

Proj. # M-32

**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

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CLEAN SITES

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## **Attendees via Video Conference:**

### *NRC:*

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

### *SAIC:*

Patti Swain

## **May 20<sup>th</sup> 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 21<sup>st</sup>, 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 15<sup>th</sup> meeting (see the April 15<sup>th</sup> meeting summary for that list).<sup>1</sup> 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 Termination<sup>2</sup> 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

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

<sup>2</sup>Note: 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 WVDP 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 4<sup>th</sup> meeting will begin as scheduled with a discussion of NYSERDA and DOE roles and responsibilities and conclude with a caucus of CTF members. The June 17<sup>th</sup> 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.

Ashford Office Complex  
Wednesday, June 4, 1997

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**West Valley Demonstration Project  
Risk Management Evaluation  
for  
Fiscal Years (FY) 1996, 1997, 1998, & Outyears**

**Barbara Mazurowski  
Deputy Director  
DOE-WV**

## **Purpose**

- Risk is Becoming the Determining Factor in How Programs are Funded by Congress
- The Use of Cost-Benefit Analysis and Risk Management Criteria will Continue to be Critical in Support of DOE's Budget Formulation
- The Use of Risk Management and the Consideration of Risk to Human Health and the Environment in Establishing Priorities is Critical to Ensure Urgent Threats are Immediately Addressed and that Human Health and the Environment are Afforded Maximum Protection Given Current Budget Realities



## **Goal**

- To Integrate Risk Management into DOE's Planning and Budget Execution Process in Order to Maximize Risk Reduction and Eliminate Imminent Threats Posed by the Current and Projected DOE Waste Management Activities
  - Treatment
  - Storage
  - Disposal of Waste Inventories



## **Scope**

- DOE Programs and Projects have Evaluated their Risk Associated to:
  - Public Safety and Health
  - Site Personnel Safety and Health
  - Environmental Protection
  - Compliance
  - Mission Impact
  - Mortgage Reduction
  - Social/Cultural/Economic Impact

## DOE-HQ Risk Ranking by Operations Office

Risk rankings are based on "Before Treatment" risk, which is the highest rank applied to public, worker, and environmental safety and health.

- The DOE utilizes Risk Data Sheets (RDS) as the qualitative process to evaluate risk
- Savannah River Field Office, Richland Field Office, and Ohio Field Office (West Valley) have the highest level of high-risk funding. At Ohio (West Valley is the only High Level Waste (HLW) site), therefore, 100% of the funding at West Valley is high-risk; the bulk of this is HLW treatment. The proximity of the water table at West Valley is the explanation for this ranking. For Richland and Savannah River Field Offices, high-risk funding is predominantly HLW storage
- By percentage of program funding, Idaho Field Office has the greatest percentage of low-risk activities. Idaho states that low environmental risk and good controls lower its risk rankings
- Six of the 11 Ops Offices (WIPP counted separately) recorded no high-risk activities: Albuquerque, Chicago, Nevada, Oakland, Rocky Flats, and WIPP
- Three Ops Offices Recorded no low-risk activities: Chicago, Ohio, and WIPP

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# WVDP Framework Documents

Elizabeth Lowes, DOE  
Colleen Gerwitz, NYSERDA  
June 4, 1997

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# WVDP Framework Documents

RADIOACTIVE MATERIALS LAWS, REGULATIONS AND HISTORY		
FEDERAL LAW AND REGULATIONS	PERIOD	HISTORY OF NUCLEAR FUEL REPROCESSING FACILITY
Atomic Energy Act  Atomic Energy Commission (AEC) established	1950s	
	1960s	AEC Licenses Nuclear Fuel Reprocessing Facility
Energy Reorganization Act  Department of Energy (DOE) established Nuclear Regulatory Commission (NRC) established	1970s	Nuclear Fuel Services, Inc. (NFS) Closes Facility
West Valley Demonstration Project Act  DOE Orders (Regulations)	1980s - 1990s	<ul style="list-style-type: none"> <li>Cooperative Agreement between DOE and the New York State Energy Research and Development Authority (NYSERDA)</li> <li>NRC/DOE Memorandum of Understanding</li> <li>NRC Amends NYSERDA license (license put in abeyance)</li> <li>Stipulation of Compromise between DOE and the Coalition on West Valley Nuclear Wastes</li> </ul>
STATE LAW AND REGULATIONS	PERIOD	HISTORY OF THE STATE-LICENSED DISPOSAL AREA (SDA)
New York State becomes an NRC "Agreement State" - regulation of Radioactive Materials delegated to:  NYS Department of Health (DOH) NYS Department of Labor (DOL)	1960s	NFS disposal operations:  <ul style="list-style-type: none"> <li>permitted by DOH</li> <li>licensed by DOL</li> </ul>
NYS Department of Environmental Conservation (DEC) established	1970s	Regulatory authority of SDA transferred from DOH to DEC  NFS terminates disposal operations at the SDA
	1980s	DEC permit and DOL license transferred to NYSERDA  NYSERDA assumes day-to-day management responsibility of the SDA

# WVDP Framework Documents

WVDP Act

NRC/DOE Memorandum of Understanding

Cooperative Agreement

NRC License

# WVDP Framework Documents

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## The WVDP Act (Public Law 96-368 - October 1, 1980)

- ▶ Authorized the DOE to carry out a high-level liquid waste management demonstration project at the WNYNSC
- ▶ Required DOE to enter into an agreement with the NRC for review and consultation (DOE/NRC Memorandum of Understanding)
- ▶ Required DOE to enter into a Cooperative Agreement with New York State (DOE/NYSERDA Cooperative Agreement)
- ▶ Required joint DOE/NYS submission of application for a licensing amendment (Change 31 to NRC license No. CSF-1) transferring the facility to the DOE

# WVDP Framework Documents

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## MOU between DOE and NRC for WVDP (September 23, 1981)

- ▶ Established procedures for review and consultation by the NRC for DOE activities at the site
- ▶ Described responsibilities of DOE and NRC
- ▶ Requires DOE provide NRC with various plans for review (e.g., Project Plan, Safety Analysis Reports and other safety-related information, technical information on the waste containers, D&D plans)
- ▶ Describes how the parties will work together to ensure timely completion of the project



# WVDP Framework Documents

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## Cooperative Agreement between DOE and NYSERDA (October 1, 1980, Amended September 18, 1981)

Established a framework for implementation of the WVDP Act

- ▶ Established Project Management Roles and Responsibilities
- ▶ Granted DOE exclusive use and possession of project premises and facilities
- ▶ Set forth responsibility for use, operation and maintenance of the Center
- ▶ Described how 90/10 cost share would be implemented
- ▶ Provided for cooperation between agencies on licensing actions and preparation of environmental analyses

# WVDP Framework Documents

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## Facility License No. CSF-1, Docket No. 50-201

### ► Operating License - 1966

- Authorized operation of a spent nuclear fuel reprocessing and radioactive waste disposal facility at the WNYNSC
- Established technical specifications for the operation of the plant, as well as recordkeeping and reporting requirements
- Changes 1-30 to the license were generally changes to the technical specifications

### ► Change 31 - 1981

- Transferred exclusive possession to DOE
- Put technical specifications recordkeeping and reporting requirements into abeyance

### ► Change 32 - 1982

- Terminated the authority and responsibility for NFS under the license
- Made NYSERDA the sole licensee



1272 Delaware Ave., Buffalo, NY 14209-2401

Tel: 716-884-3550

May 30, 1997

to: Melinda Holland  
Clean Sites  
700 N. Trade Ave.  
Landrum, SC 29356

Tom Attridge  
NYSERDA  
PO Box 191  
West Valley, NY 14171



Dear Ms. Holland and Mr. Attridge:

It is with deep concern for public health and safety that we write to you about the plume of radioactive material emanating from the reprocessing plant.

At a recent meeting of the committee it was revealed that there has been knowledge for eleven years that the plume existed, that a leak between the walls of the plant in 1971 is the probable cause and that Strontium and Cesium were the hazardous materials involved.

Considering the years of suspicion that something was amiss, the rapidly rising levels of radioactivity recorded from 1991 to 1993, the material found oozing from the side of the plateau in 1993, the geo-probe report of 1995 that defined the borders and level of contamination more accurately, and the contamination of a dump site that previously showed no radioactivity, it seems unconscionable for government agencies to delay action any longer, awaiting a final decision on the entire site.

The committee speaks of institutional controls; that someone will have to be watching over radioactive material, whether here or elsewhere, for a thousand years. How can we guarantee that public health will be protected in the distant future if we now have two government agencies overseeing the site, allowing material that leaked from the plant more than 25 years ago to continue to move underground and out of the ground, without taking immediate remedial action?

Lyle Toohey, President,  
League of Women Voters of the Greater Buffalo Area (LWVGBA)

Leonore S. Lambert, Vice President, Administration  
cc members of CTF