

To: West Valley Citizen Task Force
From: Melinda Holland
Subject: Summary of June 11, 2002, CTF Meeting
Date: June 27, 2002

Next Meeting

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

Date Thursday, June 27, 2002
Time 7:00 - 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: John Beltz, Gayla Gray (for Lana Redeye), Bill King, Lee Lambert, Mark Mitskovski (for Larry Rubin), Joe Patti, John Pfeffer, Paul Piciulo, Pete Scherer, Warren Schmidt, Tim Siepel, Ray Vaughan, Bryan Bower (for Alice Williams), and Eric Wohlers.

CTF Members not attending (nor represented by an alternate) were: Michelle Enser and Mark Steffan.

Agency Attendees

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

Congressional Participation

Mickey Brown, U.S. Representative Houghton's Office;
Ron Hayes, U.S. Representative Quinn's Office

Attendees via Videoconference or Teleconference

Chad Glenn, U. S. Nuclear Regulatory Commission (NRC)
Jeannette Eng, U. S. Environmental Protection Agency (EPA)
Gary Baker, New York State Department of Health (NYSDOH)

Meeting Highlights

Topics discussed included:

- ▶ Negotiations between DOE and NYSERDA resume on June 27, 2002
- ▶ Overview of the May 23, 2002, Regulators Meeting in New York City
- ▶ Status on Congressional Involvement with the West Valley site issues
- ▶ Draft CTF Comments on DOE's Accelerated Cleanup Plan for West Valley
- ▶ Search for a new CTF Member
- ▶ Status of DOE Funding Support for Future Use Study

Meeting Summary

Tom Attridge opened the meeting by briefly describing the written materials that were disseminated at the meeting (see the list at the end of this summary) and Melinda Holland reviewed the agenda. Paul Piciulo explained that the DOE-NYSERDA negotiations are scheduled to resume on June 27, 2002, with a meeting between Mark Frei, DOE Deputy Assistant Secretary for Site Closure, and NYSEDA representatives. Mr. Frei will also tour the site on June 26.

Update on May 23, 2002, Regulators Meeting in New York City

The regulators meeting at EPA Region II offices in New York City was attended by representatives from NYSEDA, DOE, the Seneca Nation of Indians, NYSDEC, NYSDOH, and the US EPA. Paul Piciulo, NYSEDA, stated that the meeting covered the following topics:

- ▶ Comments on the Regulator's Communication Plan;
- ▶ EIS schedules;
- ▶ Agency roles and expectations; and
- ▶ Preparation of an EIS document tree.

Paul Piciulo felt there were common expectations among the agencies regarding the scope of the EIS. Bryan Bower expressed DOE's appreciation to the regulatory agencies who attended the meeting. Chad Glenn of NRC stated that he supports the development of a document tree which gives the status of all EIS-related documents and that the regulatory infrastructure is in place to allow the process to move forward. Gayla Gray, Seneca Nation of Indians, felt that it was a very positive meeting and that things will start moving forward soon. She also supported the document tree concept for supporting the EIS process. Jack Krajewski, NYSDEC, provided positive feedback from the meeting as well, stating that this gathering of regulators is a unique opportunity to move ahead with the EIS and complete a Record of Decision (ROD) by 2005. He felt that this process was a good way to see that DEC's regulatory requirements such as the State Environmental Quality Review Act, RCRA, and state radiation protection requirements are addressed. Gary Baker, NYSDOH, and Jeannette Eng, US EPA, reiterated these remarks, stating that their respective agencies are looking forward to continuing the process to a successful completion. Gary Baker stated that although NYSDOH would continue to participate in the process, its participation in meetings may decrease. Two CTF members expressed concern that NYSDOH continue a level of awareness to be able to participate fully and not compromise protection of public health at West Valley.

A CTF member asked about the formal status of the EIS. Bryan Bower, DOE, stated that work on the Waste Management EIS is on schedule and the document is expected to be released this summer. Bryan added that the Notice of Intent for the Decommissioning EIS is still being worked on between DOE and NYSEDA. The CTF member questioned the legality of restarting this EIS. He also asked whether or not the document tree would be made available to public. NYSEDA and DOE responded that they support sharing the document tree with the public once it is complete.

A CTF member inquired whether the regulators are aware of the unique legal status of transuranic (TRU) waste between 10 and 100 nanocuries/gram at the WVDP. Each regulatory agency responded to this question, though the answers differed. The EPA representative responded that she thought this is covered by the LLW regulations of 10 CFR 61 and would like to see the waste characterization information compiled into one document. The NYSDEC representative stated that he would verify NYSDEC's awareness of the 10 to 100 nanocuries/gram and that someone from his agency would get back to the CTF. NYSDOH stated that they are aware of the "Greater-Than-Class-C" issues, but reiterated the fact that radioactive waste management is covered by NYSDEC regulations and that he believed the NYSDEC management was knowledgeable of the circumstances. The CTF member suggested that NRC inform the other regulators of the issues regarding 10 to 100 nanocuries/gram TRU

waste at the WVDP, and Chad Glenn stated that he would do that.

Status of Congressional Involvement

Mickey Brown attended the meeting on behalf of Congressman Amo Houghton, stating that his efforts have been focused on getting DOE and NYSERDA back to negotiations and the budget. She also asked if there is anything else for which the CTF needed support. A CTF member stated that they need the Congressman's support in determining DOE's willingness to fund an economic redevelopment study, as offered in the April 29, 2002, letter from DOE Under Secretary Robert Card to NYSERDA President William Flynn which stated that DOE was willing to fund such a study. She stated that she has already asked one of the Congressman's D.C. staff to look into this and will get back to the CTF when she has more information. Another CTF member urged them to look into the possibility of a new statute for West Valley cleanup, and Ms. Brown agreed to investigate.

John Pfeffer stated that he spoke with Sean Sweeney of Senator Clinton's office and Moira Campion of Senator Schumer's office. Mr. Sweeney and Ms. Campion would like to meet with the CTF on either June 27 or the week of July 1. CTF members decided to earmark June 27 for that meeting. John Pfeffer will contact the Congressional representatives to confirm. Ron Hayes from Representative Quinn's office stated that the Representative is pursuing support for the \$92 million DOE has requested for West Valley's 2003 budget and hopes the resumed negotiations will result in interim cleanup milestones that are adequate to satisfy the 2002 Appropriations Act language.

Both Congressional staff representatives stated that they thought the Task Force members meeting with their delegation in D.C. was very beneficial, and that future visits might be beneficial at key points in time.

Discuss Draft Comments on DOE's Accelerated Cleanup Plan for West Valley

A CTF member provided a first draft of comments on the West Valley Accelerated Cleanup Plan. There was considerable discussion regarding concerns about the lack of detailed information, no discernable end point, future employment at the site, and the lack of a preferred alternative and ROD. The CTF also expressed concern over the level of involvement of the contractor in working with DOE Headquarters to formulate future decisions for the WVDP, rather than local site managers. Three CTF members volunteered to revise the draft comments into a letter addressed to Jessie Roberson, DOE Assistant Secretary for Environmental Management, in response to her letter dated June 6, 2002, to the CTF.

A DOE representative noted that they are not seeking money from the proposed "accelerated cleanup account." Instead, they will fund these accelerated activities from the regular site budget, if that level of funding can be obtained. When questioned about the origins of the Accelerated Cleanup Plan, a site representative responded that it began with DOE Headquarters challenging site contractors to develop ways to accelerate site cleanup. The contractors submitted acceleration ideas to DOE, but the final negotiated accelerated cleanup plan for West Valley will be a DOE plan implemented by the contractor. A CTF member expressed concerns about the fact that the DOE site management appear to have been left out of this process, and appears to be driven by WVNSCO. When asked about how the contractor benefits from this, site representatives responded that incentives and bonuses are provided for meeting contract commitments.

A Task Force member reminded the site that a NEPA evaluation (environmental assessment or finding of no significant impact) should be done for decontamination-related activities in the Accelerated Cleanup Plan which are not covered by a prior EIS. She asked for involvement of the CTF and the public in this evaluation and that the public be provided with information about specific acceleration projects with adequate time to comment. Other members suggested that the CTF should be proactive in resisting the apparent preference for a close-in-place remedy for portions of the West Valley site, including working with the Congressional delegation to seek a different outcome.

Other Business

- ▶ The CTF discussed the current vacancy and suggested that Melinda Holland present the Task Force with a recommendation for filling the vacant position at the next meeting.
- ▶ A CTF member stated that Tom Barnes, Southern Tier West, has received conflicting information regarding availability of funds to study potential future site use and economic development options. Eric Wohlers took an action to write a letter to the Western New York Congressional delegation regarding the status of this issue. A NYSERDA representative stated that Mike Owen of DOE Headquarters is following up on this issue within DOE.
- ▶ The meeting concluded by viewing a segment of a “60 Minutes” broadcast on DOE cleanup activities.

Next Steps

The next meeting of the CTF is scheduled for June 27, 2002.

Action Items

Action	Assigned to	Due Date (2002)
Verify Congressional delegation staffers are available to meet with the CTF. Provide input to Melinda Holland.	J. Pfeffer	June 21
Draft letter to Jessie Roberson, using draft comments prepared by Ray Vaughan.	G. Gray L. Lambert M. Mitskovski	June 24
Share the EIS document decision tree with the CTF when it is complete	NYSERDA & DOE	when complete
Respond to a CTF inquiry on the legal status of TRU waste between 10 and 100 nanocuries/gram at the WVDP	NYSDEC	June 27
Confirm DOE’s willingness to fund an economic redevelopment study, as offered in the April 29, 2002 letter from DOE to NYSERDA	WNY Congressional delegation	June 27

Observer Comments

There were no observer comments.

List of Documents¹

- ▶ Meeting agenda
- ▶ CTF Draft Comments on DOE’s Accelerated Cleanup Plan for West Valley (6/10/02)
- ▶ Letter from Jessie Roberson, DOE Assistant Secretary for Environmental Management, to West Valley Citizen Task Force members, dated June 6, 2002
- ▶ Appendix I of the 1996 Draft Environmental Impact Statement
- ▶ May 7, 2002, CTF Meeting Summary
- ▶ May 7, 2002, CTF Caucus Summary

¹For copies, please contact Sonja Allen at 716/942-2152 or allens@wvnsco.com.