

To: West Valley Citizen Task Force
From: Melinda Holland, Clean Sites
Subject: Summary of September 25, 2000 Task Force Meeting
Date: October 30, 2000

Next Meeting:

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

Date: Tuesday, January 9, 2001 [Also, Please hold December 5&6 on your calendars as alternate meeting dates]
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 prior to 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, Gayla Gray [for Lana Redeye], Pete Scherer, Alice Williams [new Director of DOE WVDP], Lee Lambert, Paul Piciulo, Bill King, Larry Rubin, and Joe Patti. Not attending were: Lana Redeye, Bridget Wilson, Warren Schmidt, Larry Smith, Eric Wohlers, Tim Siepel, Murray Regan, John Pfeffer, and Pete Cooney.

Agency Attendees

Attending in person: Susan Brechbill, Director, DOE Ohio Field Office; Bill Valentino, President, NYSERDA; Jack Krajewski, Tim Rice, and Tim DeGuilio, NYSDEC.
Attending via video-conference: Amy Snyder, Jack Parrott, and Jim Lieberman, NRC; Joe Price SAIC; Dave Brock and Ginger Keller, U.S. Government Accounting Office.

September 25th Meeting Summary:

Update on the NYSERDA/DOE Negotiations

The meeting began with Susan Brechbill, Director of the DOE Ohio Field Office and Bill Valentino, President of NYSERDA, giving an overview of the status of the negotiations between the two agencies.

Susan Brechbill stated that the agencies are very close to agreement on most issues but have not

resolved all issues and cannot have a final agreement until all issues are addressed. Both agencies remain very committed to reaching agreement and are cautiously optimistic. The most difficult issue they are dealing with is responsibility for long-term stewardship, monitoring, and possession of the site. Ms. Brechbill stated that there were still some policy issues regarding long-term responsibility that were being reviewed at DOE headquarters.

Mr. Valentino stated that he appreciated the patience of the community and that these negotiations are the most complex and difficult in which he has ever been involved. The long-term consequences of any decision and its impact on the community contribute to the difficulty of the negotiations. He indicated that the DOE negotiating team has been very cooperative and creative, but that the DOE bureaucracy has been very difficult to work through. Mr. Valentino further stated that the recommendations of the CTF are being seriously considered by the negotiators and that DOE and NYSERDA have an obligation to explain any negotiated decisions in the context of those recommendations. He stated that he believes that NYSERDA's position is consistent with the CTF's position that as long as DOE waste remains here, DOE should remain responsible. Whatever is agreed upon must be set forth in a firm, clear, written agreement detailing the respective responsibilities of the parties. A Task Force member urged the state negotiators not to give up.

In response to questions from CTF members, Ms. Brechbill stated that if DOE waste remains at the site, then DOE is committed to fulfilling its obligations for long-term stewardship including fixing problems should the remedy fail in the future. When asked about possible modes of long-term failure of the remedy, Ms. Brechbill responded that doing the clean up correctly the first time is the key - DOE wants to select the best remedy and do proper quality assurance which includes analysis of known failure scenarios and development of contingency plans to respond to potential remedy failures.

A Task Force member asked how the negotiators were approaching the issue of long-term responsibility given that the remedy has not been selected yet. Ms. Brechbill responded that the lack of a preferred alternative does not limit the discussions. She stated that all of the five closure projects being handled by the Ohio Field Office are following that office's report "Guiding Principles for Long Term Stewardship" [which was provided to the CTF at a prior meeting]. The long-term stewardship [LTS] principles include: cost effectiveness, safety, and the involvement of stakeholders and regulators in the decision process. In response to the CTF member's question of whether some degree of uncertainty will remain about the long-term safety of the closed site, Ms. Brechbill stated that the site will be closed in compliance with all applicable regulations.

Another CTF member inquired whether DOE was having difficulties obtaining the amount of funding needed for the project and whether the CTF could help in any way to ask for more money for the site. Mr. Valentino responded that while there are costs associated with any remedy, the difficulty, in this case, relates to establishing a precedent which could be applied throughout the entire DOE system. Susan Brechbill indicated that what NYSERDA is seeking for LTS goes beyond what DOE has in the past been willing to assume and DOE needs to be certain it does not go beyond the Act requirements. There is essentially nothing the CTF needs to do (vis-a-vis money) at this time except, perhaps, to urge an increase in the site's flat rate of

annual federal appropriation.

A CTF member expressed concern that the applicable regulations may change or even become weakened in the future, and that she would like to see a commitment by the agencies that the cleanup will remain at least at the level of the current regulations. When another Task Force member asked about the time frame to complete the negotiations, Ms. Brechbill responded that she is pushing to complete them before January 20th when the new administration takes office, as the current high-level officials at DOE are knowledgeable and supportive of the creative settlement efforts made thus far.

Update on Environmental Impact Statement

The next topic covered was a presentation on changes DOE plans to make to the Environmental Impact Statement process, referred to as “de-scoping.” A DOE representative explained the plans to separate the scope of the EIS decision-making process into two phases - one to deal with short-term decontamination and low-level waste management tasks, and the second to cover the final site decommissioning and closure issues.

A Task Force member asked how this de-scoping relates to the negotiations. Ms. Brechbill responded that there is no impact on the Decontamination/Waste Management EIS, but the bigger issues lie in the Decommissioning EIS. NYSERDA stated that it has no objection to the Decontamination/Waste Management EIS, and sees value in shipping more waste off-site as long as the Decommissioning EIS is not jeopardized.

In response to a question on whether the Decontamination/Waste Management cleanup process will provide the site with a better idea of the extent and nature of contamination, DOE representatives responded that they will take that opportunity to obtain more data while conducting the decontamination. Other CTF members inquired if this approach has already been decided upon, if the CTF could see more detailed information on this two-part process (including comments of other agencies), what is to prevent funding from being withdrawn or DOE from leaving before the Decommissioning EIS is complete, and what will result if the Task Force opposed this two-part EIS approach. DOE representatives responded that the agency had already decided to pursue this approach, that a public comment period would follow the publication in the Federal Register describing this new NEPA process and the Federal Register Notice that announces the intent to prepare the Decommissioning EIS. DOE can't complete the work that Congress has told it to do until it completes the work under the Decommissioning EIS.

The West Valley Coalition on Nuclear Wastes' position and concerns over this two-part EIS approach were discussed next. The Coalition has concerns over possible conflicts of this approach with the requirements of the Stipulation of Compromise between DOE and the Coalition [a copy of this document was given to the CTF during its early meetings]. The Coalition is concerned that these changes to the EIS process may require re-opening the Stipulation with the court. DOE representatives stated that they feel this approach is in compliance with the requirements of the National Environmental Policy Act [NEPA] and the Stipulation. The Coalition will meet with DOE representatives to attempt to resolve these issues.

A Task Force member asked what percentage or Curie level of radioactive materials will be removed from the site during the waste management EIS activities. Site representatives did not have those figures but offered to provide that information to the Task Force in the future. The Decontamination/Waste Management EIS would cover the wastes in the tents, process building cells, the trench area of the tank farm, and the vitrification facility, which is estimated to cost 0.5 to 1 billion dollars over a possible 10 years.

During the year 2001, it appears that there will be an intense level of activity at the site, and the CTF needs to decide how it wants to be involved, stated a Task Force member. Another member observed that the Decontamination/Waste Management EIS appears to be a duplication of what was done in the prior Draft EIS and Programmatic EIS, and that dividing the EIS will result in a huge delay in the decision on final decommissioning of the site. DOE representatives stated that the prior EIS work is being utilized but will be reconfigured with some new information. DOE legal counsel feels that the agency needs more NEPA coverage under a new EIS for the Decontamination/Waste Management activities. Additional public comment will be accepted on the Decontamination/Waste Management EIS scoping proposal - the CTF will receive a copy of the Federal Register notice of this comment period. Ms. Brechbill stated that she would prefer that the projected end date for a decommissioning decision be earlier than the year 2005, but that the staff says that it will take that long to complete all the components and public comment opportunities. She stated that DOE feels it is best to take the time needed to make the correct decisions but that the CTF should push the agencies to see that the schedule does not slip. Even if the EIS was not split into two parts, it is still projected to take until 2005 to reach a final decision.

A Task Force member asked when the site would receive the NRC criteria for decommissioning. The new NRC Project Manager for West Valley, Amy Snyder, stated that the NRC staff will give the Commission its draft responses to the public questions and comments by November 15th. A public meeting of NRC's Advisory Committee on Nuclear Waste [ACNW] is scheduled the week of October 16th [the CTF will be given notice of the opportunity to participate via video conference]. The Commission is seeking input from the ACNW on the issues in the Policy Statement. Then the Commission will decide and publish its response early next year. The staff does not know if that will be the final Policy Statement or whether the Commission will have further concerns which will need to be addressed.

Another CTF member asked whether the Decontamination/Waste Management EIS decisions/actions will have a negative impact or compromise the options available for the Decommissioning decisions. DOE representatives responded that they want to avoid any prejudice to future actions and encouraged the Task Force and public to look at and comment on this issue when the Federal Register notice is published by the end of this calendar year.

Discussion of Long-Term Stewardship/Probabilistic Risk Assessment

A Task Force member referred to a previously distributed paper entitled "Protecting Ourselves

from our Nuclear Mess: Can the Backyard Neighbors Agree with DOE on Long-Term Stewardship?”, and suggested that the CTF invite one of the paper’s authors, Carol Lyons of the City of Arvada CO, to speak to the Task Force on the municipal view of long-term stewardship.

The CTF member also offered to invite Steve Bolga to speak to the Task Force on probabilistic risk assessment techniques and how they could apply to the West Valley site.

The issue of past exposure of workers at the site when NFS was operating was also raised as a possible area of attention for future CTF meetings. It was suggested by CTF members that an effort to evaluate the health impacts on workers should be undertaken. Task Force members stated that workers were allowed to receive from 5 to 7.23 rem per year - which is hundreds of times higher than workers currently receive.

No action was taken on these three issues.

Next Steps

The next CTF meeting was scheduled for Tuesday, January 9th at 7:00 p. m. But, December 5 & 6 are to be held open for possible alternate dates depending on progress of the DOE/NYSERDA negotiations and the publication of the EIS Federal Register Notice which is planned to be released in December. The CTF agreed that in general they want to remain on at least a quarterly meeting schedule, but want to meet sooner if key events occur such as: the site completes its negotiations, NRC publishes a revised Policy Statement, or the Federal Register notice becomes available.

After one CTF member requested a review of the Stipulation of Compromise, other CTF members stated that the CTF has its own mission, separate from the Coalition and should not get involved in this issue. DOE also urged the Task Force to remain focused on its mission and leave the Stipulation issues to be resolved between the Coalition and DOE.

It was also announced that the next DOE High-Level Waste Tank Closure Workshop will be held at West Valley in mid-October; the site will provide additional information to the Task Force as soon as possible.

Observer Comments

Gladys Gifford of the Western New York Presbytery requested that the CTF read an article she distributed at the beginning of the meeting entitled “The National Environmental Research Park: A New Model for Federal Land Use”. She asked the Task Force to consider how the ideas presented in this article could be applied to the West Valley site.

Action Items

- Provide the CTF with information on what percentage or Curie level of radioactive materials will be removed from the site during the decontamination and waste

management EIS activities.

- Provide the CTF with the Federal Register notice of the decontamination and waste management EIS scoping process as soon as it is available.
- Provide the CTF with information on the public meeting of NRC's Advisory Committee on Nuclear Waste is scheduled the week of October 16th [the CTF will be given notice of the opportunity to participate via video conference].
- Provide the CTF with information on the mid-October High Level Waste Tank Closure Workshop at West Valley.