

To: Citizen Task Force
From: Melinda Holland, Clean Sites
Subject: Summary of June 4, 1997, Meeting
Date: June 10, 1997

Next Meeting:

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

Date: Tuesday, June 17, 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, Larry Smith, Ray Vaughan, Nevella McNeil, John Pfeffer, Elaine Belt, Paul Piciulo, Tom Rowland, Paul Krantz (attending as Rich Tobe's alternate), Lana Rosler, Bill King, Blake Reeves, Eric Wohlers, Warren Schmidt, Pete Cooney. Not attending were: Dick Timm, Tim Siepel, and Rich Tobe.

Regulatory Agency Attendees:

Jack Krajewski - NY State Department of Environmental Conservation (NYSDEC)

Attendees via Videoconference:

Jack Parrott and Tim Johnson - U.S. Nuclear Regulatory Commission (NRC)

Jim Hammelman and Patti Swain - Science Applications International Corporation (SAIC)

June 4th Meeting Summary:

Tom Attridge began the meeting by addressing administrative issues. A sign up sheet was passed around for the field trip to tour the erosion prone creeks around the site scheduled for Saturday, June 21st, 9:00 am - 12:00 pm. Melinda Holland reviewed the agenda with the CTF and requested comments on the meeting summary. A CTF member questioned the statement in the summary of the last meeting that "Part 61 does not apply to West Valley because the license predates Part 61." NRC reaffirmed that Part 61 does not apply to the West Valley site because the West Valley site was licensed before Part 61 was adopted. The CTF member disagreed with

this interpretation and asked that the meaning of the WVDP Act language “disposed of according to applicable regulations” be discussed in more detail at a future CTF meeting.

DOE and NYSERDA Roles and Responsibilities

The June 4th meeting focused on the respective roles of DOE and NYSERDA at the site. First Colleen Gerwitz, NYSERDA, and Elizabeth Lowes, DOE, provided an overview of the documents which establish the framework for understanding responsibilities at the site.¹ Next, Barbara Mazurowski, DOE, and Paul Piciulo, NYSERDA gave introductory remarks and a brief overview of their respective agency’s responsibilities at the site, then the meeting was opened for questions by CTF members.

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

In response to a CTF Member's question, DOE stated that protection of public health and safety regarding the North Plateau Groundwater Plume is currently its responsibility. As explained in a prior meeting, DOE has taken steps to contain the spread of the plume which are fully protective of public health and safety and prevents the contamination from leaving the site. DOE is also continuing investigation and monitoring of the plume. According to DOE, the long term responsibility for remediation of the plume and its source is an unresolved issue between NYSERDA and DOE. The CTF was reminded that the EIS considers this unit in its analysis and a final solution for it will be determined based on CTF recommendations and agency decisions following the completion of the Environmental Impact Statement (EIS) process.

NYSERDA and DOE agreed to postpone the decision of who pays for what at the site until after the cleanup approach has been selected to allow them to focus on selecting the best preferred alternative for the site as a whole. DOE and NYSERDA have not reached agreement on which agency is responsible to clean up certain portions of the site. NYSERDA and DOE stated that they are not asking the CTF to decide which agency is responsible for the areas on site, adding that (between DOE and NYSERDA) the entire site will be addressed. The CTF’s role is to make recommendations to DOE and NYSERDA on what types of actions the CTF feels is appropriate for clean-up or long-term management of the site, and not to concern itself with ownership or agency cost sharing.

NYSERDA works closely with DOE and cooperates in the planning and EIS-related work at the site because the EIS addresses the WVDP and the NYSERDA-managed portions of the Center. An agreement was negotiated whereby NYSERDA pays 27 percent of EIS preparation costs and DOE pays 73 percent. NYSERDA pays 10 percent of other costs under the WVDP Act.

In response to a CTF member’s question about whether Alternative # 1 is not feasible from a cost perspective, both DOE and NYSERDA representatives felt it was inappropriate to answer yes or no. Instead they explained that the additional costs of Alternative #1 must be compared with the additional benefits anticipated to determine whether it is appropriate to spend that much money. Cost, risk, environmental, and other concerns must be balanced, but protection of health and

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

safety is the number one concern. One point of comparison suggested by DOE was the total amount of money spent at the site to date to develop and implement the vitrification process under the WVDP Act, which falls far short of the cost of Alternative #1 as outlined in the DEIS. The agencies must make fiscally responsible decisions. How you define what is responsible is based on lots of different types of values. The agencies want the CTF to explain what values they would like to see applied to this decision process.

The sequence of events to arrive at final Decontamination and Decommissioning (D&D) criteria will probably be: the CTF makes its recommendations, DOE and NYSERDA evaluate and consider the CTF recommendations as they develop a preferred alternative, which is then included in a Supplemental EIS (containing proposed D&D criteria). NRC needs to see the preferred alternative before it can evaluate appropriate D&D criteria, although it was recognized that consideration of what will likely be acceptable to NRC from a protection standpoint will be important during the development of the preferred alternative. NRC will likely then review and either approve or seek modifications to the site's recommendations and develop the final D&D criteria. In response to a CTF member's statement that NRC will have to conduct additional National Environmental Policy Act review if it makes a unique decision for the site (one not based on the new rule), NRC restated that they are a cooperating agency in this EIS.

A CTF member requested information on what licensing restraints will apply to the site and whether any of the high risk wastes would be allowed to remain on site under the new NRC rule. The agencies responded that those issues are currently being worked on and that additional information will be provided to the CTF as it is available. The CTF member also questioned whether NRC's legal requirements are based on safety or cost. NRC responded that the new rule is sufficient to protect public health and safety, but that certain technical issues can be based on cost-benefit analysis. The overall solution must be protective of health and safety and institutional controls can be a part of the solution. Cost-benefit analysis information is currently being developed by SAIC and will be presented to the CTF when available.

In response to a CTF member's request that NYSERDA and DOE provide their preferred alternative to the CTF as soon as possible, both agencies responded that they feel it is too early in the CTF process to do that because the CTF has not yet reviewed all the waste management area information and the comparative information necessary to look at the site as a whole. Both agencies agreed that they would be willing to provide the CTF with their view on the alternatives (possibly a "strawman"), when appropriate. NYSERDA stated that it views this as an iterative process in which the agencies can develop a preferred alternative which would incorporate specific CTF preferences, values, and concerns, and be used to help the CTF develop its recommendation. DOE and NYSERDA reminded the CTF that the preferred alternative eventually selected for the site will most likely be a combination of elements from each of the five alternatives analyzed in the EIS. Another CTF member responded that receiving a preferred alternative from DOE and NYSERDA now may bias the CTF in their development of a recommendation. CTF members also expressed an interest in receiving additional "tools," like the cost per waste management area graph handed out at this meeting, to aid in their analysis of the site and development of recommendations. A member requested a breakdown of cost by phase, for example, how much to dig it up, transport, dispose, construct, maintain institutional controls, etc.. NYSERDA and DOE agreed to develop additional tools for the CTF including

things which will help the CTF work with the balancing process needed to develop a useful recommendation.

At the conclusion of the meeting, DOE announced the recent release of the *Final Waste Management Programmatic EIS* (PEIS) which has been prepared by DOE Headquarters. Copies of the one foot thick document are available in local public reading rooms.² The portions of the PEIS summary relating to West Valley were distributed. DOE offered to have someone from its Headquarters be available at a future CTF meeting to answer questions about the impact of the PEIS on the West Valley site.

Observer Comments

An observer stated that she does not agree that the North Plateau Groundwater Plume is “safe” as stated in this meeting. She would like to see the plume issue separated from the other waste management areas and dealt with quickly in the interests of protecting health and safety. She is concerned that this condition developed in spite of the current level of oversight by the agencies and feels that the current pump and treat system is not protective. Who pays for it should not be the issue - it needs to be done. She recommended that the CTF have ample opportunity to provide input on this decision.

The NYSDEC representative commented that an analogy with hazardous waste sites (Superfund sites) could be useful in helping the CTF look at overall approaches to cleanup of the site. A similar process of analysis of all alternatives takes place under the Superfund law to decide how to clean up a site. The track record nationwide for Superfund sites is that a “Greenfield” (e.g., clean it up to background levels) approach is seldom selected; not because of cost, but because it doesn’t work and isn’t appropriate just to move the waste somewhere else. These sites usually pick a alternative in the middle. He suggested that the CTF look at the decisions made at Superfund sites in Western New York.

Caucus of CTF Members

During the last half of the meeting, CTF members met in a private caucus. The June 17th meeting will be spent entirely in caucus, thus will be attended by CTF members only.

Next Steps

- ◆ Include in a future meeting agenda time to discuss the meaning of the WVDP Act language “disposed of according to applicable regulations”
- ◆ Develop additional tools to help the CTF in its “roll-up” process
- ◆ Include in a future meeting agenda time to further discuss the CTF’s concerns about the North Plateau Groundwater Plume
- ◆ Provide CTF with cost-benefit analysis and licensing options information when available

²See attached page for list of local reading rooms.