

To: Citizen Task Force
From: Melinda Holland, West Valley Citizen Task Force
Subject: Summary of February 3, 1999, Task Force Meeting
Date: February 24, 1999

Next Meeting:

The next Citizen Task Force (CTF) meeting is scheduled for:

Date: March 17, 1999
Time: 7:00 p.m. - 9:30 p.m.
Location: Ashford Office Complex
9030 Route 219, West Valley, NY

A draft agenda for the March 17 meeting is attached. 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: Ray Vaughan, Nevella McNeil, Barbara Mazurowski, Eric Wohlers, John Pfeffer, Lea Lambert, Paul Piciulo, Warren Schmidt, Rich Tobe, Pete Scherer, Bridget Wilson, Larry Smith, Bill King, and Murray Regan. Not attending were: Joe Patti, Tim Siepel, Pete Cooney, and a representative from the Seneca Nation.

Regulatory Agency Attendees

Jack Krajewski and Tim Rice, New York State Department of Environmental Conservation

Regulatory Agency Attendees via Video Conference

Jack Parrott, Tim Johnson, and Bill Reamer; NRC

February 3 Meeting Summary:

Tom Attridge and Melinda Holland opened the meeting by reviewing administrative issues and the agenda. They reminded the CTF that Blake Reeves had submitted a letter of resignation from the Task Force and that NYSERDA has recommended Lea Lambert, who is affiliated with the Western New York League of Women Voters as his replacement. The CTF members welcomed Lea as a member and commended her great record of past attendance at CTF meetings as an observer.

The meeting began by viewing segments of the videotape of the January 12, 1999, NRC public briefing on the proposed decommissioning criteria for West Valley. The CTF watched the initial portion of the video, and Rich Tobe's presentation on behalf of the CTF, which was the final segment of the briefing. The CTF members commended Rich on his excellent presentation to the NRC Commissioners. A transcript of the entire briefing had been previously mailed to CTF

members and was used for some of the discussion about the briefing. Rich Tobe noted that in the beginning of the briefing, John Greeves, NRC staff, stated that West Valley is not a good site for waste disposal due to poor site conditions and active erosional problems.

CTF members present at the briefing indicated that the NRC Commissioners were displeased with NRC staff's approach in the paper and lack of preparation for the briefing. They observed that the Commissioners were not very receptive to the staff's recommendation to postpone prescribing criteria until after the site has completed its final EIS. On the other hand, the Commissioners were understanding and sympathetic towards the CTF's point on prescribe vs. "postscribe." After the briefing, the Commission requested that the NRC staff prepare a supplemental paper which will most likely be released to the public a few weeks after it goes to the Commissioners on February 12. It is unknown how long the Commission will take to make a decision on decommissioning criteria for West Valley, but did say it is a high priority.

Ray Vaughan, who attended the briefing as an observer, also noted that while Commissioner McGaffigan's remarks at the end of Rich's presentation may have seemed to stress that NRC was rather limited by the statutes. The Commissioner's earlier remarks indicated that the various statutes gave the NRC broader authority over the site. NRC's legal authority over the portion of the 3,300 acres outside the 200-acre facility is still being researched.

Rich noted that some of the Commissioners had not read the CTF's recommendations, but was sure they would do so after the briefing. Another CTF member noted that after reading the transcript he felt that the NRC briefing was good for the overall process as it forced all parties to put the points of their case in writing, sit in the same room, and hear each other out. He also noted that institutional controls were discussed extensively and at least one Commissioner recognized the concept of "time-limited institutional controls" and long-term retrievable storage. The Superfund approach at Maxi Flats was also discussed which allows indefinite institutional controls with periodic re-evaluation of the site. Rich and Ray noted that the NRC Commissioners had done their homework and were very well prepared. In contrast the NRC staff were confused about the site size, license conditions, whether or not a new EIS is required, legislative history of the West Valley Demonstration Project Act, and whether the NRC should act via rule, regulation, guidance or administrative order. Rich observed that, under questioning, the NRC staff admitted they were trying to create an new alternative to the existing alternative approach provided for in the License Termination Rule.

While they were in Washington, DC, Rich and Ray took the opportunity to meet with elected officials, NRC, and senior DOE management to explain the CTF's recommendations for West Valley. Ray met with Commissioner McGaffigan and NRC attorney Steve Crocket after the briefing. They were concerned about the high doses projected if institutional controls fail. Ray explained that the analogy to Maxi Flats was misleading as West Valley has much more than just low level waste buried on site. Maxi Flats sits on fractured bedrock which is seriously contaminated, but the site is not subject to erosion as is West Valley. The intruder doses at Maxi Flats may be comparable to West Valley. Ray's meeting with Commissioner McGaffigan focused mostly on technical details. NRC staff is looking into whether the entire 3300 acres at West Valley is covered under the license or just the 200 acres (minus the SDA). NYSDEC is also investigating this issue.

In response to a question from a CTF member, a NYSDEC representative stated that NYSDEC had decided that at this point in time the best solution for the Cesium Prong is to allow it to finish

decaying in place. NYSDEC added that NYSERDA did a good job of characterizing the plume outside the 3,300-acre site, but not much data exists on concentrations within the site. NYSDEC performed an intensive evaluation and verified NYSERDA's results and recommendations. In response to another question, the NYSDEC representative responded that they had not taken samples of vegetation and rodents in the prong area. Another CTF member stated that other low concentration plumes exist which may be below regulatory limits but may still have a financial impact on the state of New York.

After the briefing, Rich Tobe and Ray Vaughan split up to go visit the offices of Congressmen Schumer, Houghton, Reynolds, and Quinn. The Congressmen were asked to write to NRC encouraging the agency to prescribe rather than "postscribe" decommissioning criteria and requesting that the standards that apply to other sites be applied to West Valley. NYSERDA agreed to work with the Governor's staff in Washington, DC to draft a letter that the Congressmen could send to the NRC, encouraging the prescription of criteria. Rich also visited two DOE officials, Jim Owendoff and Ellen Livingston. Rich noted that the meeting with Mr. Owendoff was tense and not very productive. Ms. Livingston, in contrast, was very helpful and offered to assist in getting a high-level DOE official to meet with the CTF in the near future. (As a result of Ms. Livingston's efforts, Jim Turi, DOE Acting Associate Deputy Director for Waste Management, will meet with the CTF on March 17, 1999, to give DOE Headquarter's response to the task force's recommendations. Mr. Turi was the original DOE project director for the West Valley Demonstration Project and is familiar with the site.)

Next, Barbara Mazurowski presented budget issues for the WVDP. She noted that the West Valley budget has steadily decreased from \$126 million in 1995 to \$107 million in 1999, and she anticipates that the site will get even less next year. She noted that costs for maintaining the existing infrastructure remain the same, even though the number of canisters being produced has significantly decreased. In the meantime, there are additional demands on current budgets, such as costs for shipping the spent nuclear fuel. DOE needs to continue to demonstrate progress to successfully obtain funding. Decontamination of some of the cells in the Main Plant with high-activity waste has begun, so safety precautions and a trained work force must be maintained.

Next, Pete Scherer gave a brief summary of the High Level Waste Tank Conference that he attended last fall. The purpose of the conference is to share methods for tank cleaning and closure. Pete noted that there was more communication between sites regarding tank closure. He described his trip to Yucca Mountain, stating that the science and technology was "very impressive," and that 2010 would be the earliest date for waste acceptance.

Barbara Mazurowski also attended the conference and agreed with Pete that the interaction between the stakeholders and DOE was better this year. She stated that West Valley is ahead of the game because, while other sites are performing "operational closures," West Valley is looking at tank closure and site closure together.

In response to a question about shipping the spent nuclear fuel, Barbara Mazurowski said that they are still evaluating shipment alternatives, but favor rail at this point. The spent nuclear fuel will be shipped to the Idaho National Engineering and Environment Laboratory.

Larry Smith continued with a short summary of the Innovative Technology Deployment Conference he attended in Oak Ridge, Tennessee in December 1998. He stated that many promising technologies were discussed and observed during the field trip. Larry indicated that he would like more information about the potential for application of innovative technology, especially reactive barriers, at West Valley. He noted, however, that the site remediation division of DOE appears to be reluctant to consider innovative technologies. Contractors need better incentives to use new technologies which will perform faster, and/or better. Another CTF member noted that technologies which are promising in the demonstration stage do not always work on full-scale application which creates a reluctance to use them.

Next Steps

The next meeting was set for March 17. Jim Turi, DOE Headquarters, will be present to respond to the CTF's recommendations.