

To: West Valley Citizen Task Force
From: Melinda Holland, Task Force Facilitator
Date: October 7, 2005
Subject: **Summary of the September 28, 2005 Citizen Task Force Meeting**

Next Meeting

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

Date: **Wednesday, October 26, 2005**
Time: 7:00 - 9:30 p.m.
Location: **Ashford Office Complex**
9030 Route 219
West Valley, NY

NOTE: CTF meetings for the remainder of 2005 will be held on Wednesday, November 30th and Wednesday, December 21st at the Ashford Office Complex, unless otherwise noted. 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) 942-2453.

CTF Attendees

Attending were: Ray Vaughan, Lee Lambert, Paul Piciulo, Chris Pawenski (for Andrew Eazak), Mike Hutchinson, T. J. Jackson, Pete Scherer, Warren Schmidt, Bill King, Joe Patti, Stephen Kowalski and Eric Wohlers.

CTF Members not attending (nor represented by an alternate) were: Rev. Bill Kay, Tim Siepel, John Pfeffer, Gary Eppolito, Rosalind Ground, Tom Buttarfarro (for New York State Assemblyman Giglio), and Pete Cooney.

Agency Attendees

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

Meeting Highlights

- ▶ Presentation and discussion on current West Valley Demonstration Project (WVDP) site work and regulatory activities;
- ▶ Presentation and discussion on Southern Tier West's Revised draft site reuse report;
- ▶ Presentation and discussion on waste classification;
- ▶ Full-cost accounting study proposal;
- ▶ Update and discussion on 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

Tom Attridge reviewed the documents provided for this meeting and Melinda Holland reviewed the agenda. Dennis McCauley, a West Valley School Board member, was introduced as Stephen Kowalski's alternate to the CTF.

Status of Site Activities

John Chamberlain gave an overview of recent activities at the West Valley Demonstration Project (WVDP).

Mr. Chamberlain introduced David Ploetz, WVNSCO manager, to provide additional information in response to a CTF member question raised at the August Task Force meeting regarding leaks into the fuel storage pool. A Task Force member asked whether the water accumulating in the former fuel pool is safe or not. Mr. Ploetz explained that the concentrations of radio nuclides in the water accumulating in the pool are at safe levels, and that these levels would be acceptable for discharge into the environment. When air monitors were checked, they found very low levels of airborne contamination, the levels were below those which would require workers to wear breathing protection. Another Task Force member asked what concentrations had been found in the pool liquid. He explained that cesium was the primary contaminant and the concentrations were the same as found before the pool was drained. He also noted that cesium is not found in the surrounding ground water, and that strontium is higher in concentration in the groundwater than in the pool. Thus, the chemical composition of the surrounding groundwater and the water in the pool do not match. This would be expected if groundwater is seeping into the pool and picking up contaminants from the pool wall. He further noted that the site will conduct weekly monitoring and begin automatic recording of water levels in the pool. In response to a question, Mr. Ploetz said that water discharged from the pool would go to the interceptor which is an open tank behind the Main Plant. In summary, a DOE representative stated that there is no current radiological or hazardous waste concern for employees or the public.

During the site overview, Mr. Chamberlain noted that the pre-decisional draft Environmental Impact Statement (EIS) was sent to NYSERDA and the regulatory agencies in mid-September. In response to a question, a NYSERDA representative explained that NYSERDA and DOE want an independent, expert, technical peer review of the performance assessment portion of the draft EIS. A request for statements of qualifications was issued for these experts.

A CTF member asked if work stoppage was a possibility if DOE is unable to negotiate a new contract with the Union of Machinists and Aerospace Workers. A DOE representative stated that it is too soon to know, but they have plans in place to assure the safety and maintenance of the site in the event of a work stoppage. He also explained that this contract is different from the site management contract currently held by WVNSCO and due to go out for bid soon.

Another CTF member asked if the water levels in the monitoring wells were showing any changes as a result of removal of the trailers - the reduced roof surface area could result in more percolation of water into the ground. A WVNSCO representative offered to check the data and respond.

Southern Tier West Site Reuse Study

Donald Rychnowski, Executive Director of the Southern Tier West Regional Planning and Development Board introduced Cheryl Baxter of Economics Research Associates (ERA), who reviewed the changes made to the revised draft site reuse study.

A Task Force member questioned whether the site land will actually be available for reuse given NYSERDA's uncertainty regarding releasing the land. A NYSERDA representative responded that they are reviewing the revised draft reuse study. Issues raised by NYSERDA include the current lack of a process for release of portions of the land from the Nuclear Regulatory Commission (NRC) license and the lack of a final cleanup decision for the site.

Another CTF member asked about the amount of grants, venture capital, or government funding that has been provided for redevelopment of other DOE sites across the country. Ms. Baxter responded that it varies from millions to hundreds of thousands of dollars. She noted that the recent hurricane disasters may

make it more difficult to get funding in the near term, but encouraged the community to seek funding for redevelopment. A STW representative noted that the longer the uncertainties about the level of cleanup and control of the site remain, the more likely that some of the reuse opportunities identified in this report will disappear. A Task Force member suggested that the report authors remain open to additional possible site uses as it may take some time for the land to become available. He also requested that the report contain an executive summary.

Some CTF members expressed concern over the deadline of October 12th for the CTF to submit comments. A STW representative explained that the federal funding contract requires completion of the report by the end of October. A Task Force member questioned whether a reuse plan should wait until the level of cleanup of the site has been decided through the EIS process, which would allow the development of a site-wide reuse plan. Piecemeal development of the site might preclude some future uses such as recreational. He also urged the report authors to not assume that contamination will remain on site as that decision will be made in the EIS process.

A Task Force member stated that he could not recommend any reuse plans until permission to use the land is obtained from NYSERDA and NRC. He stated that the CTF should work with NYSERDA to decide what land should be made available for reuse. Another CTF member agreed, recommending that the CTF put pressure on NYSERDA to decide what land is available. A DOE representative noted that the Mound, Fernald, Hanford and Idaho DOE sites began redevelopment before full cleanup. He noted that having a realistic proposal with financial backing is what drove those projects.

Waste Classification Discussion

Next, John Swailes, Director, DOE West Valley, gave a presentation on how radioactively contaminated material can be classified as different types of waste.

A CTF member questioned whether incidental waste would not be reprocessing waste. Mr. Swailes stated that waste incidental to reprocessing (WIR) is usually associated with the reprocessing and separation of plutonium, uranium, etc. from other materials and involves a decision which components are or are not low-level waste (LLW). The Task Force member requested discussion of the waste classification for the “bath tub rings” in the high-level waste (HLW) tanks. Mr. Swailes explained that he could not discuss disposal decisions until the draft EIS is released for public review and, due to the Coalition’s lawsuit, assertions regarding WIR.

A Task Force member mentioned that the public perception is that if you use the WIR process to reclassify HLW into LLW waste, ~~that~~ the waste will be dealt with in a less protective manner. Mr. Swailes explained that LLW sent off-site for disposal must pass that disposal site’s waste acceptance criteria. Another CTF member questioned if the residuals in the HLW Tanks are closed in place via WIR reclassification, would those wastes be required to meet the same waste acceptance criteria as if it were shipped for off-site disposal. Mr. Swailes acknowledged that the criteria for off site disposal are different than the 10 CFR Part 61C criteria that would apply to wastes left on-site. A CTF member asked if waste characterization would be the key to being able to leave waste on-site. Mr. Swailes agreed, stating that they would have to decide that the waste is not HLW to be able to leave it on-site. In response to another question, he explained that the WIR process could allow HLW to be reclassified as transuranic (TRU) or LLW, and he understands the concern that this decision might be made to save money or for expediency. Mr. Swailes went on to explain that TRU waste has limits on the level of radiation and the types of isotopes, LLW is based on amount, type and element. HLW is not based on hazard or radioactivity amounts, etc., rather it is based on what chemical process the wastes derived from. A Task Force member noted that the fact that HLW is a legal term and not a scientific definition is confusing to the public. Another CTF member noted that the public would be much more comfortable if they could see standards based on the level of risk, amount and type of contamination instead of a legal- based definition of HLW.

Full Cost Accounting Study Proposal

Two Task Force members presented a memorandum entitled “Request for Support of Full Cost Accounting Study Proposal” and requested that the entire CTF propose such a study and ask the state legislature for \$50,000 in funding. They explained that it is important to have a third party assessment of costs of the EIS alternatives and long-term costs of leaving wastes at the site. They stated that the six month public comment period on the EIS would not be enough time to conduct such a study, thus they propose starting the process now. Another Task Force member explained that such a request to the state legislature would best be proposed as a “member item,” but that source of funding is only available to 501(c)(3) non-profit organizations. He noted that member item funds would probably not be available until 2006.

A CTF member noted that NYSERDA should be doing the analysis of the ‘real’ long-term costs as they are the owner of the site. Another member asked if NYSERDA could include the cost issue in the peer review process. A NYSERDA representative responded that the peer review panel has already been selected and they were chosen for expertise in performance assessment, and are not economists. He stated that NYSERDA is very interested in accurate cost data being included in the EIS and are reviewing the draft closely.

The Task Force was not able to reach consensus on moving ahead with a request to the state legislature to fund a full cost accounting study, and it was proposed to continue the discussion at the October meeting.

Legislation

A NYSERDA representative noted that his conversation with Congressman Kuhl’s staff reve

Provide the CTF with information on whether the water levels in the monitoring wells are showing any recent changes	WVNSCO	10/26/05
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Documents Distributed

Document Subject	Document Description	Date; Generated by (if applicable/known)
CTF Meeting Agenda	Agenda	Holland; 9/28/05
August 24 th CTF Meeting Summary	Summary	Holland; 9/5/05
“WVDP Work Status”	Presentation	Chamberlain; 9/28/05
“Fuel Pool Water Update”	Presentation	Ploetz; 9/28/05
“Naming of Waste”	Presentation	Swales; 9/28/05
WV CTF Work Plan	Work Plan	Holland; 9/28/05
Memo“Request for Support of Full Cost Accounting Study Proposal”; from Lee Lambert and Ray Vaughan	Memorandum	Lambert & Vaughan; 9/05
WV CTF Comments Transmittal Letter to Southern Tier West	Letter	WV CTF; 4/27/05
Press Release “Citizens Group Sues Department of Energy over Inadequate Cleanup of West Valley Nuclear Site”	Press Release	Coalition on West Valley Nuclear Wastes; 8/26/05
“West Valley, NY - Redevelopment of the Nuclear Service Center Site”	Revised Draft Report	ERA; 9/05
Summary of the 9/15/05 CTF Conference Call Regarding the Proposed Legislation	Summary	Holland; 9/21/05