

To: Citizen Task Force
From: Melinda Holland, Clean Sites
Subject: Summary of May 20, 1997, Meeting
Date: May 27, 1997

Next Meeting:

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

Date: Wednesday June 4, 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, Ray Vaughan, Nevella McNeil, John Pfeffer, Elaine Belt, Paul Piciulo, Tom Rowland, Rich Tobe, Lana Rosler, Bill King, Blake Reeves, Eric Wohlers, Warren Schmidt, and Pete Cooney.

Not attending were: Dick Timm and Larry Smith.

U. S. Nuclear Regulatory Commission (NRC):

John Greeves, Bill Reamer, Jack Parrott, Heather Astwood, and Tim Johnson

NYS Department of Environmental Conservation (NYSDEC):

Jack Krajewski and Bill Tetley

Science Applications International Corporation (SAIC)

Jim Hammelman

Attendees via Video Conference:

NRC:

John Hickey, Mike Weber, Boby Eid, and John Russell (Center for Nuclear Waste Regulatory Analyses, Southwest Research Institute)

SAIC:

Patti Swain

May 20th Meeting Summary:

Tom Attridge began the meeting by addressing administrative issues. Ray Vaughan's sixth letter to Melinda Holland and Tom Attridge was distributed to the CTF members. A field trip to tour the erosion-prone creeks around the site was scheduled for Saturday, June 21st, 9 a.m. to Noon. Melinda Holland reviewed the agenda with the CTF.

NRC Regulatory Issues Discussion

John Greeves, Director of NRC's Division of Waste Management gave a presentation which responded to the list of questions and issues developed by the CTF at its April 15th meeting (see the April 15th meeting summary for that list).¹ Mr. Greeves was assisted in answering questions by other NRC staff present at the meeting. Mr. Greeves explained that the responsibility for oversight of the West Valley site had recently been transferred from their Fuel Cycle Branch (Mike Weber's group) to their Waste Management Branch (John Greeve's group). He also mentioned that the new Project Manager for the site would be Jack Parrott.

Responses to CTF member questions and issues raised at this meeting are discussed below.

Mr. Greeves stated that to the extent appropriate, NRC intends to apply the criteria in the proposed Final Rule on Radiological Criteria for License Termination² to the West Valley site. An in-depth discussion ensued over the definition of the term "decommission" as used in the West Valley Demonstration Project Act (the Act). The Act does not contain a definition of decommission, but the NRC Rule does. The Act states that "the Secretary shall decontaminate and decommission ... in accordance with such requirements as the Commission may prescribe." NRC explained that their Rule does not define terms in the Act, but does define terms in the Rule. Mr. Greeve's added that Congress' intent with regard to the definition of

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

²Note: this rule was adopted by the Nuclear Regulatory Commission as a final rule on May 21st.

"decommissioning" in the Act is unclear. The NRC representatives said that DOE has the first say on how to interpret the Act, as they are responsible for implementing it. A DOE representative stated that the Act gives NRC the flexibility to prescribe site specific Decontamination and Decommissioning (D&D) criteria for DOE to follow in completing its responsibilities under the Act. The new NRC Rule addresses "decommissioning" for the purposes of license termination and specifically defines "decommissioning as permitting license termination. The NRC Rule leaves an opportunity for restricted release and recognizes the possibility for a license. CTF members questioned how the criteria in the new NRC Rule would apply to the West Valley site if the site cannot meet the requirements for license termination contained in the new Rule (e.g. need for a license). NRC representatives stated that a license is a possibility that is enveloped in the Rule (on page 62 of the Rule's preamble).

CTF members questioned how the NRC could define the WVD as being "decommissioned" if a license was retained. NRC explained that it may not be practical to terminate the license at some facilities and, thus in their Rule, they allowed for the possibility of an ongoing license for such facilities. The license would provide greater assurance of public protection necessary for such facilities. NRC also indicated that they did not believe Congress intended DOE to do something that might be technically or economically infeasible. CTF members expressed a continued concern and confusion with how D&D will be defined for the site and requested that DOE and NRC provide additional clarification.

The site has a 10 CFR Part 50 license that incorporates other Parts of NRC Rules and Regulations (i.e. Parts 20, 30, 40 and 70). Portions of the Part 50 license were put in abeyance when DOE assumed responsibility for the facility. Upon project completion, this license (which is held by NYSERDA) may be reactivated and modified, as appropriate, or terminated. NRC representatives stated that any future license for the site would have to include a 25 mrem/year limit at the site boundary as well as appropriate institutional controls to prevent release and exposure to radioactive materials. The 25 mrem/year limit takes into account all possible release pathways (groundwater, air, etc). NRC stated that the implied D&D goal should be to reduce the site "footprint" by decontaminating as many areas as possible (under the NRC Rule) to below the 25 mrem/year level without the need to maintain institutional controls. NRC representatives stated that Part 61 does not apply to West Valley because the license predates Part 61.

NRC representatives also reminded the CTF that all wastes leaving the site must go to an NRC-licensed, State-licensed, or DOE disposal facility. Further, the NRC representative reminded the CTF that all disposal sites would have to assess the impacts such waste would have on the environment and the public in the area prior to being shipped. There was discussion about the lack of availability of disposal sites for the different types of radioactive materials found at West Valley. There is currently no federal repository which can receive the high level wastes, although the Yucca Mountain site is still under evaluation. The exact location for off-site disposal of waste will not be known until the approach is selected for closing the West Valley site. Mr. Greeves noted that the Commission will be asked to approve the approach taken by NRC.

Caucus of CTF Members

During the last 45 minutes of the meeting, CTF members met in a private caucus at the request of several of the CTF members. During the caucus the members concluded that they need additional time to talk among themselves in caucus, thus the CTF schedule was revised as follows. The June 4th meeting will begin as scheduled with a discussion of NYSEERB, and DOE roles and responsibilities and conclude with a caucus of CTF members. The June 17th meeting will be spent entirely in caucus, thus only will be attended by CTF members.

Next Steps

The CTF schedule has been revised based on CTF input and is attached to this summary.

Observer Comments

There were no observer comments at this meeting.