

To: West Valley Citizen Task Force  
From: Melinda Holland, Task Force Facilitator  
Subject: Summary of the February 24, 2005 Meeting  
Date: March 7, 2005

### **Next Meeting**

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

Date: Thursday, March 24, 2005  
Time: 7:00 - 9:30 p.m.  
Location: West Valley Demonstration Project Site  
10282 Rock Springs Road  
West Valley, NY

NOTE: 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) 894-5963, or Tom Attridge at (716) 942-2453.

### **CTF Attendees**

Attending were: Paul Piciulo, Dan Sullivan (for T. J. Jackson), Ray Vaughan, Gayla Gray, Lee Lambert, Pete Scherer, Mike Hutchinson, Pete Cooney, and Warren Schmidt.

CTF Members not attending (nor represented by an alternate) were: Tim Siepel, Mark Mitskovski, John Pfeffer, Rev. Bill Kay, Joe Patti, Bill King, and Eric Wohlers.

### **Agency Attendees**

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

### **Meeting Highlights**

- ▶ Presentation and discussion on the Southern Tier West Site Redevelopment Study;
- ▶ Presentation and discussion on current West Valley Demonstration Project (WVDP) site work and regulatory activities;
- ▶ Presentation on the status of the National Environmental Policy Act (NEPA) Evaluations;
- ▶ Resource Conservation and Recovery Act (RCRA) Part B Permit Application & Closure Plans;
- ▶ Recent activities regarding the New York State Energy Research and Development Authority's (NYSERDA) revised draft legislation; and
- ▶ Discussion of next steps, action items and observer comments.

### **Meeting Summary**

A presentation was given by Pete Gorton and Tim Vogler of Panamerican Environmental Inc., who are part of the consulting team conducting the West Valley Redevelopment Study for

Southern Tier West. They reviewed the results of their GIS mapping which helped identify areas of the West Valley site most suitable for redevelopment. Another subcontractor is investigating what types of redevelopment may be the most viable for the area. In answer to a question, Mr. Vogler explained that the data they used came primarily from existing data sources, such as the soil survey data from the U.S. Department of Agriculture's Soil Conservation Service. A NYSERDA representative noted that the computer-generated map showing the cesium prong also includes contamination from historical airborne and water releases from operation and cleanup of the site.

It was noted that while the U.S. Nuclear Regulatory Commission (NRC) representative Chad Glenn was unable to attend this meeting via video conference as planned, he sent an email message which indicated that "it is likely that a portion of the West Valley site, not impacted by licensed activities, could be released for unrestricted use before the completion of site decommissioning." A CTF member asked if NRC would also tell the Task Force what the boundaries are for the original Nuclear Fuel Services (NFS) license from NRC and the details on how the license boundaries were determined.

A Task Force member asked whether it is better to decide on a level of cleanup then, recommend redevelopment strategies which are suited to that level of cleanup, or recommend reuses and direct the cleanup to a level that allows those reuses. Another CTF member requested that the consultants address which redevelopment options would be suitable for areas where wastes have been closed in place and for areas which have been cleaned to unrestricted use levels or are uncontaminated. A CTF member cautioned against assuming that wastes will be left on site.

Task Force members suggested that the consultants also review information on wetlands and archeological areas which might be on the site. The consultant agreed to check the wetlands information for the site. They also agreed to review a prior archeological study and the Seneca Nation of Indians. (e)Tj 0

A CTF member suggested that the existing utilities on site, could be used for redevelopment

Dan Sullivan, DOE, gave an overview of current WVDP work. When requested, he agreed to share copies of the report on the fire events which happened on site. He also mentioned that John Swailes is the new DOE WVDP Director, and that Mr. Swailes plans to attend the March 24th Task Force meeting.

#### *Status of NEPA Evaluations*

Dan Sullivan, DOE, gave a presentation on the history and status of the WVDP NEPA activities. A Task Force member clarified that it was his understanding that the upcoming Decommissioning Environmental Impact Statement (EIS) was a supplemental to the 1996 Draft EIS. Another CTF member asked how much of the data and information from the 1996 EIS would be incorporated into the new EIS. Mr. Sullivan responded that the upcoming Decommissioning EIS will be more robust and will contain a great deal of new information and analysis. The CTF member expressed concern over potential changes from the 1996 Draft EIS, especially for the tanks and the process building.

A CTF member asked DOE to consider possible reuse of the drum cell building as it is a sound, steel building with a computerized internal crane system. He also asked DOE to use the same level of analysis for the total cleanup alternative as the close-in-place alternatives. A WVNSCO representative explained that a NEPA review also must be done for unneeded, uncontaminated facilities which are to be removed or reused so there is NEPA coverage for those future actions.

#### *RCRA Part B Permit Application and Closure Plans*

Bill Wierzbicki, WVNSCO, gave a presentation on the RCRA Part B permit application which was submitted to the New York State Department of Environmental Conservation (NYSDEC) in late December. A Task Force member asked how tanks are defined, for example, those buried in the NDA or SDA as compared to tanks 8-D-1 and 8-D-2. Mr. Wierzbicki explained that the SDA and NDA were not operational when RCRA was enacted, so they are not considered RCRA Units. However, the NDA and SDA are RCRA Solid Waste Management Units (SWMUs). Tanks 8-D-1 and 8-D-2 were operational when RCRA passed and are considered RCRA units and are subject to that regulatory scheme. Another CTF member asked if the SWMUs are mostly soil contamination problems. Mr. Wierzbicki explained that the SWMUs may contain known soil contamination or they may be areas where waste was, or is, being managed. Another CTF member asked if there is a clear relationship between the RCRA units and SWMUs and the waste management areas covered in the Decommissioning EIS. Mr. Wierzbicki was not sure but agreed to check and get back to the CTF on this point.

In response to a question about the definition of "Alternative NEPA Evaluation" as used in his presentation materials, Mr. Wierzbicki used the Lag Storage Area as an example. When ~~the~~ all waste has been removed from the Lag Storage Area, if there is no planned re-use for the facility, they will perform a clean closure under RCRA and remove the building. He further explained that the EIS evaluates contamination issues, but removal of uncontaminated structures would be done under a "categorical exclusion" provision of NEPA.

Mr. Wierzbicki agreed to provide the CTF with information on the hydrogeology data that was collected, specifically data from the geological units below the Lavery till. The CTF member

requesting this information explained that he is concerned that the pilings under the original Process Building may have created pathways for contamination to move downward, thus he wants to know if data was collected below the Lavery Till.

A Task Force member asked what assumptions will be used for the Post- Closure RCRA Permit, and who will be responsible for post-closure activities. Mr. Wierzbicki explained that the Part B permit application does not say which agency will perform particular activities, NYSERDA signed the permit as the site owner and DOE/WVNSCO signed as the operators. He continued to explain that for closure of the tanks, the assumption in the Part B permit application is that the remedy will be a slurry wall and a cap, and the post-closure activities will include monitoring and periodic inspections. The Task Force member questioned whether this would commit NYSERDA to perpetual care of units closed in place. A DOE representative stated that the application is written in an “agency neutral” manner, not designating which agency will perform the functions.

A CTF member asked if NYSDEC will accept a post-closure permit on the tanks. Mr. Wierzbicki explained that NYSDEC is currently reviewing the application and DOE/WVNSCO is talking with the agency about how the EIS and RCRA fit together. A NYSDEC representative further explained that the State Environmental Quality Review Act (SEQRA) will also require a public comment period.

#### *NYSERDA Draft Legislation*

Next, Paul Piciulo, NYSERDA, explained that NYSERDA President Peter Smith, Hal Brodie, and he met with U.S. Representatives Kuhl and Higgins and their staff, and with staff for Senators Clinton and Schumer on February 17<sup>th</sup>. U.S. Representative Reynolds and his staff were unavailable due to committee voting obligations. The NYSERDA representatives provided copies of the draft legislation, summaries of its provisions, and a copy of the minority report by the CTF member not in support of the legislation. Dr. Piciulo explained that these meetings were preliminary discussions with the Congressional delegation, and they did not discuss the process for introducing the legislation.

A Task Force member suggested that the CTF plan another trip to Washington D.C. to meet with the Congressional delegation to support the introduction of legislation. Mr. Piciulo noted that it would be easier to hold a conference call with Congressional staff. The CTF member explained that it would create an air of importance if Task Force members travel to Washington D.C., and suggested that both a conference call and a trip were good ideas. The CTF agreed to discuss these issues further at the March 24<sup>th</sup> CTF meeting. Another Task Force member suggested contacting state legislative delegation members to ask for their support in requesting that the legislation be introduced in Congress. NYSERDA agreed to send a copy of the legislation and summary and the CTF-member minority report to the state legislative delegation. Mike Hutchinson agreed to prepare a draft letter to Pat McGee, Cathy Young and the Governor’s office. Melinda Holland will circulate the draft letter to the CTF for comment.

#### *CTF Membership*

Melinda Holland explained that Gary Eppolitto, the Mayor of Springville, is willing to join the Task Force. The CTF, DOE and NYSERDA supported his addition to the Task Force to fill the

vacancy created by John Allan's resignation. Mr. Eppolitto cannot attend meetings on the 4<sup>th</sup> Thursday, so Ms. Holland agreed to canvas the CTF for a date that will accommodate all members.

Pete Scherer stated that he spoke with Jim Boberg, West Valley Central School Board Chair, who is interested in joining the CTF to fill the seat vacated by Nevella McNeil. Mr. Boberg would not be able to join the CTF until May as he is completing a training course in the evenings. Ms. Holland will speak with Mr. Boberg to confirm his interest in joining the CTF and to check his schedule for future meetings.

### *Resolutions*

The CTF recommended sending the supporting resolutions received thus far to the Congressional delegation sometime soon. John Pfeffer was asked to draft a transmittal letter for full CTF review.

### *March Meeting Topics*

Melinda Holland will schedule an Agenda Work Group conference call to develop topics for the March 24<sup>th</sup> CTF meeting. The Agenda Work Group meeting is tentatively set for Wednesday, March 9<sup>th</sup> at 4:00 p.m.

### **Observer Comments**

A NYSERDA representative elaborated that the RCRA regulations and the Part B Permit procedures have separate public involvement requirements. A public comment opportunity is available for each separate unit (SWMU) closure plan if they are to be closed before issuance of the RCRA Part B Permit. The closure plans must also be approved by NYSDEC.

A CTF member asked if the High-Level Waste Tank Workshop was going to be rescheduled. A DOE representative explained that they were not sure at this time but would inform the CTF if it is rescheduled.

Another Task Force member asked if there is any TRU-mixed waste at the site, and suggested that site officials should be aware that the state of Washington has a law stating that no TRU-mixed waste may be shipped to Washington. A NYSERDA representative also noted that TRU waste cannot be shipped to the WIPP facility at this time. A CTF member mentioned that the 9<sup>th</sup> Circuit overturned the 2003 court ruling on Waste Incidental to Reprocessing (WIR), which raises a lot of questions.

### **Action Items**

<b>Action</b>	<b>Assigned To</b>	<b>Due Date</b>
Check on the status of the railroad that runs north through the site.	WVNSCO	3/24/05

Provide a copy of DOE's report on the two fires in the Vitrification Facility.	DOE	3/24/05
Determine if there is a clear listing of which RCRA units and SWMUs are part of the Decommissioning EIS.	WVNSCO	3/24/05
Provide the CTF with information on hydrogeology data collected on units below the Lavery till.	WVNSCO	3/24/05
Draft a letter to the state legislative delegation and the Governor's office asking for their support in encouraging introduction of the legislation in Congress.	Mike Hutchinson	3/11/05
Draft a transmittal letter to accompany the group of supporting resolutions to be sent to the Congressional delegation.	John Pfeffer	3/11/05
Send a thank you letter to John Allan and Nevella McNeil for their participation on the CTF.	Tom Attridge	3/11/05
Schedule an Agenda Work Group conference call	M. Holland	3/3/05
Provide a copy of the archeological EID to Panamerican and Gayla Gray.	WVNSCO	3/24/05

### **Documents Distributed**

<b>Document Subject</b>	<b>Document Description</b>	<b>Generated by Date (if applicable/known)</b>
Feb. 24, 2005 CTF Meeting Agenda	Agenda	Holland; 2/2/05
January 27, 2005 CTF Meeting Summary	Summary	Holland; /05
CTF Member Affiliations	List	Attridge
Announcement of Opportunity to Make Presentations to the CTF	Memorandum	Holland; 2/17/05
West Valley Redevelopment Strategy	Presentation	Panamerican Consultants 2/24/05
Email Message from NRC	Email	Chad Glenn, NRC; 2/24/05
WVDP Work Status	Presentation	Sullivan; 2/24/05
Status of NEPA Evaluations	Presentation	Sullivan; 2/24/05

<b>Document Subject</b>	<b>Document Description</b>	<b>Generated by Date (if applicable/known)</b>
RCRA Part B Permit Application	Presentation	Wierzbicki; 2/24/05
WVDP Vitrification Cell Dismantlement - Unplanned Radiological Exposure to Facility Workers	Report	WVNSCO; 2/3/05
West Valley Remediation Act	Draft Legislation	NYSERDA; 1/27/05
West Valley Remediation Act Section-by-Section Summary	Summary	NYSERDA
Summary of the Proposed West Valley Remediation Act	Summary	NYSERDA
Environmental Organizations Letter to Congressional Delegation	Letter	Numerous Environmental Organizations; 2/18/05
Addendum to the 1/27/05 CTF Meeting Summary	Memorandum	Holland; 2/24/05
CTF Member Minority Report	Report	Lambert; 2/4/05
Evaluation of NYSERDA's Draft West Valley Remediation Act	Report	J. Rauch; 1/30/05
Supporting Resolutions List	List	WVNSCO; 2/24/05
Site Maps	Maps	WVNSCO; 9/30/04
CTF Letter to Representatives Higgins and Kuhl	Letter	Hutchinson; 2/1/05
Cattaraugus-Little Valley Central School Resolution	Resolution	CLVCS; 2/14/05
Ellicottville Resolution	Resolution	Ellicottville; 4/21/04