

To: West Valley Citizen Task Force  
From: Melinda Holland, Task Force Facilitator  
Subject: Summary of the May 24, 2006 Meeting  
Date: June 12, 2006

### **Next Meeting**

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

Date: Wednesday, June 28, 2006  
Time: 7:00 - 9:30 p.m.  
Location: West Valley Demonstration Project Site  
10282 Rock Springs Road  
West Valley, NY

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) 942-9960, Ext. 2453.

### **CTF Attendees**

Attending were: Paul Bembia (for Paul Piciulo), Bryan Bower, Ray Vaughan, Pete Scherer, Chris Pawenski (for Andrew Eszak), Stephen Kowalski, Eric Wohlers, Mike Hutchinson, Joe Patti, Lee Lambert, John Pfeffer, Bill Snyder (for Gary Eppolito), Tim Siepel, Bob Potter (for Bill King), Dave Wilcox, and Warren Schmidt.

CTF Members not attending (nor represented by an alternate) were: Darwin John, Tom Buttafarro, and Pete Cooney.

### **Agency Attendees**

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

### **Meeting Highlights**

- ▶ Selection of Dave Wilcox, Springville resident, as the newest member of the Citizen Task Force;
- ▶ Presentation and discussion on current West Valley Demonstration Project (WVDP) site work and regulatory activities;
- ▶ Update on NYSERDA activities;
- ▶ Presentation by the Nuclear Regulatory Commission on the “Process for Release of Non-Impacted Areas of the Western NY Service Center;”
- ▶ Presentation on “Drums of Cement Stabilized Waste;”
- ▶ Education Work Group report & discussion; and
- ▶ Discussion of next steps, action items and observer comments.

## **Meeting Summary**

### *CTF Membership*

Melinda Holland recommended Dave Wilcox, a Springville resident, who worked at the Western New York Nuclear Service Center and later with the WVDP for forty years to fill the vacancy left by Bill Kay's resignation. Mr. Wilcox was approved unanimously as a new member of the CTF, and he agreed to join the Technical Work Group.

Ms. Holland introduced Bill Snyder III, a Town of Concord Councilman, as Gary Eppolito's alternate to the CTF, and Carol Sheibley, Town of Gowanda Trustee, as Mike Hutchinson's alternate.

### *Current Developments at the WVDP*

Bryan Bower, DOE, announced that he has been named Deputy Director and Acting Director for the West Valley Demonstration Project (WVDP). He also explained that there is a reorganization underway and it is expected that the WVDP will report directly to DOE Headquarters in the future. The Ohio Field Office will be closing as most of the sites under its jurisdiction are close to finishing their cleanup activities.

Mr. Bower gave a WVDP Update presentation. In response to the presentation of the 4 million hours without a lost work time accident, a Task Force member asked about the recent radiation exposures to workers. Mr. Bower explained that in January of 2005 there was an unplanned exposure which was below the DOE regulatory limits, but exceeded WVNSCO administrative radiation guidelines. This exposure did not result in any work stoppage. In response to a CTF member question, Mr. Bower explained that the boilers which are being removed are classified as Low-Level Waste (LLW).

In response to a question regarding how the requirements of the National Environmental Policy Act (NEPA) are being satisfied for current removal activities, Daniel Sullivan, DOE, briefly explained several NEPA terms (and noted that a more in-depth explanation will be given during the future "NEPA 101" CTF orientation presentation). He stated that a Categorical Exclusion applies to classes of activities that have already been examined and found not to have environmental impacts. He noted that an Environmental Assessment (EA) is an evaluation done when an activity is not a major federal action, but may have some environmental impacts. A "Finding of No Significant Environmental Impacts" (FONSI) is issued when an EA shows no significant environmental impacts from a federal action.

A CTF member questioned why some of the activities proposed to be covered by an EA were not included in the Decommissioning Environmental Impact Statement (EIS) instead. Mr. Bower explained that the facilities covered by the Environmental Assessment were independent of the alternatives analyzed in the Decommissioning EIS. He also stated that these issues will be covered in more depth at the June 28<sup>th</sup> CTF meeting.

A Task Force member asked if DOE is still monitoring the water in the bottom of the Fuel Pool. Russ Mellor, WVNSCO, explained that routine monitoring of the pool is conducted monthly,

and no changes in water levels have been observed. Another CTF member asked if the water level in the pool was remaining stable without pumping. Mr. Mellor stated that there are only a few gallons in the “cup” area of the pool. A follow-up question was asked about where the water that was in the cup went. Mr. Mellor explained that evaporation was the primary cause for the decrease in water levels in the pool, but took an action to verify that.

### *NYSERDA Report*

Paul Bembia explained that Paul Piciulo and Hal Brodie, NYSERDA, were in Washington D.C. on the day of the CTF meeting to meet with the Congressional Delegation. He explained that the delegation members stated that the proposed West Valley legislation will be difficult to pass at this time. Dr. Piciulo also shared information with the delegation about the pending lawsuit to be filed by NYSERDA against DOE. Mr. Bembia stated that Paul Piciulo will have more to report at the next CTF meeting.

A CTF member asked if NYSERDA had received a written response to its letter on the WVDP contract, performance incentives, and contract scope of work. Mr. Bower stated that he believed a written reply was sent, but would need to check. Mr. Bembia noted that DOE did consider NYSERDA’s concerns on those issues.

In response to a question about plans regarding the North Plateau Ground Water Plume, Mr. Bower stated that there have been no changes or new plans. Mr. Bembia explained that in January and April an NRC Site Monitor visited the site and spent three days investigating the plume. A report from NRC is expected on this investigation.

### *NRC Presentation on the Process for Releasing Non-Impacted Areas of the Western New York Nuclear Service Center Before the Completion of Site Decommissioning*

Chad Glenn, NRC, gave a presentation (via teleconference) on NRC’s SECY-06-0035 “Process for Releasing Non-Impacted Areas of the Western New York Service Center before the Completion of Site Decommissioning.” A Task Force member asked how dose will be considered at the time of the termination of NRC’s license. Mr. Glenn explained that the dose should not exceed 25 mrem/yr; if there were one or more partial site releases prior to decommissioning - those releases would collectively have to meet the unrestricted release criteria in the NRC License Termination Rule (LTR). He responded that the NRC regulations at Part 50.83 covers this point. A NYSERDA representative asked if the Part 100 siting criteria for nuclear power plants would be applied at the WVDP. Mr. Glenn noted that some of those criteria may not apply as they are not relevant to the WVDP. In response to another question, Mr. Glenn explained that NYSERDA would need to coordinate with DOE to satisfy some of the requirements of partial site release.

A CTF member asked if certain areas of the site could be “pre-qualified” for release from the NRC license. Mr. Bembia stated that NYSERDA had planned to wait for a more concrete site re-use proposal before starting the process for partial release from the license. He noted that NYSERDA would also want community/public input on any re-use proposal before NYSERDA began the release from the license process. Mr. Bembia responded to another question by clarifying that releasing some of the land from the NRC license would not change the ownership of the land. When asked about the time-line for processing a request for release from the NRC

license, Mr. Glenn estimated that it would take months not years. Mr. Bembia stated that the amount of time NYSERDA would need would depend on the size of the area and the type of information that is needed. Another Task Force member noted that if NYSERDA waits for a specific re-use project to be proposed before initiating the partial release from the license process, the project proponent may lose interest before the process is completed (or find it too much of a barrier to even consider making a proposal). Further discussion on when/how to initiate the process of seeking to have land released from the NRC license was deferred until the June CTF meeting.

A CTF member asked if NRC or NYSERDA had found written documentation that the original NRC license covered the entire 3,300 acre site as opposed to the 200 acre project premises. Mr. Glenn stated that NRC views the license as applying to the entire 3,300 acres (apart from the State Licensed Disposal Area [SDA]) and suggested that NYSERDA could look at its records to see if there is support for the argument that the license only applies to the 200 acre project premises. Mr. Bembia stated that he believes that his agency has investigated their records and concluded that the entire 3,300 acres (apart from the SDA) is covered under the NRC license - he agreed to check and respond to the CTF. In response to another question, Mr. Glenn said he would get back to the CTF on what records refer to the license as covering the entire 3,300-acre area.

In response to a question, Mr. Glenn explained that the SDA is not subject to the NRC license because it is regulated by the New York State Department of Environmental Conservation under the Agreement State Program which allows NRC to delegate some of its regulatory authority to state agencies. Mr. Bembia offered to check the records to see if a license amendment was issued when the project premises boundary was moved slightly to allow space for construction of the Drum Cell. Mr. Glenn stated that he did not believe that NRC issued a license amendment for this change in the boundary.

### *Drum Cell*

Next, Dan Sullivan, DOE, gave a presentation on the Drum Cell. A CTF member asked how High-Level Waste (HLW) was turned into Low-Level Waste (LLW). Mr. Sullivan explained that the cement stabilized waste stored in the Drum Cell was never considered HLW, and another CTF member agreed with that view. Mr. Sullivan stated that a thorough review of extensive previous assessments of the waste confirms that the Drum Cell waste is LLW. No Waste Incidental to Reprocessing (WIR) review will be needed for the Drum Cell waste. Mr. Sullivan also noted that the definition of HLW and related waste classification topics will be the subject of a future orientation presentation to the Task Force.

In response to a question, Mr. Sullivan explained that the types of radioactive elements found in the Drum Cell include Technetium, Strontium, Cesium, Plutonium, and others for a total of around 20 isotopes and 2,900 curies. A CTF member asked if disposal fees for wastes shipped off-site had increased and by how much. Mr. Chamberlain, WVNSCO, agreed to provide this information to the CTF in the near future. In response to another question, Mr. Mellor stated that around one quarter of that waste will be shipped by truck this year with the rest to be shipped under the new site contract. A Task Force member asked about the disposal site, and Mr. Sullivan explained that this waste will be buried (as is normal for LLW) at the Nevada Test Site (NTS) which is a huge facility, with very dry conditions. A CTF member reminded site officials

of the Stipulation of Compromise between DOE and the Coalition on West Valley Nuclear Wastes, which the Coalition believes may prevent the disposal of Class B and Class C waste until there is a final Decommissioning EIS Record of Decision.

In response to a question about the disposition of the Drum Cell building after all waste has been removed, Mr. Sullivan explained that they plan to give a presentation at the next meeting to cover this topic.

### *Education Work Group Report*

Steve Kowalski summarized the discussions of the Education Work Group in its May 9<sup>th</sup> conference call. He noted that the recommended topics for CTF orientation sessions included:

- Site history
- Site cleanup progress
- CTF accomplishments
- Radiation 101
- Regulatory Process 101
- NEPA 101
- Acronyms/technical
- Outreach to the public

The Work Group also recommended having orientation sessions for newer CTF members at 6:00 p.m. prior to each regularly scheduled Task Force meeting. They also recommended including one hour refresher training sessions in each regular CTF meeting on topics of interest to the entire Task Force. Mr. Kowalski then reviewed the revised draft CTF Work Plan which showed when the various topics might be presented and stated that experienced CTF members will be encouraged to assist with these presentations.

Tom Attridge stated that he has begun updating the list of CTF Correspondence Book and will provide that list to the Task Force when it is complete.

### *Other Items of Interest*

Eric Wohlers introduced Crystal Abers as the new Chairperson of the Cattaraugus County Legislature. Ms. Abers is replacing Jess Fitzpatrick who recently passed away.

A CTF member asked if there was any response planned to the Task Force letter on the Site Utilization Management Plan (SUMP). Mr. Bower stated that he did not know as of this time, but would look into it and inform the CTF of his findings.

### **Observer Comments**

An observer asked about the size of the buffer which will be needed around the project premises if the site is closed with waste remaining. Mr. Glenn explained that the need for a buffer and its dimensions would be determined by which cleanup alternative is selected in the Decommissioning EIS. As that EIS has not been completed, the need for a buffer cannot yet be determined. Mr. Glenn also noted that NRC would not consider releasing areas which could potentially be needed as a buffer from the license until after the EIS process is complete.

Another observer asked for the CTF's web site address, which is [www.westvalleyctf.org](http://www.westvalleyctf.org)

**Action Items**

<b>Action</b>	<b>Assigned To</b>	<b>Due Date</b>
Determine if NRC's records related to the license are subject to a Freedom of Information Request (FIOA)	Chad Glenn	6/26/06
Check to see if NYSERDA has concluded that the entire 3,300 acres (apart from the SDA) is covered under the NRC license	Paul Bembia	6/26/06
Check NYSERDA's records to see if a license amendment was issued when the project premises boundary was moved slightly to allow space for construction of the Drum Cell	Paul Bembia	6/26/06
Report back to CTF where water goes that was in the FRS cup.	WVNSCO	6/28/06
Provide the CTF with information on waste disposal fee increases	J. Chamberlain	6/28/06
Update the list of CTF correspondence	T. Attridge	6/28/06
Check to see if any response is planned to the Task Force letter on the Site Utilization Management Plan (SUMP)	B. Bower	6/28/06
Include time on the June 28 <sup>th</sup> agenda to discuss when/how to initiate the process of seeking to have land released from the NRC license	M. Holland	6/28/06

**Documents Distributed**

<b>Document Subject</b>	<b>Document Description</b>	<b>Generated by &amp; Date (if applicable/known)</b>
May 24, 2006 Draft CTF Meeting Agenda	Agenda	Holland; 5/24/06
Summary of the March 22, 2006 CTF meeting	Summary	Holland; 4/22/06
Presentation "Project Update"	Presentation	Bower; 5/24/06
Presentation "Overview of partial Site Release Process for Non-Impacted Areas on the Western New York Nuclear Service Center"	Presentation	Chad Glenn, NRC, 5/24/06

<b>Document Subject</b>	<b>Document Description</b>	<b>Generated by &amp; Date (if applicable/known)</b>
Presentation “Drums of Cement Stabilized Waste”	Presentation	5/24/06
CTF 2006 Work Plan	Work Plan	Holland; 5/24/06
Press release: “NYSERDA Board Authorizes Lawsuit Against the Federal Government Over West Valley”	Press Release	NYSERDA; 4/3/06
State and Tribal Government Working Group 5/24-25/06 Meeting Agenda	Agenda	STGWG; May 2006