

To: Citizen Task Force  
From: Melinda Holland, Holland and Associates  
Subject: Summary of September 21, 1999, Task Force Meeting  
Date: October 11, 1999

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

Date: October 19, 1999  
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.

Attending were: Gayla Gray (for Lana Redeye), Ray Vaughan, Nevella McNeil, Tim Siepel, Pete Scherer, Warren Schmidt, Barbara Mazurowski, Eric Wohlers, John Pfeffer, Lee Lambert, Bill King, Paul Piciulo, Rich Tobe. Not attending were: Joe Patti, Murray Regan, Larry Smith, Bridget Wilson, Lana Redeye, and Pete Cooney.

*Regulatory Agency Attendees*

Jack Krajewski, NYSDEC; attended in person. Attending via video conference were Tim Johnson, NRC; Jack Parrott, NRC.

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

At the beginning of the meeting, an NRC representative stated that the Policy Statement on West Valley should reach the Commission this week and they hope it will be published in October. If this occurs, a public hearing would probably be scheduled in Western New York for sometime in November. The site will send a copy of the published Policy Statement as soon as it is available.

The focus of this meeting was institutional controls and long-term stewardship. The meeting began with Eric Wohlers and Pete Scherer giving a report on what they learned at the DOE

Long-Term Stewardship and Institutional Controls Conference in Colorado. Next, a presentation was given by Mr. Russel Edge, Project Manager, Long-Term Surveillance Program, DOE Grand Junction Project Office. Copies of Mr. Edge's presentation entitled "Long-Term Surveillance and Maintenance Program" may be obtained by contacting Sonja Allen, West Valley Nuclear Services at 716-942-2152. Mr. Edge mentioned to the CTF that he had read the Task Force's recommendations, toured the site, and talked with site staff when preparing his presentation and remarks.

A CTF member wanted to know more about Tennessee's efforts to have the Oak Ridge DOE site pay a "tipping fee" for the volume of waste on site which DOE planned to dispose of permanently at Oak Ridge. Mr. Edge stated that he did not know the amount of the proposed tipping fee, but did add that it was never adopted. The state proposed to use its RCRA authority to require the fees which would have applied to disposal by DOE of wastes onto federal lands (no off-site wastes). Other states like New York and Washington are also looking into this concept. The state of Tennessee also requested that DOE create a trust fund for long-term care, but DOE stated that it could not agree to that because it would be a violation of the Anti-Deficiency Act. Eventually, DOE and the state agreed that Tennessee will assume responsibility for long term stewardship and maintenance and DOE will provide 14 annual payments of \$650,000, which the state will put in a trust fund to pay for surveillance and maintenance. DOE and the state also agreed that the long-term surveillance will revert to DOE if significant remedial actions are required.

A CTF member questioned whether Mr. Edge's office has performed modeling to calculate potential doses if containment fails. His response was that the failure scenarios analyzed did not calculate those doses, they only looked at design criteria to prevent off site releases. They base the designs on a set of numerical standards provided by NRC.

Mr. Edge responded to a question about the NRC's License Termination Rule by stating that his office has not had to deal with this Rule because the NRC licenses at the facilities under his cognizance remain in effect "permanently" (200-1,000 years).

In response to other CTF questions, Mr. Edge stated that most of the sites he is responsible for are uranium mill tailings sites which have a much lower level of contamination than the West Valley site. For Uranium Mill Tailings Remedial Act (UMTRA) sites, DOE is licensed by NRC in perpetuity. The oldest site in the long-term surveillance program has been in the program for 16 years. In response to a question about how surveillance is performed on private lands, Mr. Edge responded that under UMTRA, DOE is required to obtain title to contaminated lands, but when DOE does not own the land the legal authority to do surveillance can be a difficult issue. The Pinellas DOE site now belongs to the Pinellas County Industrial Commission and will be used as an industrial/business park. The County Industrial Commission has a contract with DOE to perform long-term surveillance and maintenance. DOE and the County share the cost of a full-time, long-term surveillance and maintenance employee (DOE will also cost share an employee with the city of Monticello). The oversight steward was selected for the Pinellas site through negotiation where the community or state suggested an entity to take this responsibility.

He also stated that the NRC rule on uranium mill tailing site licensing identifies what should be included in a long-term surveillance and maintenance plan and is a good model for reference and discussion.

A CTF member questioned why some DOE sites will not receive a full cleanup. Mr. Edge responded that the primary reasons are: there are no off-site disposal sites available to take the wastes; or the wastes/contamination is too widely dispersed (especially with low-level soil contamination) across the site to make collection of the waste feasible. Other related reasons include technical infeasibility, worker risk during cleanup, and cost/benefit analysis results. He stated that DOE has to face the fact that there is not enough money to dig up all sites and dispose of wastes at one spot. The CTF member responded that risk can be taken care of by increased funding and that the possibility of new treatment technologies being developed in the future should not be discounted.

In response to a question on how to keep the commitment to long-term surveillance and maintenance for a thousand years, Mr. Edge stated that he feels that education of the public is key--we must see that information is passed from generation to generation.

Mr. Edge agreed with a CTF member that institutional controls have two components - surveillance and maintenance, as well as engineering controls. For example, at a site in Pennsylvania, DOE buried a wall of rip-rap to stop erosional undercutting of a head-wall. You must perform long-term surveillance and maintenance on the geomorphology of the general area around the site. Mr. Edge cannot say that physical controls are a part of DOE's official policy on institutional controls, but it is his personal position that you need physical controls, long-term surveillance and maintenance, monitoring, and record keeping. In response to an additional question, he also stated that he believes that the NRC limits of 100-500 mrem for failure of institutional controls would include failure of physical controls.

The meeting concluded with a discussion of next steps. The Task Force revised its schedule for future meetings:

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| October 19  | Reengineering for closure of the HLW Tanks and the Process Building and an erosion modeling update |
| November 9  | Review NRC Policy Statement, if available  |
| November 30 | Topic to be determined   |

Possible topics for future meetings include:

- ▶ Prepare CTF response to the NRC's draft policy statement and CTF testimony for the NRC public hearing
- ▶ Summary report on the geoprobe study
- ▶ Provide the CTF's feedback on DOE's proposed vision for closure
- ▶ Probability analysis/ decision-tree approach to calculation of doses via a technical workgroup meeting

An observer asked Mr. Edge how dual ownership of sites where DOE has responsibility has worked thus far. Mr. Edge responded that it has to be worked out between the community, the state and DOE; the Oak Ridge site provides a model for shared responsibility. The observer also asked NRC whether they had provided comments on the erosion modeling for West Valley. NRC responded that they had reviewed the model and provided written comments back to DOE.

Another observer distributed material to the CTF on National Environmental Research Parks and suggested that the CTF look into having the West Valley site become such a research park.