

To: West Valley Citizen Task Force
From: Melinda Holland, Holland and Associates
Subject: Summary of May 23, 2000 Citizen Task Force Meeting
Date: June 9, 2000

Next Meeting:

The next West Valley Citizen Task Force (CTF) meeting is scheduled as follows:

Date: Tuesday, August 22, 2000
Time: 7:00 p.m. - 9:30 p.m.
Location: Ashford Office Complex
9030 Route 219, West Valley, NY

A meeting announcement and draft agenda for the next meeting will be circulated before that 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: Ray Vaughan, Nevella McNeil, Tim Siepel, Pete Scherer, Bridget Wilson, Warren Schmidt, Larry Smith, Elizabeth Lowes (for Barbara Mazurowski), Eric Wohlers, Lee Lambert, Paul Piciulo, Bill King, Mark Mitskovski (for Larry Rubin), and Joe Patti. Not attending were: Lana Redeye, Murray Regan, John Pfeffer, and Pete Cooney.

Regulatory Agency Attendees

Jack Krajewski, New York State Department of Environmental Conservation (NYSDEC), attended in person.

Jack Parrott and Kristina Banovac, U. S. Nuclear Regulatory Commission (NRC), attended via videoconference.

May 23 Meeting Summary:

Tom Attridge and Melinda Holland opened the meeting by reviewing administrative issues and the meeting agenda.

The meeting began with a question to Jack Parrott of NRC about the status of SECY-99-284 "Classification of Savannah River Residual Tank Waste as Incidental" (a copy was given to the CTF members at this meeting as previously requested). Mr. Parrott responded that the Commissioners had all voted on the SECY paper but that the vote sheets were not yet publically available so he could not discuss the results. The vote sheets will be made available on the NRC web site (www.nrc.gov).

DOE and NYSERDA provided a brief update on the progress of the negotiations between the two agencies. Elizabeth Lowes explained that Secretary Richardson's recent visit to the West Valley site focused more attention on completion of the negotiations and that issues were currently under consideration at DOE Headquarters. Ms. Lowes also stated that although Barbara Mazurowski will be starting her new job at Rocky Flats soon, her current plans are to continue to work on the West Valley negotiations, which will mean traveling back and forth from Colorado. Paul Picuolo commented that the next negotiation meeting is scheduled for June 15.

CTF members asked about which unresolved issues remain on the table and if there are any substantive areas of agreement. Paul responded that a number of tough issues remain, that there are areas of agreement and of disagreement. Progress has been made as each party now has a thorough understanding of the issues, limitations, needs, and positions of the other. They feel that all issues have been identified. They are close to resolution of some issues, but those are contingent on satisfactorily resolving other bigger concerns.

Another CTF member asked how the issues are being framed for negotiation and if it would help progress if the CTF made a recommendation as to its preferred alternative. Paul responded that DOE's vision as presented to the CTF by Jim Turi, was a starting point for a preferred alternative in the negotiations. Each side looked at the responsibilities which would ensue to implement that possible alternative. The agencies are trying to agree on a possible preferred alternative and on who would be responsible to implement portions of the alternative. One of the issues is development of the preferred alternative for public consideration, these negotiations will not make the final decision - that decision will happen through the National Environmental Policy Act (NEPA)/State Environmental Quality Review Act (SEQRA) processes. A CTF member reminded the agency representatives that the NEPA/SEQRA process must consider all alternatives. A NYSERDA representative responded that they hope to negotiate an approach for allocating responsibility between DOE and NYSERDA that would address all the alternatives.

A Task Force member voiced his concern that these negotiations have been going on for more than a year and that the amount of time these decisions are taking makes him very uncomfortable about the agencies long-term stewardship capabilities. He suggested that the Task Force send a letter to political representatives (including Amo Houghton) about the need for resolution of the negotiations and issues of responsibility for long-term stewardship. Another member expressed the opinion that these are extremely complex issues and that agreement cannot happen quickly if the issues are to be thoroughly addressed. He stated that it is better to take the time to get it right the first time to avoid having to revisit issues in the future. Another member stated that the CTF cannot know if its intervention would help or hurt because it is not privy to the content of the negotiations.

In response to another question, DOE responded that technical work (such as erosion modeling) on the EIS is proceeding in parallel with the negotiations, but some aspects of the EIS must wait until a preferred alternative is developed. DOE stated that the erosion modeling work is in the peer review process with calibration runs underway. They are using the Siberia Model. Performance assessments need to be developed for the preferred alternative showing how the erosion modeling affects the performance of the preferred alternative.

A CTF member asked if a preferred alternative could be finalized without NRC's

decommissioning and decontamination (D&D) criteria. NYSERDA responded that the preferred alternative is being developed in the absence of NRC's D&D criteria, with the knowledge that the criteria will have to be considered before it becomes final. A Record of Decision could be issued which either complies with existing regulations or requires changes in regulations in order to be implemented.

CTF members stated that the agencies need a schedule and deadline to complete the negotiations and the preferred alternative, especially given the upcoming elections. The agencies responded that they do not want to set a date as all the issues are interrelated and must be addressed appropriately. After some additional discussion on the pros and cons of sending a letter, the CTF members agreed to draft a letter to DOE and NYSERDA with copies to elected officials and other strategic parties who could take action. The letter would express concern with the lack of results in the negotiations and ask decision makers to expedite resolution given the coming elections, yet be sensitive to the needs and concerns of the negotiators. CTF members Mark Mitskovski and Joe Patti agreed to develop a draft by June 6 for distribution to the entire CTF. A CTF conference call will be held on June 13 at 7 p.m. to finalize the letter.

In response to a question about the impact of President Clinton's recent veto of the Yucca Mountain national repository bill last week, a DOE representative stated that it will not impact the preferred alternative development since the high-level waste canisters must be transported to a federal repository (per the WVDP Act). The canisters will be safely stored on site until a federal repository is available. Responding to another CTF member concern, a DOE representative stated that if a decision were to be made to rubble the building where the canisters are currently being stored, then a new temporary storage area would be built on site for the canisters.

Next, the CTF briefly discussed the errors in the March 23, 2000 Olean Times Herald article about West Valley and the CTF's recommendations. They decided that the reporter should be invited to the next CTF meeting to gain a better understanding of what the CTF is trying to accomplish.

Use of the CTF recommendations as a site closure alternative was the next topic of discussion. A CTF member handed out a brief summary (attached) of the key points made in the CTF Recommendations Report. He raised the issue of whether the CTF's recommendations should be treated as an alternative for purposes of the EIS and NEPA analysis. He stated that he would like to see risk analysis and cost/benefit analysis done on a CTF recommendations-based alternative. Some CTF members stated that they felt the report was just to set guidelines and express values, not to recommend an actual alternative. The proponent of this proposed action agreed to withdraw discussion on this issue for the time being.

Next, the CTF members discussed how they would like to approach the topic of future use of the site. One member reminded the group that this is primarily an issue for the Town of Ashford and Cattaraugus County, but that a lot of opportunity exists for future use of the land. He recommended that a planner be invited to a CTF meeting to assist in the discussion and reminded the group that this issue deserves careful thought. A NYSERDA representative stated that, although he can't make commitments regarding future use of the site, NYSERDA would like to hear suggestions from the Task Force and the community. An Ashford Town representative stated that the town and county have already been working this issue. He recommended that the

CTF not get involved in this issue unless asked to do so by the Town of Ashford or Cattaraugus County. The town is interested in options which bring in tax revenue. Some of the Highway Route 219 planning process has involved looking at future use options for the West Valley site. Another CTF member suggested that the availability of brown fields funding from the U.S. Environmental Protection Agency (EPA) should be explored.

Another topic was raised by a CTF member. Her concern was sparked by the NYS Attorney General's comments on the NRC's Draft Policy Statement regarding D&D criteria. She asked NRC to explain if it had any standards on how the site should use cost/benefit analysis. Jack Parrott responded that NRC has guidance but no set standards or regulations. Mr. Parrott recommended that the CTF review the guidance document DG 4006 which was given to the CTF in the past. The License Termination Rule states that a site must meet the numerical mrem/yr limit or ALARA (As Low As Reasonably Achievable). Under ALARA the site must show it cannot meet a lower number based on cost-benefit analysis. NRC uses an estimate of \$2,000 per person/rem, although site-specific factors may result in a different number. Mr. Parrott was not familiar with how that number was developed.

A CTF member suggested that NRC should consider developing site-specific guidance/criteria due to the complexity of the West Valley site. He wanted to know how NRC would balance the enormous cost of erosion control at the site over more than 1,000 years compared to the very large number of people who might be exposed if wastes were released into Lake Erie via Buttermilk and Cattaraugus Creeks. He suggested that the site needs to include scenarios which include these routes of exposure. Mr. Parrott agreed that the analysis is site specific and scenario based. He also stated that NRC would want to look at the excluded alternatives to be sure that the cost-benefit analysis was done fairly. CTF members asked NRC for firmer guidelines/criteria on how these decisions are to be made. A site representative urged CTF members to review the guidance which he said included 50 or more pages on how to do cost-benefit analysis. A CTF member reminded site representatives that cost-benefit analysis is not useful if based on arbitrary estimates of doses remaining at the site; for example, the reengineered High-Level Waste Tanks. Site representatives responded that sensitivity analyses are being done on the dose estimates as requested by NRC.

In response to another question, NRC responded that the negotiation of a Memorandum of Understanding (MOU) between NRC and NYSDEC has been extended for an additional two months. The agencies have high-level discussions ongoing, are trading drafts of the proposed MOU, and hope to have something in place by August.

Jack Parrott also stated that the Government Accounting Office (GAO) is doing a report for Congress on EPA's concerns with NRC. He said that he thinks the report will be available in June and will send a copy for distribution to the CTF when it becomes available.

Next Steps

The next CTF meeting will be held on Tuesday, August 22, 2000 at 7 p.m.

A conference call on the CTF draft letter will be held June 13, 2000 at 7 p.m. CTF members will be notified of the "888" dial-in number for the conference call.

Observer Comments

There were no observer comments.

Action Items

- ▶ Mark Mitskovski and Joe Patti agreed to work together to develop a draft letter by June 6th for discussion and finalization on the June 13th conference call.
- ▶ Invite the Olean Times Herald reporter, Rick Miller, to the August 22nd CTF meeting to help him gain a better understanding of what the Task Force is trying to accomplish.
- ▶ NRC to forward a copy of NYSDEC/NRC MOU and the GAO report, when available.