

May 1, 2002

MEMORANDUM TO: Larry Camper, Chief
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Division of Waste Management
Office of Nuclear Materials
Safety and Safeguards

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SUBJECT: Meeting summary of the meeting between the stakeholders
on April 17, 2002 in West Valley, New York.

Enclosed is the meeting summary of the meeting held on April 17th from 8:00 a.m. through 12:00 noon in West Valley, New York. The agenda and the key messages discussed by the U.S. Nuclear Regulatory Commission in this meeting are attached to the meeting summary.

If you have any questions don't hesitate to contact or email me at (301)-415-6262 or ngs@nrc.gov, respectively.

Attachments: West Valley Demonstration Project
(WVDP) Public Meeting Summary

West Valley Demonstration Project (WVDP) Public Meeting Summary
West Valley, New York
April 17, 2002
8:00 a.m. to 12:00 noon

On the morning of April 17, 2002, the Nuclear Regulatory Commission (NRC) staff met with the Environmental Protection Agency (EPA, Region II), the New York State Department of Health (NYSDOH), the New York State Department of Environmental Conservation (NYSDEC), the New York State Energy Research and Developmental Authority (NYSERDA), the Department of Energy (DOE), and the Seneca Nation in a public meeting to discuss the decommissioning criteria for the West Valley Demonstration Project (WVDP). The discussions included: (1) the April 17th evening meeting format and ground rules, (2) key messages the NRC wanted to provide to the public, (3) concerns raised in the April 16th Citizen Task Force (CTF) meeting, and (4) an overview of the Regulators Communication Plan.

The NRC staff discussed the agenda, and the format and ground rules for the evening meeting. The agenda and format discussion included the organization of the presentations and the time provided to address questions and comments in the meeting. The NRC facilitator of the meeting mentioned the ground rules in order to have an organized meeting.

The NRC staff also discussed a number of key messages related to the decommissioning of the WVDP site. The messages involved: (1) the NRC's mission to maintain safety, (2) NRC's roles and responsibilities at the site, (3) NRC's experience in decommissioning, (4) the policy statement is final, (5) NRC is implementing consistent decommissioning criteria, (6) the next step in implementing the policy statement, (7) regulators are working together, (8) avoid speculation regarding DOE's preferred alternative for decommissioning, (9) public comment on decommissioning environmental impact statement (EIS), and (10) additional opportunities to participate in the decommissioning process. The NYSDEC noted that the protection of the environment also was an important decommissioning objective. The EPA agreed to continue to work together with NRC and other agencies in addressing decommissioning issues through the National Environmental Policy Act (NEPA) process.

After the discussion of key messages, the NRC staff and the stakeholders discussed issues raised during the CTF meeting on the evening of April 16th. The issues raised by the CTF included: (1) the policy statement's flexibility, (2) the EIS status, process, and contents, (3) concern that the Commission did not consider the CTF's comments when finalizing the policy statement, (4) concern that an exemption will be granted to DOE for decommissioning, (5) waste incidental to reprocessing, and (6) NRC's authority over DOE.

Questions were raised by NYSERDA, NYSDEC, and DOE regarding the EIS. The DOE commented that the EIS shall address impacts for the whole site. The DOE also stated that their goal was to complete the decommissioning EIS and publish a Record of Decision by 2005. Department of Energy added that they expect to meet the license termination rule (LTR) for the West Valley Demonstration Project.

The last topic in this meeting was the Regulators Communication Plan. The Regulators Communication Plan was developed to identify each regulator's role and responsibility at the West Valley site and to identify clean-up requirements and expectations of each agency. The EPA commented that the reason for lack of consensus in Regulators Communication Plan was

because each agency had different responsibilities under different statutes. The regulators clarified their roles and requirements during the meeting. A representative of the Seneca Nation commented that it was important that regulators recognize and consider the concerns of the Seneca Nation and they be involved in the process.

During the meeting, the regulators, DOE, and NYSERDA agreed to participate in future meetings between the agencies to follow up on the West Valley site decommissioning process and the EIS. The NRC staff suggested monthly meetings and then a public meeting in September or October 2002 to discuss the status of the process. The need for an implementation plan for the policy statement was also discussed. The implementation plan would lay out a process, including milestones for deliverables and public participation. The implementation plan would address the content of the EIS, and where the EIS would fit into the regulatory process. These agencies agreed to schedule a meeting at EPA Region 2 Office in New York City to continue discussions on the decommissioning EIS.

Attachments: Agenda
Key messages

Package ADAMS Number: ML021290056

Meeting Summary of the West Valley Public Meeting on April 17th

Attachments:

1. Noticed Meeting Agenda at West valley Demonstration Project, April 17, 2002, 8:00 am - 12:00 n.
2. Key Messages