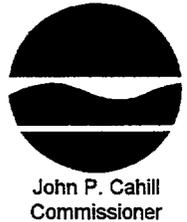


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1/5/00 WEST VALLEY PUBLIC MEETING PRESENTATION

Hello, I'm Dr. Paul Merges, Director of the Bureau of Radiation & Hazardous Site Management for the New York State Department of Environmental Conservation. With me here tonight are two of the Department's environmental monitors for West Valley, Mr. Timothy Rice from our Radiation Program and Mr. Jack Krajewski, an engineering geologist from our Region 9 office in Buffalo.

On behalf of the Department I would like to thank the Nuclear Regulatory Commission for holding this meeting tonight to gather comments on their Draft Policy Statement on the Decommissioning Criteria for the West Valley site. I would also like to express the Department's appreciation to the past and present members of the Citizens Task Force for their dedication to providing informed public input during this lengthy process. They have given selflessly of their time and effort to learn about the multitude of technical and regulatory issues at the site. One significant result has been their recommendations report on the development of a preferred alternative for the site. The Department is glad to see that the CTF has maintained their involvement with the site since completion of their recommendation, and hopes that they will continue to do so.

In addition to the information on State regulatory responsibility presented here tonight, we are working diligently to finalize our comments on the NRC Draft Policy Statement. We intend to submit them in writing by the end of the comment period.

In order for all interested parties to be fully informed about the decision-making process now under way, it is important for them to clearly understand the nature of the State's regulatory involvement at West Valley. Therefore, I would like to take this opportunity to briefly explain what the DEC involvement is in this EIS process and what its radiological and RCRA regulatory roles are for the Demonstration Project property and the State Licensed Disposal Area or SDA.

It is important that everyone understand that the SDA is not now, nor ever has been, regulated by the NRC. Unlike the NDA, which was created and licensed to

support the fuel reprocessing operations at the site, the SDA was created as a State licensed commercial radioactive disposal site. It is currently regulated under a radioactive materials license from the NYS Department of Labor, through DEC Part 380 permits for the prevention and control of radioactive pollution of the environment, and the RCRA 3008(h) joint DEC/EPA Order on Consent. As such, it is not subject to the NRC license or their License Termination Rule.

Though not subject to the LTR, potential future impacts from the SDA are part of the ongoing evaluations under the EIS process. All parties have acknowledged that the potential for combined impacts from all of the various facilities at the site need to be accounted for in the EIS. Therefore, though the SDA is not directly subject to the criteria in the License Termination Rule, its potential impacts have to be taken into account when determining how the NRC decommissioning criteria is applied to the non-SDA areas of the site, and what the ultimate disposition of those areas will be.

Given the unique nature of the regulatory structure at West Valley, the DEC and the NRC are developing a Cooperative Agreement for the site. The intent of this Agreement is to clarify regulatory responsibilities, foster an open exchange of information, and provide a mechanism to facilitate a comprehensive approach to determining the disposition of the various facilities at the site. This Agreement is expected to be in place by the summer of this year.

The West Valley EIS fulfills both federal National Environmental Policy Act (NEPA) and State Environmental Quality Review Act (SEQRA) requirements as well as requirements in the 3008(h) Order for completion of a Corrective Measures Study. Though the DEC is not recognized as a cooperating agency under NEPA, we are an involved agency under SEQRA and have regulatory authority when mixed waste, hazardous waste and radioactive waste, are combined. As such, our staff has been intimately involved in the EIS process, and will continue to be. One of the goals of the DEC is to ensure that **ALL** potential sources are taken into account in the evaluation process. We want to ensure that the SDA, existing areas of radiological environmental contamination such as the groundwater contamination on the north plateau and the airborne deposition plume referred to as the Cesium Prong, and, RCRA corrective measures to address the hazardous waste component of mixed waste are taken into account in the evaluation process.

This concludes my brief comments for this evening. I hope I have been able to clarify the nature of the State's regulatory involvement at West Valley for you. If anyone has any questions for the Department people may contact me or one of our staff working on the site and we will be glad to answer your questions.