

To: Citizen Task Force
From: Melinda Holland, Clean Sites
Subject: Summary of April 2, 1997, Meeting
Date: April 10, 1997

Next Meeting

The next Citizen Task Force (CTF) meeting will be on:

Date: Tuesday, April 15, 1997
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: Pete Scherer, Joe Patti, Tim Siepel, Larry Smith, Ray Vaughan, John Pfeffer, Elaine Belt, Paul Piciulo, Tom Rowland, Rich Tobe, Nevella McNeil, Bill King, Blake Reeves, Eric Wohlers, Brad Schurr (for Pete Cooney), and Karl Lux (for Dick Timm).

Not attending were: Warren Schmidt, Pete Cooney, Dick Timm, and Lana Rosler.

Regulatory Agency Attendees:

Jack Krajewski NY State Department of Environmental Conservation (NYSDEC)
Bill Tetley NYSDEC
Mike Weber U.S. Nuclear Regulatory Commission (NRC)
John Greeves NRC

Attendees via Video Conference:

Gary Comfort NRC
Boby Eid NRC
John Hickey NRC
Kim Gruss NRC
Tim Johnson NRC
Patti Swain Science Applications International Corporation (SAIC)
Jim Hammelman SAIC

April 2nd, Issues Meeting Summary:

Tom Attridge began the meeting by addressing administrative issues and reminding CTF members of the need to identify dates they will not be available for meetings during the spring/summer. Melinda Holland reviewed the agenda with the CTF and received two edits to the March 18th meeting summary which will be added to the final summary.

To begin the meeting, Paul Piciulo of NYSERDA, provided a brief overview of the various

reports and other information used to develop the Draft Environmental Impact Statement (DEIS). He also reviewed the decision making process to be used by NYSERDA and DOE in developing a preferred alternative for the site, explaining that the CTF process is one of the approaches being used to obtain public input into the decision making for the site.

Next, Mike Weber, NRC Division of Fuel Safety and Safeguards, gave a presentation about the NRC regulatory framework and its guideposts for decommissioning the West Valley site.¹ Mr. Weber also introduced John Greeves, Director of NRC's Waste Management Division, which will soon have responsibility for the West Valley site. An important aspect of that presentation was the announcement that the NRC Draft Final Rule on Radiological Criteria for License Termination had been made available to the public on April 1st. Copies of the rule will be sent to CTF members and others at the meeting who requested it. During the discussion following Mike Weber's presentation a number of questions were answered about the draft rule's contents and its potential application to the West Valley site as summarized below.

A key issue raised by CTF members was which of NRC's regulatory standards could (or would) apply at the West Valley site. The NRC representatives explained that while none of NRC's regulations were written specifically to apply to the West Valley site, NRC rules like 10 CFR Part 61 (Low-Level Waste Disposal) and the just-released draft final rule could be used to provide a template for standards regarding decommissioning and closure of the West Valley site. However, until the draft final rule is issued by the NRC as a final rule, the standards contained therein remain speculative. Even though the contents of the final rule are unknown at this time, significant discussion was held between the CTF and the NRC representatives over the content and potential application of the draft final rule. The main points of that discussion are summarized below.

The NRC representatives stated that they felt the NRC's rules provide ample flexibility to develop alternatives for closure of the West Valley site. A "graded" approach may be possible under the draft final rule. For example, if a site meets the 25 mrem/year standard, it would be available for unrestricted use. If the site could cause more than 25 mrem/year, restrictions would have to be imposed provided that the doses would be less than 100 mrem/year if the controls failed. If the site could not achieve 100 mrem/year, but could meet 500 mrem/year, restricted use at the site could be considered by NRC in accordance with the final rule. If the doses exceeded 500 mrem/year then the site would have to remain under an NRC license indefinitely (i.e. perpetual license).

The NRC representatives acknowledged that closure of the West Valley site may mean that some waste is left at the site; thus "durable" institutional controls maintained by the state or federal government would be required to protect the public and the environment. NRC's definition of "durable" institution controls is a high degree of assurance that the control will protect the public and environment over a 1,000-year time period. Under the draft final rule, uncontaminated portions of the site could be released for other uses thus shrinking the footprint of the site to be managed. The new rule might also require a dedicated trust fund, with five-year reevaluations of the site, if institutional controls are used to guarantee safety for the site (and if doses exceed 100 mrem/year). There was also discussion of the option of NRC issuing an order (specific to the West Valley site) to prescribe decommissioning criteria and what impact that approach might have on National Environmental Policy Act (NEPA) requirements. NRC stated that it hoped to be able to cooperate in the DEIS developed by DOE and NYSERDA and not prepare a duplicative EIS. Cost is not considered by NRC in determining what is an adequate protection level, but can be considered when evaluating additional levels of protection.

¹For copies of any presentation materials distributed at the meeting please call Sonja Allen, WVNS (716) 942-2152.

CTF members also requested ongoing NRC participation in the CTF process and wanted to know if NRC can provide guidance on closure requirements for West Valley by the end of summer, which is the time frame DOE has requested the CTF to work within. NRC responded that it would continue to provide feedback to the CTF but they could not give concrete guidance until the rule is adopted, its technical analyses for West Valley are completed, and some other issues are resolved. Resolution of all these issues does not seem likely to occur by the end of summer. CTF members raised a concern that without timely guidance from NRC the CTF could be wasting time and effort developing options which may not be allowable under NRC rules. Further discussion on this issue and its impact on the CTF schedule was postponed until a future meeting.

The time allotted for the meeting ran out before the CTF completed the discussions with NRC. It was decided to continue these discussions at the May 7th CTF meeting to allow members time to read the draft final rule (copies will be sent by mail) and to develop at the April 15th meeting an additional list of questions for NRC to address on May 7th. Some issues needing additional clarification were specified including: what constitutes acceptable institutional controls and how they work; risks from West Valley wastes sent to out-of-state facilities; license issues; and what groundwater protection standard(s) would apply.

Due to lack of time the discussion of the proposed CTF schedule revisions was postponed until the April 15th meeting.

Observer Comments:

There were no observer comments at this meeting except for requests by some observers for copies of the NRC draft final rule.