M-32

Draft Agenda
West Valley Citizen Task Force and Future Site Use Work Group Combined Meeting

Ashford Office Complex
Wednesday, February 20, 2002
7:00 p.m. - 9:30 p.m.

Welcome/Administrative Announcements ..... **Tom Attridge**
NYSERDA

Discuss 2/13/02 Washington DC Meeting Between CTF Representatives and the Congressional Delegation on the DOE/NYSERDA Negotiations .. **Task Force**

Review and Approve a Draft Letter to the Congressional Delegation ..... **Task Force**

Future Site Use Work Group Meeting ..... **Task Force**

- Review & Discuss RFPs
- Draft Future Use Study RFP Language
- Assign Responsibility for Next Steps

Next Steps & Action Items ..... **Tom Attridge**

Observer Comments

Adjourn

N1355D1

To: West Valley Citizen Task Force
From: Melinda Holland
Subject: Summary of February 5, 2002, Task Force Meeting
Date: February 14, 2002

Next Meeting

The Future Use Workgroup meeting previously scheduled for February 20th has been changed to a full Citizen Task Force (CTF) meeting as follows:

Date:	**Wednesday, February 20, 2002**
Time:	7:00 p.m. - 9:30 p.m.
Location:	Ashford Office Complex 9030 Route 219, West Valley, NY

The Future Site Use Work Group meeting will be re-scheduled. March 5th was reserved for either a full CTF meeting or a Future Site Use Work Group meeting, depending on the outcome of the February 20, 2002 CTF meeting.

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, Ray Vaughan, John Beltz, Michelle Enser, Paul Piciulo, Bill King, Alice Williams, Mark Mitskovski (fro Larry Rubin), Gayla Gray (for Lana Redeye), Joe Patti, John Pfeffer, Lee Lambert, Pete Scherer, and Tim Siepel.

CTF Members not attending were: Bridget Wilson, Warren Schmidt, and Mark Steffan.

Agency Attendees

Jack Krajewski, New York State Department of Environmental Conservation.

Agency Attendees via Videoconference

Chad Glenn, Claudia Craig, John Greeves, U. S. Nuclear Regulatory Commission (NRC).

Congressional Representatives

Ron Hayes, Community Development Representative from Congressman Quinn's office; Chris Knospe, District Manager for Congressman Reynolds.

Meeting Highlights

- DOE Budget Update by Alice Williams
- Early Retirement Incentive and Voluntary Separation Programs and the status of the Ashford Office Complex by Jim Little, West Valley Nuclear Services Company (WVNSCO)
- Update on the NRC Policy Statement, by Chad Glenn, NRC

- Developed amendment language and a strategy for the meeting in Washington, DC between CTF members and the Congressional delegation regarding DOE/NYSERDA negotiations and the 2003 budget
- Discussed the need to identify a CTF spokesperson

Meeting Summary

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

Budget Update – The President's FY 2003 proposed DOE budget reflects a proposed WVDP funding level of $90 million [plus $2,212,000 for security] which is basically the same as last year. However, it was noted that this is the only beginning of the budget process for 2003. More detail to follow at the Quarterly Public Meeting scheduled for Tuesday, February 12, 2002. The budget language did include the language about West Valley that was included in the Appropriations bill from last year[1]. The Secretary also released the "Top to Bottom Review Report" which states that the Environmental Management program should focus on the higher risks first. The report may be found on the web[2].

Early Retirement Incentive (ERI) and Voluntary Separation Programs (VSP) – 158 Employees have signed up to leave WVNSCO as part of the ERI and VSP. These programs are not associated with the proposed budget cuts. As vitrification is nearing completion and the Project moves into a decontamination and decommissioning phase, the larger work force that was needed for Vitrification construction and operation, is no longer needed.

Ashford Office Complex –WVNSCO may not have a continued need for the office space located at the Ashford Office Complex. Currently, the facility is about half full with WVNSCO staff and costs approximately $1.2 million per year to lease the facility, and those funds could be better spent decontaminating facilities at the WVDP. WVNSCO is currently evaluating how long and in what capacity the lease will be continued.

NRC Policy Statement – Claudia Craig told the CTF that NRC, EPA, NYDOH, and NYSDEC are working on a Regulators Communication Plan for the West Valley site. This is a collective effort to identify requirements that are applicable to the WVDP site and the associated responsibilities. Eventually they will share this document with the public. NRC will hold a public meeting in West Valley in April to explain the Policy Statement and the other regulatory requirements for site closure. They would like to meet separately with the CTF before or after the "public" meeting. In response to a question regarding the Federal Register publication date, NRC responded that the notice and Policy Statement may be found in the Federal Register at 67 FR 5003, dated February 1, 2002.

Upcoming CTF Meeting with Congressional Representatives – Paul Piciulo reported that he had talked with Bob Van Wicklin with Congressman Houghton's office, and they have targeted February 13 as a possible meeting date[3]. Bill King told the CTF that he had been contacted by the following

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[1] "Provided, That funding for the West Valley Demonstration Project shall be reduced in subsequent fiscal years to the minimum necessary to maintain the project in a safe and atable condition, unless, not later than September 30, 2002, the Secretary:
1. Provides written notification to the Committees on Appropriations of the House of Representatives and the Senate that agreement has been reached with the State of New York on the final scope of Federal activities at the West Valley site and on the reapoective Federal and State cost shares for those activities; 2. Submits a written copy of that agreement to the Committees on Appropriations of the House of Representatives and the Senate; and 3. Provides a written certification that the Federal actions proposed in the agreement will be in full compliance with all relevant Federal statues and are in the best interest of the Federal government.

[2]. http://www.em.doe.gov/ttbr.html

[3]. On February 6th, the CTF was notified that the meeting will occur on February 13th in Washington DC

Congressional leaders: Jack Quinn, Tom Reynolds, Amo Houghton, John LaFalce, Hillary Clinton, and Charles Schumer. In response to a question about who would be attending the meeting, Paul Piciulo replied that attendees will include representatives from: NYSERDA, DOE, the CTF, and Congress.

The following CTF members volunteered to travel to Washington, DC to represent the CTF at the upcoming meeting: John Pfeffer, Mark Mitskovski (or Larry Rubin, if his schedule permits), Joe Patti, Eric Wohlers, Ray Vaughan, and Bill King. DOE and NYSERDA stated they could provide funding for two CTF members to travel to Washington, DC, similar to the manner in which they have supported CTF participation in meetings that require travel, where it is important for the CTF to present their views. The other volunteers have funding available to attend the meeting. CTF members will coordinate travel arrangements through Tom Attridge.

CTF/Congressional Meeting Messages – Before developing the messages the CTF wants to take to the meeting with the Congressional delegation, members agreed that their messages should be clear and straightforward. The results of a brainstorming session included the following topics to be raised at the February 13th meeting:

1) Assessment of advisability of trying to amend the Act.
2) Resolve main issues in negotiations: Long-term DOE presence on site; High-level waste disposal fee
3) Defense waste classification and how it relates to DOE's role, the WVDPA, and the HLW disposal fee
4) Hearings on negotiations resolution
5) Resolve the threat of next year's budget cut

A CTF member recommended that anyone planning to attend this meeting should read Chapter 7 of the Western New York Nuclear Services Center Study - Companion Report that was issued to CTF members at the February 5, 2002 meeting. Chapter 7 discusses the defense waste issue and who was responsible for what at the site. He cautioned that Congress may feel that it has already addressed the defense waste issue in that report.

Ray Vaughan and Mark Mitskovski presented their proposed amendment language to the existing West Valley Demonstration Project Act (WVDPA) (see attachment). Discussions continued regarding what should be requested of the Congressional delegation. There was general interest in including other site issues that might not be encompassed in the draft amendment language, such as who is responsible for the North Plateau Groundwater Plume and the NRC-licensed Disposal Area (NDA). The cost of the North Plateau groundwater plume cleanup is another major stumbling block for DOE in the negotiations, said a DOE representative. DOE feels it is not responsible under the WVDPA for the cleanup of this plume, yet it undertook the remediation efforts with the understanding that it would seek reimbursement of its costs from NYSERDA. DOE also states that it is not responsible for remediation of the NDA. CTF members expressed concern that they might get Congress to act on the disposal fee and stewardship issue then find DOE and NYSERDA still unable to reach agreement over these additional issues in the negotiations. The agencies indicated that the HLW disposal fee and stewardship issues are clearly the issues that have dominated the negotiations. Congressional hearings were mentioned as one way for all issues to be discussed, but others were concerned about the amount of time it would take before any Congressional action resulted. The CTF delegation agreed to add these two issues to their outline of priority issues for the proposed February 13th meeting.

A CTF member expressed concern that including language regarding the perpetual care funds may be a stumbling block because of the uncertainty of the level of funding that will be required for long-term management. Another member clarified that those funds already exist under the Cooperative Agreement between DOE and NYSERDA. The moneys in the perpetual care fund were initially contributed by NFS while they operated the facility to be used for future closure activities. The Cooperative Agreement states that this fund (currently about $21 million) goes to DOE when the high-level waste glass canisters

are sent to the national repository. This amount is far below the fee for disposal of the high-level waste glass canisters required by DOE, which will be in the range of $200 million. The drafters of the amendment language clarified that Item #4 in the draft language refers to long-term stewardship funds and the language in #3 refers to the fees required by the NWPA for disposal of the high-level waste glass canisters. They also agreed that they would work on the draft to clarify the reference to the perpetual care fund.

A WVNSCO representative suggested that the CTF should educate the Appropriations Committees members and the Congressional delegation about why the 'hammer' placed in last years appropriations bill will not work. He suggested that they should also request the Congressional delegation and the Appropriations Committees to remove the language requiring funding cuts for the WVDP if there is no resolution between DOE and NYSERDA by September, 2002. CTF members also urged clear communication to the Congressional delegation of the risks of such a major cut in funding: it will cost much more in the long run to 'moth-ball' the project then restart the cleanup in a future year and failure to continue with cleanup as planned could endanger health and safety of the region. Relating the timely cleanup of West Valley to the President's interest in promoting nuclear power was also suggested - completion of the demonstration project shows how HLW from fuel reprocessing can be successfully dealt with.

One of the CTF members asked the Congressional representatives in attendance which should be the CTF's first priority with Congress: 1) Request Congress to discontinue threatening to drastically reduce funding if the agencies don't come to an agreement by September 2002; or 2) Proactively seek an amendment to the current WVDP Act. In response to this question, Chris Knopse from Congressman Reynold's office responded that passing an amendment to a law (last years appropriation bill language) is a challenging task in such a short time frame. Ron Hayes of Congressman Quinn's office suggested that the CTF clearly spell out the facts behind why the deadline will not work to resolve the issues . between DOE and NY. He also stated that the CTF's draft amendment language was a good start, but remember that actual legislation would be drafted by Congress. He suggested bringing to the meeting some short background material on the site and the history of what has brought you to Congress seeking help. The CTF agreed that the best approach for the February 13th meeting would be to take both the draft amendment language and a clear, simple priority list of actions which are needed.

A Task Force member commented that Item #2 of the draft amendment language doesn't reflect DOE's recent plan to separate the 1996 DEIS into two draft EISs: 1) Decontamination and Waste Management EIS; and 2) Decommissioning EIS. Further discussion revealed that one of the key goals is to create legislatively mandated time-lines that would establish deadlines for delivery of a preferred alternative and ROD. Changes were made to #2 in the draft to accommodate these concerns.

In response to a question from a CTF member on what are the major goals for the site during the next five years, a DOE representative stated: decontaminate and remove high-activity waste and material from Main Process Building cells; ship spent fuel and drain and decontaminate the fuel storage pool; complete construction of the Remote Handled Waste Facility, continue to ship waste off-site for disposal. Much of this work could continue well into 2008. For additional work to continue flawlessly, a Record of Decision would need to be issued well before 2008 to allow project planning and engineering to be ready when the time comes for implementation. Thus she felt the time-line proposed in the CTF draft amendments was workable.

One CTF member noted that the Coalition would prefer that Congress not adopt any language that would supersede the language as it appears in the Stipulation of Compromise.

A NYSERDA representative mentioned that Bob Card, DOE Undersecretary, had contacted Bill Flynn's office to try to schedule another negotiation session.

Designating a CTF Spokesperson – Discussion continued on whether or not to identify a single point of contact to facilitate communications among the CTF and external organizations. The discussion will continue at the next meeting.

Next Steps and Action Items

- March 5th was designated for either a Future Site Use Workgroup meeting or a full CTF meeting
- Joe Patti will send a letter to DOE and NYSERDA requesting funding for travel to Washington, DC.
- Eric Wholers will draft an outline of the key/prioritized points that the CTF wants to make to Congress, and work with Sonja Allen to develop a package of background materials for the meeting attendees
- Tom Attridge will obtain information on flights for the CTF members traveling under DOE/NYSERDA sponsorship and provide that information to others traveling under their own cognizance.
- Sonja Allen will send the revised proposed language to the CTF members planning to attend the meeting in Washington, DC.

Observer Comments

There were no observer comments.