

To: West Valley Citizen Task Force
From: Melinda Holland, Task Force Facilitator
Date: January 6, 2007
Subject: **Summary of the December 20, 2006, Citizen Task Force Meeting**

Next Meeting

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

Date: **Wednesday, January 24, 2007**
Time: 7:00 - 9:30 p.m.
Location: **Ashford Office Complex**
9030 Route 219
West Valley, NY

NOTE: 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) 942-9960, ext. 2453.

CTF Attendees

Attending were: Paul Piciulo, Bryan Bower, Lee Lambert, Darwin John, Tim Siepel, Eric Wohlers, Pete Scherer, Bill King, Joe Patti, Ray Vaughan, and John Pfeffer.

CTF Members not attending (nor represented by an alternate) were: Bill Snyder (for Gary Eppolito), , Stephen Kowalski, Chris Pawenski (for Andrew Eszak), Mike Hutchinson, Mike Briskey (for New York State Assemblyman Giglio), Julie Siranni (for New York State Senator Young), and Pete Cooney.

Agency and Other Attendees

Chad Glenn, Nuclear Regulatory Commission (NRC).

Meeting Highlights

- ▶ Presentation and discussion on current West Valley Demonstration Project (WVDP) site work and regulatory activities;
- ▶ NYSERDA Update;
- ▶ CTF letters and press releases;
- ▶ Follow up discussion on NYSERDA Presentation “The Future of the State-Licensed Disposal Area”; and
- ▶ Discussion of next steps, agenda topics, action items and observer comments.

Meeting Summary

Tom Attridge reviewed the documents¹ provided for this meeting and Melinda Holland reviewed the agenda. Ray Vaughan announced that Judy Einach from the Coalition on West Valley Nuclear Wastes would be his new alternate to the CTF, replacing Seth Wochenski.

Status of Site Activities

¹ The documents distributed at this CTF meeting may be found on the “Meeting Materials” page of the CTF web site at www.westvalleyctf.org

Bryan Bower, DOE, gave a presentation on recent activities at the West Valley Demonstration Project (WVDP). In response to a question, Mr. Bower explained that there were several “offerors” bidding on the site contract, but only one will be selected. He stated that DOE cannot discuss any details about the procurement process. DOE has requested additional information from the offerors, which is due by January 12th, and that they have extended WVNSCO’s existing contract. A Task Force member asked how long by law WVNSCO’s contract may be extended. Mr. Bower stated that he would have to check and respond at a future time.

NYSERDA Update

Dr. Paul Piciulo, NYSERDA, explained that Senator Schumer and Representative Kuhl are considering re-introduction of the legislation in the next legislative session. A CTF member suggested that given the changes in Congress, the Task Force should contact the legislative delegation to discuss issues such as control of hostile amendments and some of the provisions of the bill. After some discussion, Bill King was asked if he would contact Bob VanWicklin of Representative Kuhl’s staff to ask if and when a meeting might be advisable. Another CTF member reminded the group that she had opposed the legislation when it was last discussed by the Task Force due to the provision for DOE to assume site ownership after 20 years if the wastes were not cleaned up. She stated that she believes that the CTF should have further discussion about the legislation before meeting with the Congressional delegation or staff. In response to a question, Hal Brodie, NYSERDA counsel, explained that the legislation contains provisions to facilitate transfer of uncontaminated portions of the Center for re-use.

Next, Mr. Brodie explained that the State of New York, NYSERDA and the New York State Department of Environmental Conservation (NYSDEC) jointly filed suit against DOE in December. In response to a CTF member question, Mr. Brodie explained that the suit has claims under three statutes: the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the West Valley Demonstration Project Act (WVDPA), and the Nuclear Waste Policy Act (NWPA). He further explained that the suit asks the court to determine the level of federal responsibility under the WVDPA, including long-term stewardship. The suit also requests reimbursement of New York’s costs and compensation for natural resource damage claims under CERCLA, and a determination that DOE is responsible for the waste disposal fee under the NWPA.

A Task Force member asked if there could be any conflict between the proposed legislation and the litigation. Mr. Brodie stated that both are directed at the same issues, if the legislation passes, the state of New York would re-evaluate the need for the causes of action in the litigation. In response to a question about the time frame for the litigation, Mr. Brodie explained that if the case goes to trial it could take a couple of years or more to be completed. A Task Force member asked if there is a short-term legal action that could be taken. Mr. Brodie explained that they evaluated all legal options and decided that the approach taken in this complaint was the best.

A CTF member expressed concern about the wording of the 6th item in the “Prayer for Relief” portion of the Complaint. Mr. Brodie explained that the goal of this is to establish that if DOE leaves any wastes on-site that they will be responsible for long-term stewardship. He further noted that NYSERDA believes that DOE would be less likely to leave wastes in place if they are responsible for stewardship.

CTF Letter to NRC Regarding the North Plateau Ground Water Plume

After some discussion and editing all CTF members present at the meeting agreed to send a letter [as amended at this meeting] to NRC regarding the North Plateau Ground Water Plume. The CTF also agreed to include representatives of the press on the distribution list for the letter. A CTF member asked Brian Ackley, the editor of the Springville Journal, (who was observing the meeting) for his opinion on the value of a CTF press release or just sending the letter to the press. Mr. Ackley responded that he thought both a press release and a copy of the letter would be useful to the press. He noted that press

resources are stretched thin, thus it helps them provide better news coverage if the CTF sends the information. After some discussion, the draft CTF press release (related to the CTF letter to NRC) was tabled for additional editing by some Task Force members.

NRC December 11th Public Meeting

Ray Vaughan testified on December 11th at the NRC public meeting on the status of decommissioning activities in the U.S. The meeting was held in Rockville Maryland from 1:30 - 3:30 p.m. Mr. Vaughan briefly reviewed the points he made at the hearing and noted that overall it was a good exchange of viewpoints.

The CTF agreed to issue the press release related to Mr. Vaughan's testimony as drafted. NYSERDA agreed to handle the distribution.

Discussion Regarding the Presentation - "The Future of the State-Licensed Disposal Area"

Next, NYSERDA representatives answered questions related to their presentation "The Future of the State-Licensed Disposal Area (SDA)" given at the November 29th CTF meeting. A CTF member asked if NYSERDA could study the effectiveness of erosion controls in the creeks over the next 30 years. He also asked if the leachate in the SDA trenches could be removed and stabilized in cement now instead of in 30 years. A NYSERDA representative explained that the Environmental Impact Statement is addressing the water in the trenches, but the main problem with removing the water now is that Tritium (the radioactive form of water) cannot be treated. She further explained that Tritium decays rapidly (12 year half-life).

Another CTF member asked about prior erosion control studies. A NYSERDA representative explained that the U.S. Geological Survey and NYS Geological Survey characterized the local creeks and studied erosion in the mid 1970s through the mid 1980s. This data provides a good baseline which can be used to compare to the changes which have occurred over the past 30 years. He noted that 30 years of data is not adequate to base projections out over 1,000 years, but it is very useful to manage erosion over the short term. Another Task Force member commented that 30 to 100 year analysis does not address the question of what happens if no one is around to control erosion or maintain controls (failure of institutional controls). The CTF member stated that he believes that the evidence is clear that there is no way to stop long-term erosion if institutional controls are lost. A NYSERDA representative explained that they do not want to seek approval to decommission the SDA at this time; instead NYSERDA proposes to monitor and maintain the SDA over shorter time frames. The CTF member stated that he does not believe that NRC Decommissioning standards can be satisfied if wastes are left in place, and he would like to see DOE and NYSERDA agree on a long term approach for Decommissioning soon even if it takes a long time to implement. Another CTF member stated that erosion can happen over very short time periods, giving hurricane Katrina as an example. He also noted that a glacier could be here in 1,000 years.

In response to a question, a NYSERDA representative explained that the SDA cap has a life expectancy of approximately 20 years and that the cap was not intended as a permanent solution. The existing cap is surveyed and tested periodically and repairs are made as needed. NYSERDA has not yet decided whether to remove the old cap or place a new one over the old, when the time comes to replace the cover. The decision would partly depend on whether the cap material removed would be considered radioactive waste.

A Task Force member requested that at future meetings the CTF be given additional information on the radiation exposure to workers which would be associated with exhumation of the SDA, whether done sooner or later. He also requested more information about the basis for the estimate that it would take 50 years to exhume the SDA, and what are the limiting factors on exhumation feasibility. Another CTF member requested a copy of the Executive Summary of the SDA Waste Characterization Report.

Next Steps

Melinda Holland distributed the 2006 CTF Evaluation forms and asked that they be returned to her before January 19th. Ms. Holland also explained that the January 24th CTF meeting will be the Task Force's Annual Meeting and requested members to come to that meeting prepared to discuss their goals for the group in 2007.

Observer Comments

There were no observer comments.

Action Items

Action	Assigned To	Due Date
Send out CTF letter to NRC regarding the North Plateau Groundwater Plume	Attridge	ASAP
Contact Bob Van Wicklin of Randy Kuhl's Office about CTF meeting to discuss the West Valley Remediation Act	Bill King	ASAP
Schedule site tour for newer CTF members	Attridge	1 /24/07
Respond to CTF question regarding how long by law WVNSCO's contract may be extended	DOE	1/24/07
Revise the draft press release which relates to the CTF letter to NRC on the N. Plateau Ground Water Plume	Lambert, John, Vaughan, Siepel	ASAP
Distribute the CTF press release related to Mr. Vaughan's testimony before NRC	Attridge	ASAP
Provide Eric Wohlers with a copy of the Executive Summary of the SDA Waste Characterization Report	NYSERDA	1/24/07

Documents Distributed

Document Subject	Document Description	Date; Generated by (if applicable/known)
12/20/06 Meeting Agenda	Agenda	Holland; 12/6 /06
Summary of the November 29, 2006 CTF Meeting	Summary	Holland; 11/16/06
DOE Presentation "Project Update"	Presentation	Bower; 12/20/06
Complaint - New York vs. DOE	Complaint	State of New York; 12/11/06
Press Release "Pataki and Spitzer Announce Legal Action"	Press Release	State of New York; 12/11/06
Draft CTF Letter to NRC Re: N. Plateau Ground Water Plume	Letter	CTF; 12/20/06

Document Subject	Document Description	Date; Generated by (if applicable/known)
Draft CTF Press Release Re: Letter to NRC on the N. Plateau Ground Water Plume	Press Release	Lambert; 12/20/06
Draft CTF Press Release Re: Vaughan Testimony to NRC	Press Release	Lambert; 12/20/06
CTF 2006 Year End Evaluation Form	Evaluation	Holland; 12/06
Statement of Raymond C. Vaughan on Behalf of the West Valley Citizen Task Force	Statement	Vaughan; 12/11/06
Presentation "Status of West Valley Site Decommissioning"	Presentation	Vaughan; 12/11/06
Comments on Draft Press Release	Comments	CTF members; 12/06
DOE Letter to Ray Vaughan	Letter	DOE; 12/5/06
DOE Letter to Lee Lambert	Letter	DOE; 12/5/06
Rispoli (DOE) Letter to NYSERDA	Letter	DOE; 11/27/06