

To: West Valley Citizen Task Force
From: Melinda Holland
Subject: Summary of January 8, 2002, Task Force Meeting
Date: January 29, 2001

Next Meeting

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

Date: **Tuesday, February 5, 2002**
Time: 7:00 p.m. - 9:30 p.m.
Location: Ashford Office Complex
9030 Route 219, West Valley, NY

The next **Future Site Use Workgroup** meeting has been rescheduled as follows:

Date: **Wednesday, February 20, 2002**
Time: 7:00 p.m. - 9:30 p.m.
Location: Ashford Office Complex
9030 Route 219, West Valley, NY

If you have questions or comments regarding the upcoming meeting or about this summary, please contact Melinda Holland at (864) 457-4202, or Tom Attridge at (716) 942-2453.

CTF Attendees

Attending were:; Bill King, Lee Lambert, Nevella McNeil, John Pfeffer, Pete Scherer, Paul Piciulo, Mark Mitskovski (for Larry Rubin), Ray Vaughan, Elizabeth Lowes (for Alice Williams), Joe Patti, Bridget Wilson, Eric Wohlers, and John Beltz.

CTF Members not attending were: Lana Redeye, Tim Siepel, Michelle Enser, Warren Schmidt

Agency Attendees

Attending in person: Jack Krajewski, NYS Department of Environmental Conservation

Meeting Highlights

- ▶ NYSERDA - DOE negotiations update - no progress made.
- ▶ Task Force to send a letter to the Congressional delegation requesting their assistance.

Meeting Summary

Tom Attridge opened the meeting by briefly describing the written materials that were disseminated at the meeting. Melinda Holland then reviewed the agenda.

NYSERDA/DOE Negotiations - DOE and NYSERDA representatives stated that there had been no progress on the negotiations and that they had little short term hope for a resolution. Negotiation meetings have been suspended. Both parties feel strongly that their legal positions are correct. There are two key unresolved issues. One issue is which agency will be responsible for which components of long-term stewardship of the site. The other issue is who pays the high-level waste disposal fee required under the Nuclear Waste Policy Act. That Act requires parties wishing to dispose HLW at the to-be-built

federal repository to enter into a contract and pay a fee in advance. The amount of this fee depends on the date the contract is signed (it increases the longer they wait to sign). The fee in 2001 was \$200 million and interest will continue to accrue until the contract is signed. NYSERDA has not signed the contract because it believes that the federal government should be responsible for part of that fee as much of the waste disposed of at the site came from federal facilities.

A Task Force member asked how the negotiations relate to the selection of the preferred alternative. A DOE representative responded that if an close-in-place remedy is selected (as suggested in the DOE "vision" outline presented to the CTF a year or so ago) the site will need long-term stewardship for the wastes left behind. DOE stated that they would continue to bear some responsibility for stewardship needs associated with facilities it closed in place, as required per the West Valley Demonstration Project Act, but they are not able to assume control or possession of the site. One issue in contention is the extent of DOE's responsibilities for waste/facilities under the WVDPA. A CTF member asked, if the negotiations are abandoned, if the issues could be made public at that time to which DOE responded that the negotiations are not officially at impasse, but the key issues are the ones listed above.

Task Force members expressed their extreme displeasure and frustration at the continued lack of resolution of these issues and the looming threat of DOE's budget being cut to \$43 million due to the agencies failure to reach agreement. Concerns expressed included:

- ▶ DOE and NYSERDA cannot give the public assurance that stewardship will be done properly over time
- ▶ These same issues have remained unresolved since passage of the WVDPA - such as definition of decontamination and decommissioning (D&D), who is responsible for which wastes, preferred alternative to cleanup remaining wastes, etc.
- ▶ Personnel/expertise is leaving the site now due to early retirement, cutbacks, etc.
- ▶ Layoffs etc. are hurting the local economy and endangering ability to clean up the site
- ▶ Agencies need to admit they are at impasse - Congress should resolve these issues
- ▶ CTF is the group best positioned to push Congress to resolve the issues - must be the CTF's focus now
- ▶ The site and the Task Force must not loose track of the equally important focus of completing the Environmental Impact Statement process and decommissioning the site.

CTF members have been trying to set up a face-to-face meeting with Congressman Reynolds to obtain his advice on how the CTF should approach Congress and what things are feasible to request. They hope to meet with him before he returns to Washington DC.

Draft Letter to Federal Congressional Delegation - Eric Wohlers presented a draft letter to be sent to the Congressional delegation with copies to state elected officials. The Task Force made some edits to the letter and unanimously agreed to sign and send the letter as soon as absent CTF members signatures could be obtained. The Task Force also agreed to meet again quickly to develop a strategy on what to say and what to request if face-to-face meetings with the Congressional delegation are set up. To accomplish this goal they changed the January 22 meeting from a Future Site Use Workgroup meeting to a full Task Force meeting. Concerns were expressed over the risks of asking for changes or clarifications to the WVDPA. It is hoped that Congressman Reynolds will meet with Task Force representative soon to help the CTF understand what to ask for and how to ask. Reynolds will also be asked about the risks of asking for changes to the WVDPA. The Task Force also agreed to draft and send a press release after the letters are mailed and to use the media to bring pressure for resolution of the negotiations.

The Task Force also asked site representatives to look into how CTF delegates could visit Washington DC to meet with the Congressional delegation. They also asked whether the site could provide the CTF with a budget to fund a consultant to help with the policy and legal research needed to frame the best approach. Site representatives agreed to investigate and respond to these questions.

Early Retirement for Site Personnel - John Chamberlain explained that WVNS is offering its employees two separation programs - early retirement and voluntary separation with a bonus. This is being done in an effort to reduce the work force from the current 687 to 500- 600. WVNS decided to do this before the 2002 budget cuts but it will help them balance their budget.

CTF Process Evaluations - Review of the evaluations was postponed until the next meeting.

CTF Membership Issues - under the Ground Rules the Task Force "Members who fail to attend half of the scheduled meeting in a calendar year may be removed from the CTF by consensus of the CTF members present at the first scheduled meeting of each year." Melinda Holland explained that Peter Cooney was the only current CTF member who had failed to attend half of the meetings in 2001. John Beltz, who has been Pete's alternate, stated that he would be the primary representative to the CTF and that he planned to attend on a regular basis. The Task Force declined to take any action under this provision in the ground rules.

CTF 2002 Work Plan - Melinda Holland presented a compilation of CTF members top goals/accomplishments for 2002 which she obtained from the evaluation forms and telephone interviews. The CTF used a 'dot-voting' technique to rank these goals in order of priority (each member had eight votes to distribute). The results in order of priority are listed below:

1. Push for resolution of NYSERDA/DOE negotiations (*31 votes*)
2. Secure funding for redevelopment study and issue Request for Proposal (*13 votes*)
3. After NYSERDA/DOE negotiations resolved, respond to site products like the preferred alternative, DEIS, etc. (*12 votes*)
4. Work to maintain adequate DOE-WV cleanup budget for 2003 (and beyond) (*9 votes*)
5. Involve community in Future Site Use Workgroup process/products (*6 votes*)
6. NYSERDA acknowledge its primary role in redevelopment planning for the site (*6 votes*)
7. Re-educate CTF on technical, administrative, regulatory, budget, and political aspects of cleanup options including scenarios involving removal of tanks, cleanup of buildings and groundwater. (*4 votes*)
8. Long-term Stewardship (*2 votes*)
9. Complete redevelopment study and future use plan (*2 votes*)
10. Evaluate carefully possible and actual disposal sites for WV wastes (*1 vote*)
11. Review how status of WVDP is changing due to 9/11/01 (*no votes*)

The Task Force agreed that accomplishing the top five items with the most votes should be the CTF's major focus for 2002.

Next Steps & Action Items

- ▶ Finalize and send letter to Congressional delegation (obtain signatures, complete addressee information, etc.) - Sonja Allen.
- ▶ Draft press release to follow the letter to Congress - Eric Wohlers.
- ▶ Research funding for CTF travel and research - DOE and NYSERDA.

Observer Comments

There were no observer comments.