

To: West Valley Citizen Task Force
From: Melinda Holland, Task Force Facilitator
Date: July 11, 2005
Subject: **Summary of the June 22, 2005 Meeting**

Next Meeting

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

Date: **Wednesday, July 27, 2005**
Time: 7:00 - 9:30 p.m.
Location: **Ashford Office Complex**
9030 Route 219
West Valley, NY

NOTE: Future CTF meetings will be held on the fourth Wednesday of each month at the Ashford Office Complex, unless otherwise noted. All participants must be a U. S. citizen 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, Gayla Gray, Lee Lambert, Paul Bembia (for Paul Piciulo), T. J. Jackson, Pete Scherer, Warren Schmidt, Bill King, Mike Hutchinson, Chris Pawenski (for Larry Rubin), Joe Patti, and Eric Wohlers.

CTF Members not attending (nor represented by an alternate) were: John Pfeffer, Gary Eppolito, Tim Siepel, Pete Cooney, and Rev. Bill Kay.

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;
- ▶ CTF discussion of membership and possible changes to the ground rules;
- ▶ 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.

Status of Site Activities

John Chamberlain gave an overview of recent activities at the West Valley Demonstration Project (WVDP). A CTF member noted that the recently released Waste Management Environmental Impact Statement Record of Decision (WMEIS ROD) has an unusual, vague reference to a decision that seems to allow some mixed waste and low-level waste determinations through the Waste Incidental to Reprocessing (WIR) procedure. Mr. Chamberlain said that the provision under discussion was located on page 18 of the WMEIS ROD. A DOE representative provided the CTF with information on the status of the court cases regarding WIR, stating that the appeals court dismissed the case stating that the issue was not yet ripe for decision until a specific DOE decision was made through the WIR process. In response to another question, he explained that another law suit would have to be filed after DOE takes action on WIR. A NYSERDA representative clarified that the 'action' referred to by the court would be a DOE decision to apply WIR at a site. The DOE representative also explained that Section 3116 of the National Defense Authorization Act of 2005 provides additional information on the WIR process and its application at the Savannah River Site (SRS) and Idaho National Laboratory (INL).

Task Force Membership

Next, the CTF discussed membership issues raised at the last meeting. Melinda Holland summarized these issues to include:

1. Keeping a seat on the CTF open for a representative of the West Valley Central School or the School Board;
2. Warren Schmidt's change in status - his employer, Cathy Young, was a New York State Assemblywoman and is now a State Senator;
3. Adding an additional environmental group representative to the Task Force; and
4. Amending the Task Force ground rules if more than 16 members are desired.

Ms. Holland also explained that the CTF currently has one vacancy for which she is seeking a School Board representative. To add additional members beyond the current limit of 16, would require a change in the CTF's ground rules. After discussion, CTF members all agreed that they want to add a member to represent the West Valley Central School, if possible. A CTF member indicated that he had contacted a school board member who indicated a willingness to be a CTF member. It was decided that Melinda Holland would follow up with that person to confirm.

Regarding the second issue, the Task Force members agreed that after the election (the last week in June), the newly elected New York State Assemblyman (Joseph Giglio) should be contacted to see if he, or a designee, would be interested in participating in the CTF process, or if he would like Warren Schmidt to represent him along with Senator Young. Warren Schmidt said he would follow up with Assemblyman Giglio.

After extensive discussion, the Task Force was not able to reach consensus on the issue of adding an additional environmental group representative to the CTF. As no decision was reached to increase the membership beyond a total of 16, CTF members considered it premature to propose an amendment to the ground rules.

Legislation

Hal Brodie, NYSERDA, explained that Representative Kuhl is circulating a draft bill within the Western New York delegation and is meeting with them to discuss the bill's contents. In response to a question, Mr. Brodie explained that Representative Kuhl plans to introduce the bill soon, but it is unknown at this point if it will be a free-standing bill or an amendment to another piece of legislation. Mr. Brodie also explained that the CTF will be provided with a copy of the bill once Representative Kuhl completes his meetings with the rest of the delegation and has a final version of the bill. A CTF member stressed the importance of giving the Task Force a chance to look at the legislation before it is introduced. He also

asked that a conference call be set up as soon as possible, and that another trip to Washington D.C. be considered for CTF members to meet with the delegation. He stressed the need to discuss how hostile amendments can be prevented.

In response to a question, Mr. Brodie explained that the bill is a separate issue from the WIR issue in the WMEIS ROD discussed earlier in this meeting. A CTF member expressed concern over the potential for reclassifying highly hazardous high-level waste (HLW) as low-level waste (LLW) which still may be very hazardous. A DOE representative explained that the West Valley site has some Class C waste which does not need a WIR determination and some Class A waste which does.

Mr. Brodie explained to the CTF that on June 20th the NYSERDA Board authorized the drafting of a complaint against DOE asking the court to define responsibilities at the West Valley site. A Task Force member asked what the complaint will ask for that is not covered in the proposed legislation. Mr. Brodie responded that, if passed as drafted, the legislation will resolve the issues to be raised in the complaint. In response to another question, Mr. Brodie explained that NYSERDA is preparing the complaint because they have been backed into a corner and need to prevent DOE from avoiding its responsibilities.

Action Items & Next Steps

A Task Force member reiterated a prior request for a presentation on WIR and how it might be applied at West Valley. A DOE representative explained that he is working on such a presentation and hopes to be able to give it at the July 27th CTF meeting. Additional topics for the July meeting include:

- A presentation on the NYSERDA flow chart showing the relationship/integration of the Decommissioning Plan, RCRA Part B Permit Application, the EIS, and public participation opportunities;
- Legislation; and
- Regulators Communication Plan.

An additional meeting topic was suggested by a CTF member - discuss asking the New York State Senate and Assembly to fund a third-party study of erosion modeling and full-cost accounting of the remedial alternatives. A NYSERDA representative suggested that issues to be considered include to whom the money would be appropriated and how the individuals/organizations conducting the studies would be selected. A CTF member questioned the need to spend additional taxpayer funds on more studies. Some CTF members suggested meeting with the new state Assemblyman on July 27th, if possible.

Observer Comments

There were no observer comments.

Action Items

Action	Assigned To	Due Date
Continue to pursue a West Valley Central School representative for membership on the CTF	Holland & Scherer	7/22/05
Provide the CTF with a copy of Representative's Kuhl's bill	NYSERDA	As soon as available
Send a letter to the Joe Giglio, NYS Assemblyman to see if he is interested in being represented on the CTF	NYSERDA	7/8/05
Invite Joe Giglio to the July 27 th CTF meeting	NYSERDA	7/8/05

Documents Distributed

Document Subject	Document Description	Date; Generated by (if applicable/known)
Draft Agenda	Agenda	6-22-05; Holland
CTF Work Plan	Work Plan	6-22-05; Holland
Agenda Work Group Conference Call Summary	Summary	6-21-05; Holland
May 25 CTF Meeting Summary	Summary	6-10-05; Holland
Project Status Presentation	Presentation	6-22-05; Chamberlain
DOE ROD Cover Letter	Letter	6-15-05; Swailes
Record Of Decision (ROD)	ROD	6-15-05; DOE
Allegany County Bd. Of Legislators Letter to CTF	Letter	6-2-05; Wm. Dibble
Weapons Complex Monitor Article on WVDP ROD	Article	6-20-05; WCM
Federal Register Notice of ROD	FR Notice	6-16-05
9 Circuit Court of Appeals Opinion	Court Opinion	11-5-04
Excerpt from DOE's "NEPA Lessons Learned"	Excerpt	12-04; DOE
Olean Times Herald Article "West Valley Cleanup Bill to be Introduced Next Week"	News Article	6-9-05; Olean Times Herald