

To: Citizen Task Force
From: Melinda Holland, Holland and Associates
Subject: Summary of March 17, 1999, Task Force Meeting
Date: March 22, 1999

Next Meeting:

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

Date: April 7, 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 April 7 meeting is included in this mailing. 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, Barbara Mazurowski, Eric Wohlers, Lea Lambert, Paul Piciulo, Warren Schmidt, Rich Tobe, Pete Scherer, Joe Patti, Tim Siepel, Bridget Wilson, Bill King, and Not attending were: Nevella McNeil, John Pfeffer, Larry Smith, Murray Regan, and Pete Cooney.

Regulatory Agency Attendees

Jack Krajewski, New York State Department of Environmental Conservation (NYSDEC)

Attendees via Video Conference

Jack Parrott, Mike Weber, and Tim Johnson; Nuclear Regulatory Commission (NRC)
Joe Price and Patti Swain, Science Applications International Corp.

March 17 Meeting Summary:

Tom Attridge and Melinda Holland opened the meeting by reviewing administrative issues and the agenda. The main focus of the meeting was Jim Turi, Acting Associate Deputy Assistant Secretary for Waste Management, Office of Environmental Management for the Department of Energy (DOE).

Mr. Turi began the meeting by explaining that he was attending the meeting to provide the CTF with DOE headquarters' response to the Task Force's recommendations and DOE's current projections for decontaminating and decommissioning (D&D) the site. He conditioned his remarks by stating that his remarks were not "official" DOE positions, but were his personal understanding of what the agency is currently considering for the West Valley site. This caveat was provided to allow Mr. Turi to be as candid as possible, while acknowledging that final decisions have not been made for the site.

He reminded the group that DOE's budget for West Valley has been shrinking somewhat and that, given its nationwide cleanup responsibilities, DOE probably cannot afford to remove all wastes from the site. He stated that DOE should not be too "stingy" with what it is willing to do at West Valley and that NYSERDA and the Task Force should not be too "greedy" in what they expect DOE to provide in the hopes that an acceptable closure can be agreed upon. In response to a question, Mr. Turi acknowledged that any agreement or decision on how to D&D the site must be done through the EIS process and that DOE hopes to move that process along as quickly as possible. He expressed an interest in finding creative ways to satisfy the concerns of the local communities. For example, he mentioned that at other DOE facilities, DOE has agreed to review the site on a specified schedule when wastes were closed in-place.

DOE plans to initiate formal negotiations with NYSERDA over division of responsibility for the site in six to eight weeks. Before those negotiations can begin, DOE staff will meet with Congressional staff, DOE upper management and Secretary Richardson on the preferred approach.

Mr. Turi stated that the current thinking within DOE on a possible approach to D&D includes:

- Send the spent fuel to Idaho in 2001
- Ship low-level waste (LLW) off site for disposal
- Store the vitrified waste canisters and TRU wastes on site until a suitable repository is found
- Clean the high level waste tanks to the greatest extent possible then grout and cover with a multilayer cap
- Clean the main plant building to the greatest extent possible then grout the basement level, rubble the building and cover with a multilayer cap

- Install an up-gradient ground water diversion barrier at the NRC-licensed Disposal Area (NDA) along with surface water management
- Develop a long-term operations and maintenance plan specific for conditions at West Valley

He stated that DOE hopes the CTF will remain active throughout the D&D process and be involved in designing the long term operations and maintenance approach for the site.

Mr. Turi stated that he feels that the technology to deal with wastes temporarily closed in-place will be developed over the next 20 - 100 years, but for now DOE believes that the safest, most effective approach for some areas of the site is to close the waste in-place.

In response to a question, Mr. Turi clarified that he was not proposing to remove any wastes from the NDA at this time due to worker safety and cost considerations. A CTF member reminded him that the draft EIS had stated that removal of all wastes from the NDA was an option which he believes is technologically achievable. The CTF member also cautioned that control of erosion through an operations and maintenance program may not be easy and needs to be included in the budget. Mr. Turi responded that DOE is successfully dealing with surface erosion control at other sites and that he hoped the technology would be developed to clean up the remaining wastes long before creek erosion becomes a problem.

Another CTF member asked who will remain at the site to do oversight if wastes are to be left on site. Mr. Turi responded that some organization will be responsible, but which one is unresolved at this time.

In response to a question about the level of funding available for West Valley, Mr. Turi responded that adequate funds are available. He also stated that reaching an agreement with NYSERDA, developing the preferred alternative, final EIS, and record of decision (ROD) is very important to securing long-term funding commitments for the site. In the DOE budget process, West Valley competes with other sites that have identified paths forward, which gives these other sites a preference for funding. A CTF member raised a concern that DOE and NYSERDA's lack of agreement to date has resulted in a lack of funds. DOE representatives reassured the CTF that funding has not detrimentally impacted the site. In past years, DOE focused the vast majority of its funds on completing vitrification to deal with the high-risk, high-

level liquid wastes in the tanks. Now closure of the rest of the site is the focus. A CTF member suggested that the public should contact the Governor, legislators, etc., to push DOE and NYSERDA to complete an agreement and to assure that adequate funds are made available.

Another CTF member stated that closing the site with “project” wastes left in place should not be viewed as constituting D& D under the West Valley Demonstration Project Act (the Act). Mr. Turi responded that DOE feels it can meet the NRC’s D&D criteria even if the main plant building is rubbleized and capped. Based on recent work, he feels the site probably can satisfy the numerical criteria in NRC’s License Termination Rule (LTR) but they would have to demonstrate that to NRC. Mr. Turi stated that until NRC issues its D&D criteria, DOE will need to make assumptions as to what the criteria will be. If the actual criteria are different, then the approach proposed by the site may have to be adjusted. In response to another question, Mr. Turi stated that he could not at this time say whether DOE would support NRC selection of the License Termination Rule as the D&D criteria for West Valley. DOE is examining this alternative at this time.

DOE representatives assured the CTF that they would have an opportunity to comment on the preferred alternative in its conceptual stages and as a draft. The site hopes to have the preferred alternative draft by this summer and a ROD in 2000. DOE and NYSERDA would like to start talking with the CTF about the approach proposed in the preferred alternative before the draft is complete. A CTF member requested that the public comment period on the Supplemental EIS be as long as 6 months if it is a complex document with significant changes since the DEIS. Mr. Turi responded that at least 60 days would be provided.

Next, Mr. Turi answered questions based on individual points made in the CTF’s recommendations. Mr. Turi agreed with CTF members that the goal should be the eventual removal of all wastes from the site, but stated that it may take longer than 20 or 30 years. CTF members expressed concern that grouting and rubbleizing the main plant would make it harder to perform future remediation efforts. DOE responded that it is a balancing effort - it may not be safe to leave the building standing. He also stated that the residual waste in the tanks needs to be stabilized with grout and the grout will prevent collapse of the empty tanks. However, he stated that DOE is open to additional CTF input on this. A CTF member stated that the CTF feels the federal government should be responsible for federal wastes disposed on site and that a continuing federal presence is desired at West Valley if wastes remain on site. Mr. Turi stated

that while DOE and NYSEERDA have different views on those subjects he is cautiously optimistic that they can negotiate an acceptable outcome in the near future. In response to a question on difficulties of shipping wastes across state lines, Mr. Turi stated that hazardous and radioactive wastes are routinely transported.

CTF members expressed the view that leaving wastes in the ground at the SDA and NDA should not qualify as decommissioning under the WVDP Act. Mr. Turi reminded the group that the legislative history of the Act makes it clear that Congress did not intend the NDA or SDA to be covered (unless they were used to dispose "Project" wastes).

A CTF member stated that he believes the Task Force needs more information about the Incidental Waste Rule and its application to the residual wastes which will remain in the HLW tanks. He stated that it does not seem appropriate to just reclassify high-level waste as low-level waste. Mr. Turi suggested that the Task Force take a look at the recent Natural Resources Defense Council (NRDC) case against NRC on the Incidental Waste Rule and perhaps also ask NRC to explain how the rule works. He also mentioned that other DOE sites with HLW tanks will be closing tanks under this rule. CTF members who attended DOE's HLW tank closure workshops commented that the citizen organizations at Savannah River and other sites did not seem as well-informed on this issue as the West Valley CTF. One participant felt that this CTF is much better informed and has a closer working relationship with the site than other groups.

Mr. Turi closed his presentation by offering to return to speak with the CTF if requested.

The CTF next asked NRC when the Commission will issue the final paper and if they are accepting comments on SECY 99-057. An NRC staffer responded that he did not know when the Commission's decision would be made, but he thought it would be before June when the Chairman leaves the Commission. He stated that the CTF is welcome to submit comments on SECY 99-057. Rich Tobe volunteered to craft the draft comments for the CTF by March 26, 1999. The draft will be circulated to the Task Force and be discussed and finalized at the next meeting on April 7, 1999.

Next, Ray Vaughan summarized his participation (by conference call) in a meeting on the proposed computer model for predicting the long-term effects of erosion at the site. Eric Wholers also participated during part of the call. Ray was concerned that although the model

has been under development for six months, the CTF has not been given an opportunity for input. A DOE representative explained that the time has been spent by SAIC in building and testing the accuracy of the model and that it was not ready for peer review until this week. The meeting on the

March 16, 1999, was to initiate the peer review process on the erosion model. The goal for the model is to get the best technical estimate of the effects of erosion with the data available. The Army Corps has been asked to perform an independent review of the model. The model is based on the Siberia erosion model developed by an Australian geologist. Ray spoke to a geologist who developed one of the competing models about the situation at West Valley. That geologist suggested that the key to success is to calibrate the model to the site in question by adding some subroutines to match the particulars of the site. A DOE representative mentioned that the Corps and other organizations/agencies have been asked to participate in the peer review of the model. Later, the CTF will be briefed on the use of the model. As soon as a schedule is developed the CTF will be informed. Ray asked that CTF members with an interest in the technical issues surrounding the model be allowed to interact with the author of the model and the other peer reviewers.

Observer Comments

There were no observer comments.

Next Steps

- Rich Tobe volunteered to draft a letter from the CTF to NRC commenting on NRC's SECY 99-057
- The next meeting was set for April 7, 1999, to finalize the CTF's comments on SECY 99-057