

January 13, 2000

MEMORANDUM TO: Larry W. Camper, Chief  
Decommissioning Branch, DWM

THRU: Robert A. Nelson, Chief  
Facilities Decommissioning Section  
Decommissioning Branch

FROM: John S. Contardi, Chemical Engineer  
Facilities Decommissioning Section  
Decommissioning Branch

SUBJECT: MEETING REPORT - PUBLIC MEETING ON THE DRAFT POLICY STATEMENT ON THE DECOMMISSIONING CRITERIA FOR THE WEST VALLEY DEMONSTRATION PROJECT AND WEST VALLEY SITE, WEST VALLEY, NEW YORK, JANUARY 5, 2000

On January 5, 2000, staff from the Decommissioning Branch and the Office of the General Counsel held a public meeting regarding the draft Policy Statement on the Decommissioning Criteria for the West Valley Demonstration Project and West Valley Site. A copy of the meeting report is attached.

As follow-up actions to this meeting, we will: (1) prepare a memorandum to the Commission noting the staff's intent to extend the public comment period by 60 days; (2) review the transcript of the meeting and summarize comments and issues; and (3) develop an issues paper for consideration by the Commission.

Attachment:  
Meeting Report

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

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Meeting Report

CONTACT: J. Contardi, NMSS  
(301) 415-6680

## MEETING REPORT

Date: January 5, 2000

Time: 7:00 - 10:00 PM

Place: Ashford Office Complex  
Conference Room C-1  
9030 Route 219  
West Valley, NY

Purpose: To provide information to the public on the Policy Statement and the Commission's regulatory responsibilities and to engage in a discussion with the public on questions and concerns related to NRC responsibilities.

Attendees: Attendees included: the general public; the Seneca Nation of Indians; the West Valley Citizen Task Force; the Concerned Citizens of Cattaraugus County, Inc.; the Coalition on West Valley Nuclear Wastes; the Nuclear Information and Resource Service; the U.S. Department of Energy (DOE) and its contractors; the New York State Department of Environmental Conservation (NYSDEC); the New York State Energy Research and Development Authority (NYSERDA); the U.S. Environmental Protection Agency; and the media.

### Background:

In a Staff Requirements Memorandum (SRM) dated June 3, 1999, the Commission approved applying the License Termination Rule (LTR) (10 CFR 20 Subpart E) as the decommissioning criteria for the DOE's West Valley Demonstration Project and the NYSERDA site once the NYSERDA license is reactivated. In addition, the SRM directed the staff to publish a draft policy statement on this decision for a 60-day public comment period. The draft policy statement was published in the Federal Register on December 3, 1999 (64 FR 67952).

### Discussion:

The meeting was facilitated by Mr. Francis Cameron, NRC's Special Counsel for Public Liaison. Mr. Cameron opened the meeting with brief introductions of NRC staff and key participants. After a brief discussion of the purpose, ground rules, and agenda, Mr. Cameron introduced Larry Camper, Chief of NRC's Decommissioning Branch, and Ms. Barbara Mazurowski, Director for the West Valley Project Office, who presented brief welcoming remarks. Dr. Paul Piciulo, NYSERDA, and Dr. Paul Merges, NYSDEC, also made brief opening remarks concerning their respective agency's involvement at West Valley. Mr. Jack Parrott, NRC's Project Manager for this site, provided an overview of NRC's role and responsibilities and summarized the Policy Statement. Following Mr. Parrott's presentation, Mr. Cameron opened the discussion/question and answer period. A formal comment period closed the meeting. Key issues raised during the discussion and formal comment periods are summarized below.

The State Licensed Disposal Area: Citizens raised questions over the types of wastes in the state-licensed disposal area (SDA). Dr. P. Merges, NYSDEC, stated that the SDA contains transuranic waste at concentrations greater than class C. This motivated a discussion of how the SDA site would be regulated given that it contains waste not typically suited for shallow land

burial per 10 CFR Part 61. Dr. P. Merges responded by stating that the SDA is not now, nor has it ever been, regulated by the NRC. In addition, Dr. Merges stated that it is not a Part 61 facility and therefore, does not need to meet the requirements of that regulation. The NRC staff clarified the issue by stating the SDA will not be regulated by the NRC. Specifically, the LTR will not apply to the SDA but the dose impacts from the SDA will be included in determining that the remainder of the site meets the criteria for license termination.

Institutional Controls: Many questions concerning the definition and implementation of institutional controls were raised. Although institutional control is not explicitly defined by the NRC, a working definition can be found in draft Regulatory Guide DG-4006. NRC staff agreed that a clear definition is needed. Other questions concerning institutional controls were directed to the manner in which they would be implemented and the role that institutional controls will have on the selection of a final decommissioning criteria. The dependence of engineered barriers on institutional controls was also questioned.

NRC and the Environmental Review Process: There were several comments on the NRC's responsibilities under the National Environmental Policy Act (NEPA) and how these responsibilities will be integrated with those of DOE and NYSERDA.

Comment Period: Many people requested an extension of the 60-day comment period scheduled to end on February 1, 2000.

Incidental Waste: A few commenters focused on the application of the incidental waste concept at West Valley. Comments asked that the NRC address this issue by not allowing for high-level waste to be reclassified as incidental.

General Comments: Several people stated that the language of the LTR and the draft Policy Statement were difficult to interpret and ambiguous.

In summary, the meeting provided an excellent forum for discussion and allowed the public the opportunity to make formal comments on the draft Policy Statement on the Decommissioning Criteria for the West Valley Demonstration Project and the West Valley Site.