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1. Attendance

Present:

Members – R. Biss, G. Campbell, J. Corrarino, A. Esposito, D. Garber, M. Giacomaro, H. Guthy, J. Heil, J. Jordon-Sweet, J. Mannhaupt, G. Proios, M. Shea, T. Talbot, M. Walker.

Alternates – A. Graves, B. Martin, J. McLoughlin, J. Ottney, J. Pannullo

Others – N. Blackburn, P. Bond, J. Carson, A. Carsten, J. Carter, Y. Collazo, F. Crescenzo, J. D'Ascoli, Daniel Duh, J. Fernetto, M. Frederic, K. Geiger, K. Grigoletto, L. Hill, R. Hodgins, R. James, A. Juchatz, S. Kumar, J. Lister, M. Losquadro, M. Lynch, P. Maniscalco, S. Medeiros, A. Rapiejko, K. Shaw, T. Sheridan, K. White.

Absent:

Members – R. Amper, M. Barrett, A. Capozzi, R. Clipperton, M. Cohn, R. Conklin, S. Cullen, N. Essel, D. Fischler, A. Jones, E. Kaplan, J. Kassner, P. Martino, D. Sprintzen, C. Swenson,

Alternates – S. Bail, S. Carlin, K. Crowley, W. Ewanza, J. Gibbons, T. Guglielmo, B. Henigin, L. Jacobson, R. Johannesen, J. Minnasi, P. Pizzo, W. Prospect, K. Skinner, P. Stephens, K. Timmins

2. Correspondence and Handouts

Items 1 - 4 were mailed with a cover letter dated August 2, 2002. Items 5 - 7 were included in the folders and item 8 was available at the meeting as a handout.

1. Draft agenda for August.
2. Draft notes for June.
3. Final notes from May.
4. Copies of correspondence between STAR and the Department of Energy Brookhaven Area Office dated May 8, May 20, and June 7, 2002.

5. Copy of June 13 presentation by Ralph James
6. Copy of presentation by Frank Anastasi
7. Copy of presentation by Les Hill
8. Environmental Assessment of the Carmen's River.

3. Quorum

The meeting began at 6:33pm. A quorum (55% of the 28 member organizations = 15) was present. Reed went over the draft agenda and the ground rules for the meeting.

4. Administrative

The notes from the June 13 meeting were approved with one correction – Mary Joan Shea was added to the Members Absent list.

5. Updates from the Department of Energy (DOE) on STAR visit and Environmental Management.

John Carter from the Brookhaven Area Office gave an update on the meeting that was held among STAR, Laboratory, and DOE personnel. The subject was background information for the decommissioning and decontamination study of BNL's three research reactors by STAR. Bob Alvarez and Scott Cullen had spoken about the study during the April meeting.

STAR was given a tour of the three reactors on Wednesday, June 12. Carter said that he has been in regular contact with them regarding additional documents they requested. Copies of correspondence between DOE and STAR were included in members' packets.

Frank Crescenzo, Acting Manager, briefly updated the CAC on the Secretary's DOE-wide initiative to accelerate cleanup while reducing risks. He discussed the top to bottom review conducted by Environmental Management (EM), and the documents that needed to be prepared to get access to the expedited cleanup fund. A Letter of Intent was written that describes the design criteria and will be signed by several regulators and DOE officials including the Assistant Secretary for Environmental Management. The Performance Management Plan will give more details on how the goals stated in the Letter of Intent will be achieved.

The Letter of Intent for Brookhaven's cleanup is currently awaiting the signature of the Assistant Secretary. She is expected to sign it on Monday. A press release will be issued by DOE Headquarters and will be distributed to CAC members. The letter demonstrates the commitment to expedited schedules. Crescenzo discussed the schedule for work stating that the cleanup was accelerated one year. He also stated that the EM program has made a firm commitment to cleanup the HFBR by 2008. Member Esposito asked about confidence in the cleanup schedule for the BGRR. Frank said the schedule is not new, but there has been some re-sequencing of the work. Les Hill said there would be an analysis of the scope and cost of work. Member Garber asked about possible budget cuts impacting the schedule. Crescenzo said that the President's baseline budget of \$19 million is significantly less than needed, however, he believes there are sufficient funds that will be earmarked for Brookhaven in the expedited account provided the documents get approved. When asked for a specific number he replied that in 03, it would be \$42 million.

Action Item: DOE will distribute the press release when it is issued.

6. Update on Nanoscience Center, Safety Awareness Day, and the Energy & Water Bill, Dr. Peter Paul, Acting Director

Dr. Paul briefed the CAC on the DOE Secretary's June visit. He stated that Secretary Abraham had announced that a Nanoscience Center – the Center for Functional Nanomaterials would be established at the Laboratory. He explained that new materials at the atomic level would be produced, that the center would be located next to the NSLS because the X-rays from it are used to study the nanomaterials, and that it represents an investment of approximately \$85 million. He said that the main construction of the Center would take place in Fiscal Year 2004. Dr. Paul also mentioned that the budget contains funding for another new facility called the Cyclotron Isotope Research Center.

Dr. Paul talked briefly about Safety Awareness Day, which was observed on July 8. He noted that the Laboratory hosted two speakers who spoke about safety issues. One speaker provided a motivational presentation and the other spoke from a managerial perspective.

Dr. Paul noted that BSA has engaged a corporate hiring company for the search for a new Director. They have nine candidates that will be interviewed in September. It is expected there will be a nomination in October with an announcement to follow in the late fall.

Dr. Paul reported that the President's budget for the Laboratory was good. He stated that the funding for running RHIC had been increased and a number of new initiatives were included. The CAC asked questions about nanoscience, the origin of the term, about safety statistics and the break down of claims, i.e. blue collar vs. white collar, and if the Laboratory Director candidates were new candidates. Member Shea asked if the CAC could have a presentation on the Nanoscience Center.

Action Item: Include a presentation on the Center for Functional Nanomaterials during an upcoming meeting.

7. Presentation by Frank Anastasi, NEAR consultant

Frank Anastasi explained his background, stating that since he received his degree in 1980, he has been a PRP, a regulator, and a consultant. Currently, he does technical expert consulting in the private sector and technical evaluations of environmental investigational cleanups. He said the bottom line for him is facilitating progress. He helps people understand the technical details and helps them articulate their concerns.

For NEAR, he has focused his efforts in three areas - groundwater contamination, the Graphite Research Reactor decontamination and decommissioning project, and the Peconic sediments. He's reviewed documents, records, and met with people around the Laboratory. He's commented on Risk Investigation, the Risk Assessment, and the Initial Proposed Plan. He advised NEAR that there were data gaps, uncertainties, and that the cleanup levels were undefined. He participated in the Alternative Technologies Roundtables and workshops. Anastasi said he also has reviewed the final Risk Assessment Protocols and advised NEAR on his findings. He said that he thinks the protocol is a good idea and that having the additional data was an important improvement. He explained that it was important to compare the new data to the old information to see if it really is different, if it's consistent, and how it's used. He said he looks at what's a critical factor, what really matters and what drives the risk and then works back. The RA is just one factor in determining what happens, there's politics, money, and protecting the environment that factor into the decisions.

Member Esposito asked about the documents that Anastasi had commented on, she asked if he had read the ROD, and if he had commented on the OU III remediation plan. He said he's tried to get a handle on all the different plumes and that he had commented on a couple of reports

including one on the EDB plume proposing a proactive approach. Member Mannhaupt indicated that comments had also been made on the design of the systems. Member Esposito asked what had been done for the Graphite Reactor. Anastasi said he reviewed the EECA for the canal and provided a written report and comments.

Member Guthy asked if thought loopholes were closed and if the way the Lab is progressing will lead to clean up of the Peconic. Frank said that indications are the Lab is addressing the things that needed to be addressed.

Member Esposito asked for clarification on whether or not he would be commenting on the Risk Assessment report. Anastasi said that if NEAR identifies that as something he should comment on, he will. Esposito indicated that she thought it would be extremely beneficial for him to review it and that the CAC members should receive copies of any comments he makes.

Action Item for NEAR: Jean Mannhaupt will download copies of the comments/reports that Anastasi has submitted and forward to Jeanne D'Ascoli for distribution.

Action Item: Jean Mannhaupt will provide copies of any comments that are prepared by Frank Anastasi to Jeanne D'Ascoli after they are submitted to the BNL.

8. Community Comment

Joseph Carson addressed the CAC. He discussed his background; he was hired in 1990 as an OSHA NRC Inspector for DOE Headquarters and said that he has been a whistleblower at DOE for about ten years. Initially, his allegations were about money, however, he claimed regulators are willing to suppress safety findings, which he thinks caused and contributed to two or more workplace fatalities in DOE.

Carson said he is a licensed professional engineer, and that he takes his responsibility for workplace safety seriously. He spoke about the law passed two years ago to compensate sick DOE workers (Energy Employees Occupational Illness Compensation Act of 2000), and about the Tristan fire at the HFBR in 1994. Carson was on the Investigation Team initially, and was dismissed from the team at his own request. He alleged there were numerous safety violations present at the fire and that there was a cover-up the violations in the Accident Investigation.

CAC members asked what he wanted from the CAC. He provided a memo that offered suggestions for their consideration. Member Sweet asked if he was a DOE employee; he replied he was. Member Proios asked if the bill passed, whom it applied to and how someone would make a claim.

Member Mannhaupt asked about the significance of a line in one document, Carson v DOE. She wanted to know if there were unions or attorneys involved, and requested that the CAC have the legalities outlined from both Carson's and DOE's perspective. Mannhaupt is concerned that a lawsuit and investigations that involve shop stewards and unions may be an issue and that she wouldn't want to step on anyone's toes. She wants to know the process in which it would be appropriate for a Community Advisory group to be involved. Carson replied that there are very many various processes. He is looking for the CAC to ask about results and stated the process isn't working.

Mannhaupt commented that if knowledgeable people in safety and industrial hygiene and independent experts have investigated the Tristan fire, she didn't see the value in the CAC making its own recommendation on what is safe and not safe.

Member Esposito asked Carson to clarify item number 2 in his memo, which asks the CAC to call on the Secretary of Energy for a DPO. Carson responded a DPO is a differing professional opinion, and that if there are two conflicting differing professional opinions, a process should be triggered to formally evaluate each and that would then be used as a basis for whatever decisions are eventually made.

The CAC decided that they needed time to reflect on the information and placed the issue on September agenda.

Action Item: A CAC member asked that Carson's information be circulated to the CAC member's not present.

Next, Peter Maniscalco addressed the CAC, stating he has been a citizen activist his entire life, since 1964 when he became an opponent of the Vietnam War. He commended Joe Carson for his actions saying he knows it isn't easy to be constantly criticized by your peers, and by community residents. He thinks it takes tremendous spiritual integrity.

He said the Government Accountability Project for the America Association for the Advancement of Science nominated Carson for an award. Maniscalco stated that those who speak on behalf of the community and the health and welfare of human beings and the environment deserve to be recognized and supported by all.

Maniscalco stated that he's noticed a change in attitude of some of the people working at the Laboratory, that his relationship with them has gotten better, and that he feels great because of the improvement at the local level. However, he feels that the DOE at the national level has not improved and that they will not yield on the safety issues that Joe wants to have raised. He said raising the issues would protect humans and the environment.

Member Guthy asked about DOE concluding that Tristan was not a nuclear facility. Carson replied that in the late 80's early 90's safety regulations were issued that were to be applied to all DOE facilities. There are three categories of nuclear facilities; Type 1 is a research reactor where a meltdown could cause an offsite exposure, Types 2 and 3 are for facilities where the amount of radioisotopes present poses some degree of hazard to the workers and or the public. All nuclear facilities are required to have a safety analysis done so that there is a quantitative understanding of the hazards present.

According to Carson one person at DOE claimed Tristan was not a nuclear facility. Carson said that no one in DOE agreed or disagreed with that finding. He stated Tristan used highly enriched uranium as a target for neutrons produced by the HFBR. Neutrons produced by the reactor core were used to cause fission in the Tristan target; the researchers then examined the fission products.

9. Presentation on OU V, Les Hill

Les Hill updated the CAC on the Peconic River cleanup. The draft Risk Assessment was sent to the regulators for review and comment. The conclusion of the Risk Assessment is that there is a need for action, there is a risk and there is a need to do something about it. Hill noted the dominant driver for the off-site health risks is the mercury contamination in fish, and that human consumption of the contaminated fish is the issue.

There are challenges involved in reaching decisions and developing and evaluating alternatives for cleanup. The alternatives under consideration are No Action, Sediment Based alternatives tied to contamination levels, and a Performance Based alternative where the focus would be to reduce the human health risk by reducing the contamination in the fish itself. Hill said that this

was a unique approach, and that the alternatives will be evaluated against the standard CERCLA criteria and against one another.

Hill went over the schedule for community input that included additional information at the next CAC meeting, roundtables in Sept/October, and a public comment period in late fall/winter.

CAC members asked questions about the eco risk, the criteria for the performance based alternative, the consideration that will be given to endangered species in sampling, the probability and possibility of contaminated fish repopulating areas cleaned-up with more contaminated fish.

10. Discussion on OU V

CAC members discussed OU V issues, including combining the performance-based and sediment-based alternative criteria, and including the impacts to wetlands and the ecosystem in the evaluation of the alternatives. They requested that the tradeoffs between the ecosystem impacts, source removal, and risk reduction could be seen. There was discussion on using mercury as indicator for all contaminants, and if that was valid. There was concern that something like cadmium, or PCBs in places that mercury wasn't located, would be overlooked.

NEAR consultant Frank Anastasi commented that he thought the performance-based approach would probably leave more sediment. He stated that this alternative would most likely look at is where there is high contamination and where fish that are caught and eaten. He thought that would probably be a smaller area than where the contamination exists above a certain level. He said that the way he understands the performance-based approach is to find areas where there is the best chance to have a complete pathway. The fish that people are eating are getting contaminated, so removing the contamination in those areas should reduce the levels in the fish. He discussed sampling to ensure that the levels are going down. He said it makes sense if the only risk is this pathway and that reduces that risk to the acceptable level. He noted that it's technically defensible and it sounds like it's going to be less destructive to wetland areas.

Whether or not the performance-based alternative would work and what would happen if it didn't was discussed. How the mercury initially gets into the fish and how it will be removed was questioned, as was the need to analyze the water itself. Also raised was monitoring and evaluating the performance-based alternative, what would happen if it isn't working, CERCLA requirements, and whether or not they are aggressive enough.

If CAC members want to learn more about EPA and performance-based management it was suggested that they visit the EPA web site. The website is www.epa.gov ; pbms should be typed in the search window.

A CAC member questioned the difference in assumptions in 2000 Feasibility Study and the 2002 draft Risk Assessment. In the 2000 Feasibility Study an assumption was made that conditions of the river would not support fish of edible size or in significant quantities, however, in the 2002 Risk Assessment draft, that assumption changed. The current version assumes that sufficient fish of edible size are available now or in the future. The question of what changed to shift these assumptions was asked.

In review, the CAC members said that it's okay for the Laboratory to go off and look at those three alternatives with a fourth that is a blend between sediment based and performance based. They also raised a number of issues that they asked to have addressed. The issues recorded on the flip charts are as follows:

- Possibility of combined strategy

- Show tradeoffs for ECO impact vs. cleanup vs. risk reduction
- Show why mercury is right indicator
- How/when you will know if the remedy is working
- What are you going to do if it doesn't work
- Show how interim steps in pathway are covered
- Why are edible fish now assumed present (assumed to be not present in the FY2000 Feasibility Study)?
- Examine aggressiveness of post cleanup monitoring/reviews
- Show how meets ARARS (other laws)
- Groundwater contamination.
- Contamination in non-edible fish.
- Impacts on other fish-eating species. (exposures for other wildlife; i.e., birds of prey, how do they factor in).
- Contribution of non-edible fish to edible compartments downstream
- Protection of endangered species
- What gets cleaned up under performance-based alternative
- Compare level of cleanup for alternatives
- Show that risk level in performance based alternative is appropriate

11. Community Comment

Audience member Michael Losquadro asked about the half-life of mercury in fish, how the mercury level will be decreased in the fish, and if there would be any public notification or education or advisement?

Skip Medeiros explained that information was based on a summary document from the EPA that discussed the criteria for mercury and its bioaccumulation in fish. He said basically that when there's no source left it would leave their bodies, and if a fish had a level of 1ppm mercury, in 2 to 3 years it would be half.

As for public notice, Skip explained that several meetings ago a letter from the NYSDOH and the SHDHS had been distributed to the CAC membership. In summary, the letter said that the State does have a state-wide issue advisory out, called a general issue advisory. It is for consumption of fish in New York State freshwaters not to exceed half a pound per week. He said they did not feel that an additional advisory was necessary.

Action Item: Mr. Losquadro requested a copy of the letter.

Peter Maniscalco commented on the Laboratory taking responsibility and being accountable for cleaning up all of what was discharged. He stated that he didn't think that the performance-based alternative was a good concept to begin with and viewed it as cutting corners.

Action Item: A copy of Frank Antastasi's May 8 report on the site inspection of the Peconic's and the pilot study was handed in for distribution to the CAC members and to ERD.

12. Agenda setting

OU III Update
 OU IV Five-year Review
 g-2

Research by Paul Kalb
Budget Update
Presentation on the Nanoscience Center
CAC Path Forward on the Tristan issue
OU V
Quarterly Update
Carmen's River
Fire Management

After discussion the CAC agreed to allow 30 minutes for brief updates on OU IV, V, the budget, G-2, and the Quarterly Update.

Action Item: Member Guthy requested background information on Tristan for the next meeting; Member Mannhaupt said there was a synopsis done by the Community Work Group.