

To: West Valley Citizen Task Force  
From: Melinda Holland, Task Force Facilitator  
Date: September 21, 2005  
Subject: **Summary of the September 15, 2005 Citizen Task Force Conference Call Regarding the Proposed Legislation**

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

### **Conference Call Participants**

CTF Participants: Tom Buttafarro (for New York State Assemblyman Giglio) Lee Lambert, Pete Scherer, John Pfeffer, Chris Pawenski (for Larry Rubin), Bill King, Bob Potter, Tim Siepel, Joe Patti, Stephen Kowolski, and Eric Wohlers. New York State Energy Research and Development Authority (NYSERDA) Participants: Paul Piciulo, Hal Brodie, Paul Bembia, Tom Attridge, Colleen Gerwitz. Senator Schumer's staff participants: Alexandria Sica and Lynn Williams.

### **Conference Call Summary**

Alexandria Sica, of Senator Schumer's staff, thanked CTF members for participating in the call and explained that they would like to hear the Task Force members views on what are the strengths and weaknesses of the legislation introduced in the House of Representatives by Congressman Kuhl. Ms. Sica also stated that a review of the CTF's involvement with development of the proposed legislation would also be helpful. Task Force members and NYSERDA representatives explained how the legislation was developed with the involvement of the CTF and how all but one member is in support of the legislation introduced by Congressman Kuhl.

In response to Ms. Sica's question about how the legislation might be strengthened, a Task Force member stressed that the existing House Bill had been very carefully drafted. He explained that the CTF strongly requests that Congress will not make changes to this Bill, and hopes that the Senate will introduce identical companion legislation. He also noted that DOE appears to be accelerating its departure from the West Valley Demonstration Project site (WVDP) without cleaning up the residual contamination, which will leave the state of New York responsible for future cleanup needs. Another CTF member expressed reservations about the language of the Bill which could result in transfer of ownership of the site to the Department of Energy (DOE). She also stated concerns that the House Bill's use of the Nuclear Regulatory Commission's (NRC) License Termination Rule as the regulatory standard for site remediation was not a stringent enough standard and could be weakened by NRC. A Task Force member reminded the participants that the drainage from the WVDP ends up in the Great Lakes and could impact 20% of the United States fresh water supplies.

A CTF member stated that local governments are very much in support of the language in the Bill which would give some restitution to the local community. He also reminded the participants of the meeting a few years ago between CTF representatives and Senator Schumer, Senator Clinton, and the Western New York Congressional Delegation where legislation was recommended by the delegation members as the best means to end the impasse between NYSERDA and DOE. In response to a question about whether NYSERDA will sue DOE, a NYSERDA representative stated that they have retained outside legal counsel who are drafting a complaint, but the state views litigation as a last resort, preferring a legislative solution instead. A Task Force member mentioned that other groups are considering litigation as well.

Another Task Force member mentioned that the New York State Senator Young and Assemblyman Giglio both support the House Bill in its current form.

Ms. Sica indicated that Senator Schumer and Senator Clinton have asked their staff to contact

stakeholders such as the CTF and to do research into the proposed legislation before taking action. She noted that other interest groups have contacted the Senators regarding the legislation. In response to Ms. Sica's inquiry as to the status of the Decommissioning Environmental Impact Statement for the site, a NYSERDA representative explained that the preliminary draft was delivered to NYSERDA and the regulatory agencies on September 15<sup>th</sup>. The agencies have six months to review and comment on this draft, then the draft will be revised again before it goes out for public review and comment. He noted that

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