



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON NUCLEAR WASTE
WASHINGTON, D.C. 20555-0001

January 12, 2006

MEMORANDUM TO: ACNW Members
ACNW Staff

FROM:

Michele S. Kelton
Michele S. Kelton
Technical Secretary, ACNW

SUBJECT:

CERTIFIED MINUTES OF THE 164TH MEETING OF THE ADVISORY
COMMITTEE ON NUCLEAR WASTE (ACNW) OCTOBER 19, 2005

The proposed minutes of the subject meeting have been certified as the official record of the proceedings for that meeting.

Attachment:

Certified Minutes of the 164th Meeting
October 19, 2005

cc: A. Bates, SECY (O-16C1)
S. Jones, NMSS (T-8A23)
J. Dixon-Herrity, EDO (O-16E15)



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON NUCLEAR WASTE
WASHINGTON, D.C. 20555-0001

MEMORANDUM TO: Michael Scott, Branch Chief
Advisory Committee on Nuclear Waste

FROM: Michael T. Ryan, Chairman
Advisory Committee on Nuclear Waste

SUBJECT: PROPOSED MINUTES OF THE 164TH MEETING OF THE
ADVISORY COMMITTEE ON NUCLEAR WASTE (ACNW)
OCTOBER 19, 2005

I certify that, based on my review of these minutes¹, and to the best of my knowledge and belief, I have observed no substantive errors or omissions in the record of this proceeding subject to the comments noted below.

Comments:

Michael T. Ryan, Chairman

1/12/06

⁽¹⁾ Minutes of the 164th Meeting of the ACNW held October 19, 2005, dated January 11, 2006.



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
ADVISORY COMMITTEE ON NUCLEAR WASTE
WASHINGTON, D.C. 20555-0001

January 11, 2006

MEMORANDUM TO: Michael T. Ryan, Chairman
Advisory Committee on Nuclear Waste

FROM: Michele S. Kelton, Technical Secretary
Advisory Committee on Nuclear Waste

SUBJECT: PROPOSED MINUTES OF THE 164TH MEETING OF THE
ADVISORY COMMITTEE ON NUCLEAR WASTE (ACNW)
OCTOBER 19, 2005

Enclosed are the proposed minutes of the 164th meeting of the ACNW. This draft is being provided to give you an opportunity to review the record of this meeting and provide comments. Your comments will be incorporated into the final certified set of minutes as appropriate. Please provide your corrections and comments to me.

Please note that these minutes are being issued in two parts: (1) main body (working copy form) and (2) appendices. The appendices are being sent only to those members who have requested them.

A copy of the certified minutes with appendices will be forwarded to each member.

Enclosure: As stated

cc w/o Encl. 2: ACNW Members
ACNW Staff

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CERTIFIED

1/12/2006

By **MICHAEL T. RYAN**

Issued: 1/11/06

**CERTIFIED MINUTES OF THE 164TH MEETING OF THE
ADVISORY COMMITTEE ON NUCLEAR WASTE
OCTOBER 19, 2005**

The U.S. Nuclear Regulatory Commission (NRC) Advisory Committee on Nuclear Waste (ACNW or the Committee) held its 164th meeting on October 19, 2005, at the Inn at Holiday Valley, 6081 Route 219, Holiday Valley Road, Ellicottville, New York. The ACNW published a notice of this meeting in the *Federal Register* on October 13, 2005 (70 FR 59780) (Appendix A). This meeting served as a forum for attendees to discuss and take appropriate action on the items in the agenda (Appendix B). The entire meeting was open to the public.

A transcript of selected parts of the meeting is available in the NRC's Public Document Room at One White Flint North, Room 1F19, 11555 Rockville Pike, Rockville, Maryland. Copies of the transcript are available for purchase from Neal R. Gross and Company, Inc., 1323 Rhode Island Avenue, NW., Washington, DC 20005. Transcripts may also be downloaded from, or reviewed on, the Internet at <http://www.nrc.gov/reading-rm/doc-collections/acnw/tr/> at no cost.

ACNW Members, Michael T. Ryan (ACNW Chairman), Allen G. Croff (ACNW Vice Chairman), James H. Clarke, William J. Hinze, and Ruth Weiner attended this meeting. For a list of other attendees, see Appendix C. David Kocher, ACNW consultant, and ACNW invited experts Frank Parker and Thomas Nauman were also in attendance. Other participants included the U.S. Nuclear Regulatory Commission (NRC) staff members, the U.S. Department of Energy (DOE) and New York State Energy Research and Development Authority (NYSERDA) staffs, as well as other Federal and State organizations, and local stakeholders.

I. CHAIRMAN'S REPORT (OPEN)

[Richard Major was the Designated Federal Official for this part of the meeting.]

Dr. Michael Ryan, ACNW Chairman, convened the meeting at 8:35 a.m. and briefly reviewed the agenda. He said that the meeting was being conducted in conformance with the Federal Advisory Committee Act. Dr. Ryan asked members of the public who were present and had something to say to inform the ACNW staff so that time could be allocated for them to speak.

II. WORKING GROUP MEETING ON THE APPLICATION OF THE COMMISSION'S FINAL POLICY STATEMENT ON DECOMMISSIONING CRITERIA TO THE WEST VALLEY DEMONSTRATION PROJECT (OPEN)

[Richard Major was the Designated Federal Official for this part of the meeting.]

The purpose of this working group meeting was to discuss the application of the Commission's Final Policy Statement on Decommissioning Criteria to the West Valley Demonstration Project (WVDP).

NRC Role and Responsibilities

Chad Glenn, Senior Project Manager, Division of Waste Management and Environmental Protection, Office of Nuclear Materials Safety and Safeguards (NMSS), NRC, said NRC's responsibilities at West Valley are driven by three statutes: the Atomic Energy Act (AEA), the West Valley Demonstration Project Act (Public Law 96-368), and the National Environmental Policy Act (NEPA).

Under the AEA, the NRC issued the license that authorized spent fuel reprocessing at West Valley. NRC is also responsible for assuring public health and safety, inspecting facilities, and ultimately terminating the license.

In 1981 the Atomic Energy Commission's license was suspended to execute the WVDP Act. The license continues in effect but the technical specifications of the license for the operation and maintenance of the reprocessing facility were suspended until the completion of DOE's responsibilities under the WVDP Act. NYSERDA's license (NYSERDA now holds the suspended AEA license) will be reinstated following completion of the WVDP Act to allow decommissioning and possible license termination under the AEA.

Under the WVDP Act, NRC's responsibilities include prescribing decommissioning criteria for the WVDP. The NRC will review and consult on DOE plans and monitor project activities in order to ensure public health and safety. However, the NRC has no licensing or regulatory authority over DOE under the WVDP Act.

NRC has statutory responsibilities under NEPA. The NRC participates as a cooperating agency in the WVDP decommissioning environmental impact statement (EIS). The NRC can choose to either adapt or supplement DOE's decommissioning EIS. Ultimately, NRC will conduct an environmental review for license termination under the AEA.

In February 2002, the Commission issued a final policy statement prescribing the criteria in NRC's License Termination Rule (LTR) as the decommissioning criteria for the WVDP. The LTR criteria apply to decommissioning of high-level waste (HLW) tanks and other facilities in which HLW, solidified under the project, has been stored; facilities used in solidification of waste; and any material and hardware used in the Project. The Commission also issued criteria for incidental waste to clarify the classification of any residual waste after the tanks are cleaned to the extent practicable.

The LTR contains the standard decommissioning criteria for all NRC-licensed sites. The LTR will apply to the termination of NYSERDA's license after the AEA license is reinstated. The Commission contemplates a sequential decommissioning process at West Valley. First DOE will complete its decommissioning responsibilities under the WVDP Act. Then NYSERDA's AEA license will be reinstated, and NYSERDA will complete its decommissioning and license termination responsibilities under the Atomic Energy Act. The LTR provides a range of public dose criteria for unrestricted and restricted use of the site, as well as alternate criteria. The LTR is sufficiently flexible to allow part of the site to be released for unrestricted use and part of the site released for restricted use. Parts of the site may need to remain under license.

Because of the complexity of the WVDP, the Commission's policy statement emphasized the need for flexibility while ensuring safe decommissioning. The Commission recognized that public health and safety and cost-benefit considerations may justify the evaluation of alternatives that do not fully comply with the LTR criteria. After the site has been cleaned up to the maximum extent technically and economically feasible, the Commission will consider alternatives to site release under the LTR, including exemptions from the LTR if it can be demonstrated that public health and safety and the environment are protected. The Commission may also conclude that the only way to ensure adequate protection of public health and safety is to maintain a long-term or perpetual license for part of the facility.

Introductory Remarks by State and Federal Agencies

Barbara Youngberg of the New York State Department of Environmental Conservation (NYSDEC) said that New York is an Agreement State and the Department of Environmental Conservation is one of four State programs involved in the WVDP. NYSDEC regulates the State-licensed disposal area at West Valley. NYSDEC has a continuing interest as the State's environmental agency for the entire WVDP. NYSDEC has regulatory authority for implementing the Resource Conservation and Recovery Act.

Gary Baker of the New York State Health Department (NYSHD) said that the NYSHD is the lead State agency for protecting the public health from hazards such as ionizing radiation and water pollution. NYSHD is participating with NYSDEC (the lead agency) in reviewing the decommissioning of West Valley.

Paul Piciulo, Director, NYSERDA, West Valley Site Management Program, discussed NYSERDA's role at West Valley. NYSERDA is the landlord of the 3,300-acre Western New York Nuclear Service Center. In accordance with the WVDP Act, DOE has exclusive use and possession of the 200-acre central portion of the site containing the demonstration project. NYSERDA's second role is to review activities at the demonstration project and to arrange the funding of the State's 10 percent of the project cost.

T.J. Jackson, DOE's Deputy Director of the WVDP, outlined DOE's role. The WVDP Act assigned five tasks to DOE: (1) develop containers for the HLW, (2) demonstrate that HLW could be safely solidified, (3) dispose of the low-level and transuranic wastes generated during the project, (4) decontaminate and decommission the Project's buildings and facilities, and (5) transport and dispose of the HLW in a Federal repository. At the completion of the WVDP Act, DOE will facilitate the licensing activities between NYSERDA and NRC as the demonstration project site is returned to the State.

Methods and Models for NRC's Performance Assessment (PA) of the West Valley Demonstration Project

David Esh, NMSS, explained the regulatory framework for the performance assessment (PA). In general, the PA dose estimates must satisfy the requirements of NRC's LTR in 10 CFR Part 20, Subpart D. For unrestricted release, a dose limit of 25 mrem/year to a member of the public must be met with no controls or maintenance. For restricted release, a dose limit of 25 mrem/year to a member of the public can be met with institutional controls limiting use of the site and/or providing for maintenance and monitoring. If institutional controls fail, a dose limit of 100 mrem/year (or 500 if meeting the 100 mrem limit is technically not feasible or is prohibitively expensive) to a member of the public must be met.

NRC's PA is primarily an internal review tool for identifying risk-significant issues, exploring parameter and model uncertainty, and doing a risk-informed review of DOE's PA model. The NRC intends to base decisions (for the decommissioning EIS and decommissioning plan) on DOE's PA model results. For areas where agreements are not reached, the NRC staff will rely on its own model. The staff intends for its PA model to be flexible and easily modified.

Dr. Esh said the site is divided into a North Plateau and a South Plateau primarily based on hydrogeology considerations. Receptor considerations may be different for the different waste management areas based on the availability of water (e.g., water availability may be limited on the South Plateau). The site experiences relatively high rates of erosion. It may be challenging to mitigate the effects of erosion, and the costs may be significant. Engineered barriers are expected to be used as part of the site decommissioning.

In developing the PA, the NRC staff is using a level of detail that is appropriate for a review tool and consistent with the information available to support the model. NRC has been using the software product GoldSim, which is a visual probabilistic simulation program. The staff's PA is therefore fully probabilistic. The staff believes this approach allows a high degree of flexibility to modify the model.

Model development began in August 2004. The current model has over 1950 GoldSim elements and eight levels of subcontainment. The model also has over 700 stochastic elements that represent various forms of uncertainty. The overall approach is to use a highly abstracted (top-down), highly uncertain representation of the system. Verification of and sensitivity studies with the current beta version of the model are ongoing.

The staff's PA model is visual. The staff therefore intends to use the model as documentation. The goal is to have a PA model that is fully transparent to a technically qualified independent reviewer. At this stage of model development, subject area experts are just now beginning verification and sensitivity studies. The model contains 30 radionuclides, including their decay chains.

The NRC's PA models have six primary waste management areas. The areas were chosen based on risk considerations and include the HLW tanks, process building, lagoons, strontium-90 (⁹⁰Sr) plume, the NRC-licensed disposal area (NDA), and the State-licensed disposal area (SDA). The NDA is represented as having four disposal types: deep holes,

special holes, WVDP trenches, and WVDP caissons. The SDA is represented as having two disposal types: trenches and special-purpose holes.

The model can analyze several receptors, including a resident, a farmer, and an intruder that drills a well (who can receive an acute or a chronic exposure). A recreational receptor can be modeled as being onsite or offsite. The receptor can be located any distance from the source (within the physical constraints). The person running the model can set the intruder periods and the institutional controls for the site.

Dr. Esh said the PA model is composed of submodels. Submodels have been developed for waste release, transport through the vadose zone, transport through the saturated zone, and calculation of concentrations in environmental media (water, soil, air) to which receptors may be exposed. Exposure pathways depend on source and receptor selection. The exposure pathways are water ingestion, soil ingestion, plant ingestion, animal product ingestion (meat, milk, eggs), direct exposure, inhalation of gas and soil, fish ingestion, and deer ingestion.

The release submodel can represent temporal effects on infiltration as a result of engineered barriers. Radionuclides are partitioned between waste, soil, water, and air and can be transported via diffusion or advection. Different K_d s (distribution coefficients) and solubilities can be defined for the waste management area. The failure of engineered barriers and congruent dissolution of the waste matrix can be modeled where needed.

Transport through the vadose zone is represented by a one-dimensional series of environmental cells. Radionuclides are partitioned between waste, soil, and water. Different K_d s and solubilities can be defined for each vadose zone material type. Uncertainty in the degree of saturation is included in the vadose submodel. Variability in vadose thickness and extent was developed through geologic information system (GIS) modeling.

Transport through the saturated zone is represented by one-dimensional transport pipe elements. Radionuclides are partitioned between the geologic materials and water. Dispersion, advection, decay, and sorption are included in the saturated zone transport submodel. Variability in transport length was developed through GIS modeling.

The dose modeling develops environmental concentrations in water (both surface and groundwater), in air, and in soil for garden and fields irrigated with contaminated water. Pathway dose conversion factors (PDCFs) are developed on a receptor and radionuclide basis. Total effective dose equivalent (TEDE) is calculated as the product of the PDCFs and the concentration in soil, water, and air obtained from the transport models.

Dr. Esh gave the working group a visual demonstration of the model.

Although the NRC staff's model is in its early stages, Dr. Esh discussed several of the principal insights to date. The ^{90}Sr plume has the largest immediate risk impact on a North Plateau water user. The HLW tanks will likely require a large amount of engineering or source removal to meet the performance objectives. If groundwater is not used on the South Plateau, the surface water systems dilute the releases substantially, limiting risks to likely acceptable levels. Direct contact with waste and residual contamination in intruder scenarios (well driller) are a significant challenge for many waste management areas.

The staff plans to complete verification and sensitivity evaluations and modify the PA model as needed. The staff will develop a separate assessment of erosion impacts at the site. The staff is developing risk insights to share with reviewers of the WVDP PA.

In conclusion, Dr. Esh said the review of DOE's West Valley PA is expected to be very difficult. NRC's insights from independent modeling will help risk inform the review. It is believed that NRC's PA model is highly flexible and represents uncertainty in both parameters and models.

Mr. Nauman asked if DOE, NYSERDA, and NYSDEC staff members would participate as subject area experts while the staff's model is developed. The staff believes such participation is valuable. The staff has already used site-specific expertise to improved the model.

Dr. Parker asked how much material has been left in the onsite tanks. Dr. Esh replied that in tank 8D-1, there is a 1-inch layer on the bottom (4500 gallons). In tank 8D-2 there is a 5-inch layer on the bottom (13,000 gallons). The elements of concern include americium, neptunium, uranium, and technitium.

Dr. Parker asked how well the staff's model predicted the ^{90}Sr plume. Dr. Esh believed the model was reasonably close.

In response to questions, Dr. Esh said the staff uses the peak of the mean of the realizations as the measure for meeting the dose criteria. This translates to the 90th or 95th percentile of the distribution. Although the flow model is 1-dimensional, variability in the site is represented as uncertainty.

Dr. Kocher asked where the dose receptors were physically located in the models. For the North Plateau, assuming unrestricted release or loss of controls, a receptor lives on the North Plateau and uses the water. The distance from the source to the down-gradient receptor is assumed to be 100 meters. For the South Plateau, no resident or farmer is assumed to use the groundwater. A resident can live on the South Plateau, but doesn't get exposed by drinking the water. Erosion will complicate site modeling. As the soil is washed away, the depth to the waste changes, and assumptions about waste migration (scattering on the surface) change.

Dr. Hinze asked about the time scales represented in the models. Currently the staff is running the model out to 10,000 years. Most decommissioning analysis are carried out for 1,000 years. The 10,000-year timeframe should include consideration of the peak dose. The greatest uncertainty is the longevity of the engineered barriers. The staff's model will take into account the effects of climate change on erosion rates, infiltration, and mobilization.

In response to questions from Dr. Weiner, the staff said it cannot require DOE to use a probabilistic approach to modeling. If DOE chooses to model the site deterministically, the staff will expect a reasonably conservative approach to account for uncertainties.

In response to a question from Mr. Croff, the staff said the radionuclide inventory is represented as a deterministic vector. In the future a stochastic model will be used for the source term to account for uncertainty in the inventory.

West Valley EIS Long-Term Performance

Joseph Price, SAIC, presented an overview of DOE's approach to long-term performance assessment modeling for the West Valley EIS, including the methods for assessing compliance with human health criteria (dose, hazard, risk) and the types of results.

The objective of the EIS long-term PA is to provide a reasonable basis for estimating long-term health impacts for EIS alternatives and for estimating compliance with relevant dose and risk standards. The PA will also provide insights into how inventory, design features, and environmental processes affect health impacts.

The approach to long-term PA is to identify scenarios that need to be analyzed to estimate environmental impacts and assess compliance with relevant regulatory standards. DOE will establish codes that can analyze the identified scenarios while accommodating site and design features. The codes will have enough flexibility to analyze the spectrum of facilities and radiological and chemical constituents and to adapt to design changes.

Mr. Price listed the steps in performing a long-term PA:

- develop a site conceptual model and identify inventories of constituents of concern and necessary engineered barriers
- identify waste management area-specific environmental transport pathways
- identify receptors
- develop a set of scenarios
- analyze scenarios and characterize uncertainty

The types of scenarios DOE will examine in the PA include the effects residual contamination of surface soil on an onsite receptor. DOE will evaluate the effects of groundwater release on onsite and offsite receptors, the effects of erosion releases on onsite recreational hikers and on onsite and offsite creek and lake water receptors, and the effects of direct intrusion on an onsite receptor.

DOE will use RESRAD for analyzing residual contamination of surface soil and SIBERIA, a landscape evolution model, for analyzing erosion rate. Various project-specific codes will be used for well-drilling intruders and the release of radionuclides to creeks.

Mr. Price discussed models of the closure design for the North and South Plateaus and the underlying soil strata and how groundwater flow will be modeled.

Groundwater releases will be modeled using a deterministic base case, a deterministic sensitivity analysis, and Monte Carlo uncertainty analysis. For the deterministic base case, the results will include flow rates around and through the waste forms, time series of mean dose risk, and time series of hazardous risks.

When comparing the results of a peak mean dose calculation done deterministically with a time series probabilistic dose, the deterministic calculation is generally above the 90th percentile. An uncertainty analysis shows good a correlation.

The SIBERIA landscape evolution model calculates what the topography will look like in the future. Precipitation through the watershed is modeled, along with a sediment balance. Sediment transport is represented as functions of discharge and slope. Uncertainty is represented using three cases (best estimate, favorable, and unfavorable) that span the range of condition. The elevations of various points in the topography are predicted into the distant future (1,000 and 10,000 years). Given the shape and slope of the topography, a receptor location can be predicted.

The erosion release module is based on release of constituents to creeks and on SIBERIA estimates of soil removal. The human health impact module is a direct reflection of the groundwater module in terms of the pathways analyzed.

Finally, Mr. Price discussed the direct intruder integrated code. The analysis patterned after NRC's LLW regulation, 10 CFR Part 61. The scenarios covered include home construction, including the exposures associated with construction and residence. There is a well-drilling scenario with exposure to the well drillers and exposures resulting from residential agriculture near the well. The last scenario covered is a recreational hiker exposed by walking through the area each day.

Dr. Hinze asked why SIBERIA was chosen as the landscape model. Mr. Price said it is believed to be the best available model—the model is nonlinear.

Dr. Weiner asked about conservatism in the SIBERIA model. Conservatism exist with the downcutting rates in the creeks, and the groundwater hydraulic activity is overestimated by an order of magnitude. The radionuclides that control risk are plutonium-239 and -240 (²³⁹Pu and ²⁴⁰Pu), technitium, and uranium.

In response to a question from Dr. Ryan, Mr. Price said that the basis for the selection of model parameters (e.g., K_d s) will be documented in the EIS. Dr. Ryan said that the deterministic analysis performed by DOE does not account for the range of potential scenarios covered by a probabilistic analysis. Mr. Price believes the uncertainty analysis being performed by DOE will help identify random variables and the distributions of these random variables.

Dr. Parker asked how the impact of erosion is factored into models of long-term dose. Mr. Price said the DOE model does not take into account the effects of erosion in evaluating groundwater scenarios. Many of the expected dose predictions in the DOE model are based on surface water doses. The erosion and groundwater models have not been integrated. Mr. Price noted that exposures are expected to be lower for hazardous chemicals than for radionuclides because of the lower inventory, although there has been no testing to confirm this. Current models do not account for the vadose zone; it is assumed that the ground under the WVDP is saturated all the time.

Dr. Clarke asked how the NRC staff intends to model erosion. Dr. Esh said the plan is to allow the Center for Nuclear Waste Regulatory Analyses to run the CHILD code to assess erosion

impact. The goal is to try to predict gully formation rates and their impact on the various waste management areas.

Paul Bembia, a program manager with NYSERDA, has been working on the West Valley EIS for most of the 15 years he has been with NYSERDA. He highlighted several issues NYSERDA believes will be important to the outcome of the long-term PA. There are important questions that need to be addressed about erosion predictions, for example, how to make erosion predictions out to 10,000 years and how to reconcile model results with the real world. Consideration must be given to how uncertainty in the results is handled. Consideration should also be given to how the results of erosion modeling will be used to define the rate of radionuclide release from facilities and to define receptor locations.

Mr. Bembia noted the importance of groundwater modeling to the long-term PA. The modeling should be compared to earlier groundwater models (from the 1970s, 1980s, and 1990s), and any differences with the current models should be understood. Model results should be compared with real site data wherever possible to test the predictions. For example, will the model adequately duplicate the distribution of contaminants actually in the ⁹⁰Sr groundwater plume today?

Another concern raised by Mr. Bembia was receptor location. Careful attention needs to be paid to receptor location and exposure scenarios need to be identified for these locations.

Engineered barriers may be critical components for facilities that may be closed in place. The technical basis for the performance (or failure) of the barriers should be closely examined.

Finally, Mr. Bembia urged that the technical basis for the performance assessment be closely examined. Over the past 30 years various different conceptual models, computer codes, assumptions, and input data sets have been used to model the site. These different approaches have resulted in significantly different performance outcomes for the WVDP. There should be a clear and technically defensible basis for the PA. NYSERDA is interested in the Committee's views on the use of complex models and codes to assess facility performance for over 10,000 years.

Ray Vaughan of the West Valley Citizens Task Force and of the Coalition on West Valley Nuclear Wastes offered several comments. He was pleased the NRC staff's probabilistic PA will be compared to the deterministic model proposed by DOE. He was also pleased the staff intends to perform a separate erosion analysis and again compare the results with the DOE model. Mr. Vaughan's concern goes beyond local site erosion to the geomorphic evolution of the entire valley where the WVDP is located. The WVDP is located on several hundred feet of glacial fill, which adds to the erosion problem. Global warming and the affect of increased stream flow will also affect erosion. Mr. Vaughan questioned whether the computer codes WEPP and/or SIBERIA properly account for piping and landsliding, which could be aggravated by seismic activity. As the models and results in the EIS are released to the public, it is important that assumptions and modeling be traceable and the technical basis clear and defensible.

Current WVDP Site Status and Decommissioning Activities

T.J. Jackson, Deputy Director, DOE-WVDP Office, said that the WVDP was the only commercial spent nuclear fuel reprocessing facility to operate in the United States. He went through the chronology of the spent fuel processing phase of the site. From 1961, when the site was selected, until 1972, when reprocessing was halted, 600 metric tons of fuel were reprocessed. This reprocessing created 600,000 gallons of liquid HLW.

The WVDP Act defines the role and responsibilities of DOE. It was signed by the President of the United States on October 1, 1980. DOE was directed to solidify the HLW at the WVDP; develop containers suitable for permanent disposal of the waste, transport the waste to a Federal repository; dispose of the LLW and transuranic waste; and decontaminate and decommission the HLW tanks, facilities, and any material and hardware used in the Project. The Act requires the Federal Government to pay 90% of the cost and the State of New York to pay 10%. NRC was required by the WVDP Act to establish decommissioning criteria. In February 2002, the Commission set forth the License Termination Rule criteria for West Valley in a policy statement.

DOE has pretreated and vitrified the HLW. Almost 20,000 cement-filled drums of decontaminated salt solution were produced during pretreatment. This LLW will be disposed off site. There are 275 canisters of vitrified HLW. The vitrification campaign lasted 6½ years and removed 99% of the activity in the HLW tanks. There are about 250,000 Curies left in the bottom of the HLW tanks.

About 70% of the reprocessing plant was decontaminated to levels allowing reuse in the 1980s. Since completion of the vitrification campaign in 2002, three major high-source-term reprocessing cells have undergone initial decontamination and all vitrification equipment has been removed from the vitrification facility. Limited shipments of LLW began in 1997; to date, 158,569 cubic feet of LLW have been shipped to Envirocare in Utah or the DOE waste facility at the Nevada Test Site.

Mr. Jackson presented a picture of the WVDP buildings and structures and described the contents of each. He also presented a representation of what the site will look like in 2009 with the majority of buildings and structures removed. Waste for which transuranic (TRU) contamination is suspected is being packaged so that the acceptance criteria for the Waste Isolation Pilot Project (WIPP) are met.

Colleen Gerwitz, NYSERDA, discussed the State Disposal Area (SDA) at WVDP. The SDA began as a commercial venture by Nuclear Fuel Services (NFS), the operator of the reprocessing facility. The SDA was a commercial LLW disposal facility that operated from 1963 to 1975. The disposal area is 16 square acres, and 2.4 million cubic feet of LLW is disposed there. NYSERDA assumed management responsibility in 1983. A geomembrane cover and subsurface barrier wall have stopped water accumulation in the trenches. The trenches are 20 feet deep and have a trapezoidal cross-section. The trenches were dug in the native till clay. In the mid-1970s two trenches (out of 14) filled with water and overflowed. NFS pumped all the trenches after this incident and several other incidents in the 1980s. Each trench has a sump that allows water level monitoring, and the water can be pumped out.

In addition to the geomembrane, a slurry wall was installed by NYSERDA in the early 1990s. The slurry wall runs 30 feet deep along the whole western edge of the southern trenches. Since the slurry wall was installed, water levels have stabilized. NYSERDA considers the covers and slurry walls a temporary solution to an ongoing problem that needs to be continually monitored.

There is an extensive groundwater monitoring program around the facility. Twenty-one groundwater monitoring wells circle the SDA. There have been no indications of leaks to date. The long-term challenge will be erosion. The SDA is surrounded by three creeks. The SDA is currently licensed by the New York State Department of Labor and regulated under a radiological discharge permit from the New York State Department of Environmental Conservation. The waste in the trenches is in various forms. Some waste is in drums, some waste is in cardboard canisters, some waste is buried in plastic bags, and some waste is loose contaminated soil.

Mr. Jackson described the NRC-licensed disposal area (NDA). The NDA is approximately 5.5 acres and west of but contiguous to the SDA. The NDA is 400 yards south of the former reprocessing plant. The NDA was covered by the original 1963 Atomic Energy Commission license for reprocessing operations. The NDA received wastes from site activities. From 1966 until 1982 NFS placed reprocessing and site wastes in the facility. From 1982 until 1986 the WVDP disposed of LLW in the facility.

In the 1966-1982 period, NFS placed 162,000 cubic feet of waste containing 298,000 Curies as of January 2000 in the facility. The waste was disposed of in 239 separate holes. Higher activity materials were placed 50-70 feet deep. Lower-activity materials were put 20 to 30 feet deep. Wastes in the NDA include spent fuel hardware and cladding, damaged fuel elements, ion exchange resins, process solvents, air filters, and general plant wastes. A French drain was placed around the facility in the mid-1990s to capture any hazardous liquid wastes (e.g., kerosene) and to process the waste before it could reach a creek. The French drain has never been needed but remains serviceable.

From 1982 to 1986 the WVDP placed a number of trenches in the NDA facility. These trenches were used to dispose of LLW generated during decommissioning of the main process building. Ninety-nine percent of the Curies in the NDA are from the NFS operations. Since 1986, when the facility ceased operation, the WVDP has ensured the integrity of the clay cap and monitored wells placed around the facility to ensure there is no migration of the radionuclides.

The HLW tank farm has four underground tanks. Tanks 8D-1 and 8D-2 are large 750,000-gallon carbon steel tanks. The 600,000 gallons of HLW produced during the NFS reprocessing operation were stored in 8D-2. Tanks 8D-3 and 8D-4 are smaller 14,000-gallon stainless steel tanks.

As the WVDP began to process the waste, a supernatant treatment system (ionization columns) was placed in tank 8D-1, a spare tank. The supernatant was removed from the top of tank 8D-2, treated then mixed with cement and placed in approximately 20,000 71-gallon square drums. The sludge on the bottom of tank 8D-2 became the HLW that was vitrified and contained in the 275 10-foot by 2-foot stainless steel canisters.

The large carbon steel tanks are circular, 27 feet high and 70 feet in diameter. They are single walled, 5/8 inch thick on the bottom grading to 7/16 inch thick on the roof. The tanks are placed within concrete vaults and sit on perlite blocks. There is a pan underneath the big tanks and above the concrete vault. The 8D-2 pan is breached, and the vault water is contaminated. The carbon steel is prone to rust, so the best thing to do is remove most of the waste from the tanks. This has been done.

HLW tank 8-D1 was a backup tank for 8D-2, the primary HLW tank. The tank housed the supernatant treatment system (STS) for HLW pretreatment. As ionization columns became fully loaded, the zeolite was dumped to the bottom of the tank. The radionuclides were mobilized from the zeolite and returned to tank 8D-2. This took place during the vitrification campaign. A combination of mobilization pumps and sluicers was used to suspend the zeolite. This process removed the most (97%) of the cesium-137 (^{137}Cs), which is now contained in the HLW glass logs. The current liquid inventory in tank 8D-1 is 12,800 gallons, which represents 5.1 inches in the bottom of the tank. The current equipment inventory which must be removed from the tank as it is decontaminated includes the STS vessels, five mobilization pumps, two transfer pumps, and camera and tool delivery systems.

HLW tank 8D-2 contained the initial inventory of 600,000 gallons of HLW from reprocessing. More than 99% of the ^{90}Sr and alpha-TRU activity was vitrified. Approximately 97% of the ^{137}Cs was vitrified. Sluicers were used to wash and mobilize the tank heel. There is 1.2 inches of liquid in the bottom of the tank (4,560 gallons). From an initial inventory of 30,000,000 Curies, 250,000 Curies remain. The tank's equipment inventory includes: four mobilization pumps, two transfer pumps, and camera and tool delivery systems.

HLW tanks 8D-3 and 8D-4 share a concrete vault with an 18-inch-high stainless steel liner. The tanks themselves are made of stainless steel. Tank 8D-3 was a backup tank for 8D-4 and housed portions of the STS. Tank 8D-4 stored the THOREX waste. The waste was removed in 1995, neutralized, and mixed with the PUREX waste in tank 8D-2. It then became part of the feed stream to the vitrification facility. Tank 8D-4 has had two acid washes of the tank internals.

In response to questions from Dr. Hinze, Mr. Jackson said groundwater had leaked into the tank vaults. The results have level protection, and the water can be pumped out. Humidity is controlled around the tanks with a nitrogen inerting system. In response to a question from Mr. Croff, Mr. Jackson said there is little activity in the bottom of tank 8D-2, but radioactive material is crusted onto the tank walls. This material (25,000 Curies of cesium and strontium) remains despite attempts to wash off the crust. Tank 8D-1 has about 150,000 Curies, of which 99% is cesium left on the zeolite ion exchangers. Equipment in the tanks like pumps, filters, and ionization columns contains another 60,000 to 90,000 Curies of mostly cesium. Dr. Parker said there is no insoluble sludge on the bottom of the tank. Most of the remaining activity is in the equipment inside the tanks.

Mr. Jackson discussed groundwater contamination and management. In late 1993, contaminated groundwater surfaced in ditches on the North Plateau. The water had a maximum activity of 1,000 picocuries/liter. A geoprobe survey was conducted in the summer of 1994 to determine the nature and extent of the contamination. A report issued in April 1995 presented the results of the geoprobe investigation. Strontium-90 was identified as the primary isotope.

The primary source of the ^{90}Sr was process line leaks from the acid recovery building. The leak occurred around 1971. The leak escaped the building foundation through expansion joints. The cesium is believed to be captured by the clays beneath the process building, but the strontium is moving in the groundwater in a northeasterly direction. The plume has reached the edge of the Project. It is still a mile away from the point of compliance, the intersection of Buttermilk and Cattaraugus creeks.

To address the North Plateau groundwater plume, a pump-and-treat system was installed in the fall of 1995 to mitigate the surfacing and offsite movement of contaminated groundwater. There are three recovery wells with a combined flow of 8-10 gallons per minute. Water is treated by ion exchange and discharged through a permitted outfall to Frank's Creek. Infiltration controls were installed and drainage improvements were made during 1996 and 1997 to reduce surface water recharge of the plume. Groundwater and surface water monitoring onsite and offsite provides confidence that the public health and safety is being protected. The maximum potential dose to an offsite individual from North Plateau groundwater releases was calculated to be 0.031 mrem in calendar year 2004.

A pilot permeable treatment wall (PTW) was installed in November 1999 to evaluate passive, *in situ* treatment technology for managing the strontium plume. The pilot test is 30 feet long, 6 feet wide, and approximately 26 feet deep and uses zeolite (clinoptilolite) to remove ^{90}Sr as groundwater flows through the PTW.

An assessment report on PTW performance was completed in the fall of 2002. Monitoring shows the zeolite removes ^{90}Sr and that treated water is exiting portions of the PTW. A combination of factors is affecting PTW performance, including complex hydrogeology, reduced permeability at the soil/media interface, and soil characteristics. The PTW is not as effective as hoped. A lot of water simply goes around the wall.

A draft report assessing potential doses to humans and biota was completed in July 2003. Future doses to humans and biota are predicted to remain below existing and recommended standards.

The path forward is to continue to pump and treat the strontium plume. The project will continue to monitor to ensure public health and safety and to assess ongoing performance of the pilot PTW and pump-and-treat system.

The key challenges for the WVDP are to complete the decommissioning EIS and determine the end state for the project. A draft EIS is scheduled to be issued for public comment by the end of 2006. The final EIS is targeted for 2008. The project team will also plan and conduct interim waste management and facility dismantlement work to implement the WVDP Act completion action by 2009.

Dr. Kocher asked Ms. Gerwitz whether the leachate in the SDA is sampled. She replied that the leachate in the SDA is not routinely sampled. It was sampled in the late 1970s and early 1980s. In 1991, 7500 gallons of leachate were removed from the trenches and stored in a tank. There is a complete analysis of that leachate. Dr. Kocher said this was a good opportunity to check on the source modeling and measure gross output over a given timeframe. Ms. Gerwitz

said the goal of the State's program was to prevent releases to the environment and that has been accomplished.

Mr. Nauman asked how much of the waste onsite contains TRU elements. Mr. Jackson said the current estimate is about 50,000 cubic feet of TRU waste. The estimate may be high. The TRU waste is destined for the Waste Isolation Pilot Plant (WIPP) and is separated from LLW. The sorting is being done onsite. Most of the sorting does not require remote handling. The sorting process ensures the waste meets the acceptance criteria for the disposal sites. The 20,000 drums of supernatant mixed with concrete will likely be disposed of as LLW in a DOE disposal facility at the Nevada Test Site. The waste determination process is still underway. The N-Reactor fuel at the WVDP facility is currently owned by New York State.

Dr. Parker asked about the ultimate fate of the HLW tanks. Removing additional material from the tanks bottom and complete removal (unearthing) of the tanks are the alternatives being considered in the EIS. No decision has been made. Equipment in the tanks such as pumps may be removed, but whether to exhume the tanks or close them in place is yet to be decided. Some damaged fuel from the N Reactor was placed in the NDA with the permission of the NRC. Most of the reprocessed fuel at the WVDP came from the N Reactor. A small amount of reprocessed fuel came from commercial nuclear power plants.

Dr. Ryan said it would valuable to know what fraction of the waste in the disposal areas is in a saturated versus some less-than-saturated condition. This information could better risk inform the long-term behavior of the waste in a saturated environment.

Dr. Weiner asked about intermediate goals leading up to the completion of the Project. Mr. Jackson said DOE is currently preparing a procurement package for the next 3-4 years. The contract will include shipping LLW off site, processing the remote-handled waste, and establishing a relationship with WIPP to dispose of the TRU waste. Some milestones will require government intervention to resolve the waste determination issue. DOE has been onsite for 24 years and has experienced delays during that time. The original expectation was that the Project would last 5-7 years. Asked about unique technical problems, Mr. Jackson said the tank farm would present political and technical challenges. One problem is whether to fix the waste in place or exhume the tanks. Another problem is where to send the waste if it is exhumed since the tank components do not meet current waste acceptance criteria at the repository. He noted that DOE had established radiation standards for biota.

Dr. Hinze asked about lessons learned and incorporated into the remote handling facility that will be decommissioned in a few years. Mr. Jackson said there is quite a bit of technology transfer within DOE. Lessons learned from other remote handling facilities were incorporated into the WVDP building. For example, the hot cells were fully lined with stainless steel to aid decommissioning. Tooling used in the facility was designed with decommissioning in mind.

Dr. Flack asked why the site on which WVDP is sited was originally chosen. Mr. Jackson believed New York State picked the site to locate nuclear technology in a particular corridor of the State. The offsite dose calculation from the strontium plume is based on a person who consumes fish from Cattaraugus Creek, the first publicly accessible point from WVDP. The calculation is based on current data on surface water runoff from the site. The migration of the plume appears to have leveled off, although concentration readings fluctuate with precipitation.

In one area the leading edge of the plume is still progressing a number of feet per year. Over the past 35 years the plume has grown to its current dimensions from a leak in the process building.

In response to questions from Dr. Hamdan, Mr. Jackson said there are differences in opinion between New York State and DOE on the end state for the Project and who will ultimately be responsible for the site. DOE is performing the role it was given in the WVDP Act. DOE is managing the NDA and the plume, although the plume was created before DOE became associated with the site and is not part of the scope of the WVDP Act. Mr. Jackson does not believe the plume presents a technical challenge; it does not present a risk to the off site population. It needs to be managed until the ^{90}Sr decays away. (The half life ^{90}Sr is 29 years.)

Working Group Roundtable Discussion

Dr. Parker noted that the PA analyses presented during the working group meeting are preliminary. The details of the analyses are yet to come. He stated that they have seen general outlines and differences in approach to performance assessments by DOE and NRC. Both appear to be what would be expected from experienced people. Analyzing the two PAs will require a more detailed look at the methodologies and assumptions. At this point there is no way to say either PA is on the wrong track. Dr. Parker favors a risk-informed approach to PA. He also favors technology transfers between the three sites that have had reprocessing operations. (Hanford and Savannah River are the other two sites.)

Mr. Nauman presented some observations from the site tour (October 18, 2005). He believes DOE is focused on the highest-risk activities and challenges. Among DOE's accomplishments are vitrifying the HLW, removing fuel from the pools, and managing waste as a whole. It is right to focus on eliminating the immediate threat to the environment and the public. Mr. Nauman raised a concern about the amount of effort to remove the waste from the site and place it in a disposal facility. He encouraged collective problem solving by all parties involved in the WVDP. He saw collective problem solving over the past 2 days and found it refreshing.

Dr. Kocher believes it is premature to make judgments about the PA modeling, but thought the program was going in the right direction. In the future, he would like to see more emphasis on the as-low-reasonably-achievable (ALARA) principle and cost-benefit analysis. He is in favor of probabilistic modeling. He said what is really needed is a full representation of the present state of knowledge of the problem. The PA will focus on important technical issues that cannot be resolved by observations, field data, or past experience. Erosion will be a major challenge. He encouraged the use of multiple models to predict the long-term consequences of erosion. An overall probability distribution can be constructed with different weights given to the various concepts. Dr. Kocher also asked about the standards in place for groundwater quality.

Barbara Youngberg of NYSDEC said the State considers all groundwater a potential source of drinking water. The NYSDEC is concerned about the ^{90}Sr contamination in the groundwater. The State does not have a specific exclusion zone or buffer zone from the point of contamination.

Dr. Parker asked how long a monitoring program could last. Dr. Esh explained that unrestricted release levels are 25 mrem/year plus ALARA, and no monitoring or maintenance would be required. For restricted releases the goal is 25 mrem/year with monitoring and maintenance and 500 mrem/year if all controls fail. Monitoring and maintenance would be required as long as a hazard is present. The NRC might require a long-term control license, that is, a license that is never terminated. There will be requirements for financial assurance to ensure that monitoring and maintenance continue. For the ⁹⁰Sr plume the monitoring period will be 300 years, at the end of which the radioisotopes will have decayed to negligible levels.

General Discussion by Attendees

Mr. Bembia, NYSERDA, made a few clarifying points. The 0.031 mrem project dose from the ⁹⁰Sr plume is based on fish consumption from Buttermilk Creek 3 to 4 miles from the DOE facility fence. If someone drilled into the ⁹⁰Sr plume and drank directly from such a well, the dose would be tens of rem.

Ms. Youngberg, NYSDEC, said the LTR does not apply to the SDA. The SDA is licensed by New York State, which is developing its own version of the LTR.

Mr. Vaughan from the West Valley Citizen's Task Force and Coalition on West Valley Nuclear Wastes, mentioned that several thousand gallons of kerosene, previously buried, are not accounted for. The kerosene may have evaporated or pathways out of the NDA are fully understood. The contamination might have moved to deeper (unmonitored) layers of glacial fill. He was troubled that no one is taking clear responsibility for the ⁹⁰Sr plume.

Paul Woulaszek, Camberra Agency, asked DOE what sort of analysis is being done to separate the TRU waste from other waste. Mr. Jackson offered to explain the process at a later time when his experts would be available.

Diane Darrigo, Nuclear Information and Resource Services, stated that her organization advocates the full exhumation of the site.

The meeting adjourned at 5:15 p.m.

necessary to complete the proposed action. Therefore, the staff considered the impact of the residual radioactivity at the facility and concluded that since the residual radioactivity meets the requirements in subpart E of 10 CFR part 20, a Finding of No Significant Impact is appropriate.

III. Finding of No Significant Impact

The staff has prepared the EA (summarized above) in support of the license amendment to terminate the license and release the facility for unrestricted use. The NRC staff has evaluated Purdue Pharma, L.P.'s request and the results of the surveys and has concluded that the completed action complies with the criteria in Subpart E of 10 CFR part 20. The staff has found that the radiological environmental impacts from the action are bounded by the impacts evaluated by NUREG-1496, Volumes 1-3, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Facilities" (ML042310492, ML042320379, and ML042330385). Additionally, no non-radiological or cumulative impacts were identified. On the basis of the EA, the NRC has concluded that the environmental impacts from the action are expected to be insignificant and has determined not to prepare an environmental impact statement for the action.

IV. Further Information

Documents related to this action, including the application for the license amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this Notice are: Environmental Assessment Related to an Amendment of U.S. Nuclear Regulatory Commission Materials License No. 29-30698-01. Issued to Purdue Pharma, L.P. (ML052780150), the Purdue Pharma, L.P. letter dated April 21, 2005 (ML052590192) and the Purdue Pharma, L.P. letter dated June 30, 2005 (ML052590186). Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at (800) 397-4209 or (301) 415-4737, or by e-mail to pdr@nrc.gov.

Documents related to operations conducted under this license not specifically referenced in this Notice may not be electronically available and/or may not be publicly available. Persons who have an interest in reviewing these documents should submit a request to NRC under the Freedom of Information Act (FOIA). Instructions for submitting a FOIA request can be found on the NRC's Web site at <http://www.nrc.gov/reading-rm/foia/foia-privacy.html>.

Dated at King of Prussia, Pennsylvania, this 5th of October, 2005.

For the Nuclear Regulatory Commission,
James P. Dwyer,
Chief, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I.
[FR Doc. E5-5597 Filed 10-12-05; 8:45 am]
BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste Meeting on Planning and Procedures; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold a Planning and Procedures meeting on October 20, 2005, in the Fairway Room at the Inn at Holiday Valley, 6081 Route 219, Holiday Valley Road, Ellicottville, New York. The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACNW, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Thursday, October 20, 2005, 8 a.m.–9:30 a.m.

The Committee will discuss proposed ACNW activities and related matters. The purpose of this meeting is to gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official, Ms. Sharon A. Steele (Telephone: (301) 415-6805) between 8:30 a.m. and 5:15 p.m. (ET) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted only during those portions of the meeting that are open to the public.

Further information regarding this meeting can be obtained by contacting the Designated Federal Official between 8:30 a.m. and 5:15 p.m. (ET). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes in the agenda.

Dated: October 6, 2005.

Michael L. Scott,
Branch Chief, ACRS/ACNW.

[FR Doc. E5-5595 Filed 10-12-05; 8:45 am]
BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 164th meeting on October 19-20, 2005, in the Fairway Room at the Inn at Holiday Valley, 6081 Route 219, Holiday Valley Road, Ellicottville, New York.

The schedule for this meeting is as follows:

Wednesday, October 19, 2005

The ACNW will hold a working group meeting to discuss the application of the Commission's Final Policy Statement on Decommissioning Criteria for the West Valley Demonstration Project (WVDP) a complex decommissioning site. Participants will include the Nuclear Regulatory Commission (NRC) staff, the Department of Energy (DOE), the New York State Energy Research and Development Authority (NYSERDA), as well as other federal and state organizations and local stakeholders.

8:30 a.m.–8:45 a.m.: Introduction, Purpose and Goals (Open)—The Committee's Chairman and Working Group Chairman will discuss the purpose and goals of this working group meeting.

8:45 a.m.–9:15 a.m.: Roles and Responsibilities (Open)—The Committee will hear presentations by and hold discussions with representatives of involved agencies (NRC, DOE, NYSERDA and others) regarding their roles and responsibilities in the WVDP. Additionally, the NRC staff will discuss the WVDP Act and NRC's Final Policy Statement on the Decommissioning Criteria for the WVDP.

9:15 a.m.–10:30 a.m.: NRC's Performance Assessment Methodology (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff on models and methodology used in their

performance assessment for the WVDP site.

10:45 a.m.–11:45 a.m.: DOE's Performance Assessment Methodology (Open)—The Committee will hear presentations by and hold discussions with representatives of the DOE on models and methodology used in their performance assessment for the WVDP site.

11:45 a.m.–12:15 p.m.: General Roundtable Discussion of Performance Assessment Methodologies (Open)—The Committee will discuss the two performance assessments presented earlier by the NRC and DOE.

12:15 p.m.–12:30 p.m.: Comments From Meeting Attendees on the Morning Session (Open)—The Committee will hear comments from the audience/public.

2 p.m.–3:30 p.m.: Current WVDP Site Status and Ongoing Dismantlement and Decommissioning Activities (Open)—The Committee will hear presentations by and hold discussions with representatives of the DOE on the current WVDP site status.

3:30 p.m.–4 p.m.: General Roundtable Discussion of Site Status (Open)—The Committee and its invited experts will discuss current WVDP site status.

4:15 p.m.–4:45 p.m.: Opportunity for Comments from the Audience/Public (Open)—The Committee will hear comments from the audience/public.

4:45 p.m.–5:15 p.m.: General Discussion of Presentations (Open)—The Committee will have a general discussion on the path forward on the WVDP. The Committee will consider writing a report on the day's session and future ACNW meetings on the WVDP.

Thursday, October 20, 2005

The ACNW will discuss proposed letter reports and other miscellaneous matters.

10 a.m.–11:30 a.m.: Consideration of Proposed ACNW Reports (Open)—The Committee will discuss proposed reports based on reviews from this and previous meetings.

11:30 a.m.–12 Noon: Miscellaneous (Open)—The Committee will discuss matters related to the conduct of ACNW activities and specific issues that were not completed during previous meetings, as time and availability of information permit. Discussions may include future Committee meetings.

Procedures for the conduct of and participation in ACNW meetings were published in the **Federal Register** on October 18, 2004 (69 FR 61416). In accordance with these procedures, oral or written statements may be presented by members of the public. Electronic recordings will be permitted only

during those portions of the meeting that are open to the public. Persons desiring to make oral statements should notify Ms. Sharon A. Steele, (Telephone (301) 415-6605), between 8:30 a.m. and 5:15 p.m. ET, as far in advance as practicable so that appropriate arrangements can be made to schedule the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting will be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for taking pictures may be obtained by contacting the ACNW office prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should notify Ms. Steele as to their particular needs.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted, therefore can be obtained by contacting Ms. Steele.

ACNW meeting agenda, meeting transcripts, and letter reports are available through the NRC Public Document Room (PDR) at pdr@nrc.gov, or by calling the PDR at 1-800-397-4209, or from the Publicly Available Records System component of NRC's document system (ADAMS) which is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> or <http://www.nrc.gov/reading-rm/doc-collections/> (ACRS & ACNW Mtg schedules/agendas).

Dated: October 6, 2005.

Andrew L. Bates,
Advisory Committee Management Officer.
[FR Doc. E5-5596 Filed 10-12-05; 8:45 am]
BILLING CODE 7590-01-P

OFFICE OF MANAGEMENT AND BUDGET

Executive Office of the President; Acquisition Advisory Panel; Notification of Upcoming Meetings of the Acquisition Advisory Panel

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice of Federal Advisory Committee meetings.

SUMMARY: The Office of Management and Budget announces two meetings of the Acquisition Advisory Panel (AAP or

"Panel") established in accordance with the Services Acquisition Reform Act of 2003.

DATES: There are two meetings announced in this **Federal Register** Notice. Public meetings of the Panel will be held on October 27, 2005 and November 18, 2005, beginning at 9 a.m. Eastern Time and ending no later than 5 p.m.

ADDRESSES: Both meetings will be held at the Federal Deposit Insurance Corporation (FDIC), Basement auditorium, 801 17th Street NW., Washington DC 20434. The public is asked to pre-register one week in advance for both meetings due to security and/or seating limitations (see below for information on pre-registration).

FOR FURTHER INFORMATION CONTACT: Members of the public wishing further information concerning these meetings or the Acquisition Advisory Panel itself, or to pre-register for either meeting, should contact Ms. Laura Auletta, Designated Federal Officer (DFO), at: laura.auletta@gsa.gov, phone/voice mail (202) 208-7279, or mail at: General Services Administration, 1800 F Street, NW., Room 4006, Washington, DC, 20405. Members of the public wishing to reserve speaking time must contact Ms. Anne Terry, AAP Staff Analyst, in writing at: anne.terry@gsa.gov, by FAX at 202-501-3341, or mail at the address given above for the DFO, no later than one week prior to the meeting at which they wish to speak.

SUPPLEMENTARY INFORMATION:

(a) *Background:* The purpose of the Panel is to provide independent advice and recommendations to the Office of Federal Procurement Policy and Congress pursuant to Section 1423 of the Services Acquisition Reform Act of 2003. The Panel's statutory charter is to review Federal contracting laws, regulations, and governmentwide policies, including the use of commercial practices, performance-based contracting, performance of acquisition functions across agency lines of responsibility, and governmentwide contracts. Interested parties are invited to attend the meetings. Opportunity for public comments will be provided at both meetings. Additional time for oral public comments is expected at future public meetings to be announced in the **Federal Register**.

October 27, 2005 Meeting—Selected working groups, established at the February 28, 2005 public meeting of the AAP (see <http://www.acqnet.gov/aap> for a list of working groups), will report their draft findings during this meeting.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON NUCLEAR WASTE
WASHINGTON, D.C. 20555-0001

October 13, 2005

REVISED AGENDA
164th ACNW MEETING
OCTOBER 18-20, 2005

Tuesday, October 18, 2005. West Valley Demonstration Project. West Valley, New York

- 1) 9:00 - 4:00 P.M. The Committee, their invited experts, and staff will tour the West Valley Demonstration Project (WVDP) and observe the general topography and geology of the Western NY Nuclear Service Center.

The Committee will have tour guides from the U.S. Department of Energy (DOE) and the New York State Energy Research and Development Authority (NYSERDA).

NOTE: The tour is not a part of the ACNW Meeting.

WORKING GROUP MEETING ON THE APPLICATION OF THE COMMISSION'S FINAL POLICY STATEMENT ON DECOMMISSIONING CRITERIA FOR THE WEST VALLEY DEMONSTRATION PROJECT (OPEN)

Wednesday, October 19, 2005. Fairway Room. Inn at Holiday Valley, 6081 Route 219, Holiday Valley Road, Ellicottville, New York

The ACNW will hold a working group meeting to discuss the application of the Commission's Final Policy Statement on Decommissioning Criteria for the West Valley Demonstration Project (WVDP). Participants will include the U.S. Nuclear Regulatory Commission (NRC) staff, the DOE, and NYSERDA, as well as other federal and State organizations and local stakeholders.

- 2) ^{8:35 8:37} 8:30 - 8:45 A.M. Introduction, Purpose and Goals - M. Ryan/J. Clarke, ACNW
- 3) ^{8:45 9:15} ^{8:37 - 9:24} 8:45 - 9:15 A.M. Agencies Roles and Responsibilities - The involved agencies (NRC, DOE, NYSERDA, and others, e.g., New York State Department of Environmental Conservation, New York State Department of Health, and U.S. Environmental Protection Agency) will discuss their roles and responsibilities regarding the WVDP. In addition, NRC staff will discuss the WVDP Act and NRC's final policy statement on decommissioning criteria for the WVDP.

- 9:24 10:15
4) ~~9:15 - 10:20 A.M.~~ The NRC staff will discuss the models and methodology used in their performance assessment (PA). Among the subjects that may be discussed are the following (David Esh, NRC staff):
1. Techniques used in PA (stochastic, deterministic, i.e., use of realistic or bounding assumptions or a mix of the two)
 2. Assumptions made in the PA, e.g., what scenarios are included or excluded, and on what basis? How is the site characterized and modeled?
 3. Transparency, defensibility, and traceability of the PA methodology
 4. Extent to which the PA methodology is risk informed
 5. Flexibility to add new insights
 6. Integration between PA analyst and subject area expert
 7. Extent to which expert elicitation was used
 8. Principal Insights from the PA to date
- 10:40 10:55
~~10:20 - 10:35 A.M.~~ *****BREAK*****
- 5) ~~10:35 - 11:30 A.M.~~ The DOE will discuss models and methodology used in their PA (Dan Sullivan, et al., DOE)
10:55 12:10
Joe Price
- 6) ~~11:30 - 12:00 Noon~~ General roundtable discussion of PA methodologies - Discussion of the two PAs presented by DOE and NRC (ACNW members, invited experts)
12:10 12:30
- 7) ~~12:00 - 12:30 P.M.~~ Comments from attendees on the morning discussion
12:30
P. Bimora/NYSERDA, Ray Vaughan
*****LUNCH*****
12:30 - 2:00 P.M.
- 8) ~~2:00 - 3:00 P.M.~~ Current WVDP site status and ongoing dismantlement and decommissioning activities (T. J. Jackson, et al., DOE)
3:40
The DOE will present information on WVDP buildings/structures, State- and NRC-licensed disposal areas, underground tanks (how were tanks cleaned, what's left in tanks, any leaks) and groundwater contamination and remediation efforts.
- 9) ~~3:30 - 4:00 P.M.~~ General Roundtable Discussion of Site Status (ACNW and invited experts)
3:40
4:00 - 4:15 P.M. *****BREAK*****
- 10) ~~4:15 - 4:45 P.M.~~ Comments from attendees on the day's discussions
4:22 - 4:35
*B. Youngberg -
K. Vaughan -
L. Darrigo*

- 11) ^{4:35 4:45} 4:45 - 5:15 P.M. General discussion of the day's presentations (ACNW, all)
ACNW will review the presentations and discuss the elements of
a report on the PA methodologies. The Committee will review
possible plans for additional meetings related to the WVDP.

~~5:15 P.M.~~ *****ADJOURN*****
4:40

Thursday, October 20, 2005, Fairway Room, Inn at Holiday Valley, 6081 Route 219, Holiday Valley Road, Elliptonville, New York

The ACNW will discuss proposed letter reports and miscellaneous matters.

- 12) 10:00 - 11:30 A.M. Consideration of Proposed ACNW Reports
12.1) WVDP performance assessments methodologies (JHC/RKM)
12.2) Public outreach meeting in Las Vegas (MTR/SAS)
12.3) Waste determination (AJC/LSH)
12.4) NRC project plan for the Yucca Mountain License Application Review (MTR/LSH)
- 13) 11:30 - 12:00 Noon Miscellaneous (Open)
The Committee will discuss matters related to the conduct of ACNW activities and specific issues that were not completed during previous meetings, as time and availability of information permit. Discussions may include future Committee meetings.

12:00 Noon Adjourn

NOTES:

- Presentation time should not exceed 50 percent of the total time allocated for a specific item. The remaining 50 percent of the time is reserved for discussion.
- **Fifty (50) hard copies and one (1) electronic copy of the presentation materials should be provided to the ACNW.**
- ACNW meeting schedules are subject to change. Presentations may be canceled or rescheduled to another day. If such a change would result in significant inconvenience or hardship, be sure to verify the schedule with Ms. Sharon Steele at 301-415-6805 between 8:30 a.m. and 5:15 p.m. Monday through Friday prior to the meeting.

APPENDIX C: MEETING ATTENDEES

**164TH ACNW MEETING
OCTOBER 19, 2005**

ACNW MEMBERS

Michael Ryan, Chairman
Allen Croff, Vice Chairman
James Clarke
William Hinze
Ruth Weiner

CONSULTANT

D. Kocher,

INVITED EXPERTS

F. Parker
T. Nauman

ACNW STAFF

Neil Coleman
John Flack
Latif Hamdan
Michele Kelton
Michael Lee
Richard Major
Michael Scott
Sharon Steele

ATTENDEES FROM THE NUCLEAR REGULATORY COMMISSION

OCTOBER 19, 2005

D. Esh	NMSS
R. Linton	NMSS
N. Haggerty	NMSS
N. Jensen	Office of the General Counsel
C. Glenn	NMSS
K. Gruss	NMSS

ATTENDEES FROM OTHER AGENCIES AND GENERAL PUBLIC

OCTOBER 19, 2005

K. Malone	WSMS
R. Steiner	WSMS
E. v. Tiesenhausen	Clark County, Nevada
C. Gerwitz	New York State Energy Research and Development Authority (NYSERDA)
T. Sonntag	NYSERDA
J. Cook	Public, Aiken, SC
B. Youngberg	New York State Department of Environmental Conservation (NYSDEC)
P. Bembia	NYSERDA
P. Concannon	NYSDEC-REG 9
J. Price	SAIC/DOE

**APPENDIX C
164TH ACNW MEETING
OCTOBER 19, 2005**

ATTENDEES FROM OTHER AGENCIES AND GENERAL PUBLIC (CONT'D)

OCTOBER 19, 2005

G. Baker	New York State Department of Health (NYSDOH)
TJ Jackson	DOE
G. Underberg	CH2M Hill
J. Prowse	SHAW
H. Moore	DOE
P. Piciulo	NYSERDA
D. Darrigo	MRS
B. House	Dematek/Chem-Nuclear
L. White	NYS Attorney General's Office
R. Vaughan	West Valley CTF & Coalition
J. McGehee	AREVA, Framatome ANP
J. Chamberlain	WVNSCO
C. Bernhart	BWXT
H. Bredie	NYSERDA
S. Patterson	Seneca Nation
M. Twoguns	Seneca Nation
R. Mellor	WVNSCO
P. Woulaszek	CAMBERRA
D. Meess	WVNSCO
D. Sullivan	DOE

**APPENDIX E
LIST OF DOCUMENTS PROVIDED TO THE COMMITTEE**

[Note: Some documents listed below may have been provided or prepared for Committee use only. These documents must be reviewed prior to release to the public.]

MEETING HANDOUTS

**AGENDA
ITEM NO.**

DOCUMENTS

WORKING GROUP MEETING ON THE APPLICATION OF THE COMMISSION'S FINAL POLICY STATEMENT ON DECOMMISSIONING CRITERIA FOR THE WEST VALLEY DEMONSTRATION PROJECT

- | | |
|----------|--|
| 3 | <u>Agencies Roles and Responsibilities</u> <ol style="list-style-type: none">1. NRC Roles and Responsibilities, presented by Chad Glenn, NMSS [Viewgraphs]2. Western New York Nuclear Service Center Map showing management responsibilities [Viewgraph] |
| 4 | <u>NRC Models and Methodology Used in Their Performance Assessment</u> <ol style="list-style-type: none">3. Methods and Models for NRC's Performance Assessment (PA) at the West Valley Demonstration Project, presented by David Esh, NMSS [Viewgraphs] |
| 5 | <u>DOE Models and Methodology Used in Their Performance Assessment</u> <ol style="list-style-type: none">4. West Valley EIS Long-Term Performance Assessment, presented by Joseph Price, DOE [Viewgraphs] |
| 8 | <u>Current WVDP Site Status and Ongoing Dismantlement and Decommissioning Activities</u> <ol style="list-style-type: none">5. Current WVDP Site Status & Decommissioning Activities, presented by TJ Jackson, DOE-WVDP Office [Viewgraphs] |

**APPENDIX E
164TH ACNW MEETING
OCTOBER 19, 2005**

MEETING NOTEBOOK CONTENTS

**TAB
NUMBER**

DOCUMENTS

Agenda, 164th ACNW Meeting, October 19 2005, dated October 13, 2005

Introductory Statement by ACNW Chairman, Wednesday, October 19, 2005
undated

Introductory Statement by ACNW Chairman, Thursday, October 20, 2005,
undated

1 West Valley Demonstration Project Tour & Working Group Meeting

1. Map to Hotel and WVDP Site
2. Agenda (Tour (18th) and Working Group Meeting (19th), Letter Writing (20th)
3. Status Rep
4. Map & Pictures of the Site
5. Letter dated June 9, 2004, to The Honorable Nils J. Diaz, Chairman, NRC,
from B. John Garrick, Chairman, ACNW, Subject: Decommissioning the
West Valley Site and the Application of Performance Assessment to Demon-
strate Compliance With the License Termination Rule
6. Decommissioning Criteria for WVDP Final Policy Statement
7. Subpart E - Radiological Criteria for License Termination
8. Regulators Communication Plan
9. U.S. NRC Implementation Plan for the Final Policy Statement on the
Decommissioning Criteria for the WVDP