

To: West Valley Citizen Task Force
From: Melinda Holland
Subject: Summary of February 20, 2002, CTF Meeting
Date: March 14, 2002

Next Meeting

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

Date: Tuesday, March 5, 2002
Time: 7:00 p.m. - 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: Eric Wohlers, Ray Vaughan, John Beltz, Michelle Enser, Paul Piciulo, Bill King, Alice Williams, Mark Mitskovski (for Larry Rubin), Joe Patti, John Pfeffer, Lee Lambert, Pete Scherer, Warren Schmidt, Nevella McNeil, and Tim Siepel.

CTF Members not attending were: Bridget Wilson, Mark Steffan, and Lana Redeye.

Agency Attendees

Jack Krajewski, New York State Department of Environmental Conservation.

Congressional Representatives

Ron Hayes, Community Development Representative from Congressman Quinn's office

Meeting Highlights

- ▶ DOE Update on Extension of WVNS Contract and Plan for Project Acceleration by Alice Williams
- ▶ Report on February 13, 2002 meeting with Congressional Delegation
- ▶ Draft follow-up letter to Congressional Delegation

Meeting Summary

Tom Attridge opened the meeting by briefly describing the written materials that were disseminated at the meeting (see end of summary) and reviewing the agenda.

Extension of WVNS Contract – Alice Williams described the February 20, 2002 announcement in DOE's Industry Interactive Procurement System regarding the Department's intention to extend the existing contract for operation of the West Valley Demonstration Project. Ms. Williams stated that DOE's intent to extend the WVNS contract has been formally noticed for a 30 day comment period. She emphasized that this was not a "done deal", but if DOE proceeds with an extension, it would be for 27 months starting October 1, 2002. DOE's intent to extend the contract for 27 months is based, in part, on a need to continue the project decontamination work that has already been started, taking advantage of the momentum that currently exists (so as not to unnecessarily impede progress).

WVDP Acceleration - Alice Williams handed out presentation material pertaining to DOE's desire to accelerate WVDP completion, which she offered to talk in more detail on in the next CTF meeting. She explained that DOE, as an organization, is looking to streamline how Environmental Management (EM) does business. DOE's recent Top-To-Bottom review discovered that, over time, EM work has become slow and inefficient. To help improve the way they do business, DOE has requested, as part of the budget process, the establishment of an \$800 million fund to support acceleration of cleanup projects. If Congress appropriates such a fund, a site (like West Valley) could compete for a portion of this fund by showing acceleration and cost savings.

Alice Williams stated that if the project moves forward with accelerated clean-up within the next 27 months, DOE could be in a good position for a new contract structure in 2005. She emphasized that 2005 is not the date DOE plans on leaving the site, but rather a date when it is envisioned that this contract period will be over. DOE will still need to decommission facilities and ship the HLW to a federal repository before the Project is considered complete. Paul Piciulo indicated that DOE did not share this with NYSERDA until only recently and that it clearly changes the pace and approach for completing work that previously would have taken until the year 2023. He encouraged the CTF to take a close look at this plan.

Discussion of February 13th CTF meeting with Congressional Delegation - Each of the six CTF members that attended the meeting on February 13, 2002 shared their views on the meeting. The major points the CTF made regarding the February 13th meeting, included:

- ▶ The reception the CTF members received by the delegation, and the obvious attention provided them during the meeting was very encouraging. The Congressional Representatives demonstrated a good grasp of the issues.
- ▶ Senator Schumer suggested during the meeting that there be periodic conference calls to continue to status the issues; the CTF felt this was a good suggestion and one worth following up on.
- ▶ During the meeting written correspondence between NYSERDA President Bill Flynn and DOE Undersecretary Bob Card was discussed. (The CTF requested and received copies of the correspondence during this CTF meeting.)
- ▶ During the meeting, Senator Clinton expressed a willingness to look closely at the language of the WVDP Act, to determine if there might be a mechanism to resolve the negotiation issues through modifications/clarifications to the Act.
- ▶ The CTF expressed a concern that a higher level DOE official (higher than the DOE Deputy Assistant Secretary level) did not attend the meeting. This did not exhibit to the CTF that this was an important issue for DOE senior management.
- ▶ Senator Schumer relayed his understanding of the origin of the budget language regarding potential reductions to the WVDP budget, should there continue to be no resolution on the issues between DOE and NYSERDA. Senator Schumer's understanding was that DOE initiated this language.
- ▶ Senator Schumer showed a willingness to work to ensure the WVDP budget would not be held hostage to the negotiations process.

The meeting transitioned to more open discussion about the negotiations and Congressional intervention. Comments made by the CTF included a concern that some of the language in Bob Card's letter to Bill Flynn might suggest that DOE is not serious about completing the decommissioning EIS, and the need to continue (and complete) the EIS. The CTF also expressed their continued frustration over the inability of the parties to agree, and the apparent inability for DOE to interpret the Act in a manner that satisfies NYSERDA, to allow DOE to do the work. The CTF comments also indicated that if DOE's decommissioning work left any waste at the site, DOE would need to remain to address any necessary problems.

During the discussion, DOE indicated that they are bound by the WVDP Act, and are not able to interpret it in a manner that DOE would consider to be overly creative, to the point that Congress' intent might be

compromised. The negotiating team is bound by the Act, and by the legal interpretation of their legal counsel. There was discussion on whether a modification to the Act would be achievable, and concerns were expressed with regard to the length of time that would likely be required. DOE clarified the language from the Bob Card letter and pointed out that it emphasized the need to both continue the on-going work and the need to complete the decommissioning EIS expeditiously. DOE inquired as to whether an approach might be to continue with the EIS process in a way that allows more definition to how the decommissioning and any necessary stewardship might be achieved, while the responsibility issues continue to be worked.

NYSERDA indicated that DOE was able to make concessions in the negotiations during the previous Administration, and expressed frustration that DOE did not have the will to make those same concessions now. DOE clarified that DOE's legal position has not changed from that during the previous negotiations, and did not, in the previous proposal, agree that DOE was responsible for the HLW fee, or that DOE was required to maintain operational control of the site, following decommissioning.

CTF Draft Letter to Congressional Delegation - The CTF members then worked to complete a follow-up letter to the Congressional Delegation that the CTF met with on February 13, 2002. The content of the letter focused on thanking the delegation for taking the time to meet, reiterating the CTF's concerns, and listing the action items that resulted from the meeting.

Next Steps

The next meeting of the CTF is scheduled for March 5, 2002.

Action Items

Action	Assigned to:	Due Date
Present information on the potential for WVDP Acceleration at the next CTF meeting	Alice Williams	March 5, 2002
Communicate the CTF's concerns (regarding what appeared to be a lack of sufficient attention by DOE upper management to the WVDP responsibility issues, as exhibited by the lack a high-level DOE official at the February 13 th meeting) to DOE Headquarters.	Alice Williams	March 5, 2002

Observer Comments

There were no observer comments.

List of Documents Distributed at Meeting

- ▶ Prioritized Points for Congressional Action (Presented to WNY Congressional Delegation, 2/13/02)
- ▶ Presentation titled, “Plan for WVDP Acceleration”
- ▶ Presentation titled, “Fiscal Year 2003 Budget Workshop”
- ▶ U. S. DOE Industry Interactive Procurement System; Solicitation Number DE-AC24-02OHXXXX, Extension of the existing contract for operation of the West Valley Demonstration Project
- ▶ Letter from Robert Card, DOE, to William F. Flynn, NYSERDA; dated February 5, 2002
- ▶ Letter from William F. Flynn, NYSERDA, to Robert Card, DOE; dated February 14, 2002
- ▶ News Release from Representative Amo Houghton’s office: “Houghton Names District Director”

To obtain a copy of any document listed above, please contact Sonja Allen at 942-2152 or allens@wvnsco.com