

To: West Valley Citizen Task Force
From: Melinda Holland, Task Force Facilitator
Date: May 3, 2007
Subject: **Summary of the April 25, 2007, Citizen Task Force Meeting**

Next Meeting

The next Citizen Task Force meeting will be held as follows:

Date: **Monday, May 21, 2007**
Time: 7:00 - 9:30 p.m.
Location: **Ashford Office Complex**
9030 Route 219
West Valley, NY

NOTE: All participants must be U. S. citizens and bring photo identification.

If you have questions or comments regarding the upcoming meeting or about this summary, please contact Melinda Holland at (828) 894-5963, or Tom Attridge at (716) 942-9960, ext. 2453.

CTF Attendees

Attending were: Paul Piciulo, Craig Rieman (for Bryan Bower), Lee Lambert, Joe Patti, Rob Dallas (for Pete Cooney), Warren Schmidt (for New York State Assemblyman Giglio), Julie Sirianni (for NYS Senator Young), Tim Siepel, Judy Einach (for Ray Vaughan), Bob Potter (for Bill King), Chris Pawenski (for Andrew Eszak), Eric Wohlers, Mike Hutchinson, and John Pfeffer.

CTF Members not attending (nor represented by an alternate) were: Bill Snyder, Pete Scherer, Stephen Kowalski, and Darwin John.

Agency and Other Attendees

Pat Concannon, New York State Department of Environmental Conservation (NYSDEC); Chad Glenn, Keith McConnell, U. S. Nuclear Regulatory Commission (NRC).

Meeting Highlights

- ▶ DOE Project Update Presentation;
- ▶ NYSERDA Update;
- ▶ NRC Presentation “U.S. NRC Roles and Responsibilities at West Valley”
- ▶ NRC Presentation “Commission’s Final Policy Statement on Decommissioning Criteria for WVDP and the West Valley Site”;
- ▶ Agenda Work Group call and the 2007 CTF Work Plan; and
- ▶ Discussion of next steps, agenda topics, action items and observer comments.

Meeting Summary

Tom Attridge reviewed the documents¹ provided for this meeting and Melinda Holland reviewed the agenda.

¹ The documents distributed at this CTF meeting may be found on the “Meeting Materials” page of the CTF web site at www.westvalleyctf.org

DOE Project Update

Craig Rieman, DOE, gave a project update presentation and Colleen Gerwitz, NYSERDA, gave a brief update on the Core Team's activities. A CTF member asked what has caused the delay in the U.S. Environmental Protection Agency's (EPA) participation in the Core Team process. Ms. Gerwitz explained that EPA was waiting for a response to EPA's March 1st letter to DOE and that EPA plans to attend the next Core Team meeting. A CTF member asked the Task Force to request that the Core Team allow a CTF member to be a technical delegate at the meetings. She noted that the delegate could provide the CTF's perspective on technical issues. During the discussion that followed, some CTF members supported the concept noting that an earlier opportunity to provide public input could help avoid future disagreements. Other members expressed reservations about how the concept might work and if it is within the CTF mission. NYSERDA and DOE representatives explained that the Core Team meetings have been closed to all but agency members of the Core Team, but agreed to raise the idea to the Core Team at a future meeting. Mr. Rieman asked the CTF for a written proposal on what role the CTF member would have at the meetings (observer, full participant, or other role) and how often the CTF member would attend the Core Team meetings.

NYSERDA Update

Paul Piciulo, NYSERDA, explained that Judith Enck, New York State Deputy Secretary for the Environment, would like to participate in the May Task Force meeting (by conference call) but she has a conflict on the evening of May 23rd. After some discussion, the CTF decided to reschedule the Task Force meeting for Monday, May 21st at 7:00 p.m. and to allow members to participate via conference call, if they so desire. A CTF member asked for information on Ms. Enck's background to help them prepare for the meeting. Dr. Piciulo also noted that the West Valley Remediation Act legislation remains on hold. Hal Brodie, NYSERDA, stated that the first meeting between attorneys for NYSERDA and DOE was held in April to discuss options for resolving responsibility issues and that the contents of these meetings are confidential.

NRC Presentations: "U.S. NRC Roles and Responsibilities at West Valley" and "Commission's Final Policy Statement on Decommissioning Criteria for WVDP and the West Valley Site"

Next, Keith McConnell, Deputy Director of Decommissioning and Uranium Recovery Licensing Directorate at NRC, gave a presentation on *"U.S. NRC Roles and Responsibilities at West Valley."* In response to a CTF member's question about the future of NRC's License Termination Rule (LTR), Mr. McConnell explained that NRC uses the LTR for decommissioning at all nuclear sites, thus he did not anticipate a time when the rule would not be in existence. In response to another question, Mr. McConnell explained that the acceptable dose was in addition to background radiation levels.

Chad Glenn, Senior Project Manager at NRC, gave a presentation on the *"Commission's Final Policy Statement on Decommissioning Criteria for WVDP and the West Valley Site."* A Task Force member expressed concern over the number of times "economic feasibility" was mentioned in the presentation and that he does not believe it is an appropriate standard. Mr. McConnell explained that cost is only one consideration along with health and safety. Another CTF member asked if the flexibility built into the Policy Statement might be used to allow more contamination to remain at West Valley than anywhere else in the country, and how one can assign a dollar value to health and safety. Mr. Glenn explained that NRC uses the same LTR criteria at West Valley, as it does for decommissioning other sites, but this site is unlike any other NRC regulated site and may not be able to meet the LTR criteria. Mr. McConnell further explained that NRC would prefer unrestricted release of the site, but restricted release may be the best that can be achieved given the wastes in the burial grounds. He noted that health and safety

protections will be met for any outcome. The CTF member asked if the level of health and safety protection will be the same at West Valley as it would be at any other NRC site. Mr. McConnell responded that health and safety will be protected, but there may need to be flexibility in how those criteria are met, for example, the dose limits may be higher at the West Valley site. The Task Force member noted that this sounds like less protection of health and safety. Mr. McConnell responded that if this was the case, NRC would go through a full process of public participation in making the decision.

A DOE representative asked how the dose contribution from the State-Licensed Disposal Area (SDA) would be evaluated. Mr. Glenn responded that the SDA dose would be evaluated along with all other doses from the site in the Decommissioning EIS, but because it is a state regulated facility that dose will not be included in the decommissioning plan for the NRC-licensed site. Mr. McConnell noted that the SDA would be considered as a separate source.

A Task Force member asked if the West Valley site might fail to meet the LTR criteria without the flexibility provided in the Policy Statement. Mr. Glenn explained that under the LTR “past burials” are to be evaluated on a site-specific basis, and that the disposal areas and high-level waste tanks are unique features at the West Valley site (unlike other NRC-regulated sites). If the site cannot meet the LTR and they have done every thing technically and economically practicable, then other alternatives may need to be considered. The CTF member objected to this community having to accept the impacts of this flexibility. Mr. McConnell noted that NRC’s goal is to protect health and safety, but the approach at West Valley may need to be different. He further stated that NRC will use a public involvement process to decide if they will allow this flexibility. A Task Force member asked how much impact would this public involvement actually have on a scale of one to ten. Mr. McConnell explained that he could not assign a numeric value but that public participation is a fundamental part of NRC’s goals along with health and safety.

In response to a question about how NRC will address the threats to the Great Lakes region from erosion to the burial areas, Mr. McConnell explained that NRC will conduct an independent review of the erosion issues. Another CTF member noted that if there is going to be flexibility then the site will not receive true decommissioning, and the site should remain under NRC license. Mr. McConnell responded that under the Policy Statement, parts of the site could remain under NRC license forever with ongoing regulatory oversight. In response to another question, Mr. Glenn explained that when the Policy Statement was issued, the long-term license option was not part of the LTR, so this flexibility was added to the Policy Statement. He further noted that the specificity requested by the CTF member would be provided in the Decommissioning Plan and the Decommissioning Environmental Impact Statement (EIS).

A Task Force member urged other members to re-read the CTF’s prior comments on the Policy Statement, noting that these comments did not appear to have much impact on NRC’s decisions. A Task Force member expressed disappointment that NRC does not appear to be very concerned about the North Plateau Ground Water Plume’s possible release of Strontium 90 into the Great Lakes. Mr. Glenn responded that NRC is concerned about the plume, as NRC’s last three or four monitoring visits focused on the plume. He further explained that NRC does not believe that the plume presents a current health risk, but the Core Team is making remediation of the plume a high priority.

A Task Force member questioned the wisdom of the proposed West Valley Remediation Act

legislation in light of the proposed flexibility described by NRC. Dr. Piciulo, NYSERDA, explained that the proposed legislation only refers to the LTR criteria, not the NRC Policy Statement which is the document that contains the proposed flexibility.

Observer Comments

An observer expressed concern whether the public can have confidence that NRC's decision will be based on the technical facts, not on political pressures of the moment. Mr. McConnell responded that NRC will follow the LTR, and not be impacted by political pressure.

A NYSERDA representative asked what NRC envisions for public involvement to determine if the EIS and Decommissioning Plan comply with the LTR. Mr. Glenn explained that NRC will review the Decommissioning Plan and prepare comments. NRC then must put a notice in the Federal Register about the Decommissioning Plan and NRC's comments, but they have not decided what they will do regarding further public participation. Mr. McConnell added that development of the Preferred Alternative under the EIS process is going through the Core Team process, then the draft EIS will go out for public comment. The NYSERDA representative noted that the Decommissioning Plan process runs in parallel to the EIS process and asked if NRC will have its own public involvement process for the decisions regarding application of the LTR. Mr. McConnell stated that NRC will need to further consider this issue.

Next Steps

The Task Force agreed to move the May 23rd meeting to Monday, May 21st to allow Judith Enck to participate. NRC representatives stated that they will need to get back to the CTF with a date that they can address the questions provided in the CTF's memorandum of April 25th. Ms. Holland reviewed the results of the April 17th Agenda Work Group meeting and the revised 2007 CTF Work Plan.

Regarding the proposed presentation on erosion modeling in June, Mr. Rieman requested clarification from the CTF on what specific topics the presentation should address. A CTF member noted that they do not have specific topics, but they want to hear from Greg Tucker and not a substitute expert. Craig Reiman agreed to follow up with Greg Tucker to make sure he can attend the June meeting. A CTF member also asked to have an expert on climate change come talk with the CTF, especially in light of the recent heavy rainfall event in the Northeast (eight inches of rain) and the impact such events may have on long-term performance of the site. Mr. Reiman asked who would be the most appropriate person for this. The CTF member did not know, but wanted the group just to consider the idea and talk about it more at future meetings.

Dr. Piciulo stated that Paul Giardina, EPA, is tentatively scheduled to attend the July 25th CTF meeting which will be confirmed.

Action Items

Action	Assigned To	Due Date
Notify mailing lists of change in May CTF meeting date	M. Holland	05/01/07

Provide the CTF with information on Ms. Enck's background	M. Holland / Hal Brodie	05/01/07
Prepare and submit a written request to DOE and NYSERDA to consider the concept of a CTF delegate to the Core Team	Ray Vaughan, CTF	TBD
Contact Greg Tucker to confirm his participation in the June CTF meeting.	C. Reiman, DOE	5/21/07
CTF specify what specific topics they want addressed in the presentation on erosion modeling	CTF/Vaughan	05/11/07
Contact Paul Giardina, EPA, to confirm his participation in the July CTF meeting	P. Piciulo, NYSERDA	5/21/07

Documents Distributed

Document Subject	Document Description	Date; Generated by (if applicable/known)
04/25/07 Agenda	Agenda	Holland; 04/13/07
March 28, 2007 CTF Meeting Summary	Summary	Holland; 04/13/07
DOE Presentation "Project Update"	Presentation	Riemer; 04/25/07
NRC Presentation "U.S. NRC Roles and Responsibilities at West Valley"	Presentation	K. McConnell, NRC; 03/28/07
NRC Presentation "Commission's Final Policy Statement on Decommissioning Criteria for WVDP and the West Valley Site"	Presentation	C. Glenn; 04/25/07
2007 CTF Work Plan	Work Plan	Holland; 04/23/07
U.S. EPA Letter to DOE re Core Team Alternative	Letter	Mugdan, EPA; 03/01/07
DOE Response Letter to U. S. EPA	Letter	Marcinowski, DOE; 04/17/07
NYSDEC Letter to J. Einach re Springville Dam	Letter	Rice, NYSDEC; 04/17/07
Senator Schumer Letter to DOE Secretary Bodman	Letter	Schumer; 04/12/07
CTF Agenda Work Group 04/17/07 Conference Call Summary	Summary	Holland; 04/23/07
Compilation of News Articles	News Articles	April 2007
CTF Letter to NRC re Public Briefing Comments on Decommissioning Criteria for West Valley	Letter	CTF; 12/22/98

Document Subject	Document Description	Date; Generated by (if applicable/known)
CTF Letter to NRC re Decommissioning Criteria for West Valley	Letter	CTF; 03/29/99
CTF Letter to NRC re Draft Decommissioning Criteria for West Valley	Letter	CTF; 01/05/00
Letter to NRC re Disagreements with the Final Policy Statement for West Valley	Letter	CTF; 04/17/02
Federal Register Publication of the NRC Final Policy Statement for West Valley	FR Publication	NRC; 02/01/02