

To: West Valley Citizen Task Force  
From: Melinda Holland, Facilitator  
Subject: Summary of the December 16, 2003, Meeting  
Date: January 6, 2004

### **Next Meeting**

The next Citizen Task Force meeting will be held as follows:

Date: Wednesday, January 14, 2004  
Time: 7:00 - 9:30 p.m.  
Location: West Valley Demonstration Project Site  
10282 Rock Springs Road  
West Valley, NY

NOTE: All participants must bring photo identification to enter the site.

If you have questions or comments regarding the upcoming meeting or about this summary, please contact Melinda Holland at (828) 894-5963, or Tom Attridge at (716) 942-2453.

### **CTF Attendees**

Attending were: Tim Siepel, Pete Scherer, Bill Kay, Gayla Gray (for Lana Redeye), Paul Piciulo, T. J. Jackson, Mark Mitskovski (for Larry Rubin), Ray Vaughan, Joe Patti, John Allan, and John Pfeffer.

CTF Members not attending (nor represented by an alternate) were: Lee Lambert, John Beltz, Mike Hutchinson, Warren Schmidt, Bill King, Nevella McNeil, and Eric Wohlers.

### **Meeting Highlights**

- ▶ Discussion of West Valley Demonstration Project Risk-Based End State Vision draft;
- ▶ WVDP budget and contractor procurement; and
- ▶ Discussion of Congressional Developments and Next Steps.

### **Meeting Summary**

Tom Attridge, NYSERDA, reviewed the documents distributed at this meeting, then Melinda Holland reviewed the agenda, which was changed as Dave Geiser, DOE, was unable to attend the meeting due to illness.

#### *West Valley RBES Vision Document*

Task Force members questioned why there was a need for West Valley to do a Risk-Based End State (RBES) vision document given the fact that the site is proceeding under the NEPA process and the West Valley Demonstration Project Act (WVDPA). CTF members also expressed concern that the RBES document will be used later to justify use of the DOE's preferred alternative. A DOE representative explained that DOE Headquarters has required all sites to do an RBES vision document to standardize the planning and decision making process. He explained that all of the RBES plans are reviewed by a DOE Headquarters committee for consistency. WVDP representatives have tried to explain to DOE Headquarters how the West Valley site differs from other DOE-owned facilities. Feedback on the WV RBES vision document is expected early next year. DOE representatives clarified that the Environmental Impact Statement (EIS) is the decision making process for the West Valley site, not the RBES vision document.

A Task Force member commented that he hopes the RBES plan is not used by DOE to allocate funding to the sites, which could result in a budget cut for WVDP. A DOE representative responded that he feels Bob Warther, Manager of the DOE Ohio Field Office, will be an excellent advocate for West Valley's budget.

A CTF member noted that it appears that DOE and NYSERDA have already decided to close the site by leaving wastes in place no matter what the CTF or the community wishes. A DOE representative explained that closing some facilities in place is the preferred alternative, but the decision has not been finalized. The final decision will be made through the EIS process with public input. The DOE representative also noted that it seems like the CTF today is more opposed to closure of facilities with wastes in-place than was indicated by the past CTF's recommendations report. A CTF member responded that their recommendations did say that some wastes may stay for a period of time, but not forever. He went on to state that it is not legal to leave high-level wastes in the tanks, as ruled by the court in the Natural Resources Defense Council vs. DOE lawsuit regarding Waste Incidental to Reprocessing (WIR). A DOE representative acknowledged that the WIR legal issue must be resolved.

Another CTF representative remarked that he has changed his view over the years upon learning more about issues like WIR (where the name is changed to make HLW into Low-Level Waste) and long-term stewardship (where the two agency stewards cannot agree on who is responsible for what). He stated that these things make him uncomfortable with the DOE "vision." He (and the CTF) want better information, clearer definitions, and to be more critical in analyzing what the agencies tell the CTF.

A NYSERDA representative commented that the RBES vision document does not discuss risk assessment, cost benefit analysis, or balance risks, unless that information is in backup documentation which was not provided. A DOE representative stated that this information will be provided in the EIS.

A CTF member noted that the DOE RBES vision predicts a significant decrease in employment after 2008, and the Ashford Office Complex building is already empty. A DOE representative stated that he would like to see more involvement by the CTF and community regarding the future use of the site. He noted that the CTF should focus future use discussions on NYSERDA, as site owner, and that DOE will not have a presence at the site after the HLW canisters are shipped to the repository. CTF members responded that DOE and NYSERDA's proposal to leave the NDA and SDA wastes in the ground makes the 200 acre site worthless due to potential risk from buried wastes, and greatly devalues the rest of the site because people won't want to build next to a nuclear disposal site.

In response to a question regarding the plan for closure of the Main Plant and the Vitrification Facility, a DOE representative responded that DOE's plan for those facilities is still undergoing some fine tuning. DOE may decide to decontaminate the interior of the buildings and leave them standing, based on the language of the Cooperative Agreement with NYSERDA which states that DOE is to return the process plant to NYSERDA. A NYSERDA representative stated that the cost-benefit analysis has to be completed for different end-states for the Main Plant and Vitrification facilities.

A Task Force member asked what DOE's plans are to clean up the source of the North Plateau Groundwater Plume. A DOE representative responded that this issue is in dispute between DOE and NYSERDA. A CTF member responded that the CTF and the community feel that the agencies should comply with the "spirit" of the WVDPA by cleaning up West Valley's 'back yard' within reason. He added that they might accept some stabilized waste, if it is low risk. Another CTF member stated that DOE's argument that it is limited in its responsibilities under the WVDPA might be more credible if the agency was not ignoring other legal requirements such as WIR. Another CTF member noted that DOE has a great deal of discretion on what standard to apply to the cleanup and/or how to interpret the standards. Thus the agency should not try to leave the impression that it has no choice in these decisions. A Task Force member stated that the CTF needs to continue to work with the Congressional delegation to seek resolution of the disagreements between NYSERDA and DOE, as that is likely to be the only way to end the impasse.

The Task Force agreed to develop comments on the West Valley RBES Vision draft. Joe Patti will submit the first draft to Melinda Holland who will circulate it to the CTF. The comments are due to DOE West Valley by December 31, 2003, and will be finalized via e-mail and conference call. DOE West Valley will provide the CTF's comments to the DOE Headquarters committee which is reviewing the site RBES documents.

#### *West Valley Budget & Procurement Process*

A DOE representative reported that the 2004 budget for the West Valley site will be somewhere in between 102 and 97 million. The Request for Proposals (RFP) and Scope of Work (SOW) for the new site contractor is under development with a planned release date of March 2004. Contractor selection is predicted to occur in October 2004. The RFP will tell bidders what DOE wants done and ask potential contractors to explain how they will accomplish the SOW.

In response to an action item from the last meeting, a DOE representative explained that they will not know the number of site employees in the future until the new site contractor is selected as it is up to the contractor to propose how many staff members are needed to perform the SOW. After 2008, based on work completed from 2005 to 2008 and the limited maintenance work necessary to safely store the HLW canisters in the Process Plant, he predicts that there will be less than 50 people necessary to manage the site until the HLW canisters are shipped to the repository. His estimate was based on a similar number of NFS employees that managed the site prior to DOE's arrival in 1982.

#### *Congressional Involvement*

During the discussion of CTF congressional involvement activities, it was agreed that a delegation from the CTF should visit the Congressional Delegation in Washington D.C. in February. CTF members who expressed an interest in participating in the D.C. trip include: Ray Vaughan, John Pfeffer, Bill King (nominated by John Pfeffer), Joe Patti, Mark Mitskovski, and John Allan. John Pfeffer agreed to speak with Bill King about contacting Representative Amo Houghton's office to arrange the meeting. Possible topics for the meeting include the impasse between NYSERDA and DOE, the West Valley budget, the Energy Bill, and WIR.

The Task Force agreed to have a conference call on December 22, 2003, to plan and develop an agenda for the D. C. meeting.

The Task Force also requested an updated map showing Congressional districts and West Valley funding/jobs by district.

#### **Next Steps**

A CTF member requested an update by Southern Tier West at the January meeting on the status of the future use study. He noted that DOE, Erie County and Cattaraugus County committed money to this project and a decision needs to be made whether to proceed with the existing funds or give up on the project.

The CTF's annual meeting will be held on Wednesday, January 14, 2004. Future Task Force meetings will be held on the third Wednesday of each month. Suggested topics are noted, and will be discussed further in January.

### **Future Meeting Dates:**

February 18, Long-Term Stewardship

March 17, Site closure options & Q&A with Bob Warther, DOE Ohio Field Office

April 21, CTF discussion of the Preferred Alternative

May 19, Future Site Use Options

June 16, Use of Alternative Dispute Resolution to resolve the DOE - NYSERDA impasse

July 21, To be determined

### **Observer Comments**

There were no observer comments.

### **Action Items**

<b>Action</b>	<b>Assigned To</b>	<b>Due Date</b>
CTF conference call to discuss Washington, D.C. trip	Melinda Holland/CTF	12/22/03 @ 7:00 p.m.
Provide CTF members with a copy of the Cooperative Agreement	DOE	1/14/04
Provide CTF members with a copy of the final DOE Headquarters RBES Implementation plan <sup>1</sup>	DOE	When available
Develop a comparison of DOE's preferred alternative and the CTF's recommendations	Technical Workgroup	2/6/04
Draft comments on West Valley RBES Vision	Joe Patti/ Melinda Holland	12/22/03
Confirm Dave Geiser's (DOE Headquarters) participation in an upcoming CTF meeting and request recent documents on LTS and RBES	Melinda Holland	1/9/04
Contact Representative Amo Houghton's office to set up a CTF meeting with the Congressional delegation	John Pfeffer/Bill King	1/9/04
Provide the CTF with an update on the status of the Southern Tier West future use study	Eric Wohlers/STW	1/14/04
Provide the CTF with an updated map showing Congressional districts and West Valley funding/jobs by district	WVNSCO	2/2/04

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<sup>1</sup> To track information on DOE-HQ status of Risk-Based End States, go to [www.em.doe.gov](http://www.em.doe.gov), and click on "Hot Topics."

**Documents Distributed**

<b>Document Subject</b>	<b>Document Description</b>	<b>Generated by–Date (if applicable/known)</b>
12/16/03 Meeting Agenda	Agenda	12/16/03; Holland & Assoc.
Proposed CTF 2004 Work Plan	Work Plan	12/16/03; Holland & Assoc.
Summary of 11/18/03 CTF meeting	Meeting Summary	12/10/03; Holland & Assoc.
“WVDP Risk-Based End States”	Presentation	12/16/03; T.J. Jackson, DOE
CTF Letter to David Geiser, DOE	Letter on RBES	9/26/03
LTS Planning Guidance for Closure Sites	DOE Guidance	August 2002; DOE
“Groups Involved in LTS”	Printout from Web site	4/12/01; Ross & Assoc.