

To: West Valley Citizen Task Force
From: Tom Attridge
Subject: Summary of May 22, 2001, Task Force Meeting
Date: May 31, 2001

Next Meeting

The next Citizen Task Force (CTF) meeting is scheduled as follows:

Date: Wednesday, June 6, 2001
Time: 7:00 p.m. - 9:30 p.m.
Location: Ashford Office Complex
9030 Route 219, West Valley, NY

The focus of the June 6th CTF meeting will be to discuss and adopt the revised mission and ground rules as presented in the May 22, 2001 CTF meeting and to begin preparations of a letter on the proposed ten million dollar budget cut. If you have questions or comments regarding the upcoming meeting or about this summary, please contact Tom Attridge at (716) 942-2453.

CTF Attendees

Attending were: Paul Bembia (for Paul Piciulo), Lee Lambert, Mark Mitskovski (for Larry Rubin), Joe Patti, John Pfeffer, Pete Scherer, Warren Schmidt, Ray Vaughan, and Alice Williams.
CTF Members not attending were: Pete Cooney, Bill King, Nevella McNeil, Lana Redeye, Murray Regan, Tim Siepel, Larry Smith, Bridget Wilson, and Eric Wohlers.

Agency Attendees

Attending in person: Jack Krajewski, New York State Department of Environmental Conservation (NYSDEC).

Administrative Announcements and Updates

Tom Attridge opened the meeting by reviewing the agenda and the describing the materials that were disseminated at the meeting.

Tom Attridge related that NRC Commissioner Dicus is planning to visit the site on June 19, 2001. He added that, like the recent visit by Chairman Meserve, the NRC is making time available for interested CTF members to meet with the Commissioner during the afternoon. Those interested in meeting with the Commissioner should call Amy Snyder at (301) 415-7644 to make the necessary arrangements.

A CTF member asked about the status of the General Accounting Office Report on West Valley. The DOE representative stated that the report was delivered to Congress on May 11, 2001,

which has 30 days to review the report. So, the earliest the report would be available is June 11, 2001. Also, Congress might hold hearings on the report, which might delay the issuance of the report.

One item was added to the agenda; a CTF member asked that the CTF discuss having Melinda Holland return to facilitate future CTF meetings. The CTF member suggested that having an independent facilitator for CTF meetings at this point in time makes sense considering the current tenuous relationship between NYSERDA and DOE.

NRC Chairman Meserve May 15, 2001 Site Visit

Three CTF members in attendance provided their reaction to the recent site visit by NRC Chairman Meserve. Overall, the members agreed that the Chairman was a good listener, was interested in understanding the complexities of the site, and that the visit was favorable. One member indicated that the Chairman believed the Policy Statement for West Valley would be issued in about one month. Another member suggested that the Policy Statement may not be issued until after Commissioner Dicus's visit to the site on June 19th. The Chairman was also asked about the status of Yucca Mountain to which he responded by saying that, despite the six billion dollars already invested in the project, he did not know if it would ever be used. The Chairman was also asked directly about how definite the NRC requirements for West Valley will be, to which he replied that the Commissioners are still grappling with the issue. The Chairman was also made aware of the CTF concern that without knowing what the specific rules are, how can the site develop a preferred alternative for site closure or long-term management?

A CTF member asked the agency representatives if they thought the Chairman was prepared for the site visit. The NYSERDA representative stated that, though the Chairman didn't have all the answers to all questions posed, the Chairman seemed very well prepared. Also, it was good timing for him to visit the site given where we are in the development of the policy statement. Overall, NYSERDA was pleased with the Chairman's visit, adding that they thought the Chairman listened and learned a lot while he was here. The DOE representative felt the NRC overall exhibited a lot of commitment to, and understanding of, the site. She said the staff walked all over the site to see facilities and some of the erosion concerns and the two disposal areas. She added that the Chairman was quite insightful for asking why the DOE was cleaning out the cells in the Main Plant as he felt that this might be beyond what was required in the WVDP Act. A CTF member asked if the Chairman was able to see the Buttermilk Creek erosion slide area to which the NYSERDA representative said no, though a summary of the overall geology of the site was presented. A CTF member also noted that the Chairman was aware of the uniqueness of the site regarding NYSERDA ownership and DOE Project responsibilities. The DOE representative shared that she knew that an NRC Briefing Book on West Valley (prepared by NRC staff) was provided to the Chairman prior to his visit. She said that she would try to obtain a copy of this briefing book and share it with the CTF.

The West Valley Site and the Federal Budget Process

John Chamberlain provided a brief presentation on the mechanics of the federal budget process and the history of WVDP funding and staffing. CTF discussion on the presentation followed. A CTF member asked for clarification on who is the ultimate decision-maker on the budget request. The DOE representative responded by saying that it is an iterative process between DOE and the Office of Management and Budget (OMB), and OMB and the Executive Office (President). In the past, OMB

has come to DOE with an idea of what the funding level target should be and the iterative process has proceeded from there. This year, however, President Bush issued many initiatives to OMB which then trickled down to DOE. For example, the President wanted more money to go to the Department of Defense so DOE knew early on that the overall funding level for all programs would be decreased.

Asked about the discretion that DOE has in setting funding level requirements, the DOE representative responded that, especially with the President's initiatives this year, there was less discretion in the lower levels of DOE than in previous years. Discussion followed on how the risks at a site can determine the level of funding. The DOE representative stated that the West Valley site still had risks (i.e., finishing vitrification, cleaning out the tanks, and dealing with other radiologically contaminated areas) that must be addressed.

John Chamberlain pointed out that increased funding levels at West Valley in the mid-1990s were the result of having a proven plan in place for conducting the work and reducing the risk (vitrification of HLW), which made it easier to get the money. A CTF member then noted three concerns regarding this issue. First, he indicated that there has been a general inconsistency in DOE's stance on the importance of having a plan in place to get funding. He said that previous Project Directors Tom Rowland and Barbara Mazurowski, when asked by the CTF about the need for a plan, had downplayed it by saying "don't worry, things will work out." Second, there seems to be a general drop-off in federal interest in cleaning up these sites, especially if they are not employing "cutting edge" technologies. He added that it is hard to see why DOE will remain interested for hundreds of years (long-term stewardship) when they cannot get interested in coming up with a plan now. Lastly, he stated his concern with President Bush's recently-released proposed Energy Plan that suggests re-starting spent nuclear fuel reprocessing in the U.S. He said that if the federal government starts to push this issue (and before any new facility is built), the CTF should make sure that the federal government completely cleans up what they created by allowing reprocessing back in the 1960s-70s at West Valley. The CTF member said it was not appropriate for the government to just say "we will do it better next time."

A CTF member noted that at the last meeting it was reported that DOE sites that were slated to close soon received full funding. He asked if West Valley was considered a "closing site." The DOE representative responded by saying that West Valley was not considered a closing site, adding that the sites on that list are scheduled to close in the 2006-2008 time frame. Another member asked what the impact the ten million dollar budget cut would have at the West Valley site. DOE said that cuts would be made in one of two areas; cutting funds to subcontracts and delaying work or cutting jobs and keeping work going. DOE's decision, which will impact the community either way, has not been made at this point in time.

Revision to CTF Mission and Ground Rules

The CTF proceeded to work on the latest revision of the CTF Mission and Ground Rules that was distributed at the April 24, 2001 meeting. The members in attendance shared their comments on the document and changes were made by Tom Attridge on a laptop computer at the meeting. The CTF instructed Tom to distribute the new revision (attached) to the entire CTF for final consideration prior to the next scheduled meeting on June 6th. The CTF expects to adopt the new revision at that meeting.

Discussion issues of note are listed below:

- ▶ Concern was raised that several of the CTF members are not affiliated with the same organizations when the CTF began meeting four years ago. Tom Attridge agreed to distribute a CTF affiliation list to each member asking to provide their current affiliations and interests to re-baseline the current CTF membership configuration.
- ▶ Concern was raised by several members that some CTF members have not attended in quite some time (years). Alice Williams volunteered to draft a letter for review by NYSERDA and the CTF members present at the meeting, encouraging all members to attend meetings on a more regular basis.
- ▶ A CTF member proposed language be added to the CTF Mission and Ground Rules that would require NYSERDA and DOE to discuss more openly the issues that are being addressed in the negotiations between the two agencies. DOE proposed that a controlled debate be held at a future CTF meeting between the two agencies, on the issues described in the two most recent letters from the agencies, on their positions regarding site closure and long-term management of the site. A NYSERDA representative responded by saying that he did not see the value in debating the issues outlined in the two agency letters as the discussion would become quickly constrained by the limited information provided in the letters. There was mixed reaction from the CTF members on this proposal.
- ▶ The concern was raised again to bring Melinda Holland back as the facilitator of the CTF for the time being. Tom Attridge stated that Melinda is still under contract to provide facilitation services to the CTF. [Immediately after the meeting, Tom Attridge talked with each member to clarify whether they wanted Melinda to attend the June 6th meeting. Each member indicated that they did not think it was necessary for her to attend the June 6th meeting, but probably the meeting after that.] Tom will contact Melinda to make sure this is feasible and will add this item to the June 6th agenda for more discussion.

CTF Letter on the Ten Million Dollar Budget Cut

The CTF agreed to defer this item until its next scheduled CTF meeting.

Next Steps

The CTF decided to hold its next meeting on June 6, 2001 to continue discussions and adopt the revised Mission Statement and Ground Rules for the group. The CTF will also discuss the preparation of a letter on the proposed ten million dollar budget cut.

Observer Comments

One observer asked for clarification on information presented on one of the overhead slides regarding the federal budget process. John Chamberlain provided clarification. The observer also asked the funding request that went to OMB last summer. John replied that it was \$107 million.

Action Items:

- ▶ *Continuing Item:* DOE will provide the CTF with a definition of “alpha transuranics” as specified in the HLW Tank Radionuclide Inventory handout.
- ▶ The latest revision of the CTF Mission and Ground Rules will be distributed for review to all CTF members prior to the June 6th CTF meeting.
- ▶ DOE and NYSERDA will draft a letter to the individual CTF members regarding meeting attendance responsibilities. The letter will be sent to all CTF members that attended the May 22, 2001 CTF meeting for review before it is sent out.
- ▶ A CTF affiliation roster list will be distributed to each CTF member requesting the current affiliations and interests they represent.