act (NEPA) concerns. He further noted that the issue with CTF participation in the Core Team, is whether the participating agencies want to make this a public meeting.

In response to a CTF member question, a NYSERDA representative noted that he does not believe that the Core Team meetings fall under the New York Open Meetings Law requirements. He further noted that at the last CTF meeting, the Task Force had agreed to develop a proposal which would state what level of involvement in the Core Team is being requested. Ms. Holland reminded the CTF that the issues discussed at the last meeting included whether the CTF wanted to participate in Core Team meetings as an observer or participant; whether to participate in all multi-day meetings at remote locations, or only some meetings for specific topics; who would be the CTF representative and whether they would have the time to attend Core Team meetings.

The Task Force member making the request noted that he could offer four or five days a year to participate in the Core Team. He suggested that interested CTF members hold a conference call later in June to develop a proposal.

Another CTF member asked what is the CTF objective for participating in the Core Team and how a CTF member could fit into that process. The Task Force member making the request stated that if the Core Team is helping to develop a preferred alternative for the site, this is a topic on which the Task Force wanted to have early input. He also stated that there are two technical areas he wants to be involved in: probabilistic risk assessment and how the impact of climate change is being factored into the erosion modeling.

DOE Project Update

Craig Rieman, DOE, gave a presentation on recent activities at the WVDP. A CTF member asked about the peer review process for the ground water plume study mentioned in the presentation. A WVNSCO representative explained that the contractor's report on options for dealing with the leading edge of the plume was evaluated by the peer review team which had 122 comments. The report was revised to address these comments and is being re-evaluated.

NYSERDA Update

Ted Sonntag, NYSERDA, provided the NYSERDA update. He noted that the legislation has not been re-introduced. He stated that no response to NYSERDA's complaint (litigation) has yet been received from DOE. A CTF member expressed concern about the legislation being delayed, when it could be moving forward in parallel with the Core Team process. He opposed more delay and recommended that Congress and the agencies should move with whatever is finished first, be it the litigation, legislation, or the "Way Ahead." He stated that he does not favor Congress waiting to hear about the outcome of the other processes.

Observer Comments

An observer noted that the Coalition on West Valley Nuclear Wastes has been dealing with these problems for over 30 years and want to see a solution soon as they are running out of time as individuals. Another observer noted that she was pleased with what the CTF expressed at this meeting.

An observer stated that she is opposed to delaying a cleanup decision and further segmentation of the EIS process. She does not want to see wastes left in the ground. She also requested more information on what the Core Team is doing. A DOE representative responded that the Task Force receives a monthly briefing on Core Team activities and updates are also given at the Quarterly Public Meetings. He noted that if members of the public want more information they can send requests to the West Valley Nuclear Services Company Public Information Office. A CTF member also noted that the Task Force is working to provide more information to the public through press releases and other means.

Next Steps

The topic for the June 27th CTF meeting is a presentation on erosion modeling by Greg Tucker. A CTF member asked that Mr. Tucker address his understanding of NYSERDA's criticisms of

the SIBERIA erosion model and his views on how the model should be modified. A presentation from Paul Giardina, EPA Region 2, is scheduled for the July 25th meeting.

Action Items

Action	Assigned To	Due Date
Confirm Greg Tucker's participation in the June 27 th CTF meeting	DOE	Complete
Confirm Paul Giardina, EPA Region 2, participation in the July 25 th CTF meeting.	NYSERDA	6/27/07

Documents Distributed

Document Subject	Document Description	Date; Generated by (if applicable/known)
05/21/07 Agenda	Agenda	Holland; 04/13/07
April 25, 2007 CTF Meeting Summary	Summary	Holland; 04/13/07
DOE Presentation "Project Update"	Presentation	Riemer; 05/22/07
NYSDEC Public Notice of Closure Plan	Notice	NYSDEC; 05/15/07
NRC Letter to NYSERDA re: Plume	Letter	NRC; 05/01/07
Town of Concord Resolution re: WVDP Budget	Resolution	Concord; 05/07
Compilation of News Articles	News Articles	April 2007