

To: West Valley Citizen Task Force
From: Bill Logue and Cindy Cook, Citizen Task Force Facilitators
Date: October 11, 2007
Subject: **Summary of the September 26, 2007, Citizen Task Force Meeting**

Next Meeting

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

Date: **October 24, 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 Bill Logue (860-521-9122, bill@loguegroup.com) or Cindy Cook (802-223-1330, ccook@adamantaccord.com).

CTF Attendees

CTF members attending: Michael Brisky, Rob Dallas, Mark Jamison, Bill King, Stephen Kowlaski, Lee Lambert, Joe Patti, Chris Pawenski, Pete Scherer, Tim Seipel, Bill Snyder, Ray Vaughan, Eric Wohlers.

CTF Members not attending (nor represented by an alternate): John Pfeffer, Mike Hutchinson.

CTF Alternates Attending

CTF alternates attending: Judy Einach, Bob Potter, Warren Schmidt.

Agency and Other Attendees

Department of Energy (DOE): Bryan Bower, Moira Maloney, Ben Underwood

New York State Energy Research and Development Authority (NYSERDA): Tom Attridge, Paul Bembia, Ted Sonntag, Andrea Mellon

West Valley Environmental Services, LLC (WVES): Sonja Allen, John Chamberlain, Paul Hunt

Environmental New York State Department of Environmental Conservation (NYDEC): Pat Concannon, Bob Phaneuf, Lynn Winterberger, Barbara Youngberg

Environmental Protection Agency: Paul Giardina

Nuclear Regulatory Commission: Chad Glenn, Rebecca Tadesse

Observer: Tom Clements

Prior to the meeting, Task Force Members, Core Team Members and others gathered for informal conversation and food beginning at 6:00 PM.

Meeting Summary

Cindy Cook and Bill Logue welcomed the group and reviewed the meeting documents and the meeting agenda.¹ Agency representatives from the Core Team joined the Task Force at the table. Everyone at the meeting introduced themselves and noted their affiliation.

Core Team Discussion

Kevin Kytola, Core Team Facilitator, reviewed the history and origins of the Core Team process. The Core Team Process was developed by the Environmental Protection Agency (EPA) and Department of Energy (DOE) in the mid 1990's as a way to encourage collaboration among agencies to address and resolve technical issues prior to the release of a draft Environmental Impact Statement. Mr. Kytola noted that the Core Team process has been used at other sites including Savannah River, Mound and Brookhaven.

Mr. Kytola explained that the Core Team was not a decision-making body but rather was convened to attempt to resolve the technical issues and arrive at a preferred alternative. A schematic of the Core Team process was provided to the group¹

Although summaries of the Core Team's meetings are produced, Mr. Kytola noted that it has not yet been decided if the Core Team will produce a written final report. Mr. Bower of DOE explained that the draft EIS would identify the issues discussed by the Core Team, however, he was not sure how lack of consensus, if any, would be addressed. He noted that the release of the draft EIS will be followed by a comment period and that no decision was final until the Record of Decision (ROD). Mr. Bower hopes that a ROD will be issued in the spring of 2010.

Task Force and Core Team Members discussed a number of issues including:

- **Decommissioning.** Task Force Members inquired about the Core Team's understanding of decommissioning, the NRC required steps, and the relationship to site requirements. A representative of the NRC stated that the preferred alternative will fit into the decommissioning plan and that the License Termination Rule will apply as a goal (the stated limits of the LTR are 25 millirems for unrestricted use and up to 500 millirems for restricted use) but that there is some flexibility contained in the NRC Policy Statement for exceptions. The NRC will evaluate if the preferred alternative identified in the EIS and subsequent Decommissioning Plan meet the requirements of the LTR and Policy Statement. A representative of the New York Department of Environmental Conservation (NYDEC) noted that they are mindful of these issues in Core Team meetings. A Task Force member expressed the hope that NYSERDA would be accommodated with the same level of flexibility for the part of the site under its control. Another CTF member stated that in his view, the West Valley Demonstration Project Act gives NRC the responsibility to set decommissioning requirements before a decommissioning plan and preferred alternative are selected, and that he would like NRC to assert that the standards set forth in the License Termination Rule (LTR) apply.

¹ The documents are listed at the end of this summary and may be found at www.westvalleyctf.org

- **Bounding Requirements** In response to a question from a CTF member several Core Team members indicated that they would try to produce a written statement outlining the Core Team's understanding of what the bounding requirements are for the EIS. A representative of the EPA noted that the 2002-03 Regulators' Communication Plan clearly describes the requirements of each regulatory agency.
- **Issues Statement and Articulating the Bases of Decisions.** Several CTF members expressed frustration and the sense that the CTF is being shut out of the decision-making process. These members would like the written record to reflect what issues the Core Team addressed, what decisions were made, and what the basis was for each decision.

A representative of the EPA noted that an EIS usually does not include a summary of issues that agencies have resolved before EIS issuance. The EPA representative noted that the preliminary draft EIS stimulated over 1700 comments, that the 2005 preliminary draft EIS shared with agencies was produced without sufficient inter-agency collaboration and that the Core Team was formed to provide input to avoid a repeat of the large number of comments on the first draft EIS because issues had not been sufficiently addressed.

- **Identified End State.** Several CTF members asked if Core Team agencies clearly understood the CTF vision for the site as set forth in their Final Report and if the vision of the agencies' had changed. Mr. Bembia of NYSERDA said that the proposed end state had changed in that some decisions could be deferred until further information is available. He encouraged the CTF to reiterate what the group's desired end states are for the short, mid and long term. A representative from NYDEC concurred and suggested that the CTF report should be provided to the Core Team.
- **Public Involvement and Communication Between the Core Team and CTF.** Mr. Kytola stated that when the Core Team shares information with the public it will be done through the quarterly public meetings. CTF members stated that they felt that they needed a mechanism to bring technical information to the Core Team. Mr. Kytola suggested that the CTF should address questions to the responsible agency and to the lead agencies, DOE and NYSERDA, in particular if they want an issue brought to the attention of the Core Team. Mr. Bembia reiterated that NYSERDA welcomes input from the CTF and would be glad to bring concerns of the CTF to the Core Team meetings. The CTF facilitators will track information requests and exchanges.
- **Sardinia Seismic Fault** In response to questions about Core Team consideration of the Sardinia seismic fault, Core Team members noted they had not discussed this issue but it was an example of an issue that the CTF should raise with the lead agencies.
- **Tracking Issues Raised in Comments on the 1996 EIS.** As a follow-up to the question about the fault, a CTF member asked how the Core Team was addressing the comments on the 1996 Draft EIS, as the fault was raised as an issue in these comments. Mr. Bower stated that comments from both the 1996 and 2005 DEIS are being addressed.

- **EPA's Goals.** Paul Giardina of EPA noted that in 2006, EPA expressed the desire to move forward with clean closure of the North Plateau. Recently, the EPA Regional Administrator commented that there are a number of things that make this unlikely right away. Mr. Giardina noted that it remains EPA's ultimate goal to get to clean closure and that drying the tanks is a good interim step. Even if clean closure is possible, it will not happen quickly because of funding limitations and the lack of a final repository for the logs.

Discussion of NRC's "Draft Guidance for Activities Related to USDOE' Waste Determinations"(NUREG 1854)

Ray Vaughan noted that he had reviewed NUREG 1854 recently released by the NRC. He and others had commented on the draft regulation. The regulation provides staff guidance on waste incidental to reprocessing (WIR). Mr. Vaughan noted that the regulation will affect both Hanford and the West Valley Demonstration Project. He expressed concerns that the regulation could lead to confusion about whether NRC or DOE reclassifies waste. He suggested that a presentation in the future by Geoff Fettus of the Natural Resources Defense Council might be warranted. He added that it would make sense to invite a representative of the NRC. The NRC representative indicated she would contact the director of the appropriate NRC directorate for clarification, and that an NRC representative might be available to attend a future CTF meeting to discuss this draft guidance.

Discussion of NRC Response Letter Dated July 19, 2007

Mr. Vaughan expressed his opinion that the NRC letter did not fully address the questions posed by the CTF. In particular he noted the letter referenced the Atomic Energy Act but not the WVDP Act. He said that the NRC's letter understates NRC's authority over DOE at the WVDP, and he provided some examples of NRC responsibilities under the Act that NRC did not recognize. Lee Lambert and Ray Vaughan volunteered to draft and circulate written questions concerning these issues. These questions will be discussed at a future CTF meeting.

Agency Updates

Due to time considerations, DOE and NYSERDA did not present their customary project updates. Copies of the DOE and WVES PowerPoint presentations were provided as handouts. Mr. Bower noted that the Drum Cell was emptied on September 21 and that core borings were being drilled to start the NDA cap work. Mr. Bembia noted that the first mediation session to try to resolve the long-standing responsibility disagreements between DOE and NYSERDA had been held, and additional sessions are scheduled.

Observer Comments

Judy Einach, CTF alternate and representative of the Coalition on Nuclear Wastes at West Valley, asked the agencies to review the joint EPA/DOE document on the Core Team Process

from the perspective of stakeholders such as the CTF or the Coalition. Public involvement of stakeholders is a good thing. She noted the Coalition’s role in establishing the quarterly public meetings through the Stipulation of Compromise with DOE. She noted the desire of the Coalition, and the interest of the CTF, is for open communication, respectful treatment and a cooperative relationship. Such communication could avoid the need for lawsuits.

Tom Clements a citizen activist who has a long history of involvement with the Savannah River Site commented that he had toured the WVDP site earlier in the day. Further, he noted the NRC consultative role at Savannah River, legislation sponsored by Senator Lindsay Graham regarding WIR determinations, and that DOE had vitrified waste there and was planning to grout the tanks in place and that was the likely goal for West Valley. He noted that the CTF and agencies should be aware that when they discuss relocating waste, such as Greater-Than-Class-C, to other locations, it should be acknowledged that it might not be welcome at the new site. In closing he commended the CTF and agencies for their dialogue and noted such openness had not occurred in South Carolina.

CTF Caucus

The CTF caucused without agencies.

Action Items

Action	Assigned To	Due Date
Facilitator follow-up with DEC about their understanding of Core Team’s Interpretation of Bounding Requirements	Logue/Cook	Nov 1, 2007
Draft questions to NRC regarding its response letter to the CTF on the North Plateau Groundwater Plume	Lambert and Vaughan	October 24, 2007

Documents Distributed

Document Description	Date; Generated by (if applicable /known)
Agenda	Cook/Logue; 9/24/07
Illustration of Core Team Process for WVDP	Sapere Consulting; 9/26/07
Fact Sheet: “Expediting Cleanup through a Core Team Approach”	DOE/EPA

Document Description	Date; Generated by (if applicable /known)
WVES Presentation – “West Valley Environmental Services LLC: Organization”	WVES; 9/26/07
DOE WVDP Update	DOE; 9/26/07
NRC Response Letter to CTF	NRC; 7/19/07
Letter to Springville Journal	CTF; 8/23/07
NYSERDA Comment Letter to DOE on Notice of Intent on EIS for Disposal of Great-Than-Class-C Low-Level Radioactive Waste	NYSERDA; 9/17/07
Compilation of News Articles	NYSERDA