

To: West Valley Citizen Task Force
From: Cindy Cook and Bill Logue, Citizen Task Force Facilitators
Date: April 9, 2008
Subject: **Summary of the March 26, 2008 Meeting**

Next Meeting

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

Date: **April 23, 2008**
Time: Public Meeting with Core Team – 6:30 PM
Citizen Task Force Meeting – 7:45 PM to 9:30 PM
Location: Ashford Office Complex
9030 Route 219
West Valley, NY

Note: All participants must be United States citizens and must 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 Participants

CTF Members and Alternates attending: Mike Brisky, Rob Dallas, Judy Einach, Chris Gerwitz, Steve Kowalski, Tony Memmo, Joe Patti, Chris Pawenski, Warren Schmidt, Tim Siepel and Ray Vaughan.

Agency Participants and Observers

DOE: Bryan Bower, Moira Maloney, Don Mackenzie, Justin Marble
NYSERDA: Tom Attridge, Paul Bembia, Andrea Mellon, Paul Piciulo
WVES: John Chamberlain, Ken Alkema, Sonja Allen, Steve Warren
NYSDEC: Pat Concannon
Coalition on West Valley Nuclear Wastes: Joanne Hameister
Others: Gladys Gifford

Meeting Summary

Cindy Cook and Bill Logue welcomed the group. The meeting documents and the meeting agenda were reviewed¹. For the April 23 meeting, the CTF approved the concept of a public meeting hosted by the Core Team followed by a meeting of the CTF with the Core Team. Chris Pawenski informed the members that his other job responsibilities would require him to reduce his involvement and that after the April meeting the primary alternate for Commissioner Holly Sinnott will be Paul Kranz, Senior Environmental Engineer for the Erie County Department of Environment and Planning. Chris will be a secondary alternate as necessary. Ray Vaughan noted that Gladys Gifford of the Western New York Presbytery will be his alternate.

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

Letter to Congressional Delegation/Congressional Visit

CTF members reviewed the draft letter to Senators Clinton and Schumer and Representative Kuhl. The CTF made revisions that emphasize the positive progress that has been made at the site both in terms of cleanup work and interagency relations, and agreed by consensus to sign the letter as revised. The letter may be found with the March 2008 meeting materials at www.westvalleyctf.org.

Given the electoral cycle, the CTF determined that, unless circumstances change in the near term, a visit to the congressional delegation should wait until early 2009.

During discussion later in the meeting, Mr. Bembia noted that DOE has established a process for public stakeholder input into the budget development process. Mr. Bower noted that this was occurring now for the 2010 Environmental Management Program budget. He also noted that because the WVDP contract is performance-based, it is less open for public input than with other DOE projects.

Environmental Regulations at the Center

Ken Alkema, Manager of Regulatory Strategy and Liaison for WVES, presented an overview of the regulatory structure impacting the management and cleanup of the former Western New York Nuclear Service Center (the Center). At the outset he noted his background as a regulator and provided samples of the volume of some of the applicable regulations.

The presentation included a brief regulatory history of the site and identified key applicable environmental laws and their current impact on the WVDP. The presentation materials, and an associated map, are comprehensive and self explanatory. They may be found with the March 2008 meeting materials at www.westvalleyctf.org. The following are key points of discussion raised by CTF members.

Comments and Questions from CTF Members

In response to a question concerning the License Termination Rule (LTR) and the flexibility in the standard that will be used, given the exception NRC allows for technical impracticability or expense, Mr. Alkema noted that DOE would have to demonstrate this through information and weight of evidence. NRC would then determine if this is sufficient or DOE needs to supplement the EIS to meet the LTR.

Mr. Alkema noted that the concept underlying the implementation of regulations concerning radioactive exposure is generally known as ALARA which stands for “as low as reasonably achievable.”

The group discussed the relationship of transuranic (TRU) waste and waste incidental to reprocessing (WIR). Mr. Bower noted that DOE has a process for classifying WIR waste that results in it being classified as either high-level, low-level or TRU waste. The classification of WIR waste determines how and where the waste will be disposed of. Ray Vaughan noted that 10 CFR Part 61 applies to disposal of low-level waste on-site. Mr. Alkema noted that DOE has requirements that might be comparable and that he was not aware of any plan to dispose of low-level waste generated during the Project on site. There is no disposal location for TRU waste from the site because it is not considered defense waste. The site in New Mexico that accepts TRU waste is restricted to Department of Defense and non-

commercial waste. TRU waste that emits only alpha particles may be packaged in 55-gallon drums. TRU waste that emits alpha and gamma particles must be packaged in shielded containers in the remote handled waste facility.

In response to questions concerning measurement of air quality during demolition of facilities such as the Main Process Plant Building, Mr. Alkema noted that standards are set for maximum exposure to an individual. In addition to static monitoring locations, workers wear monitors and protective equipment. A demolition plan is being developed during the next year which will include demolition techniques and safety measures. Rob Dallas noted that these measures have been used successfully for the demolition of other smaller buildings at the site.

While not recommending it, Tim Siepel inquired about regulations and statutes that permitted the disposal of wastes in other countries. Mr. Alkema noted that PCBs may not be shipped to other countries and that most countries will not accept hazardous or nuclear wastes. Ray Vaughan noted that there is an international convention, to which the United States is not a signatory, prohibiting the export of hazardous wastes. Mr. Alkema stated that he would follow up.

Issues for Consideration at April Meeting

CTF members indicated that they thought the Core Team agencies' participation in the January meeting went very well, and indicated their support for agency participation in the April meeting. The April meeting will follow the model used in January – the Core Team will hold a public meeting immediately before the CTF meeting. Agency representatives have been invited to attend the CTF meeting. CTF members are welcome to participate in both meetings.

Ray Vaughan noted that he would not be able to attend the April meeting and suggested that the Core Team be encouraged to investigate the feasibility of various technologies for removing and ultimately disposing of the high-level waste tanks. Other members agreed that the lack of a current disposal site should not delay the investigation into processes for removing the tanks.

CTF members also suggested that they would like to have a discussion with the Core Team about mechanisms to ensure that a decision is made on ultimate cleanup within the 30-year ongoing assessment period. Mr. Bower noted that, although the ongoing assessment period has been a subject of Core Team discussion, their focus has been on developing a preferred alternative. He also noted that, until the ROD is issued, agencies may have difficulty making specific commitments regarding its implementation. Mr. Bembia noted that for the SDA, the license and permit process would form the basis for holding the state to commitments during the ongoing assessment period.

Other Business

Cable TV Coverage. A CTF member has raised the possibility of broadcasting meetings on local cable television. Mr. Bower noted that DOE had attempted this at another site and found that it was logistically complicated. Equipment had to be purchased and individuals hired to operate the equipment

and the local cable channel then ran tapes of meetings only sporadically. Several CTF members noted that airing the meetings on local cable television might raise awareness of activities at the project. Others noted that “showboating” for the camera could make meetings less productive and worried about confusing viewers, given the amount of jargon used at meetings. Judy Einach noted the value of a historical record of the work of the CTF. The Coalition recently applied for a grant to have its material archived at SUNY Fredonia. Members agreed to continue the discussion regarding filming meetings for public access television with the general sentiment that broadcast of specific meetings might be useful.

Observer Comments

Joanne Hameister concurred that showboating was a risk but that maintaining a historical record was worth considering.

Documents Distributed	Date; Generated by
Agenda	Cook/Logue; 3/26/08
Presentation: Environmental Regulations at the Center	WVES; 3/26/08
Draft letter to congressional delegation	3/26/08
Compilation of News Articles	NYSERDA; 3/26/08