

To: West Valley Citizen Task Force  
From: Melinda Holland, Task Force Facilitator  
Subject: Summary of the March 17, 2004, Meeting  
Date: April 12, 2004

### **Next Meeting**

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

Date: Wednesday, April 21, 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: Pete Scherer, Paul Piciulo, T. J. Jackson, Pete Cooney (for Ron Buczak), Mark Mitskovski (for Larry Rubin), Ray Vaughan, Gayla Gray (for Lana Redeye), Lee Lambert, Bill King, Joe Patti, Mike Hutchinson, Eric Wohlers, Warren Schmidt, and John Pfeffer.

CTF Members not attending (nor represented by an alternate) were: Tim Siepel, Bill Kay, John Allan and Nevella McNeil.

### **Other Attendees**

Peter Smith and Hal Brodie, NYSERDA; and  
John Greeves, Jim Lieberman, and Chad Glenn, U. S. NRC (via videoconference)

### **Meeting Highlights**

- < Discussion with Peter Smith, President of NYSERDA, on its proposed legislative principles;
- < Review the Technical Work Group's draft Comparison of CTF Recommendations Report and Preferred Alternatives;
- < Discuss the March 23 NRC Meeting on the WVDP Decommissioning Plan;
- < Review the March 5 CTF meeting with the WNY Congressional delegation staff in Buffalo;
- < Discuss the March 11 CTF meeting with NYS Senator McGee and Assemblywoman Young;
- < Status report on Southern Tier West's redevelopment study efforts; and
- < Observer comments and next steps.

### **Meeting Summary**

Tom Attridge, NYSERDA, reviewed the documents distributed at this meeting, then Melinda Holland reviewed the agenda. Senator Schumer's visit to the WVDP on March 19 was mentioned as an opportunity for CTF members to tour the newly completed Remote-Handled Waste Facility (RHWF).

## *NYSERDA's Legislative Principles*

Peter Smith, President of NYSERDA, explained that his agency is undertaking a three-part strategy to ensure DOE completes its cleanup responsibilities at the West Valley site. One part of the strategy involves regulatory accountability, including tracking DOE's compliance with NEPA requirements and applicable environmental, health, and safety regulations. Another aspect of NYSERDA's strategy involves investigating possible litigation strategies. The other part is focused on legislative initiatives. NYSERDA has developed draft legislative principles that Peter Smith shared with the Task Force. He explained that NYSERDA has the support of the Governor's office and has been meeting with Congressional staff and NYS legislators on these proposals. Mr. Smith asked the Task Force for its suggestions and comments on these draft principles and stated that his agency would incorporate those suggestions to the extent possible.

NYSERDA representatives requested written comments and suggestions on the legislative principles. Mark Mitskovski and Ray Vaughan agreed to prepare a first draft which Melinda Holland will circulate to the CTF for review.

In response to a CTF member's question, a NYSERDA representative explained that the use of the term "site" in the legislative principles includes the NDA and the SDA. When asked if NYSERDA is ready to dig up the SDA, he explained that the EIS is investigating alternatives including exhumation. CTF members suggested that NYSERDA consider removing the SDA/NDA as seriously as it is pressuring DOE to remove the facilities on the North Plateau.

In response to a question on timing of legislation, a NYSERDA representative explained that, based on conversations with Congressional staff, legislation on West Valley probably would not move this year. A CTF member noted that now is the time to move ahead with draft legislation, not next year. Another noted that NYSERDA and the CTF should not give Congress an excuse to delay legislation and that the CTF should present its "ideal" bill to Congressional staff as soon as possible. A NYSERDA representative stated that they will do their best to get the legislation to move ahead this year.

A CTF member expressed concern that if legislation gave the federal government title to the site, as proposed by NYSERDA, there would be no incentive for DOE to clean up the site to unrestricted release, DOE would just do the minimum (as it is doing at other sites). She believes that the community does not want DOE ownership without state stewardship. She also noted that the Seneca Nation of Indians never advocates sending wastes for disposal in someone else's back yard. A NYSERDA representative explained that the legislative proposal for independent peer review of DOE's remedy, along with regulatory agency oversight, should provide appropriate incentive to clean up the entire site in a way that is most protective of public health and safety.

A Task Force member suggested using NRC's License Termination Rule (LTR) as the standard for cleanup in new West Valley legislation. He also stated that the LTR should apply to both DOE and NYSERDA, and that an independent peer review panel working within the LTR would be acceptable. Another CTF member cautioned that many details need to be worked out in new legislation including forcing completion of the Decommissioning Environmental Impact Statement (EIS). A Task Force member cautioned that care should be taken in developing legislative language given how the West Valley Demonstration Project Act was believed to be good legislation when passed but is not working out as planned. A CTF member suggested that ideally both NYSERDA and DOE should agree on a legislative approach that responds to both agencies concerns. Agency representatives expressed doubt on the feasibility of this approach.

Task Force members noted the extreme negative impact the West Valley site has had upon the local economy and that this will continue to worsen as DOE continues to reduce budget/staffing at the site. They also noted that new business will not want to locate near the site unless it is fully cleaned up. A CTF

member suggested that the Task Force's draft legislative language include economic redevelopment funding support. Another suggested that the legislation create a new West Valley Demonstration Project to develop/demonstrate new technologies for HLW tank clean up and removal as well as cleanup of other wastes at the site. These technologies could then be exported to other DOE sites and other countries.

A CTF member asked if the letter from DOE Secretary Abraham has yet been sent to Representative Amo Houghton, and if Governor Pataki has met with Secretary Abraham. A DOE representative responded that the letter has not yet been released, nor has the Governor met with the Secretary. He continued to say that the Government Accounting Office (GAO) report on West Valley stated that legislation would likely be required to resolve issues involving the site, and that DOE is doing what it believes is required by current laws and regulations. He also noted that the CTF appears to be asking for more today than it did a few years ago. CTF members responded by stating that DOE is reinterpreting and not meeting the spirit of the law by proposing to reclassify waste as Waste Incidental to Reprocessing (WIR) and closing the tanks in place with grout.

### *Comparison of CTF Recommendations Report & Preferred Alternatives*

Ray Vaughan explained the chart prepared by the Technical Work Group which compares the CTF Recommendations to DOE and NYSERDA's preferred alternatives. He requested CTF comments and suggestions and agreed to prepare a revised version incorporating CTF feedback.

### *NRC Meeting on the WVDP Decommissioning Plan*

NRC representatives explained that the March 23 meeting on the WVDP Decommissioning Plan is a routine meeting as is held for anyone planning to submit a Decommissioning Plan to NRC. NRC will explain its guidance and checklist for preparation of the Decommissioning Plan. CTF members are welcome to attend in person, via teleconference or videoconference. John Pfeffer offered to arrange a videoconference hookup through the University of Buffalo for any CTF members who are interested in attending the meeting. A CTF member asked if NRC would give the CTF direct notice of future meetings related to the WVDP. NRC agreed to provide e-mail notification to Melinda Holland, who will distribute the notice to the CTF.

A CTF member asked NRC how they plan to obtain the required "advice from the affected community" regarding restricted release. An NRC representative explained that this issue is one of the topics for discussion at the March 23 meeting. He also mentioned that NRC does not have much precedent on interpretation of this provision.

### *Meetings with Congressional Staff and NYS Legislators*

CTF members discussed the March 5 meeting between staff for the WNY Congressional delegation and Task Force members and the March 11 meeting between CTF members and NYS Senator McGee and Assemblywoman Young. A CTF member mentioned that NYS Senator McGee and Assemblywoman Young suggested that the CTF needed to issue press releases and resolutions to disseminate its message to the broader public. A CTF member who attended the meeting suggested that the CTF develop resolutions and/or press releases on the following:

- < Increasing federal funding for the site cleanup;
- < The Great Lakes Watershed bill to be proposed by Representative Tom Reynolds (and the potential impacts from the West Valley site on the Great Lakes);
- < The CTF's end-state vision for the site; and
- < Encouraging the Congressional delegation to press DOE for completion of the Decommissioning EIS.

John Pfeffer offered to develop the first draft of a resolution on the CTF's end-state vision and the status of the Decommissioning EIS. Mike Hutchinson agreed to prepare a draft press release on these topics.

A Task Force member suggested that the CTF create its own web site to allow easy access to CTF documents and other information. NYSERDA offered to host a CTF web page on its web site. John Pfeffer agreed to act as Web site coordinator for the CTF page. Another CTF member suggested that the Task Force have folders containing key CTF documents for distribution at meetings like those with the Congressional delegation and state legislators. Mark Mitskovski agreed to develop suggestions on which documents to include, with the assistance of Melinda Holland.

Melinda Holland reviewed the draft summary she prepared of the March 5 meeting with Congressional staff in Buffalo. She mentioned that Congressional staff had encouraged the CTF to provide comments/suggestions to NYSERDA on its legislative principles. Staff members also encouraged the CTF to provide them with the Task Force's "ideal" legislative concepts by the end of April. She suggested that the April 21 CTF meeting focus on completing the CTF's recommendations to the Congressional delegation. A CTF member asked if about the status of the CTF's proposed trip to Washington D. C. Ms. Holland explained that, at the March 5 meeting, Congressional staff recommended postponing the meeting with the delegation until after the CTF has submitted its suggestions for legislation.

### *Southern Tier West Redevelopment Studies*

Tom Barnes, Southern Tier West (STW), gave the CTF an update on the status of the redevelopment study contracts. Mr. Barnes reviewed the history of STW's efforts regarding the two redevelopment studies and their interaction with the CTF and local government. He explained that the scope of the study on the Ashford and Concord Townships has been changed due to feedback from both Towns that they did not want to participate in the studies.<sup>1</sup> STW no longer plans to hold public meetings in the Townships, instead it will have the consultant analyze existing data to develop a report that he hopes will be of use to Erie and Cattaraugus Counties. STW has re-issued the RFP for a consultant to do an asset-based study of redevelopment potential for the 3300 acre West Valley site. Mr. Barnes mentioned that the consultant performing that study will attend CTF meetings to obtain the Task Force's input. The projected study time frame is April through October 2004.

A CTF member questioned whether these studies are premature as the future of the site is still unknown. Mr. Barnes explained that the goal of the studies is to help advise the decision-making on the future of the site. If a study is not done in advance, certain useable site assets/infrastructure could be removed unless a study identifies them as potentially reusable. A survey of the reusable site assets could be used to help attract new businesses to the site. A CTF member mentioned that this study could also help identify useable assets for a new Demonstration Project, if Congress can be persuaded to create a new project. Other Task Force members noted that this type of planning is needed now.

In response to a question on whether the site redevelopment study would include the Ashford Office Complex (AOC), Mr. Barnes responded that the scope of the study was only the 3,300 acre site, but acknowledged that the AOC was an important privately owned asset for community redevelopment. A CTF member stated that these studies are too limited in scope and that Congress should be asked for

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<sup>1</sup> After this meeting, Southern Tier West notified the CTF of the following: "After learning of and receiving letters from both the Town of Ashford and the Town of Concord, which apparently were copied to the funding agencies and elected representatives, STW has decided to terminate Contract STW No. 04-1, the Community Planning Project for the Town of Ashford and the Town of Concord. STW no longer will be proceeding with even the "data analysis and consultant recommendations" concept for the two communities as I had indicated at the recent CTF meeting. Instead, STW has decided to terminate 04-1 completely. In this regard, STW has transmitted the termination letter to the consultant, Swist Government Consulting Associates. After consultation with the funding organizations, STW still plans on going forward with the other contract, Contract STW No. 04-2, the Strategic Reuse Plan for the facility."

redevelopment funding to assist with creation of new jobs in the area.

**Next Steps**

Task Force meetings will continue to be held on the third Wednesday of each month. The April 21 meeting will focus on development of legislative principles. Melinda Holland will schedule a conference call for the Agenda Work Group to discuss future meeting topics and completion of the 2004 CTF Work Plan.

**Observer Comments**

An observer stated that he was pleased to see the SDA and NDA cleanup being discussed by NYSERDA and urged NYSERDA to clean up the SDA regardless of the outcome of legislation.

**Action Items**

<b>Action</b>	<b>Assigned To</b>	<b>Due Date</b>
Draft written comments and suggestions on NYSERDA's legislative principles.	Ray Vaughan & Mark Mitskovski	April 5
Draft of resolution on the CTF's end-state vision and the status of the Decommissioning EIS.	John Pfeffer	April 5
Draft a press release on the CTF's end-state vision and the status of the Decommissioning EIS.	Mike Hutchinson	April 9
Host a CTF web page on NYSERDA web site.	Tom Attridge	Ongoing
Develop suggestions regarding which documents to include in CTF folders for distribution at meetings.	Mark Mitskovski & Melinda Holland	April 16
Schedule an Agenda Work Group conference call to work on the CTF's 2004 Work Plan.	Melinda Holland	April 9

**Documents Distributed**

<b>Document Subject</b>	<b>Document Description</b>	<b>Generated by–Date (if applicable/known)</b>
Meeting Agenda	Agenda	Holland; 2/18/04
2/18/04 CTF Meeting Summary	Summary	Holland; 3/10/04
Draft 2004 CTF Work Plan	Work Plan	Holland; 2/18/04
NYSERDA’s Legislative Principles	One-Page Summary	NYSERDA; 3/04
Comparison of DOE Preferred Alternative to CTF Criteria	Table	CTF; 2/15/04
Meeting Announcement - NRC meeting to discuss Decommissioning Plan for WVDP	Table	NRC
3/5/04 CTF Meeting Summary - Congressional Staff Meeting	Summary	Holland; 3/17/04
NYSDEC Letter to DOE regarding building demolition and grouting the HLW tanks	Letter	Stephen Hammond (NYSDEC) to Robert Warther (DOE); 2/20/04
Seneca Nation of Indians Letter to DOE regarding Tribal Leaders Summit and WVDP Draft Statement of Work	Letter	Rickey Armstrong (SNI) to Spencer Abraham (DOE); 3/12/04
CTF Letter to DOE regarding WVDP Draft Statement of Work	Letter	Leonore Lambert (CTF) to Timothy Jackson (DOE); 3/11/04
NYSERDA letter to DOE regarding WVDP Draft Statement of Work	Letter	Paul Piciulo (NYSERDA) to Timothy Jackson (DOE); 3/9/04
Updated CTF Address List	List	2/19/04
Coalition Letter to Elected Officials regarding the strengths and weaknesses of existing laws and regulations affecting the West Valley site	Letter	Ray Vaughan (Coalition) to Senators Schumer and Clinton and Representatives Houghton, Quinn, Reynolds and Slaughter; 3/15/04