



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
ADVISORY COMMITTEE ON NUCLEAR WASTE  
WASHINGTON, DC 20555 - 0001

ACNWR-0233

December 27, 2005

The Honorable Nils J. Diaz  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

SUBJECT: OBSERVATIONS OF STAKEHOLDER PARTICIPATION IN RECENT  
MEETINGS OF THE ADVISORY COMMITTEE ON NUCLEAR WASTE (ACNW)

Dear Chairman Diaz:

Part of the ACNW's action plan is to encourage public participation as a way to enhance openness and make the deliberations and decisions of the agency more transparent. During the last 6 months, the Committee has arranged and conducted meetings in locations other than NRC headquarters to encourage public participation and listen to stakeholders' concerns and perspectives. Meetings were held at locations and times to facilitate stakeholder participation. In addition, the Committee participated in public meetings held by the NRC Office of Nuclear Materials Safety and Safeguards (NMSS) to observe and hear the views of stakeholders and members of the public. Finally, individual members attended public meetings relevant to the Committee's action plan.

### **OBSERVATIONS**

From recent ACNW meetings in New York, Nevada, South Carolina, and Maryland, the Committee provides the following observations.

1. The views that the ACNW heard during its public meetings assisted the Committee in its deliberations by providing additional perspectives and insights.
2. NMSS held a public workshop on its proposed revisions to decommissioning guidance. The Committee believes that participating in such public workshops is an effective way for the Committee to gain insights from groups of stakeholders and members of the public.
3. The Committee derives significant value from attending public meetings pertinent to its action plan.

### **DISCUSSION**

(1) West Valley, New York

The Committee reviewed work being done to support the decommissioning process for the West Valley Demonstration Project (WVDP). The Committee believes this site is likely to employ all of the options outlined in the Commission's License Termination Rule. On

October 18-20, 2005, the Committee toured the WVDP site and held a public meeting in Ellicottville, New York (about 10 miles from the WVDP). The meeting consisted of briefings on the NRC's and Department of Energy's (DOE's) performance assessment methodologies and some insights derived from them. DOE described decommissioning remediation work underway at the site. Representatives of the West Valley Citizen's Task Force, Canbury Agency, the Coalition on West Valley Nuclear Waste, and the Nuclear Information and Resource Service also offered comments to the Committee.

Approximately 75 people attended the meeting, including members of the community and representatives of the New York State Energy Research and Development Authority (NYSERDA), the New York State Department of the Environmental Conservation, and the New York State Department of Health. Views and concerns were expressed about the movement of radioactive materials in groundwater and potential erosion leading to exposure of buried waste. New York State agency representatives gave their perspectives on and described their roles for the future of the West Valley Site. A representative of Clark County, Nevada, was also in attendance. The transcript of the meeting contains these comments and documents a range of views that were helpful to the Committee in its deliberations.

#### (2) Las Vegas, Nevada

The agency's strategic plan identifies hosting public meetings in Nevada and along major transportation corridors to the proposed Yucca Mountain repository as a means to support its openness strategy. The ACNW typically holds meetings once a year in Nevada to take advantage of the availability of onsite technical personnel working on the Yucca Mountain project and to solicit stakeholders' concerns and views. Committee members and staff toured the Yucca Mountain site. Two stakeholder representatives participated in the site visit. The Committee conducted its public meeting on September 21, 2005, at the Atomic Safety and Licensing Board Panel's (ASLBP's) new facility for future hearings on the repository. The meeting was not well attended by members of the public, perhaps because the ASLBP facility is new and is located well away from the usual venues for public meetings in Las Vegas. Some members of the public said there would have been more participation if the meeting were closer to the Yucca Mountain area.

Representatives from the Las Vegas Paiute tribe, the State of Nevada's Nuclear Waste Project Office, Clark County (Nevada), the Nevada Nuclear Waste Task Force, the Los Angeles Environmental Technology Center, and Monitor Scientific made comments at the meeting. Mr. Mike Henderson of Congressman Jim Gibbon's office provided a written statement and read it into the record of the meeting. In addition, unaffiliated members of the public provided comments. The comments were generally not supportive of activities at the proposed Yucca Mountain project. Commenters expressed concerns about emergency evacuation plans, proposed revisions to the Environmental Protection Agency's standards, repository performance, and the impact on citizens along transportation routes in Nevada. The transcript contains the record of these comments.

#### (3) DOE Savannah River Site and the Barnwell Low-Level Waste Disposal Facility

On August 11, 2005, the Committee toured and held discussions at the Barnwell low-level radioactive waste (LLW) facility. The purpose of the visit was to familiarize the Committee members and ACNW staff with current low-level waste disposal technologies and practices and

to obtain information on low-level waste activities that should be reflected in the Committee's FY 2006 Action Plan. The Barnwell facility will cease to accept LLW from generators outside the Atlantic Compact in 2008.

Committee members also discussed Barnwell site issues during a lunch that was attended by approximately 20 participants. Elected representatives and officials from Barnwell County and City said there was significant and strong support in the community for the LLW facility. Representatives of Chem-Nuclear/Duratek, the contract manager for the site, accompanied and assisted the Committee during its visit. An inspector from the State of South Carolina Department of Health and Environmental Control accompanied the members throughout the site visit. Other participants included representatives of Barnwell County Council, the Barnwell County Chamber of Commerce, and the Barnwell County Economic Development Commission. Both the Chem-Nuclear/Duratek representatives and the State inspector said the regulator and the licensee communicate "openly and honestly" on a routine basis.

The community leaders with whom the Committee members spoke are in favor of expanding the role of the facility to receive LLW. They also indicated that the Chem-Nuclear/Duratek management and staff have been open and honest with the community and are good corporate citizens.

Barnwell's decommissioning and long-term stewardship funds were discussed. The decommissioning fund is held by a third-party trustee. The stewardship fund covers long-term institutional controls and is deposited with the State. The decommissioning fund held by a third party is intact. The long-term stewardship fund was intact a few years ago at \$104M. However, since 2002 the State of South Carolina has borrowed \$90M from this fund. The current administration has promised that \$25M will be restored this fall.

On August 10, 2005, the Committee visited the Department of Energy's Savannah River Site (SRS) to obtain insights on waste operations and processes. The insights will help the members prepare advice on the NRC standard review plan for waste determinations. The SRS personnel briefed the members on tank waste management, waste retrieval technology, sludge washing, disposal of grouted waste in near-surface vaults, tank closure, and radionuclide separation. The Committee was also briefed on plans for the proposed mixed-oxide fuel fabrication facility.

A representative of Clark County, Nevada, participated in both South Carolina site visits.

#### (4) Participation in the NMSS Workshop on Proposed Revisions to Decommissioning Guidance

The Committee participated in the NRC staff's April 2005 workshop in Gaithersburg, Maryland. The objectives of the workshop were to:

- Inform stakeholders of NRC's Integrated Decommissioning Improvement Plan (IDIP), including regulatory and program management improvements.
- Discuss the NRC staff's development of proposed revisions to guidance for decommissioning under the License Termination Rule.
- Solicit feedback and suggestions from stakeholders on proposed revisions to decommissioning guidance and on decommissioning lessons learned.

Approximately 180 members of the public and stakeholders attended the workshop. The information obtained in this meeting was useful to the Committee in its deliberations.

(5) Other Meetings Attended by Committee Members

Pursuant to the Committee's action plan, members attended various public meetings as observers:

- The Environmental Protection Agency's meeting on the proposed revised standard for Yucca Mountain on October 4 and 5, 2005, in Las Vegas, Nevada
- The LLW Forum, Inc., meeting on radioactive waste on September 23, 2005, in Las Vegas, Nevada
- The NMSS public scoping meeting on the waste determination standard review plan on November 9, 2005, in Gaithersburg, Maryland
- The interagency meeting on research concerning the performance of cementitious materials on June 2, 2005 in Rockville, Maryland
- The DOE Workshops on Probabilistic Volcanic Hazard Analysis on February and August, 2005 in Las Vegas, Nevada

The Committee will continue to seek and encourage broader public participation in its CY 2006 meetings, including topical working group meetings. The Committee will also observe stakeholder meetings organized by NRC and other Federal agencies concerning activities within the scope of the Committee's action plan.

Sincerely,

**/RA/**

Michael T. Ryan  
Chairman

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Sincerely,

Michael T. Ryan  
Chairman

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