

To: Citizen Task Force
From: Melinda Holland, Holland & Associates
Subject: Summary of the June 2, 1999, Task Force Conference Call
Date: June 8, 1999

Next Meeting:

There are currently no Citizen Task Force (CTF) meetings scheduled. If you have questions or comments, please contact Melinda Holland at (864) 457-4202 or Tom Attridge at (716) 942-2453.

CTF Attendees:

Attending were: Ray Vaughan, Nevella McNeil, Barbara Mazurowski, Lee Lambert, Paul Piciulo, Rich Tobe, Pete Scherer, Bridget Wilson, Bill King, and Joe Patti. Not attending were: Tim Siepel, Warren Schmidt, Eric Wohlers, Murray Regan, Pete Cooney, John Pfeffer, and Larry Smith.

June 2 Conference Call Summary:

Barbara Mazurowski and Paul Piciulo requested this conference call to have the opportunity to brief the CTF on the progress of negotiations between NYSERDA and DOE.

Barbara Mazurowski began the conference call by explaining to the Task Force members that DOE and NYSERDA have formed negotiating teams and have held two meetings. Both agencies felt that those meetings had been very successful. Topics discussed at those meetings included developing a common understanding about what a site closure plan might encompass and the nature of the waste management areas and closure options for each. They also discussed the importance of considering the CTF's recommendations in developing a preferred alternative and how to address issues of concern to the various agencies. Several negotiation process issues were discussed including the need to keep the negotiations confidential unless there is mutual agreement about specific items to discuss. DOE and NYSERDA have also agreed to hire a mediator to assist them with the negotiations.

In response to a CTF member question, Paul Piciulo stated that the scope of the negotiations will include the preferred alternative, long-term management of the site and fiscal responsibilities of each agency for the cleanup and closure of the site. He stated that the preferred alternative would be included in the Supplemental Environmental Impact Statement (SEIS) which will be available for public comment. A CTF member cautioned the site representatives not to prejudge the SEIS and stated that all alternatives explored in the SEIS should be given the same level of analysis. Dr. Piciulo stated that there was no intention of short-circuiting the SEIS process. He

explained that after they reach internal agreement on a preferred alternative, the engineering and analysis must be completed on the alternatives, the SEIS written and circulated, public comment received and evaluated in a Final Environmental Impact Statement before the final decision is made, which will be reflected in the Record of Decision (ROD). The CTF member reiterated his concern that the SEIS should not state what the final approach will be, the justification of the alternative selected should be included in the ROD.

No date has been set for issuance of the ROD. When asked if Secretary Richardson meant that the ROD would be completed in one year, Ms. Mazurowski clarified that Richardson had given the site one year to complete the internal negotiations. The ROD date will depend on when DOE and NYSERDA reach agreement. A CTF member stated that, in his experience, it is very hard to reach an agreement without some form of deadline driving the process. Ms. Mazurowski stated that DOE and NYSERDA have agreed to negotiate in good faith and that the need to obligate future funding is a driver. Ms. Mazurowski mentioned that they are moving forward with as many SEIS tasks as possible on a parallel schedule with the negotiations but they doubt that the SEIS or the negotiations will be finished this summer.

A Task Force member asked why the preferred alternative was linked to the negotiations over cost and who is responsible for which wastes. Ms. Mazurowski stated that the preferred alternative will provide the basis for determining the costs and responsibilities of each agency and that the site is making every effort to move forward quickly to complete negotiations. A CTF member stated that he felt that the preferred alternative and the SEIS should not be delayed by these negotiations because the final decision should not occur until the ROD. The negotiating teams are as follows: Barbara Mazurowski, Jim Turi, and Rick Ahern are representing DOE, and Bill Valentino, Paul Piciulo, Hal Brodie, Bill Flynn and Howard Jack are representing NYSERDA. NYSERDA and DOE have already briefed congressional staff and all levels of management of their respective agencies about the negotiations.

Members of the CTF asked to meet with the mediator to explain their interests and concerns. All but one Task Force member on the call agreed that they would like to meet with the mediator.

One CTF member stated that if approval from the Office of Management and Budget, Congress, or the state Office of Budget is required before each agency can commit to how much money it will spend, it would be extremely hard to conclude the negotiations. Ms. Mazurowski responded by saying they must provide a legal basis which satisfies the decision about who pays for what. The CTF member questioned whether some of the wastes disposed of at the site came from the Department of Defense (DOD), to which Ms. Mazurowski responded yes, DOD and some other federal agencies. Dr. Piciulo stated that the responsibility for these wastes is one issue which must be explored in the negotiations. The CTF member said he hopes preferred alternative negotiations can continue even if the issue of fiscal responsibility slows down.

Site representatives stated that the lawyers have not yet determined what form the final agreement between NYSERDA and DOE will take. [Some areas of agreement will receive public review and comment (like the SEIS)]. Several Task Force members expressed concern

over the lack of a deadline and potential delays which could result. They asked to be briefed periodically on the progress of the negotiations. Site representatives stated that both agencies are committed to considering the CTF's recommendations and how the community will react to the outcome of the negotiations.

The conference call concluded with a brief discussion on the status of NRC's deliberations. [The NRC Commissioners have voted and finalized the Staff Requirements Memorandum which was sent to all CTF members.] Ms. Mazurowski mentioned that Commissioner Merrifield is planning to visit the West Valley site on June 28 and that she suggested that the CTF might like to meet with him. She will get back to the Task Force after they hear from the Commissioner.

Next Steps

- ▶ Barbara Mazurowski and Paul Piciulo agreed to consult with the negotiating team about the CTF's request that the Task Force be allowed to meet with the mediator.
- ▶ Respond to the CTF's request for periodic briefings on the progress of the negotiations.
- ▶ Commissioner Merrifield site visit