

To: West Valley Citizen Task Force  
From: Melinda Holland  
Subject: Summary of April 9, 2002, CTF Meeting  
Date: April 29, 2002

### **Next Meeting**

The next full Citizen Task Force (CTF) meeting will be held as follows:

Date: Tuesday, April 16, 2002  
Time: 7:00 p.m. - 9:30 p.m.  
Location: Ashford Office Complex  
9030 Route 219, West Valley, NY

NOTE: On April 17, NRC will hold a public meeting on the Policy Statement along with other meetings as described below.

#### *Logistics for April 16 & 17 meetings with NRC:*

- ▶ April 16 NRC, EPA, NYSDEC, NYSDOH attend CTF meeting - 7 p.m. at the Ashford Office Complex (AOC)
- ▶ April 17 Open meeting - NRC, US EPA, NYSDEC, and NYSDOH work session on Regulators Communication Plan (meeting is open to public observers) - 8 a.m. at the AOC (please bring a photo identification for security clearance if you plan to attend this meeting)
- ▶ April 17 Open House with NRC and regulators; 6 - 7:00 p.m. at the AOC
- ▶ April 17 NRC Public Meeting - 7 p.m. at the AOC

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:* Eric Wohlers, Gayla Gray (for Lana Redeye), Ray Vaughan, Paul Piciulo, Bill King, Alice Williams, Mark Mitskovski (for Larry Rubin), Joe Patti, John Pfeffer, Pete Scherer, Warren Schmidt, Lee Lambert, Nevella McNeil, and Tim Siepel.

*CTF Members not attending were:* Bridget Wilson, John Beltz, Mark Steffan, and Michelle Enser.

### **Agency Attendees**

Jack Krajewski, New York State Department of Environmental Conservation (NYSDEC)

### **Meeting Highlights**

- ▶ The CTF will draft and present comments to the U.S. Nuclear Regulatory Commission (NRC) at the April 17 public meeting.
- ▶ At the April 16 CTF meeting, NRC will be asked to explain how it has incorporated the prior two sets of comments submitted by the CTF and respond to CTF questions
- ▶ The CTF adjourned into a caucus session, which is summarized separately.

## Meeting Summary

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

A NYSERDA representative reported that there has been no change in the status of the negotiations. He stated that since the last CTF meeting, there have been no negotiation meetings and there are none scheduled.

Ray Vaughan reviewed his written comments on the NRC Policy Statement with the CTF, noting three areas of concern.

1. Excessive flexibility and lack of clarity on the rules to be applied at West Valley.
2. Redefining the waste in the high-level waste tanks as “incidental” is not legal.
3. NEPA compliance - NRC has not satisfied its responsibilities under NEPA, joining in the DOE/NYSERDA Environmental Impact Statement is not sufficient.

To craft the Task Force’s latest comments on the NRC Policy Statement the Task Force decided to use the points expressed by Ray Vaughan, the CTF’s two prior sets of comments to the NRC, and concerns expressed in the past by the U.S. Environmental Protection Agency (EPA). Eric Wohlers agreed to prepare the first draft and circulate it to the CTF on Friday, April 12. This draft will be completed by Tuesday, April 16 for distribution at the CTF meeting that evening.

A Task Force member questioned the CTF’s goals in making comments at this stage, as NRC claims the Policy Statement is a final document that is not subject to revision except through legal challenge. What is the CTF asking NRC to do? Another member offered that the Policy Statement has the force of law under the provisions of the West Valley Demonstration Project Act. A CTF member suggested that the focus should be on how NRC plans to implement and make decisions using the Policy Statement. She suggested asking NRC for an implementation plan in the CTF’s comments and at the meeting. Another CTF member remarked that even a final Policy Statement is subject to public and legislative pressure, thus the CTF should continue to press on all fronts for the result it wants. The CTF members agreed that it wanted to present a strong statement to NRC on the shortcomings of the Policy Statement. Keeping the CTF’s comments as a “living document,” subject to supplementation after April 17 was appealing to the group, as it would allow insertion of points picked up from other presenters at the public meeting on April 17. Warren Schmidt agreed to read the CTF’s comments into the record on April 17.

The Task Force agreed that during the April 16 meeting they would ask NRC to respond about how they dealt with the two prior sets of comments submitted to NRC (in 1999 and 2000) on the previous draft documents. At that meeting they will also ask NRC to answer specific questions on the final Policy Statement. WVNSCO was asked to notify NRC of these potential questions and to send all parties copies of the prior comment documents. WVNSCO will also ask NRC for a copy of the Standard Review Plan, currently under development, which discusses how NRC will implement the License Termination Rule nationwide. John Pfeffer agreed to develop a bulleted list of talking points for CTF members based on the CTF’s prior comment documents.

Some CTF members expressed an interest in attending the 8 a.m.–Noon meeting on April 17, which will be a working session between NRC, NYSDEC, and the New York State Department of Health on their draft “Regulators Communication Plan.”

At the end of the meeting, the CTF members held a caucus session which will be summarized in a separate document.

### Next Steps

The next meeting of the CTF is scheduled for April 16, 2002. NRC representatives will attend that meeting to answer questions from the CTF about the final Policy Statement.

### Action Items

<b>Action</b>	<b>Assigned to</b>	<b>Due Date (2002)</b>
Prepare draft comments on the NRC Policy Statement for CTF review & circulate.	E. Wohlers	April 12
CTF review the draft comments on the Policy Statement.	CTF members	9 a.m April 15
CTF members to respond by Monday morning, April 15 or be considered to have no objections to the draft comments.	WVNSCO	April 10
Review any comments received with Eric Wohlers, revise comment document if necessary and circulate final draft to the CTF.	T. Attridge	April 15 COB
Prepare final comment document on CTF letterhead.	S. Allen	April 16
Notify NRC that the CTF wants NRC to explain at the April 16th meeting how they incorporated/dealt with the prior two sets of comments which were submitted to NRC by the CTF on the draft Policy Statement. Send electronic copies of those two sets of comments to NRC and to the CTF.	WVNSCO	April 12
Read CTF comment document into the record at the April 17th Public Meeting.	W. Schmidt	April 17
Request a copy of NRC's Standard Review Plan on the License Termination Rule - copies to be made available to the CTF.	WVNSCO	April 12

### Observer Comments

A NYSDEC representative commented that his agency has not yet reached agreement with NRC on the contents of the "Regulators Communication Plan" and they are still working on the document.