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5 ADVISORY COMMITTEE ON NUCLEAR WASTE
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P R O C E E D I N G S

[8:30 a.m.]

MR. GARRICK: The meeting will now come to order. This is the first day of the 122nd meeting of the Advisory Committee on Nuclear Waste. My name is John Garrick, Chairman of the ACNW. Other members of the committee include: George Hornberger, Raymond Wymer, and Milton Levenson.

During today's meeting the committee will discuss committee activities and future agenda items; discuss the revised site suitability and license application task action plan; be briefed by the NRC staff on the results of its evaluation of comments and proposed final approach to West Valley Decommissioning criteria; and discuss planned ACNW reports on the following topics: Nevada stakeholder comments made during the 121st meeting, and West Valley termination report.

Lynn Deering is the designated federal official for today's initial session. This meeting is being conducted in accordance with the provisions of the Federal Advisory Committee Act.

We have received no written statements from members of the public regarding today's session. Should anyone wish to address the Committee, please make your wishes known to one of the Committee's staff.

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1 It is required that each speaker use one of the
2 microphones, identify himself or herself, and speak with
3 sufficient clarity and volume so that he or she can be
4 heard.

5 [Inaudible.]

6 SPEAKER: [In progress] . . . but probably because
7 of an issue of aggregation and that I don't think it has any
8 problems that some other site doesn't have. It just happens
9 that they're all on one site, the same way that
10 organizationally, some places DOE is responsible. Some
11 place a state is responsible, various roles of EPA and NRC.
12 West Valley seems a little unique in that all agencies that
13 might be involved, in many cases one or two at other sites,
14 are all involved at this site. So, that makes it a very
15 complex issue. I'm not sure the technical issues are any
16 more complex than any others, but the management
17 responsibility and so forth are much more complex than any
18 other site. This is a result of a rather long and involved
19 history.

20 With that, I'd like to turn this over to Amy
21 Snider to tell us what the NRC staff response may turn out
22 to be.

23 MS. SNIDER: Good morning, everyone. My name is
24 Amy Snider from the Decommissioning Branch, and I'm the
25 project manager for the NRC West Valley project. Today I'm

1 going to talk about the final draft of the West Valley
2 policy statement of significant issues and the NRC staff
3 response.

4 The purpose of this -- can everyone see this
5 slide? The purpose of this briefing is to brief the ACNW on
6 results of the NRC staff's review of comments that were
7 received on the draft policy statement. We received over 28
8 comment letters, and that amounted to about 200 specific
9 comments.

10 What the staff did was look at the comments,
11 address the comments, and categorize them, looked at
12 significant issues, categorized them into five. The purpose
13 of this briefing is to look at the staff's evaluation of
14 those comments and also to discuss the NRC staff's proposed
15 draft final approach to the West Valley decommissioning
16 criteria. This is happening prior to submitting the SECY
17 paper to the Commission. The paper is due November 15.

18 We categorized the comments into five significant
19 issues. They are NRC's process of prescribing the
20 decommissioning criteria; the use of the DOE incidental
21 waste criteria; comprehensive dose from the site; partial
22 site release; and the license termination dose analysis, the
23 performance assessment period.

24 Issue one is NRC's process of prescribing the
25 decommissioning criteria. The draft policy statement says

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1 prescribe the license termination rule now for West Valley.
2 Also, this would apply to after DOE is finished at West
3 Valley with West Valley Demonstration Project Act
4 responsibilities, and it would apply to Nicerta when their
5 license is reactivated.

6 The draft policy statement said that when DOE and
7 Nicerta are finished with the EIS that they're working on,
8 NRC will complete the prescribing the decommissioning
9 criteria. The way that we would do that in NRC's staff
10 position, the way that we're proposing that be done is
11 through adopting as much as possible of the DOE Nicerta EIS
12 and then, if there are portions of it or of the EIS that the
13 NRC feels needs to be modified, then it would be modified as
14 needed.

15 Right now, DOE has a vision to descope the EIS.
16 They will descope the EIS, and after my presentation, DOE
17 will give a presentation on their plans to descope the EIS.
18 Descope means change the scope of the current EIS. What we
19 did in the final draft is make sure that it was really clear
20 that the reference to the DOE Nicerta EIS was clear as far
21 as what specific scope that covers.

22 We received comments from DOE on this topic. The
23 comments indicated that NRC should withhold assigning the
24 LTR at this time. The reasons that were given were that the
25 GIS for the LTR did not consider a site like West Valley,

1 and finalizing the criteria now may limit the options for
2 the NDA or the NRC licensed disposal area closure.

3 The NRC staff position's response is that the LTR
4 generic environmental impact statement with applicable site
5 specific environmental evaluations support the application
6 of the license termination rule across all sites licensed by
7 NRC. The LTR has provisions if the 25 milirem per year
8 criterion cannot be met at parts of the site like the NDA,
9 the options basically are restricted release, perpetual
10 license and exemption, or alternative criteria.

11 Since the decommissioning of West Valley is likely
12 to have significant impacts not considered in the GIS, a
13 site specific EIS will be required. So, the approach that
14 the staff is recommending is that it doesn't -- we see no
15 need for the NRC to repeat work that was already done. NRC
16 is a cooperating agency with the DOE Nicerta EIS, which
17 includes the closure of the site, the decommissioning long
18 term monitoring or stewardship.

19 Therefore, as a cooperating agency, we would be
20 reviewing and commenting on the DOE Nicerta EIS, and
21 therefore would have a good understanding of what NRC feels
22 is necessary to meet the requirements of the license
23 termination rule which are basically for sites that require
24 specific -- sites that indicate a restricted release that an
25 environmental review be done to insure that the LTR, that

1 the environmental impacts or decisions, that the decisions
2 are covered in the generic EIS.

3 So the bottom line is that there's no change to
4 the decommissioning criteria and the policy statement from
5 the first draft, but the issue is going to be clarified in
6 the final policy statement.

7 Use of the DOE incidental waste criteria. The
8 draft policy statement did not address the incidental waste
9 criteria. However, we did receive comments from the public
10 on this topic. Those comments were varied. They ranged
11 from don't allow the use of the criteria to reclassify high
12 level waste at West Valley, and don't allow DOE to
13 unilaterally make incidental waste determinations, and also
14 don't approve DOE waste reclassification determination --
15 excuse me don't approve DOE waste reclassification decisions
16 and then apply those decisions to Nicerta.

17 NRC staff response is that classification of
18 incidental waste will be left up to DOE. DOE is responsible
19 for removing high level waste at the West Valley
20 demonstration project. NRC is going to be reviewing and
21 commenting on but not approving the incidental waste
22 determinations at West Valley because of the West Valley
23 Demonstration Project Act. We don't have the authority to
24 do that. We will be reviewing associated evaluations from a
25 health and safety standpoint.

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1 We also have realized that the LTR will apply to
2 any waste type remaining that remains on the site, and that
3 could include incidental waste or anything that is left on
4 the site, including the NDA.

5 Under the LTR, the dose assessment -- the LTR dose
6 is assessed for 1,000 years, but the EAS we'll look at
7 longer periods. So, the key issue with incidental waste is
8 that the LTR will act as a filter. The LTR dose criterion
9 is what is significant in the staff's position because it's
10 protective of public health and safety, and it's also
11 consistent with public dose standards. The bottom line is
12 that the issue is going to be clarified in the final policy
13 statement.

14 The third issue is comprehensive dose from the
15 site. The draft policy statement says that NRC's
16 prescription of the decommissioning criteria does not apply
17 to the SDA, the state license disposal area. Comments from
18 the public indicated that prescription of the
19 decommissioning dose limits should apply comprehensively to
20 West Valley to include the SDA.

21 The NRC staff response is that NRC does not have
22 the authority to extend the license termination rule to the
23 SDA. The license termination rule recognizes that exposure
24 can come from more than one source of radiation. The DOE
25 Nicerta EIS is considering environmental impacts from the

1 entire site to include the SDA.

2 The lead agencies are DOE and Nicerta and in the
3 EIS. They should consider how to limit the overall dose
4 from the site. Again, the DOE Nicerta EIS in today's
5 context would refer to the decommissioning EIS which will be
6 discussed after my briefing. DOE will explain in detail
7 their plan for descoping the EIS.

8 In addition, I want to mention that NRC is
9 planning to do dose modeling so that we can review the
10 decommissioning EIS adequately. So, we have obtained
11 environmental data from DOE and are in the process of
12 constructing our GIS database and from there, we will do our
13 own dose modeling so that we will be in a better position to
14 review the DOE Nicerta or the decommissioning EIS.

15 So, in conclusion on this issue, the issue will be
16 discussed in response to comments. There are two things
17 that will be delivered to the Commission by November 15:
18 the final draft policy statement and in addition, response
19 to comments on the draft policy statement. So, this issue
20 will be discussed in the response to comments, but there
21 will be no change made to the final draft.

22 Partial site release. The draft policy statement
23 did not discuss partial site release. We did get comments
24 on this. Comments from the public indicate that NRC
25 guidance is needed on this topic in how to implement the

1 license termination rule if parts of the site might be
2 released differently. By that, I mean that parts of the
3 site released under restricted conditions criteria,
4 unrestricted release. The options that we talked about
5 earlier, the perpetual portions of the site may not meet the
6 LTR and therefore be under a perpetual license.

7 So, the staff's response is that partial site
8 release is an issue at West Valley, as well as other sites.
9 The license termination rule as well as guidance on the
10 license termination rule does not address partial site
11 release, but the license termination rule does not exclude
12 it. So, this is something that we intend to address with
13 the Commission.

14 In addition right now, the NRC is in the process
15 of writing a draft policy on partial site release, and the
16 scope of that covers reactor sites. So, we're hoping that
17 information from that draft policy statement will be useful
18 for nonreactor sites.

19 If the preferred alternative indicates that there
20 is a portion of the site that cannot meet the LTR or partial
21 site release should occur, then the EIS should address such
22 conclusions on how these conclusions were drawn and how such
23 releases should be managed. The NRC will review and
24 comments on the EIS. This issue will be discussed in the
25 response to comments, but no change will be made to the

1 final policy statement.

2 The last issue, issue five, is LTR dose, license
3 termination dose analysis, performance assessment period.
4 This issue is not addressed in the draft policy statement.
5 We did receive comments from the public on this, and the
6 public said that basically the time line for dose
7 calculations is too short. The LTR specifically says 1,000
8 years. This period is too short for a site like West
9 Valley.

10 Due to the nature of the radioactivity at West
11 Valley, it's reasonable that foreseeable impacts might occur
12 after 1,000 years. There is no specific time limit for
13 considerations of such impacts under NEPA. Under NEPA,
14 reasonably foreseeable impacts should be evaluated so that
15 EIS lead agencies, DOE and Nicerta, should make a
16 determination of when and how these dose calculations for
17 time periods past 1,000 years should be evaluated in the
18 EIS. The issue will be discussed in response to comments,
19 but no change will be made to the final policy statement.

20 So, in conclusion, we talked about the comments
21 that we've received from the public and other interested
22 agencies on the draft policy statement. We've addressed
23 those and determined the significant issues which are the
24 process that NRC is using to prescribe the decommissioning
25 criteria; the use of the incidental waste criteria; the

1 comprehensive dose from the site; partial site release; and
2 the LTR dose analysis performance assessment period.

3 This concludes my briefing. Are there any
4 questions?

5 MR. GARRICK: Thank you, Amy. A couple for
6 clarification. On your fourth slide, say when DOE Nicerta
7 EIS is finished, NRC will complete the prescription. Those
8 words imply that it's not the intent that the LTR should be
9 the prescription, but rather it's an initial target. Is
10 that really the position? Is that what's intended?

11 MS. SNIDER: No. The LTR in the statement of
12 considerations for the LTR in the Federal Register notice
13 specifically says in Section 7 that for sites that indicate
14 restricted release, that the Commission will do an
15 environmental review to insure that the generic
16 environmental impact statement, that the decisions made are
17 within the GEIS --

18 MR. LEIBERMAN: Could I add to this? I'm Jim
19 Leiberman from the Office of General Counsel. Under the
20 license termination rule, the license termination rule has a
21 range of options to meet the rule from the 25 milirem
22 unrestricted release to the restricted release with 100
23 milirem cap or the 500 milirem cap. Then there's also the
24 alternate release criteria under the rule. When you have a
25 complex site like West Valley or other sites which aren't

1 covered by the GIS envelope, as Amy said, the state
2 consideration requires us to do an environmental review to
3 consider which option under the rule is appropriate from an
4 environmental perspective.

5 So, the Commission would be saying yes, we're
6 applying the license termination rule now as a general
7 process, but what aspect of the license termination rule
8 that would be applied or found acceptable in this particular
9 case won't be determined until the environmental review was
10 completed, and that's consistent with how we apply the
11 license termination rule in other complex cases.

12 MR. GARRICK: Okay, thank you. I think that's an
13 explanation that is very helpful and ought to show up
14 someplace rather than the assumption that -- because there's
15 a little bit of a conflict between the language will
16 complete and the other, which implies the signing a specific
17 thing, not recognizing the options.

18 MR. LEIBERMAN: We appreciate that, and we intend
19 to clarify that in the statement of consideration that goes
20 along with the proposed final policy statement.

21 MS. SNIDER: Correct. It's a two-stage process
22 prescribing the license termination rule now and then, if
23 the preferred alternative indicates that a site will have
24 restricted release, then the Commission will do an
25 environmental review to insure that the environmental

1 decisions are within the parameters of the generic
2 environmental impact statement.

3 Now, as a cooperating agency, NRC as a cooperating
4 agency, hopefully will be able to agree with the final EIS.
5 We feel at this point, there's no reason why NRC wouldn't.
6 There is a possibility that the NRC might feel that the
7 final EIS may need to be modified or supplemented, and
8 therefore, NRC will address that. In doing so, that will
9 complete the NRC's NEPA obligation responsibilities.

10 MR. GARRICK: Another question, the schedule for
11 all of this is extremely tight as far as the ability of the
12 ACNW to provide input since we haven't yet seen the final
13 draft policy statement and won't for some time. This
14 morning, we're being briefed on those parts of the final
15 draft policy statement that arise from comments and response
16 to comments. Can we anticipate significant changes in other
17 parts of the draft policy statement? This is just a matter
18 of scheduling how much time we need, because the ACNW, as I
19 understand it, has not been asked to review just this part,
20 but has been asked to review the final draft policy
21 statement.

22 MS. SNIDER: To answer your question, right now
23 the final draft policy statement is in management review,
24 and I don't anticipate any significant changes because the
25 management is aware of the significant issues and the NRC

1 staff response.

2 The staff was asked in July to brief ACNW,
3 specifically the results of our evaluation of looking at,
4 evaluating the public comments and also on the staff's
5 position on finalizing the West Valley decommissioning
6 criteria. So, as far as doing that, we've done that today.

7 We also need to consider ACNW's comments in as far
8 and include in our final draft policy submittal to the
9 Commission on November 15, to the extent that it does not
10 affect our November 15 due date.

11 MR. GARRICK: I have one other question which is
12 completely maybe irrelevant to this, and you're probably the
13 wrong person to ask, but you're in front of the other
14 microphone. Do we know our policy standpoint, how EPA
15 treats release criteria for corner gas stations? If there
16 is one gas station on a corner, do they have a different
17 criteria than if there are four gas stations on the same
18 corner, or do they just have a standard to each single unit?
19 You probably don't have any idea.

20 MS. SNIDER: I don't have an answer for that.

21 MR. GARRICK: I think it's something that we need
22 to eventually find out as a matter of consistency.

23 MS. SNIDER: Before moving on, I want to put that
24 issue on the board so that we don't forget it. I'll park
25 that issue, and can you reiterate the concern?

1 MR. GARRICK: You mean the EPA? It wasn't really
2 a concern. It was a questions of does EPA release criteria
3 for gas stations apply to a single gas station, or if there
4 are four gas stations on one corner, does each gas station
5 get allocated one quarter of that? How does EPA treat
6 multiple sources? It goes with your significant issue of
7 comprehensiveness of dose.

8 By the way, Amy, I don't expect you to find out
9 the answer to this. I was just asking in case you might
10 happen to know.

11 Ray?

12 MR. WYMER: Well, I have a question that relates
13 to EPA also. Suppose EPA comes back and says I don't agree
14 with your criteria, that maybe we'll accept the 25 milirem
15 per year, but we don't like the 100 and 500 milirem per year
16 stuff, and that's in this termination rule. Where does that
17 leave you? What do you do about that?

18 MS. SNIDER: Can you clarify what you mean by
19 that's in our license termination rule?

20 MR. LEIBERMAN: Can I interject for a second here?
21 You have a comment from Jeannette Eng, and specifically, she
22 says in her public comment that these specific levels are
23 not protective of public health. Pretty strong statement.
24 So, the question is if they're not protective of public
25 health and EPA says they're not protective of public health,

1 where does that leave the NRC?

2 MR. GARRICK: That's my question.

3 MS. SNIDER: Right now, the NRC has the authority
4 to prescribe the decommissioning criteria for West Valley
5 Demonstration Project Act. The criteria are that will be
6 prescribed as a license termination rule, which is
7 protective of public health. Right now, there is a
8 disagreement between NRC and EPA, and that I don't believe,
9 will be resolved between now and the time that the
10 Commission prescribes the decommissioning criteria.

11 The key point is that the Commission believes that
12 the dose criteria and the LTR are protective of the public
13 health and safety.

14 MR. GARRICK: That's all I have. George?

15 MR. HORNBERGER: Amy, maybe you can clarify a
16 little bit how this is all going to go. I'm not very well
17 versed in this. So, the licensee would have to apply for
18 license termination? Is there an application involved?

19 MS. SNIDER: The licensee right now, Nicerta is
20 the licensee, and the license was deactivated. The license
21 needs to be reinstated after DOE has completed their West
22 Valley Demonstration Project Act responsibilities.

23 MR. HORNBERGER: So then the license gets
24 reinstated before license termination occurs?

25 MS. SNIDER: Yes.

1 MR. HORNBERGER: So the license gets reinstated,
2 and then the licensee would apply for a license termination?
3 Is that roughly right?

4 MS. SNIDER: Yes.

5 MR. HORNBERGER: Okay, and there is an application
6 then involved?

7 MS. SNIDER: Yes.

8 MR. HORNBERGER: And the application, part of your
9 presentation, one of the concerns expressed in the public
10 comments was this time issue of 1,000 years. So, I presume
11 that we're on Part 61, which would require a dose analysis
12 for up to a thousand years, is that correct?

13 MS. SNIDER: Correct.

14 MR. HORNBERGER: No, Part 20.

15 MS. SNIDER: Part 20, 10 C.F.R. Part 20.

16 MR. HORNBERGER: Okay.

17 MS. SNIDER: Subpart. That's how the LTR, the
18 requirements in the LTR state that.

19 MR. HORNBERGER: State that.

20 MS. SNIDER: However, as I mentioned earlier, the
21 NRC is going to be doing our own dose modeling evaluation,
22 and we'll be looking at all of the environmental impacts
23 from the site, and we'll also be looking at what that means
24 as far as the long lived radionuclides in the thousand
25 years.

1 MR. HORNBERGER: Right. I guess my question then
2 is it strikes me from your presentation that NRC, in doing
3 these analyses, will rely quite a bit on the EIS. Is that a
4 fair -- did I infer that correctly?

5 MS. SNIDER: Yes. We feel that it is not
6 necessary to redo work that has already been done.

7 MR. HORNBERGER: Right.

8 MS. SNIDER: And as a cooperating agency, at this
9 point, we feel that there's no reason to expect that there
10 will be conclusions or evaluations in there that are not
11 acceptable to the NRC from a health and safety standpoint.

12 There is a chance that DOE and Nicerta may not
13 agree with NRC. If that's the case, then NRC will modify or
14 supplement the EIS.

15 MR. HORNBERGER: Okay. I guess I think that's all
16 reasonable. The question that occurs to me, and I really
17 don't know the answer, is that the EIS, of course, is
18 designed for -- well, it's NEPA is the act. I'm just
19 curious as to whether or not the analyses for NEPA would be
20 -- do you believe they're sufficiently detailed for you to
21 do an environmental assessment as far as compliance with NRC
22 regulations go?

23 MS. SNIDER: As compared to the NRC NEPA
24 regulations?

25 MR. HORNBERGER: Well, I was actually not thinking

1 -- I mean, I know that the NRC has obligations under NEPA as
2 well, and I understand that they would be discharged by the
3 EIS, but the NRC is actually being asked to make a broader
4 decision, I believe, in terms of license termination and
5 restricted release versus unrestricted release. It just
6 wasn't necessary clear to me, and it may be obvious to
7 everyone else, but an EIS would be sufficiently detailed to
8 make those kinds of judgments.

9 MR. GREIS: This is John Greis. Is this on?
10 We're going to be participating in the EIS, and as part of
11 that participation, we will make sure that it is
12 sufficiently detailed to give you that comfort level.
13 Basically, the EIS is a tool in conjunction with our review
14 and our SER, which, you know, we get these questions, you
15 know, if the LTR says for a thousand years, the answer to
16 the question is yes, it does, and we will do that for
17 compliance, but the EIS will also help us, the public,
18 everybody, understand okay, what does it look like beyond
19 that. So, as a participant in the EIS, we will make sure
20 that it is transparent and shows what that situation is. If
21 it's deficient, that will be part of the EIS process.

22 If I could, I'd just back up on the question about
23 EPA. EPA is going to comment on this EIS. So, whatever
24 their views are, they're going to have to comment also on
25 the EIS, and they do. They participate on these things.

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1 So, I think it will be quite transparent where they are.

2 The question about what if they do something else,
3 well, the Commission has to specify the decommissioning
4 criteria. The department has to meet that criteria, and
5 some day, -- this thing goes back to Nicerta -- if EPA wants
6 to do something about it, the Commission will discharge its
7 responsibilities, and then EPA has other authority under
8 Superfund. Then it's up to them as to how they exercise
9 that process.

10 I think the EIS is going to force a lot of this to
11 come out and be transparent. Nobody wants to wait until
12 some extended period of time to find out, and we look
13 forward to working on the EIS. It will help us identify
14 these issues and work through them. We're in dialogue with
15 the EPA and the other New York agencies on these issues, but
16 you're not going to have that by November 15.

17 MR. GARRICK: John?

18 [JOHN]: Yes, I'd like to pick up on the EIS issue
19 a little bit more. You have indicated that in most cases
20 when the locations within the overall site fail to meet the
21 license termination rule criteria, then the EIS would have
22 to address how such releases would be handled. Now, that
23 seems to be a general approach.

24 I guess what I'm trying to get a sense of is that
25 is how NRC would determine if a particular approach is

1 acceptable. I'm trying to get to what technical criteria
2 might be beyond what's either in the license termination
3 rule or, in the event that it has to be done via the EIS and
4 what specific kind of criteria you'll be applying in that
5 case, what are some of the approaches you envision for
6 assessing the acceptability of an approach that might be
7 presented in the EIS?

8 MS. SNIDER: Right now, as I said, the NRC reactor
9 division is looking at partial site release, and we would
10 hope that information where we are keeping abreast of the
11 progress that they're making, and we're hoping that
12 information and criteria would be useful for sites,
13 non-reactor sites.

14 Also, as a cooperating agency, we would hope that
15 we would be able to work with the lead agencies in coming up
16 with an approach that would be acceptable for this issue of
17 partial site release.

18 MR. GARRICK: Dr. Garrick. The criteria is the
19 license termination rule. We don't know that that's a
20 problem.

21 [JOHN]: Well, that was going to be my other
22 question. How many exceptions do you expect to have?

23 MR. GARRICK: Well, we're kind of all struggling
24 with the fact that we don't have a preferred alternative on
25 the table. The preferred alternative may be just fine, and

1 this is DOE's job and Nicerta's. They need to come forward
2 with what is the preferred alternative, and it's going to be
3 measured against the license termination rule. It may be
4 just fine. If it's not, they'll come in and make a case,
5 and we'll evaluated it, but until then, we're doing a what
6 if process.

7 The license termination rule has a fair amount of
8 flexibility built into it. We've got some 12 cases in front
9 of us, difficult cases, that require EIS's. We think it
10 serves us well, and we haven't found any yet that have gone
11 beyond it. So, we are looking forward to this preferred
12 alternative, and we're anxious to see it. I think once we
13 do, we'll all know. Do we have something that's a challenge
14 to the confines of the LTR or not? Until then, it's
15 speculation.

16 [JOHN]: Do you have any other site that you're
17 dealing with that has the diversity of activities of West
18 Valley and that could be a partial template for what you're
19 doing?

20 MR. GARRICK: Fortunately, no. West Valley is a
21 fairly -- it's basically like a DOE complex. People sitting
22 around the table are familiar with those. You've got spent
23 fuel in the ground. You've got a Strontium 90 plume.
24 You've got the NDA. You've got the adjacent SDA.
25 Fortunately, the country only has a few places like this.

1 Nelson, help me out if there is another one, but
2 this is a very complex site and worthy of its own act in
3 1980. So, it's a significant challenge, but we do have a
4 dozen other sites with large amounts of radioactive material
5 on them that look like they're headed for restricted release
6 and require an EIS. So, the process is in front of us at a
7 dozen sites. This complicated? Fortunately not.

8 Nelson, could you add to that?

9 [NELSON]: Yes. I think you want to, it seems to
10 me, do is from a criteria standpoint, be in a position to
11 not penalize certain sections of the site that you might
12 release, because the criteria is not that specialized. You
13 say the license termination rule has a lot of flexibility in
14 it, and I think that's correct. We haven't seen it really
15 work, and we don't know. In the end, there's going to have
16 to be some technical decisions made and presented,
17 especially if you get into a strategy of partial release,
18 which seems to me, it would be a very good strategy because
19 you can show progress in a hurry with that strategy.

20 MR. GARRICK: We're all struggling with what is
21 the preferred alternative. There are alternatives that
22 don't challenge this license determination rule. It's a
23 question of what DOE and Nicerta bring forward. Until it's
24 on the table, it's a little tough for us to do much more
25 than we have a criteria. It's a license termination rule,

1 and I think that is a good criteria for the department to
2 evaluate and do their analysis and so on, and going forward
3 with what that preferred alternative is, and we'll have a go
4 at it.

5 [JOHN]: How much independent analysis will NRC be
6 doing on the site with respect to dose classifications and
7 dose calculations?

8 MR. GARRICK: Nelson, do you want to handle that?
9 You're closer to it than I am. Some is the answer. We're
10 not going to duplicate --

11 [JOHN]: In other words, how much knowledge do you
12 have about the peculiarities of the site and the multiple
13 source terms that exist there and their impact based on your
14 own independent investigations?

15 [NELSON]: Well, the last part, based on our own
16 independent investigations, I don't know that we've done any
17 extensive independent investigations, nor would we intend
18 to. Our intent is to work very closely with the OEN Nicerta
19 so that we have comfort in what they are doing, but have our
20 own capability to do an independent dose assessment and kind
21 of parallel that process.

22 That's all kind of a work in progress right now,
23 but I don't think that we're planning on going out and doing
24 any independent fact finding or any independent
25 characterization to support that. We don't see a need for

1 that because we are, as I said, working very closely with
2 the other agencies in this process.

3 [JOHN]: All right, thank you.

4 MR. GARRICK: I have sort of a follow-up question
5 in a way. Amy, you had mentioned, I thought, that NRC would
6 be doing its own performance assessment, is this correct?
7 And you're going to be depending on information input from
8 the other parties, but you're going to be doing your own
9 analysis?

10 MS. SNIDER: We'll be doing dose modeling. I hope
11 that we will do predictive modeling as far as predicting out
12 into the future.

13 MR. GARRICK: But the context of my question is a
14 sentence from a SECY document which says the staff should
15 describe how conservatively the NRC studies analyze
16 potential exposure pathways of released materials, et
17 cetera, et cetera. Now, normally in the past, people have
18 just chucked in conservative factors, 210, 100, and haven't
19 tracked them at all. Is it your intent to try to track when
20 you do this, how conservative your estimate really is? This
21 I'm reading from is the SECY from August 18 of this year,
22 00-0070.

23 MS. SNIDER: How conservative the parameters?

24 MR. GARRICK: No, the results.

25 MS. SNIDER: Yes. Any modeling results needs to

1 be evaluated and not taken at face value.

2 MR. GARRICK: No, no, no, that's a little
3 different than tracking and knowing how conservative it is.
4 This means that each time you put in whether it's in a
5 parameter or in the modeling or in the analysis, somebody
6 says well, let's just be conservative. We'll use twice that
7 or we'll use half this. I interpreted the statement, since
8 it's a one-and-a-half page SECY, of saying that the staff
9 should describe how conservative the studies are, that
10 that's a quantification idea rather than just saying we know
11 it's conservative.

12 Now that, as far as I know, has not been done in
13 the past at all. I think it's a fairly important issue. I
14 don't know why it got raised, or I wasn't involved with any
15 of that, but it's a statement that now stands here, so I was
16 curious whether you were planning to try to do that.

17 MR. GARRICK: Dr. Levenson, could you tell us
18 which -- is that one on West Valley, or is it a more
19 general? I don't remember which one it is.

20 MR. LEVENSON: Okay. The SECY is a staff
21 requirement's control of solid materials, results of public
22 meetings, status of technical analysis, and recommendations
23 for proceeding.

24 MR. GARRICK: I think that helps. So, it's the
25 SRM on control of solid material. That's a bit of a

1 different topic.

2

3 MR. LEVENSON: Well, but the concept is the same.
4 I mean, you know, we question whether the released dose
5 we're talking about should be double or half or a quarter,
6 and if we don't know whether the analysis that gave us those
7 numbers if conservative by 10,000 or 100, I have some
8 personal difficulty in knowing how you make decisions.

9 MR. GARRICK: This is likely a subject maybe we
10 should spend some time with you on. It's a bit more than
11 you can probably cover in a meeting like this. Is Tim
12 McCarten in the room?

13 MR. LEVENSON: Yes, Tim is back there.

14 MR. GARRICK: There's conservatism in models, how
15 you use the data, what the assumptions are, and the
16 Commission has asked the staff on a number of occasions to
17 one, understand that and reduce unnecessary conservatism,
18 mostly in an SRN context for our development of the standard
19 review plan. So, we could come back and talk to you about
20 what we have done with dose modeling in general, with RSRT
21 and D&D. In fact, I think we've talked to you a couple of
22 times on that.

23 We think we've improved a lot with the office of
24 research. We could probably come back and do a session on
25 that and give you a little better feel for where we are on

1 addressing conservatism and what we've done about that. I'm
2 not sure we're prepared to do that this morning. It is a
3 topic that shows up in a number of SRM's.

4 The one you're addressing, control of solid
5 material, is a much broader topic. In that topic, you need
6 to understand what the source is, who it may come in contact
7 with, what the distribution is through the population. It's
8 a bit of a different context, but we'd be happy to come back
9 and talk to you, with a little bit of time in advance, about
10 what we've done in general on dose modeling and
11 conservatism.

12 Tim, did I say anything that you want to
13 supplement?

14 MR. McCARTEN: No, generally that's correct.
15 Certainly we're trying to do realistic modeling to the
16 extent practicable. I think the only thing I guess I'd like
17 to add is that it somewhat depends on the answer you get.
18 Generally, we'll start with a conservative analysis. If the
19 doses are low enough, we'll stop right there. As the
20 estimated doses get larger, you'll try to more accurately
21 estimate where the conservatism is and where realism is
22 worth bringing into the calculation to potentially reduce
23 the doses.

24 SPEAKER: Just one more comment I'd like to ask
25 just as a point of information. Has the licensee developed

1 what I would call a road map of priorities and a systematic
2 process here to help guide the regulatory as to at least
3 what they believe to be the most cost effective and risk
4 effective strategies to employ for decommissioning the site?

5 MS. SNIDER: As far as that is concerned, I'm not
6 aware of that. I know that Nicerta and DOE are in the
7 process of negotiations to talk about long term monitoring
8 the stewardship responsibilities, and they have not shared
9 that with other agencies.

10 MR. GARRICK: I would think they would be in the
11 best position of all to find ways of managing this problem
12 in as easy a fashion as possible. With the rules and
13 regulations that are already in existence, I would think
14 they would have at least enough general guidance to be able
15 to order this thing in some sort of systematic way in the
16 spirit of contemporary risk informed practices to make this
17 job if not easier, at least a lot more easy to understand
18 and to manage and to establish maybe a basis for some
19 logical prioritization of the whole decommissioning process.

20 SPEAKER: Dr. Garrick, I think they've probably
21 done that to a level. They've had historical documents
22 identifying what the costs and effects of various
23 alternative are. In fact, apparently they're up after we
24 are. You can probably pose this question to them. I've
25 seen things that I think are reasoned evaluations of

1 alternatives, but at the same time, they're asking their
2 stakeholders, what do you want me to do, and there's tension
3 there, from dig it up and get it out of here to what's cost
4 effective.

5 MR. GARRICK: Well, maybe part of the reason for
6 the tension is that they haven't presented a confidence
7 building plan. I don't know, but maybe -- and I'm
8 especially thinking of the adoption of a risk informed
9 perspective and the contemporary thinking that's going on
10 within the NRC about how to solve these kinds of problems.
11 I was just curious what they had done.

12 SPEAKER: They'll tell you themselves, but I think
13 they've done a lot. We've participated in calls with them
14 almost monthly at times.

15 MR. GARRICK: Yes, but this is a complicated
16 thing, and it seems to me that it needs a very careful plan,
17 articulated in such a fashion that, you know, the public can
18 see what's going on. As I say and as you say, maybe this
19 has already been done. This is certainly something that the
20 committee hasn't seen.

21 SPEAKER: I think it's up to them to tell you, but
22 I've seen things that have done it at a level, and I think
23 the issue is what is the preferred alternative and what's
24 your basis for selecting it. DOE and Nicerta at some point
25 in time need to bring that forward, and to do that, they

1 would have had to have done what you've just asked for.

2 MR. GARRICK: Right, right.

3 MS. SNIDER: From the discussions that we have had
4 with Nicerta and DOE, it's my understanding that the two
5 agencies don't agree on certain approaches for long term
6 monitoring and stewardship. I believe that is part of the
7 problem as far as when decommissioning ends, et cetera. So,
8 that is something that those two agencies are discussing
9 right not.

10 MR. GARRICK: Yes, I understand. Well, the
11 question is probably premature. We need to hear, perhaps,
12 from DOE.

13 SPEAKER: I have a question on site
14 characterization. I'm sure if you asked people up there at
15 West Valley, they'll say sure, we can characterize the site.
16 Do you have a sense of how well it's characterized? The
17 reason I ask that question is I've just come from a
18 conference on decommissioning, and one of the things that
19 came up time after time was site characterization. You
20 really have to do a good job. You can't just say we've
21 characterized the site or we know what's there. You really
22 have to have gone in and done a really good job. Do you
23 have a sense of how good a job that you've done up there,
24 and where do you get that sense from?

25 MS. SNIDER: Personally right now, I don't, but in

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1 obtaining the environmental data from DOE. We just recently
2 obtained it to build our GIS database so that we will be
3 able to use that in performance assessment modeling.

4 We've asked specifically for metta data
5 information related to quality assurance, and we will be
6 evaluating that.

7 SPEAKER: It's a fundamental issue, especially at
8 that site.

9 SPEAKER: People have been on that site for the
10 last two decades. There's a lot of holes in the ground up
11 there. Staff, anybody thinks, please speak up, but there's
12 a lot of information about that site. It's not a site in
13 operation as such. It's in a site that's been in clean-up.
14 The sites that you and I shared a meeting regarding last
15 week, those sites, many of them were still operating, and
16 people that have an operating site don't have a mentality to
17 look for characterization issues.

18 So, I think they're in a completely different
19 category. That's not to say there aren't things up there
20 that people haven't picked up on yet, but it's fairly well
21 characterized. Nelson, others at the table? I don't want
22 you to go away thinking that we have a concern about
23 characterization. I personally have been up to that site,
24 working on that site for over a decade, and if we thought
25 there was an area that needed to be characterized, we would

1 be saying so. We've had inspections. This site has
2 received a lot of attention. The department is on it.
3 Nicerta is on it. NISDEQ is on this site.

4 SPEAKER: This is true of all three parts of the
5 site?

6 SPEAKER: I have visited the SDA, but that is a
7 state disposal area, and I think that one is actually fairly
8 well characterized also. It's received a lot of attention
9 nationally. USGS has looked into that site.

10 So, Jack Peret, I see, is up to the microphone.
11 He was the former project manager, so express a view, Jack.

12 MR. PERET: I'm sort of behind the pole here, but
13 yes, I'm the former project manager for NRC's involvement
14 with West Valley, and I can say that the site's been pretty
15 well characterized, keeping in mind that they've got some
16 difficult source terms there that would be, you know, sort
17 of difficult to characterize in certain situations. DOE has
18 been up at that site for 20 years.

19 I would say, based on my experience with other
20 licensees, this site's better characterized than our typical
21 licensee site, and I don't, you know, I'm not from DOE, so I
22 can't invite you to the site, but certainly that would be
23 the best way to really get your hands around it.

24 I think, you know, where we are kind of in a
25 push-pull process with many other licensees about gathering

1 additional information, we're not there with DOE. If we
2 want something, we get it, and there's just no question
3 about it, I mean with reason. So, characterization has not
4 been an issue so far at this site.

5 SPEAKER: Now, I was really thinking of the
6 interaction of the three parts, not so much the DOE part.
7 The other two disposal areas, I wondered how well
8 characterized they are so that when you get into your --

9 MR. PERET: Well, the NDA is on the site, and the
10 SDA is right next door. I'm not that familiar with it, but
11 annually, there's a meeting of the regulators that is
12 conducted up there where we all sit at the table, talk about
13 the sites, and the SDA is part of the dialogue. So, even
14 though the answer is we have no authority over the SDA, it's
15 there. You can't ignore it.

16 We know a lot about it. I'm quite interested in
17 the SDA from a historical perspective, understanding the
18 technology, et cetera, to help us look at other sites we
19 have. So, while we don't have authority over it, we know a
20 lot about it, NRC has been on that site, and we've done
21 investigations with other investigators.

22 SPEAKER: Okay. I don't want to pursue it too
23 much.

24 MR. GARRICK: Any other questions from committee
25 members? What about ACNW staff? Do you have questions or

1 comments?

2 Are we in a position to ask our far afield
3 audience whether anyone there has questions for Amy? What
4 does that mute far end on the screen mean? We can't hear
5 them or they can't hear us?

6 MS. BLOWS: Hi. This is Wes Bailey. This is
7 Elizabeth Blows from DOE, and we've got a number of people
8 here from Nicerta as well as our contractor. We've got some
9 regulators here and some citizens. Nobody at this point has
10 any comments for Amy.

11 I guess I would like to make one comment with
12 regard to a couple of questions that you had, and Dan
13 Sullivan is going to be talking about the new EIS process
14 that we're embarking upon. In terms of whether the site
15 feels as though they have an idea what the best approach is
16 for this site, as Amy alluded to, DOE has been working with
17 Nicerta to reach agreement on a path forward and a preferred
18 alternative, but the Department of Energy did share its,
19 quote, vision for what we felt was the best approach back --
20 I don't know, maybe a year-and-a-half ago in a citizens
21 meeting where NRC was a part of that meeting.

22 Essentially, what we see is that -- and you sort
23 of alluded to this in your comments -- what we see is that
24 it makes sense to remove much of the waste, to do some
25 things that maybe close some units in place, but it also

1 makes sense for possibly, and specifically the disposal
2 areas from DOE's perspective, to manage those units in place
3 from an occupational dose risk.

4 You know, we've looked at the cost benefit
5 analysis and the risks associated with exhumation of that
6 unit. So, what we feel like is probably, from DOE's
7 perspective, makes most sense is some kind of partial site
8 release scenario. It wasn't clear to us in the policy
9 statement, and that gets to some of our comments that you
10 might have looked at in the policy statement. It's not
11 clear to us that that is possible in the current draft
12 policy statement.

13 So, that's basically all I wanted to say and also,
14 thank you, NRC, for your comments on the site
15 characterization work that's been done. We've been working
16 since the EIS process started in the late 80's, both on the
17 SDA and the Nicerta --

18 MR. GARRICK: If you can hear us, we've lost you.

19 SPEAKER: She'll call you back.

20 MR. GARRICK: Come to a mike and identify
21 yourself.

22 MR. SULLIVAN: Okay. I'm Dan Sullivan. I'm with
23 the Department of Energy, and I'm going to be speaking to
24 you shortly. In terms of the characterization work, I think
25 that's what Elizabeth was going to talk to you about.

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1 You've heard others talk about the site in terms
2 of its characterization and how much we've done. Just for
3 maybe some comfort, there's over 100 wells on the site, and
4 there's I think another 20 or so around the SDA at various
5 depths. So, we know very well the pathways for groundwater
6 and contaminant migration. So, the site has been very well
7 characterized, and what Elizabeth I think was going to talk
8 about was the work that we do each year, we put together a
9 site environmental monitoring report, and we share that with
10 the regulators and the public, and as Mr. Greives mentioned
11 -- well, maybe she'll continue herself.

12 MS. BLOWS: Hi, I'm sorry. We got disconnected
13 from the call. So, you may have missed the last parts of my
14 comments.

15 MR. GARRICK: You were just starting to comment on
16 the characterization when we lost you.

17 MS. BLOWS: Okay, and I really didn't have much
18 more to say. I just wanted to point out, consistent with
19 what NRC said, that we've done a lot of work in the
20 characterization arena. We are entirely funded out of the
21 environmental management program, so we are a clean-up site.
22 That's all we do. We don't have any other operational
23 mission here. We spent a lot of time and effort
24 characterizing this site since the beginning of the late
25 1980's and continuing today, actually.

1 That's really all I had to say, unless you had any
2 questions of me. Dan's going to be talking in a minute, but
3 we did have a couple of folks who wanted to make a comment
4 or ask a question here, if you have time for that.

5 MR. GARRICK: Sure, go ahead. We assume you'll be
6 score keeper so we don't have to decide who speaks first.

7 MS. BLOWS: Okay. Paul Patulo, who's the program
8 director here for Nicerta.

9 MR. PATULO: Hi. I just want to say thanks for
10 everybody getting together again and taking a look at all
11 this information.

12 The thing I want to respond to, there was a
13 question about has the licensee, and that would be us,
14 developed a road map for how to manage the process and how
15 to interact with the agencies. I don't want to go through
16 too much of what I'm sure you've already read. For the
17 project, DOE has responsibility for and have been doing a
18 lot of work, is looking at how you would go about doing the
19 decommissioning or clean-up or decontamination when we use
20 that phrase, of facilities. So, there's been a lot of work
21 in that area.

22 As you know, we've had the citizens involved.
23 They've been terrific in listening to all the issues
24 associated with the technical complexities of the site, but
25 they, like ourselves and like DOE, see the uniqueness of

1 this site and see the fact that the regulatory uncertainty
2 which surrounds it, which includes NRC's responsibility at
3 the site. I know you're working real hard to get to that.

4 As DOE operates the site today, they operate under
5 their orders, which are not always the same as the NRC
6 regulations. For decommissioning, New York State has to
7 work within NRC's regs. One of the statements that I heard
8 that, you know, needs a little bit more discussion in time
9 is that the vision that DOE would clean up, finish their
10 activities, decommission things under the act, and then New
11 York would have to decommission things under our license.

12 I think we've expressed numerous times in front of
13 the Commission, last time in front of you and in the paper
14 that we had, that those criteria have to be one and the
15 same. If there's paperwork to be done, we need to know
16 about it and we should be able to do it, but there's a real
17 concern about clear guidance from NRC, that we could be
18 hanging out, that you know, the DOE's responsibility under
19 the act could then need a re-look.

20 EPA, John Greis expressed real worry about EPA
21 down the line. From New York, there's a real discomfort
22 there because they could impact New York State, or then they
23 could impact the department, depending on the timing of
24 these kinds of decisions.

25 I want to remind everybody that NRC, you regulate

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1 New York State. You've expressed numerous times you're only
2 an advisor or guidance to DOE. The clearness of what's
3 expected of the administrative process for this site is
4 really necessary for us in order to go out and actually set
5 or to look at what this road map is.

6 Questions on perpetual care, okay? We've iterated
7 to NRC is our letters, units like the NDA may never be
8 decommissioned.

9 So anyway, that's where we are on the road map.
10 We need some of your help.

11 MR. GARRICK: Thank you. Other people with
12 comments there?

13 MS. BLOWS: Yes. We have two more, I believe.
14 One is John Eversall, and he's on the phone right now. He
15 is with our DOE Ohio. John, did you want to make a comment?

16 MR. EVERSALL: Just real quick, to sort of follow
17 on what Paul was just saying. Dealing with the one comment
18 that was made. It was in response to a question talking
19 about the process and how that would take place and whether
20 there was any paperwork or application. I believe that NRC
21 indicated that the license we get reinstated and then the
22 licensee was then going to apply for termination.

23 I think it's important to look at that issue and
24 make sure that NRC understands what it's doing in the
25 process. I'd like to just state, I think what DOE's

1 position on it is that when you look at the West Valley
2 Demonstration Project Act, that act indicates that there's
3 supposed to be an agreement between DOE and NRC on how
4 that's done. When you look at the NRC DOE agreement it
5 indicates that DOE is to come to NRC with our proposed
6 decommissioning plan and then NRC is supposed to comment on
7 it.

8 So, I guess our position would be that the West
9 Valley demonstration project, the decommissioning wouldn't
10 go through a license reinstatement termination process. It
11 would go through that process that's outlined in the act and
12 in the MOU, and I'd like to direct the advisory council's
13 attention to those two documents.

14 MR. BRODY: Hello. This is Hal Brody. Can you
15 hear me?

16 MR. GARRICK: Yes, we can.

17 MR. BRODY: I'm deputy counsel at Nicerta, and I
18 want to follow a little bit on what John Eversall just said.
19 In our view, this process is tied with our cooperative
20 agreement with the Department of Energy, which says that at
21 the end of this process, there will be a license application
22 submitted to NRC.

23 What we anticipate, assuming that the site is
24 eventually decommissioned, is that the decommissioning
25 process for DOE and the decommissioning process for Nicerta

1 under the license will be tied together so that there will
2 be essentially a single determination made. We don't
3 anticipate that there will be a returning of the site to
4 Nicerta and then some drawn out licensing process which NRC
5 sets separate criteria for Nicerta.

6 What we anticipate is that by the time, if this
7 comes to pass that DOE leaves the site, the license will be
8 terminated, at least for those portions of the site that are
9 part of the demonstration project. In our view,
10 decommissioning under the West Valley demonstration project
11 has the same meaning as decommissioning under Nicerta's
12 license.

13 MR. GARRICK: Okay, thank you. Anyone else there
14 have any comments or questions for Amy?

15 MR. LONG: Yes, I just have one or two comments,
16 very brief. This is Ray Long of the Coalition on West
17 Valley Nuclear Wastes.

18 I just want to comment on two things. One is the
19 concept of the road map that was referred to. It's our
20 understanding that the development of a road map is really
21 one an the same as the DOE Nicerta EIS process. Any final
22 road map certainly needs to come through that pathway.

23 Second, I just want to comment on the terminology
24 that Elizabeth Blows used a few minutes ago. She referred
25 to the fact that Dan Sullivan will be talking about a new

1 PIS process for this site. I just want to say that the word
2 process is a little bit premature. It would be more
3 appropriate to refer to it as a proposal at this point in
4 time, given a partially unresolved situation between the
5 West Valley Coalition that I'm speaking on behalf of and DOE
6 regarding this new proposal.

7 Thank you.

8 MR. GARRICK: Thank you. Are there any comments
9 from people in the audience here or questions for Amy? If
10 there are, please step up to a microphone and identify
11 yourself.

12 I guess not. Amy, it looks like you're off the
13 hook for now.

14 SPEAKER: Before Amy gets off the hook, I'd just
15 like to respond to the point that both Nicerta and DOE made
16 concerning the eventual termination of the license at
17 Nicerta. It's our view that when the final criteria is
18 established after the EIS, that will be the criteria used
19 for license termination once it's returned to Nicerta. We
20 have no desire to have one criteria now and then to have
21 Nicerta do additional work for decommissioning.

22 Recognizing under the statute the NRC obligation
23 to set the criteria, not to enforce the compliance with that
24 criteria, so assuming that DOE and Nicerta proceeds in good
25 faith to meet the criteria, the eventual termination should

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1 just be a matter of paper shuffling to terminate the
2 license, not additional clean-up work.

3 MR. GARRICK: I guess Mack and Amy's slide number
4 four, some of the wording there could make one nervous
5 because the wording there says that after the EIS, NRC will
6 complete the prescription by adopting some of it or
7 modifying it as needed. You're saying that there's no
8 intent to modify what's in the EIS?

9 SPEAKER: No, no, I think that's a slightly
10 different issue. Under the NRC obligation as a cooperative
11 agency, we have to be satisfied that the EIS, the Nicerta
12 DOE EIS, is acceptable for our use. Now, we hope that that
13 will occur, that our comments will be appropriately
14 considered, and we'll be able to adopt that EIS, but for
15 whatever reason we're not able to do that, we may have to do
16 more NEPA work.

17 Once that NEPA process is completed and the
18 Commission has concluded that the option is acceptable and
19 the DOE proceeds to decommission in accordance with that
20 option, then that will also be the criteria used by Nicerta
21 in terminating the license.

22 MR. GARRICK: Okay, thank you.

23 Isn't it sort of an awkward position to set the
24 criteria but not enforce compliance with them.

25 SPEAKER: Well, the good Congress wrote the

1 statute, so we're only complying with the statute. The
2 obligation the Commission had under the statute is to
3 establish the criteria. We have a consulting role with DOE
4 during the decommissioning process, and we're to provide
5 comments. I assume DOE will need our comments or we would
6 agree on the differences. So, I don't expect to see any
7 problems along the path, but we don't have an enforcement in
8 the traditional NRC enforcement relationship that we have
9 with the licensees with DOE.

10 MR. GARRICK: I see that.

11 SPEAKER: Well, you know, Ray, the thing published
12 in the Federal Register requires that every five years you
13 not only inspect but you set aside resources, et cetera.
14 Our budget process does not allow any government agency to
15 set aside resources five years into the future. So, they
16 have problems with how certain things are enforced, courtesy
17 of Congress.

18 MR. GARRICK: Thank you, Amy.

19 MS. SNIDER: Thank you.

20 MR. GARRICK: Don Sullivan is going to give us
21 DOE's version.

22 SPEAKER: I have one more question.

23 MR. GARRICK: Okay.

24 SPEAKER: I'm sorry. I didn't hear Amy's
25 comments, and so just if she could be real brief. Under the

1 incidental waste issue, it says classify any waste at WVP as
2 incidental waste will be left to DOE. When she was giving
3 her presentation, was her discussion about NRC's NEPA
4 obligations or responsibilities to that?

5 MS. SNIDER: This is Amy Snider. No, there was no
6 discussion about NEPA.

7 MR. GARRICK: Okay, thank you, Amy. Don?

8 MR. SULLIVAN: We're just going to need a minute
9 to set up.

10 MR. GARRICK: Sorry I can't read my own
11 handwriting. It's Dan, isn't it?

12 MR. SULLIVAN: Dan Sullivan and Dan Wescott. We
13 like to keep it simple.

14 MR. GARRICK: Both named Dan.

15 MR. SULLIVAN: We brought a CD Rom, and it's just
16 going to take us a minute.

17 [Recess.]

18 MR. GARRICK: Okay, let's come back to order.
19 Dan, the floor is yours.

20 MR. SULLIVAN: Okay, thank you. Good morning.
21 I'm Dan Sullivan from the Department of Energy, and this is
22 Dan Wescott to my right from West Valley Nuclear Services,
23 the prime contractor at West Valley.

24 Thank you for the opportunity to talk to you
25 today. Today I'm going to make a presentation on some of

1 DOE's ideas and recommendations for your consideration as
2 you advise the NRC Commission on decommissioning policy for
3 West Valley. I'm grateful for the chance to make the
4 presentation. Thank you to Amy Snider and Andy Campbell and
5 the ACNW.

6 DOE is very please that the ACNW has been asked to
7 review the draft policy since we believe this has national
8 importance as well as site specific importance.

9 MR. WESCOTT: Let me just make a comment on that
10 since we miss him dearly on this topic. Andy Campbell was
11 unable to be with us today. He's recovering from a minor
12 back injury resulting from lifting too many West Valley
13 documents.

14 MR. GARRICK: And it's not minor.

15 MR. SULLIVAN: We all suffer from that injury.
16 I'm sure you've had a chance to read the comments that DOE
17 submitted on the draft policy statement. Therefore, you can
18 appreciate our interest in wanting to work with NRC to
19 develop the most appropriate decommissioning criteria for
20 this very unique and very complex site.

21 My presentation is going to be a short review of
22 the guiding policy and process that describes DOE's
23 relationship with NRC and how that relates to our policy
24 statement comment, and then talk about, as Amy mentioned,
25 our path forward that really we think benefits the agencies

1 as well as the public.

2 So, let me start by quickly reviewing NEPA,
3 National Environmental Policy Act, Section 102. It says
4 that policies and regulations and laws will be interpreted
5 and administered by this Act. It also says that EIS needs
6 to be completed before policy that has the potential to have
7 significant impacts is made. DOE believes that the
8 decommissioning policy for West Valley definitely has the
9 potential to have significant impacts. Therefore, we think
10 clearly requires an EIS before any decommissioning policy
11 can be established.

12 As you know, Congress directed the Department of
13 Energy to remediate the West Valley project and under
14 Section 2, Congress required, among other things, that DOE
15 establish a relationship with NRC to define the roles and to
16 define responsibilities and generally to define the process
17 of how each agency would work with one another.

18 Public health and safety obviously was the driving
19 force there, and the process that was established was
20 through the establishment of the memorandum of understanding
21 between the two agencies. This MOU outlined who would do
22 what and it outlined the process. Then Section 3(b)(4)
23 described this process. Essentially what it said was that
24 the Department of Energy would perform the analysis of the
25 impacts and risks associated with various disposition modes

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1 or the facilities at West Valley, and then NRC would
2 prescribe criteria in accordance with the act after review
3 of this analysis.

4 This was a contemporary interpretation of how both
5 agencies would work together to describe decommissioning in
6 accordance with NEPA. Again, it was DOE do the analysis,
7 NRC review the analysis and prescribe. They were in a
8 review and consultation role. That's how things have really
9 been at the site ever since it started.

10 More recently, this staff prepared SECY 98251.
11 This was the first development of proposed decommissioning
12 criteria for West Valley. We thought that John Greives and
13 his group did an excellent job on that SECY paper. What
14 this did was this outlined a process, okay, outlined a
15 process to evaluate a range of criteria in the West Valley
16 EIS and again, as so many of you had mentioned, uniqueness
17 about West Valley. Well, due to its uniqueness, the SECY
18 paper acknowledged the possibility of long term controls and
19 also identified three regulatory alternatives consistent
20 with NEPA.

21 The SECY paper stated that NRC would prescribe
22 decommissioning criteria after a range of reasonable
23 alternatives were evaluated in the West Valley EIS. DOE
24 supported the SECY paper in our testimony in January of
25 1999, and we stated that we believed the paper did a good

1 job. It was consistent with NEPA and also consistent with
2 the memorandum of understanding.

3 We weren't alone in this thought. Two of the
4 commissioners shared this minority opinion. Commissioner
5 Merrifield, he approved the SECY paper's draft criteria,
6 with final criteria to come after we finished the West
7 Valley EIS, and he clearly recognized the uniqueness of the
8 site and that these unique aspects need to be considered
9 again before prescribing final criteria.

10 Chairman Jackson shared this view. In fact, he
11 went a little bit further, and she stated that the generic
12 EIS in the license termination rule really didn't consider a
13 situation representative of West Valley. In essence, she
14 really didn't feel the GEIS was enough. In her words, it
15 appeared that the West Valley EIS was going to be necessary
16 to sort of bridge that gap, and we agreed with that.

17 Now, if you look a little bit closer at the GEIS,
18 maybe we can understand why Chairman Jackson made those
19 comments. The NUREG 1496 provided generic analysis for
20 decommissioning impacts of the majority of NRC sites, okay?
21 Right from the get go, it wasn't ever meant to be all
22 inclusive, but for the majority of the sites, we think it
23 did do a very good job. The sites that it evaluated were
24 power reactors, fuel fabrication facilities, sealed source
25 manufacturers, and rare metals processors.

1 Okay, what it didn't evaluate were sites like West
2 Valley, fuel reprocessing facilities, waste disposal areas,
3 and areas with extensive soil and groundwater contamination.
4 That's essentially West Valley. Now, all those activities
5 are being safety managed at the site by the Department right
6 now, but the GEIS really didn't look at a site like West
7 Valley. It did not bound the impacts and cost that we
8 thought would be encountered in decommissioning the site.
9 So, we think we understand why Chairman Jackson made those
10 comments when she said the GEIS, she didn't feel was
11 adequate.

12 If we look at the GEIS, look a little closer, like
13 I said before, we're just a couple engineers. We're not
14 lawyers. It looked a little complicated to us. In fact, we
15 thought it might be a little confusing to the public. If we
16 look at Section 7.22, we see a couple of things, and this is
17 where I think it got a little confusing for us. There was a
18 recognition in the analysis that at some sites, public
19 health and safety might be better protected by a means other
20 than decommissioning, okay, and that these sites might seek
21 exemptions from the rule.

22 There was also a recognition that there may be
23 some difficult sites that present unique decommissioning
24 problems that weren't even analyzed in the GEIS. Again,
25 some alternate means might make sense there.

1 The GEIS went on further to state that even though
2 there are these unique sites that weren't analyzed in the
3 EIS and, in fact, were originally planned to be exempted
4 from the proposed rule, they remained in the final rule.
5 So, it sounded like that was a complete 180 and for
6 administrative convenience, they were kept under the aegis
7 of that final rule.

8 So, when we read this, it looked like you started
9 out out of the rule. Well, no, no, you're under the rule,
10 but you can get an exemption from the rule. It just seemed
11 like that would be confusing to the public. We were able to
12 follow it, but we thought that was confusing to the public.

13 When we looked at what the license termination
14 rule has to say about burial grounds, again, we felt like
15 that was a little confusing. Section 10 C.F.R. 20-1401, the
16 section that deals with high level and low level waste
17 disposal facilities, it looked like the criteria was only
18 going to apply to the ancillary facilities. It didn't apply
19 to the burial grounds.

20 Then when we looked at the statement of
21 considerations, the other exemptions sections, it looked
22 that past disposals -- now, we have a burial ground at West
23 Valley. For past disposals of long lived radionuclides,
24 they were originally going to be exempted from the proposed
25 rule, but in the final rule, these burials were not exempted

1 because it was felt that possibly through some site specific
2 modeling, a small set of these sites may be able to be
3 closed in place.

4 So then rather than exempt any of these sites, any
5 of these unique sites, they were all put under the final
6 rule and allowed to seek exemptions under the rule. So,
7 again, it was the same idea. It started they were going to
8 be out of the rule, under the rule, you can get exemption to
9 get out of the rule. We just thought it was complicated.
10 We thought it would be confusing to the public.

11 Okay, so what did the draft policy statement say?
12 We talked a lot about this a little bit earlier, and Amy
13 pointed out some of the thoughts NRC has at this point. The
14 Commission was applying the license determination rule as
15 decommissioning criteria to West Valley in a two-step
16 process and applying it to the burial grounds. NRC was
17 applying the LTR now, and then after DOE and Nicerta
18 selected the preferred alternative and completed the EIS,
19 would verify that preferred alternative met the license
20 termination rule, and then prescribed the LTR again. So, it
21 was this prescribe, verify, prescribe, and as some of you
22 commented and we commented as well, we thought that was a
23 little confusing. There were two prescribe steps.

24 So, how can we interpret all of this? Well, we
25 came up with at least two possible interpretations. One

1 interpretation was that the LTR was limited to the
2 regulations in 10 C.F.R. Part 20, subpart E, just the dose
3 criteria. Another potential interpretation was that the
4 part 20 exemptions found way in Subpart N, 20.2301, that's
5 really within the rule, and it wasn't really featured up
6 front, but the exemptions are really part of the rule.

7 So, a probably conclusion is that since the GEIS
8 didn't analyze or didn't bound a unique, complex
9 reprocessing facility like West Valley, that the general
10 exemptions of the LTR must really be part of the LTR.
11 Furthermore, the process, those outlined in the draft policy
12 statement where that section that identified that are
13 exemptions are part of the rule, that's really the same
14 process that was outlined in SECY 98-251 and that a range of
15 reasonable alternatives that would include stewardship
16 really can and should be analyzed in the West Valley EIS.

17 So, in terms of recommendations, we felt that at a
18 minimum, the final rule needed to very clearly state that
19 exemptions are, in fact, part of that rule, make that very
20 clear. The perpetual license that we heard Amy talk about
21 and exemptions in general are definitely part of that rule.

22 The final policy statement should be clearly
23 written so that all stakeholders understand the NEPA behind
24 this, understand how the decommissioning criteria can be
25 done in accordance with NEPA. As we said before, DOE really

1 believes that the process outlined in SECY 98-251, that
2 provides a more accurate description of how policies should
3 be developed under NEPA. 98-251 is the process where the
4 Department of Energy analyzes, does the EIS, analyzes the
5 EIS, NRC is a cooperating agency and prescribes criteria
6 after the process is complete, after we've had a chance to
7 analyze this comprehensive set of closure criteria as
8 opposed to prescribing something and limiting decision
9 making early.

10 The process that we're pursuing at West Valley now
11 really lends itself very nicely to this approach. The
12 original scope of the 1996 EIS, that's the EIS for project
13 completion and site closure, our plan at this point is to
14 separate that EIS into two pieces, a decontamination and
15 waste management EIS and a decommissioning EIS.

16 I'll describe that briefly. The decontamination
17 and waste management EIS really is just going to look at
18 project facilities. DOE would be the lead agency. This
19 would tier from the DOE programmatic EIS, and the focus is
20 shipping wastes off site for disposal and decontaminating
21 project facilities.

22 The second EIS that would be running in parallel
23 with that is the closure EIS. This is envisioned to be an
24 EIS where DOE and Nicerta are joint lead agencies and that
25 NRC would be a cooperating agency. This would be the

1 document that we think is most appropriate, least confusing,
2 to evaluate these range of closure alternatives that we were
3 mentioning earlier.

4 The notice of intent for this would describe in
5 clearly defined DOE, Nicerta and NRC decision making, and
6 would establish NRC as a cooperating agency, participating
7 and scoping, as required by CEQ regs, and the point of this
8 EIS would be that this would analyze a reasonable range of
9 alternatives that would support our decision making. That
10 would include ongoing management of the NDA and SCA, not
11 limiting decision making only to decommissioning or
12 exhumation.

13 Under the sequence of actions that were outlined
14 in the MOU, this would clearly facilitate NRC's role in EIS
15 to prescribe decommissioning criteria for the site. We
16 think this is the approach that's the least confusing and
17 analyzes those range of alternatives out in the public forum
18 for public input and comment.

19 In summary, we've made this point a couple of
20 times. We felt that the generic analysis done in the NUREG,
21 1496, really didn't represent a bounding evaluation of the
22 costs and impacts for decommissioning a site like West
23 Valley, and I think that point's been made a couple of times
24 today. We also felt that directly placing the facilities at
25 the site under the aegis of the LTR really wasn't consistent

1 with the MOU or NEPA, and we felt like that might be a
2 little complicating, a little confusing to the public.

3 We think we have an idea of a better process, and
4 that is to follow the process that was outlined in SECY
5 98-251. This more accurately embodies the principals of
6 NEPA, and we think it's consistent with the MOU where DOE
7 does the analysis, submits it to NRC for review and
8 consultation, and then NRC prescribes criteria after that
9 full set of closure alternatives have been analyzed.

10 We think that it's the West Valley closure EIS
11 that provides this opportunity, and we think that's the best
12 path forward for both the agencies and for the public.

13 That concludes my comments, and we're certainly
14 available for questions.

15 MR. GARRICK: I have a couple of minor comments.
16 On your slide which is entitled West Valley EIS Descoping,
17 you indicate NRC will be a cooperating agency on the site
18 closure EIS, but you do not indicate any NRC participation
19 in the decontamination and waste management EIS. Is that
20 correct?

21 MR. SULLIVAN: No, that was an oversight. As John
22 Greives had mentioned earlier, NRC is involved in all the
23 activities of the site, so NRC would certainly be involved,
24 and may not have the specific role as a cooperating agency,
25 but we would in no way exclude them from involvement in that

1 EIS.

2 MR. GARRICK: Okay. I like one of your
3 recommendations. It's a heroic undertaking. Do you expect
4 that regulatory things will be clearly enough written so
5 everyone will understand them. I wish you luck.

6 MR. SULLIVAN: Like I said, we're just engineers.
7 We're not lawyers.

8 MR. GARRICK: We hope so. John, do you have any
9 questions? George?

10 MR. HORNBERGER: Dan, as your slides say and in
11 the DOE comments, one of the things that I was trying to
12 grapple with is this comment, finalizing the LTR as the DND
13 criteria without site specific analyses may well eliminate
14 consideration of alternatives that are most protective of
15 the public. This has to do with long term stewardship
16 issues, I take it?

17 MR. SULLIVAN: Yes.

18 MR. HORNBERGER: And meeting the LTR criteria
19 would be failure of institutional control. That's the part
20 that would get you?

21 MR. SULLIVAN: I believe that's part of it. What
22 I really meant there was until our EIS analysis is done, we
23 just don't know whether or not there is an alternate means
24 that would be more protective. My point was if we issue the
25 LTR and it isn't clear that exemptions are part of that

1 process, and it isn't very clear, we would have to make the
2 assumption that the only option is decommissioning that
3 site. You heard Dr. Patula mention earlier, that might not
4 be the best option for the NDA. Until the analysis is done,
5 we don't know that, but our point was don't limit that range
6 of choices today.

7 MR. HORNBERGER: Actually, I think that DOE in
8 their comments, you also said that preliminary analysis
9 suggests a little bit more strongly than you said. The
10 preliminary analysis suggests that that is not the best
11 option, that the best option is --

12 MR. SULLIVAN: Correct, is some form of
13 stewardship.

14 MR. HORNBERGER: Is some form of stewardship.

15 MR. SULLIVAN: Yes, you are right.

16 MR. HORNBERGER: Okay, so the exemption to the
17 LTR, again, I'm trying to grapple with this, and I don't
18 know the LTR criterion detail, but on the surface sort of
19 simplistically, it strikes me that it's 25 milirem, 100 and
20 500, and the 100 and 500 are for when institutional controls
21 fail after so many hundreds of years or something.

22 MR. SULLIVAN: I think that's the gist of it, yes.

23 MR. HORNBERGER: Okay, and it's the failure of
24 institutional controls that would bit you, is that correct?

25 MR. SULLIVAN: Yes. Dan, do you want to answer

1 that, or do you want NRC to address that question?

2 MR. WESCOTT: That's basically it. If you look at
3 the analysis that was done for the license termination rule,
4 it looked a bunch of facilities, the majority of NRC
5 licensees, and the conclusion it came to was decommissioning
6 was a logical outcome, and the analysis of cost and impact
7 said they were reasonable. It clearly did not look at a
8 fuel reprocessing facility, a high activity waste disposal
9 area, a facility that has extensive groundwater and soil
10 contamination.

11 The rule, if you read in the NUREG, it says, you
12 know, these kind of unique facilities, the most protective
13 alternative may be something other than decommissioning.
14 So, what we find very confusing is if you have a licensed
15 termination rule with the objective of terminating the
16 license and then you're off doing an analysis that comes out
17 with --that may very clearly indicate that another outcome
18 is the most protective. We think that will be terribly
19 confusing to the public. NRC is going to apply this rule to
20 facilities, recognizing that there are some facilities that
21 this rule doesn't apply to. It's a bit of a mind bender,
22 isn't it?

23 So, we think that the proces that is most clear,
24 that will be most understandable by the public is let's fall
25 back the initial process that John Greives and his staff put

1 together back in SECY 898-251, which was consistent with the
2 MOU that Congress required DOE and NRC to put down on paper.
3 Let's put down a process. The MOU recognized how unique
4 West Valley is, and you heard John Greives today say this is
5 probably the most unique site the NRC has a license on. I
6 think an argument can clearly be made this is the most
7 unique NRC license site.

8 So, we're not developing policy for a broad band
9 of sites, but Congress asked NRC to develop policy for West
10 Valley and West Valley only, and we should come up with a
11 policy specifically tailored to West Valley. That's what
12 the public deserves in this case.

13 MR. HORNBERGER: Just one other thing. Milt
14 pointed out to me while we were eating some breakfast this
15 morning that the West Valley Act prohibits the federal
16 government from taking title to any high level waste. How
17 do you analyze the option of shipping something.

18 MR. SULLIVAN: Good question. Done by a different
19 EIS. This is not the EIS that's going to address the
20 shipment of high level waste.

21 MR. LEVENSON: This isn't a question of the EIS.
22 If the law forbids taking title, then -- well, two parts to
23 the question. The first part is don't you already have
24 title to some of it like the end reactor fuel, and secondly,
25 if it's going to be shipped to a repository, wherever it is,

1 don't you have to have title to put it in the repository and
2 to take it? So, it isn't a question of where it's
3 discussed. If the law forbids you taking title, how do you
4 do it?

5 MR. WESCOTT: Well, I think the provision you're
6 referring to in the act talks about the federal government
7 not having to take title to waste or facilities. As Dan
8 Sullivan pointed out, the analysis of costs and impacts of
9 shipping the high level waste canisters -- I think that's
10 what we're talking about right now -- to the repository is
11 handled in two other EIS's, the Yucca Mountain EIS and the
12 waste management programmatic EIS.

13 So, that analysis of costs and impacts is handled
14 elsewhere.

15 MR. LEVENSON: I'm not concerned about the cost
16 and impact. How do you do it if you don't have title?

17 MR. SULLIVAN: I don't know. From a NEPA
18 standpoint, I think, you know, you're more focused on
19 environmental impacts.

20 MR. LEVENSON: No, no, no, this isn't a NEPA
21 question at all.

22 MR. SULLIVAN: I don't know the answer to that
23 question.

24 MR. LEVENSON: It's a question of -- it seems to
25 be a fairly flat statement in the law that says you can't

1 take title.

2 MR. WESCOTT: I think what the act implied is that
3 title for that high level waste would reside with the State
4 of New York until the waste was transferred to the
5 repository and the department took possession of the waste.

6 MR. LEVENSON: That's not what the law says.
7 Well, I don't know, I'm not that familiar with it, but what
8 I've seen of it is just a flat statement that you can't take
9 title.

10 MR. WESCOTT: Eventually they would have to when
11 it's transferred to the repository. You know, DOE would --

12 MR. LEVENSON: You need another law. I mean, this
13 isn't another regulation or rule. This is a law. Well, I
14 guess it's an open question.

15 MR. SULLIVAN: Unless there's someone up at the
16 site that can answer that question. We can't hear you,
17 Elizabeth.

18 MS. BLOWS: Can you hear now?

19 MR. SULLIVAN: That's better.

20 MS. BLOWS: Okay, Al, go ahead.

21 MR. BRODY: Can you hear me?

22 MR. SULLIVAN: Yes, go ahead.

23 MR. BRODY: This is Al Brody at Nicerta. I guess
24 in our view, title is a thorny question as to some of its
25 waste, but we here it was anticipated that at some point

1 when the waste is brought to a repository, the title will
2 transfer to the Department of Energy, and that's contained
3 in our cooperative agreement with the Department of Energy.
4 Whether the way it can be shipped without transfer of title
5 for temporary storage purposes, I don't see why that would
6 be impossible to overcome.

7 MS. BLOWS: I would just add to that that the West
8 Valley Demonstration Project Act requires DOE to transport
9 the high level waste to the federal repository. So, it
10 makes it clear that regardless of title, it's DOE's job to
11 transport that waste, if that helps at all.

12 MR. LEVENSON: It sounds like there might be a
13 conflict in the law. There are all kinds of other
14 regulations and rules about what DOE can and transport if it
15 is or isn't theirs. The basic question is whose
16 responsibility would it be for emergency planning.
17 Normally, it's the owner of a shipment. In this case, if
18 DOE doesn't take custody until it gets to the repository,
19 does that mean the state of New York has a responsibility
20 for the shipment? These are obviously some open questions.

21 MS. BLOWS: Okay. It's our understanding here
22 that the shipper would have that responsibility. So, in the
23 case of a high level waste, it would be DOE in terms of
24 emergency management responsibilities and that sort of
25 thing, that that would be DOE's responsibility.

1 MR. LEVENSON: But the shipper is defined as the
2 owner, and they're not.

3 MS. BLOWS: Not necessarily.

4 MR. LEVENSON: George, other questions? Ray?

5 MR. WYMER: I think I heard Dan say someplace
6 along the line that there would have to be some changes in
7 the final policy statement to meet some of your
8 requirements, some of the things you want to do. You wanted
9 changes.

10 I heard Amy say on a number of occasions, I'm not
11 sure what all they specifically applied to, that there would
12 be no changes in the final policy statement. I'm sure that
13 would apply to particular aspects of the things you were
14 talking about, but do you see a conflict between what Dan
15 said and what you said?

16 MR. SULLIVAN: I know you're going to wait for Amy
17 to ask, but I didn't think so. I thought I heard today
18 perpetual license and exemptions were part of the picture,
19 and up to now, we really hadn't heard it that clearly. My
20 point was, though, I think that really needs to be
21 articulated in whatever we have as written down so that the
22 public understands that, too, and that it's clear to us.

23 MR. WYMER: That's what I understood you to say.

24 MS. SNIDER: Yes. This is Amy Snider. That is
25 our objective, and we hope that the Commission agrees with

1 that, to articulate the options to include exemption,
2 perpetual license to apply to West Valley. So, that is
3 something that we intend to discuss with the Commission.

4 MR. WYMER: So, to that extent, there will be
5 changes in the policy?

6 MS. SNIDER: Yes. There are some items. Out of
7 the five issues, I believe three of them, there will be no
8 change in the policy statement, but there will be discussion
9 and response to comments. The particular item related to
10 this topic of the options will be clarified in the final
11 draft policy statement.

12 MR. WYMER: Thank you.

13 MR. LEVENSON: Thank you. George?

14 MR. HORNBERGER: That reminds me of something else
15 along the lines of what Ray was saying that occurred to me.
16 The perpetual license terminology is needed in part so that
17 the facility would not fall under CRCLA at some point, or
18 does that eliminate CRCLA? So, we still have this huge
19 conflict potentially with EPA.

20 MR. WESCOTT: What I would point out is that EPA
21 came out with a record decision on the Maxi Flats disposal
22 site. The EPA ROD for Maxi Flats clearly indicated that the
23 recommended action was institutional controls in perpetuity
24 so that intruders would be prevented from having access to
25 the site, and the necessary monitoring and maintenance would

1 be done on that site to safeguard public health and safety.

2 So, I see this as not an area of disagreement but
3 an area of consistency.

4 MR. LEVENSON: Does the ACNW staff have questions?
5 Okay. How about those of you up at West Valley, questions
6 or comments?

7 MS. BLOWS: We've got Ray Vaughn that wants to
8 make a comment.

9 MR. VAUGHN: Well, this is Ray Vaughn of the
10 Coalition on West Valley Nuclear Wastes. I want to comment
11 on this question of the exemptions that may be available
12 under Part 20. It would create a very serious problem for
13 the exemptions to be a clear part of the West Valley D&D
14 requirements as identified under the West Valley
15 Demonstration Project Act.

16 In other words, if exemptions are offered as part
17 of the D&D requirement, or I should perhaps rephrase that.
18 If access to exemptions is offered up front prior to the DOE
19 Nicerta closure EIS process going through the draft and
20 final stages, then it virtually amounts to no D&D
21 requirements at all. If the access to exemptions means that
22 anything is possible. That creates a very serious problem,
23 and I think in our view would be a dereliction of NRC's
24 requirement to set some sort of D&D requirements.

25 MR. LEVENSON: Any other comments or questions?

1 Okay.

2 MR. GREIVES: I've been listening, as I have for
3 years on this site. Let me try and kind of frame a process.
4 A lot's been said around the table today. One of the
5 things, and I think you already know this, but there are
6 other people here, other stakeholders. The SECY 98-251
7 paper that has been discussed, it was a staff paper. We put
8 it up. It was our recommendation.

9 The Commission didn't take that recommendation.
10 They took another tact. There were several papers, in fact,
11 on this approach. I just wanted to, you know, make sure
12 everybody was aware of that. It was a minority set of the
13 then Commission said go that way. The majority went another
14 way.

15 It goes to part of what's being said by some of
16 the stakeholders today. In any regulatory construct, you
17 owe the stakeholders some kind of a statement. What is the
18 target here? What do I have to do? Both Nicerta and DOE
19 deserve that, and what the Commission has done is said in a
20 draft policy statement that target is the LTR.

21 That staff just briefed you this morning and says
22 we're not going to make much changes in that. We think that
23 is the right target for in this case Nicerta, DOE to look at
24 in terms of how can I work this site under that target. I
25 get a sense that there's anxiety on some quadrant of the

1 stakeholders' part about I don't have enough options. Well,
2 as I spoke earlier, I think the LTR has some flexibility
3 associated with it. When you take the rules in context, all
4 of our rules, I don't think they limit -- they provide as
5 much limit as some of the stakeholders are identifying.

6 I think the LTR is a good target. It's something
7 to shoot at, and come back and tell us what your preferred
8 alternative with that. If you read the statement of
9 considerations of the LTR, you see that there are places
10 where it's recognized there may be something outside of this
11 bound, and there are ways to deal that within the NRC's
12 regulations. So, I just want to kind of put that context
13 together. I think we owe all the stakeholders what is the
14 target criteria here, and we're doing that.

15 Jim Lieberman, if I said this, you know, in any
16 way that you want to clarify, but that's where this is and
17 the staff. It's kind of an awkward process. We're sharing
18 with you our comments to the Commission, which are not
19 finalized, and I think there's some expectation the
20 Commission is going to hear from you on the same subject, on
21 a tight schedule.

22 Jim, do you have anything to add?

23 MR. LEIBERMAN: No, I think you said it fine.

24 MR. LEVENSON: Anymore comments or questions from
25 West Valley?

1 MS. BLOWS: Lee Lambert from the League of Women
2 Voters and who also sits on our CTF. We, unfortunately got
3 cut off, John, after about a minute of what you were saying.
4 Could you summarize what you said again for her benefit,
5 please?

6 MR. GREIVES: I made three points. One, that the
7 paper that was referred to earlier, the SECY 98-251, was a
8 staff paper, and it was not accepted by the majority of the
9 then Commission. It was identified a minority of the
10 Commission said yes, let's specify the criteria afterwards.
11 The majority said no, let's go another way. Let's give them
12 the target up front.

13 My second point was, I think the stakeholders, all
14 of them, deserve a target in terms of what is the criteria
15 that I, Nicerta or I, the public am commenting on? What is
16 the target for this site. The Commission, in its
17 preliminary policy statement, said that is the LTR, and
18 you've seen the staff this morning say we are not inclined
19 to change that much, do some clarification.

20 The third point that I made was that I don't think
21 the regulations that are in place and on the books the
22 Commission had, which include the LTR and other regulations,
23 do limit the proposals that can be brought forward. That's
24 my view.

25 MR. LEVENSON: Any comments or questions?

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1 MS. BLOWS: No.

2 MR. LEVENSON: Any comments or questions from the
3 audience here? If not, Dan, I want to thank you, and I'll
4 turn it back to John.

5 MR. GARRICK: Thank you. I think that before we
6 move to the next topic or take a break, I'd like to poll the
7 committee a little bit about the possibility of a letter.
8 Our thought process on a letter for this has been to hear
9 the presentations today and to get the benefit of the SECY
10 document when it's published. Now we have a date for that,
11 next month, and prepare a letter in November for possible
12 publication in December. That's sort of the time table
13 we've been talking about, but it wouldn't hurt us to talk a
14 little bit about what some of the Committee's views might be
15 relative to such a letter.

16 Milt, given you're the lead of this activity, do
17 you have any particular thoughts that we should be kicking
18 around in advance of seeing the policy statement in the SECY
19 document?

20 MR. LEVENSON: Presumably, we would get it when,
21 November 15?

22 MR. GARRICK: Yes, that's what I understand.
23 That's correct, isn't it?

24 MR. LEVENSON: And our meeting is the 27, 28 and
25 29th in San Antonio. We don't have a December meeting

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1 scheduled currently?

2 MR. GARRICK: No.

3 MR. LEVENSON: So, your comment about publishing
4 it in December, that means it has to be done at that
5 meeting.

6 MR. GARRICK: Well, I guess that's right. You're
7 right. I had December on my mind because we originally had
8 one scheduled.

9 MR. LEVENSON: Right.

10 MR. GARRICK: We had a Commission meeting
11 scheduled.

12 MR. LEVENSON: But that's gone.

13 MR. GARRICK: But that's gone now. So, whatever.
14 We may be talking about January, and we may get some
15 feedback from the Commission in the next day or two on this
16 issue. There are going to be some meetings of individual
17 members with individual Commissioners over the next two
18 days, and I think it would be appropriate for us to query
19 them a little bit on this.

20 MR. LEVENSON: Well, I think if we have no prior
21 discussion on it and we don't see it until the 15th, it's
22 going to be very difficult to do a letter, because the San
23 Antonio meeting is already a quite full agenda. If there's
24 any chance that in the next couple of days we could find a
25 few minutes to discuss what we heard today. Then it hinges

1 on whether when we get the final, if there's significant
2 changes, then we've got problems.

3 MR. GARRICK: Yes. Well --

4 MR. LEVENSON: If it's fairly close to what we've
5 heard today, then we can probably do it at the San Antonio
6 meeting, but I think we need some preliminary -- I don't
7 think we can have our preliminary discussions, come to our
8 conclusions, and do the letter all in one fell swoop.

9 MR. GREIVES: Well, let me ask, is the Committee
10 generally satisfied with the five issues that have been
11 identified, given the source material that we have had
12 access to and the letters that we've been able to read from
13 the citizen groups and what have you? Are we satisfied that
14 that source material has been captured by the five issues
15 that Amy delivered to us today?

16 MR. LEVENSON: Well, I think as far as the
17 comments from the public and the responses, I think that's
18 pretty much all covered. My concern is we're not being
19 asked to just comment on that. We're being asked to comment
20 on the entire policy document, and until I see what else is
21 in it --

22 MR. GREIVES: Right.

23 MR. LEVENSON: So, there's two things. One is
24 will the final version be somewhat different than what we
25 heard today? I don't anticipate it would be. If it isn't,

1 that would go fairly smoothly, but we still need time.
2 That's the Thanksgiving week. Some of us have other
3 meetings scheduled between the 15th and the 27th, so that
4 it's really pretty tight.

5 How long will the final policy statement be? Want
6 to take a guess?

7 MR. GARRICK: I guess Amy, what are we talking
8 about here?

9 MS. SNIDER: This is Amy Snider. The final policy
10 statement is approximately less than ten pages. However,
11 the statement of considerations is quite extensive,
12 discussing the public comments. So, all together, the
13 package right now is about 25 pages.

14 MR. GARRICK: It seems to me we ought to be able
15 to handle that in a reasonable time, but it also seems to me
16 that one of the things that the Committee has to be
17 convinced of is that the flexibility that John alludes to in
18 the license termination rule is, in fact, there.

19 MR. LEVENSON: That's why we have to read the
20 whole policy statement.

21 MR. GARRICK: Yes, to accommodate the variations
22 and permutations that are under consideration for the
23 remediation of the site. I think that if, you know,
24 everything seems to be moving in the direction of the
25 criteria of the LTR, we have to be convinced that that's

1 reasonable and that it doesn't impose undue burden in either
2 direction, either on the public from the standpoint of
3 accepting it or on the licensee from the standpoint of
4 implementing it. So, I don't know.

5 MR. LEVENSON: I think we can probably do it,
6 John, but let me leave you with two requests. One is that
7 we find a few minutes sometime before the Committee breaks
8 up today, not today, but when we leave here Thursday, just
9 spend a few minutes discussion what we heard today.
10 Secondly, that provisions be made so that the document is
11 available on the 15th, it in fact is Federal Expressed to
12 the committee members on the 15th, and it doesn't come to
13 the ACNW office, taking two days in internal mail, et
14 cetera, because that following week is a fairly dead week as
15 far as I'm concerned. I'm chairing an academy meeting on
16 the 20th and 21st, which means travel on the 19th and the
17 22nd. So, if I get it on the 15th or the 16th.

18 MR. GARRICK: Yes.

19 SPEAKER: Get it through Adams.

20 MR. LEVENSON: No, I want to read it. I have the
21 E version.

22 MR. GARRICK: Okay, yes. Well, we can talk about
23 it during our planning and procedures session also. I do
24 think it is something that maybe should be on our minds as
25 we have these abbreviated meetings with the commissioners.

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1 Okay, I think with that, I think what I'd like to
2 do is take a ten minute break and then get ready for our
3 next presentation on the discussion of updated site
4 suitability and license application, past action plan, and I
5 guess Lynn Deering, you're going to read that.

6 MR. LEVENSON: I thought Michelle was going to do
7 that.

8 [Recess.]

9 MS. DEERING: I think I made the point that it's
10 not just George and I kind of carrying this. Everybody,
11 members and the staff, have specific responsibilities, and
12 it's going to be up to them to keep moving things forward in
13 their areas.

14 Probably the most important part of our discussion
15 was about this reduced scope, which included maybe doing a
16 vertical slice or a horizontal slice, or combinations of
17 these things. One of the ideas that I thought was a good
18 one was do a vertical slice of one of the KTI areas, taking
19 maybe an open issues and a closed or closed pending issue
20 and attempting to trace back through the PMR, possible AMR's
21 and attempt to, you know, become educated about NRC's,
22 whether their process is risk informed, whether they are
23 asking for appropriate information from DOE, so that we're
24 in a position to tell the commissioners when this is all
25 over the objectives which we started with, which I would

1 also like to review before we get any further.

2 I'm going to try to summarize them rather than go
3 through them explicitly. The bottom line was I think we
4 really want to come out of this being able to make an
5 assessment of whether NRC is using a risk informed approach,
6 whether it's guidance, tools, and overall capability is up
7 to par to do a license application review. We're going to
8 use this site recommendation and the TSPA site
9 recommendation as an indicator of that.

10 So, I think that's where we want to come out,
11 being able to make some comments about risk informed and
12 tools capability and guidance. That's the way I'm looking
13 at this.

14 So, how do we get there, and that's really what
15 we're trying to do. How do we get there most efficiently?

16 What I'm proposing in this most recent revised
17 task action plan is a variation of what we heard last month.
18 Take possibly each member working with a staff, designated
19 staff person and consultant, take one KTI of their choosing.
20 We all have one or more that we're kind of responsible for.
21 Again, you're going to make that decision yourself based on
22 your own criteria of, you know, which KTI you'd like to
23 focus on, and then possibly take one open item or issue or
24 sub-issue and maybe even one closed.

25 That's one of the things we have to discuss, how

1 much to take on here. Then do this tracing on back through
2 where you use the PMR's and the AMR's and other supporting
3 technical bases documents, to give yourself a comfortable
4 feeling about whether staff's using a risk informed approach
5 and, again, getting back to our objectives.

6 Are the tools adequate? Do they, again, reflect a
7 risk informed approach? Is NRC using its tools, including
8 the codes, the pre-closure and post-closure for confirmatory
9 analysis?

10 And I can work to develop maybe more because I've
11 got some ideas here that have not been put down in writing
12 yet about a template for what we ultimately want to do here.
13 So, I can help the teams out in that way, the individual KTI
14 teams.

15 MR. LEVENSON: Let me remind you, you probably
16 remember that Andy and I are going to hold a meeting on a
17 couple of the KTI's that have to do with corrosion of the
18 waste package and transport of the radioactive materials,
19 and we'll be writing a report on that. So, this will
20 probably be at variance with your template, but there will
21 be something it essentially covers the same ground that
22 you're talking about.

23 MS. DEERING: Okay, well we'll just find a way to
24 make sure those dovetail rather than do something --

25 SPEAKER: Why can't we just make that a part of

1 the process? Why don't we just --

2 MR. LEVENSON: This is a little more elaborate
3 than what -- since we'll have consultants in on it, too.

4 SPEAKER: You mean it's more than vertical slides?

5 MR. LEVENSON: They are. It's a nice, big cut in
6 a couple of different KTI's

7 MS. DEERING: Well, a vertical slice can be big,
8 big slice.

9 MR. LEVENSON: Yes, sure. Okay, anyway, I think
10 this -- well, this is more elaborate than what I think
11 you've been discussing, what we're going to be doing.

12 MS. DEERING: I don't see it that way myself, but
13 I don't know the scope. I've not seen a written write-up of
14 what your scope is and the objectives of that meeting. Is
15 there one in the notebook?

16 MR. LEVENSON: Andy has that.

17 MS. DEERING: Andy has that? Okay, I'll take a
18 look at that, but as I'm describing it and visualizing this,
19 I don't see that at all inconsistent with what we're talking
20 about. That's just your unique approach to it. I don't
21 know that a working group would be necessary in all these
22 cases, but I think that's a great idea, and we'll make sure
23 it fits with what we're trying to do here.

24 SPEAKER: Excuse me a minute, Lynn. I guess I'm a
25 little confused by our application of the term vertical and

1 horizontal slices because sometimes that, in fact probably
2 more generally, it doesn't mean that you examine every
3 single issue. You just pick a couple. You have ten or
4 twelve issues, and what you want to do is get a feel for
5 whether they're being handled properly. You just pick a
6 couple of them.

7 MS. DEERING: That's right.

8 SPEAKER: You just pick a couple of them.

9 MS. DEERING: That's right.

10 SPEAKER: And do a vertical and horizontal slice
11 through those couples. It could be that Ray's workshop
12 will, in fact, be the vertical slice on one of the KTI's,
13 and we wouldn't have to do anything anywhere near that
14 extensive on all of the rest.

15 MR. LEVENSON: That's really what I was sort of
16 getting at.

17 SPEAKER: Yes.

18 MS. DEERING: But it's still not necessarily
19 inconsistent with the concept. It's just maybe more
20 rigorous in scope and leveled effort.

21 SPEAKER: It would just be the vertical slice for
22 that KTI.

23 MS. DEERING: Sure, sure, and one of the options
24 here is that not every member do one. Perhaps if you want
25 to, depending on your own constraints, maybe Ray's will be

1 the only one this committee decides to do and base its
2 findings for the Commission on that alone. Say this is our
3 basis to say we think NRC staff has the tools, capability
4 and guidance. We've looked at its issue resolution process.
5 We've looked at some of its open items and closed items.
6 We've done a trace back through using DOE's documentation of
7 the site recommendation, and we feel comfortable saying X, Y
8 or Z based on what we did and how we did it.

9 I just want to be able to point to the
10 commissioners and say here was how we did it and, you know,
11 our basis to make these statements.

12 SPEAKER: Maybe the questions to ask each of the
13 committee members for the area in which they're responsible
14 is to answer the question, is this a good candidate for a
15 vertical slice, or does it generically look like this one is
16 okay, and we can just let it go because we're not going to
17 do deep vertical slices on all of them, and getting the
18 committee member who is responsible for an area's view as to
19 whether that area is one that should be subjected to a slice
20 might be as good a one as any as selecting those to be
21 sliced.

22 MR. LEVENSON: Maybe Lynn is right. Maybe if we
23 examined -- well, we were looking at two KTI's. Maybe if we
24 do that in sufficient detail, that will convince us that the
25 process is adequate and that we don't really need to look at

1 anything else. These are two fairly sophisticated areas.
2 We'll be looking at, some of the more questionable areas.

3 MR. GARRICK: Yes, and I would hope we would
4 practice what we preach here in terms of choosing the
5 vertical slices or the KTI's on the basis of what the
6 evidence so far indicates as the most risk important issues.

7 MS. DEERING: Exactly, and I was going to suggest
8 that some of the ways we're going to do that to make that
9 judgment or selection is one, attending these technical
10 exchanges. Two, getting the summary reports that NRC and
11 DOE write up, if we can't make the meeting, or even if we do
12 make the meeting. Three, you know, other reading, issue
13 resolution status reports, whatever we can get in the way of
14 risk insights at the center meeting.

15 What I was hoping was that by November -- I'm
16 proposing a schedule in here. By the next meeting, if we
17 could come closer than we are now. I was actually saying
18 could we select or put on the table what each team, if you
19 call it a KTI team, a member in the staff, would propose in
20 the way the KTI and the issue that they want to do the
21 vertical slice on and their basis for that, you know, why,
22 using risk informed thinking, risk significance as a factor.
23 Could we do that next meeting?

24 This meeting, I was hoping if this approach is
25 agreeable, or some variation of it, let's agree to that.

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1 Then I'll go ahead and make -- I can make some more time
2 lines from there that will keep us on track. I didn't think
3 it unreasonable, but in a month from now, maybe, to come up
4 with starting to select the vertical slice material.

5 SPEAKER: Well, we're going to hold our meeting
6 sometime in early January. If we can have your idea of what
7 a template, and by that you mean the things we really ought
8 to be looking at.

9 MS. DEERING: Yes.

10 SPEAKER: If we can get that from you soon so that
11 when these consultants and myself get the PMR's and the
12 AMR's, we'll be able to direct our thinking a little bit
13 based on what you've come up with. So, the quicker the
14 better on that.

15 MS. DEERING: And if we want to refine -- yes,
16 some of the information we're going to get at the center may
17 be useful for making these selections or maybe to refine the
18 selections that we came to --

19 SPEAKER: To refine, probably.

20 MS. DEERING: Yes, but I don't want to keep
21 deferring because I just feel like time is marching on.

22 SPEAKER: Yes, and as your task action plan
23 delineates, two pieces of evidence that are very important,
24 it seems to me, for us to do a limited scope review of the
25 KTI's and all the supporting documentation, is to get

1 current on what's happening with the TPA. I think we need a
2 much more detailed interaction and session, maybe a working
3 group session, on the TSPA because it seems to me we have to
4 have that as background to at least know what the experts
5 are saying are the primary issues and see how those things
6 begin to map together.

7 We've already heard commentary on the mapping of
8 the KTI's with the DOE's list of seven items or whatever the
9 number was. Of course, the reason we went this direction,
10 that is, the direction of some sort of an abbreviated but
11 deep review of a select number of things was because of the
12 number of documents that are supporting the KTI's. It's a
13 very large number, and there's no way this committee can
14 review all of those.

15 So, we can't do the whole job, and so the question
16 is, and we've discussed it, and Lynn has proposed what we
17 might do, therefore what we can do instead. You have
18 characterized in your task action plan what the strategy is
19 based on that input.

20 MS. DEERING: If I could just say a few more words
21 before -- I still want to keep talking before we close down
22 on a decision because I'd like to, if I could --

23 MR. GARRICK: Go ahead.

24 MS. DEERING: To reiterate what you said, John,
25 about capturing the need to have a look at the TPA code, and

1 the idea has been put on the table about having maybe a
2 one-day working group on TSPA to get more insights and
3 understanding, a build-off of what we learned last months.
4 These were things you said last month, which I've tried to
5 capture here because I think that was really important.

6 The third thing you said was focusing on KTI issue
7 resolution process. You felt those three things together
8 would help give you a better idea about the risk informed
9 aspects of DOE's approach and NRC's approach.

10 MR. GARRICK: And also the three other elements of
11 your strategy.

12 MS. DEERING: Yes, yes. So, the way I saw your
13 requests or ideas was to roll those into our center review.
14 What I'm going to talk about this afternoon, I think you'll
15 see reflected in the proposed agenda. These very items, KTI
16 issue resolution process, the TPA code, as well as the
17 preclosure code.

18 MR. GARRICK: Right.

19 MS. DEERING: And the TSPA one-day working group,
20 of course, isn't part of our center review, but that I've
21 attempted to capture. We don't want to forget that. That
22 probably is going to be part of your vertical slice.

23 MR. GARRICK: Yes.

24 MS. DEERING: That you and whomever you're working
25 with are going to decide that's one of the ways you're going

1 to get your information.

2 So, I think it all fits together nicely. The
3 center review and, as we all know when we go down there, we
4 have multiple objectives. One is to help us get the
5 information we need on this sufficiency oversight project
6 that we're working on, as well as how to look at the
7 research program, research/TA.

8 So, we're going to do both those things down
9 there, and they're intimately related. So, some of this I'm
10 going to defer to this afternoon's discussion about what we
11 actually are going to put on our agenda down there, but as
12 long as you understand the objectives that I'm trying to
13 articulate in this task action plan, that's what I think's
14 important.

15 I also now wanted to walk you on the last page of
16 the task action plan, page five, it just outlines what
17 revisions I made, so when you do go and read through that
18 --this is from the last version you saw -- how does it
19 differ. Basically, the review, scope and strategy, I noted
20 some possible schedule slips.

21 Partly, I think, we're aware that, as you know,
22 the Yucca Mountain review plan is on hold for an indefinite
23 period. In turn, the Yucca Mountain review plan guidance
24 that staff is developing that describes how they're going to
25 apply that plan to review the SRCR, in turn, I think, gets

1 on hold.

2 Then the strategy that staff's written is also up
3 there with the Commission on how they're going to approach
4 their sufficiency comments.

5 So, all three of those things are not really
6 available just to move forward. I'm presuming, and I don't
7 know, that may result in some kind of schedule slips. I
8 don't know. I haven't really discussed that with NRC. You
9 know, if they don't have the tools they need to review the
10 things that are coming in the door, or a standard or a
11 regulation, I'm not sure how they're going to do that. Now,
12 I'm not saying they can't. I'm sure they have a trick for
13 that, but this is one of the things I've noted in the task
14 action plan. There may be some holdups.

15 I also outlined this revised approach that I
16 verbalized today. On our tables, our wonderful tables, what
17 I did was kind of tricky. Maybe we should turn to them if
18 you don't mind. This is the enclosure one, and I'm going to
19 go to Table 2.

20 What I did here is important because I just have
21 shifted what we used to have a table that had PMR's and key
22 members, and then the KTI was much further over as a
23 secondary thought. We now are KTI based, so I've just
24 shifted everything around. So, this table, for example, KTI
25 UZ and SC flow under isothermal conditions. That is still

1 Hornberger, Deering.

2 Then there's going to be multiple PMR's that cover
3 that, so that's the change here. We've just aligned
4 ourselves to the whole tech exchange process and issue
5 resolution process. So, I think that's a good change and
6 one we probably should have made sooner. Have a look at
7 that at your leisure.

8 The other changes include -- okay, Table 3. Table
9 3 just is a table of what we have for each month on deck.
10 Again, because of these possible -- you know, for example, I
11 still am keeping track of what we did in June, what products
12 we developed. You've got July on here. September reflects,
13 you know, that we had the Yucca Mountain review plan as a
14 major product and review item which got postponed, so we're
15 on hold with that.

16 October, I'm on page 15 or 21, whichever you
17 choose to look at, 21 of the handwritten. What I've noted
18 on here was the see Valley 22 briefing tomorrow, and I see
19 our friends from the state are all here, just ready to roll
20 for tomorrow. Hi.

21 I'm not sure where we stand on the product on
22 that. I'm not sure what our intentions are, but we also
23 have consultants coming in this meeting a number of them.
24 Dr. Sindler, Dr. Schuman, and I didn't mention, but we'll
25 update that. Dr. Heintz is coming in this afternoon to give

1 us some updates on two meetings he attended. He went to the
2 igneous activity technical exchange, and last week he went
3 to the seismicity and structural defamiation technical
4 exchange. He's already provided written products on both
5 those, but he's going to come and tell us all about it this
6 afternoon.

7 That's part of our planning and procedures this
8 afternoon, isn't it, Howard?

9 SPEAKER: I thought we had a separate --

10 MS. DEERING: I'm sorry, is it separate? Sorry,
11 okay, Wednesday.

12 SPEAKER: Yes, Wednesday afternoon at 2:00, two to
13 3:15.

14 MS. DEERING: Okay, and I've updated what we're
15 doing in November as well on the table. Most of these
16 other, you know, updates are not that significant. I'm not
17 going to go over them, other than I took out that Gant chart
18 that seemed to cause people heartburn. It wasn't that
19 meaningful since we're changing our approach to be one of a
20 more vertical slice, and I will replace it once we agree on
21 this is a good strategy. I'll replace it with like a time
22 line that shows what we're doing and when we're doing it.

23 So, that leaves us with a few decisions to talk
24 about then. Whether, you know, this vertical slice
25 approach, each member choosing a KTI and one or two issues,

1 be it an open or a closed or some combination, and having
2 working groups or whatever that particular member wants to
3 do to conduct that vertical slice and report on that next
4 month. How does that sound, or let's discuss that.

5 Let's go to Table 2. You're right, all the KTI's
6 are there. You know, you don't have to pick your KTI this
7 month, but just is that approach going to be something you
8 can work with?

9 SPEAKER: It strikes me, just a comment from what
10 we've heard, that we're already pretty well down the road to
11 accomplishing what you've made out. So, I think it is a
12 good plan because we have -- I don't know what you're
13 calling it, but a SLST workshop sometime. We at least have
14 tentative plans for a TSPA one-day working group, and we're
15 going to hear about TPA next month. So, if nothing else, we
16 will accomplish that.

17 The key will be to make sure that it we get
18 focused on the open issues and the issue resolution process
19 and not totally on issues brought up by consultants and
20 presenters.

21 SPEAKER: Yes, I think that's part of Lynn's
22 strategy was to make sure we look at some closed issues, or
23 issues which are termed closed to see how the process went.

24 SPEAKER: Do you want to just talk brh^A0c^[Sice,
25 yes, sure.

1 SPEAKER: My question to Ray is buried in the
2 paper we got, the sheet on the Navy, and they're moving
3 ahead. In fact, they've already ordered 316L canisters
4 rather than alloy 22. I was wondering whether we could
5 include that.

6 SPEAKER: Is that for the repository? Oh, yeah, I
7 remember seeing that. That's right.

8 SPEAKER: TSPA.

9 SPEAKER: TSPA? That's in good hands. I'm
10 wondering there, we don't have a consultant aligned up with
11 that, do we?

12 MS. DEERING: TSPA.

13 SPEAKER: TSPA. I know who I'd like.

14 MS. DEERING: Who would you like?

15 SPEAKER: I'd like Chris Whipple because he ran
16 the peer review team for the TSPA, and nobody has to educate
17 him. That's terminated now. That's not going, and I don't
18 know if that presents us with any kind of a conflict there
19 or not.

20 SPEAKER: He's a consultant to the board, but it
21 shouldn't represent a conflict.

22 SPEAKER: The technical review board?

23 SPEAKER: Yes.

24 SPEAKER: Yes.

25 SPEAKER: He's working for DOE. He's on the

1 committee that Charles is on.

2 SPEAKER: Yeah, that might be a problem.

3 SPEAKER: Well, if he has a conflict, who else was
4 on that peer review?

5 SPEAKER: Rod Ewing.

6 SPEAKER: Rod isn't --

7 SPEAKER: Yes. Was Bob Budnitz on that? Might
8 have been. There is a couple of corrosion people that were
9 on the peer review, but I'm more interested in maybe an
10 analyst, and I'd have to think about that.

11 Kester? I don't know. Kester would be very good.
12 He thinks so much like I do that I don't know if we'd have
13 the right diversity.

14 SPEAKER: But he'll be good.

15 SPEAKER: He's good, he's very good. That's a
16 possibility, but we've never had him.

17 SPEAKER: To me, the intriguing thing would be if
18 we could get Chris Whipple. Chris might just come in, you
19 know, just out of the goodness of his heart to --

20 SPEAKER: Provide an expert?

21 SPEAKER: To provide an expert.

22 SPEAKER: Yes. That would help with the conflict
23 of interest.

24 SPEAKER: That's what I mean.

25 SPEAKER: Yes.

1 SPEAKER: I assume that that was not --

2 SPEAKER: Well, then is that a feasible option, if
3 we can twist his arm?

4 SPEAKER: The reason is, as you've said John,
5 Chris is totally familiar not just with the TSPA which he
6 chaired the peer review committee, but he's deep into the
7 TSPA SLR.

8 SPEAKER: Right.

9 MS. DEERING: Well, if you had a working group,
10 you could have them both here to be an invited expert, not
11 necessarily to write you a report, though, you know, or help
12 you with the vertical slice.

13 SPEAKER: Right. I think the part of the issue
14 with the TSPA will continue to be the whole gross issue of
15 transparency and satisfying the general approach is
16 understandable enough to everybody that it begins to build
17 confidence.

18 SPEAKER: So we can recommend they do a
19 deterministic approach.

20 MR. GARRICK: Right, and I'll go through my
21 deterministic versus probablistic speech again.

22 Oh, yes, the committee wishes to recognize Dr.
23 Steinler, former distinguished member and chairman.

24 SPEAKER: Did you say former distinguished?

25 MR. GARRICK: Yes. All right. Well, we'll talk

1 about that, who we want to involve.

2 MS. DEERING: But that's all written, so you're
3 claiming that to be your vertical slice, this particular
4 KTI, TSPA and I?

5 MR. GARRICK: Yes.

6 MS. DEERING: Okay, so we're putting your name
7 down for it.

8 MR. GARRICK: Yes.

9 MS. DEERING: Who's your staff member?

10 MR. GARRICK: Well, it says on this list,
11 Campbell.

12 SPEAKER: I think we need to adjust that. We
13 can't have him doing two.

14 MS. DEERING: What other choices you have.

15 SPEAKER: I've got three other choices.

16 MR. GARRICK: Well, I'd say also would enter into
17 this which staff member has a special interest in it,
18 following it the most, is in a position to make the greatest
19 contribution. Who would that be?

20 MS. DEERING: Tim?

21 SPEAKER: Get Tim to be appointed to it in a month
22 or so.

23 MS. DEERING: Assign him to it.

24 MR. GARRICK: That would be fine with me.

25 SPEAKER: Yeah, I know. Would it be fine with

1 Tim?

2 MS. DEERING: Well, maybe we can hire some new
3 staff.

4 SPEAKER: We'll find a volunteer.

5 MR. GARRICK: Right, right, okay. All right,
6 let's move on.

7 Design. Milt, we're on the KTI repository design
8 and thermomechanical effects.

9 MR. LEVENSON: Have you jumped the Meerfield
10 environment?

11 MR. GARRICK: No, we've combined that with the
12 container life and source term.

13 MR. LEVENSON: But since the repository design and
14 thermomechanical effects are covered in the same TMR, should
15 it also be combined?

16 MR. GARRICK: No.

17 SPEAKER: No, you're going on KTI.

18 MR. LEVENSON: Okay. There have been a lot of
19 these issues, processes important to the water inflow.

20 MR. GARRICK: Well, you have been kind of --

21 MR. LEVENSON: Concerned about these issues.

22 MR. GARRICK: -- looking at the thermal model
23 pretty carefully lately.

24 MR. LEVENSON: I'll keep this one.

25 SPEAKER: I don't think there's going to be any

1 technical exchanges on these until January. I was talking
2 to Carol Hanlon yesterday on another issue, and these two, I
3 think, are going to be in Las Vegas. I think they're in
4 January on consecutive weeks, if I've got my facts right.

5 MR. GARRICK: But I think what we're going to have
6 to decide, Milt, is just where we want to take the slice,
7 because this is a huge topic.

8 MS. DEERING: Well, maybe he and Rich can look at
9 some of the open and closed issues and make some
10 recommendations to Milt, or at least have some discussions
11 for next month.

12 SPEAKER: And you will have gone to the saturated
13 point. You have the same thing --

14 MS. DEERING: Right, right.

15 MR. GARRICK: Let me ask what the practice is
16 here. Is it possible, given that they would be available
17 for such a thing, to reach into the staff for support in the
18 reviews that we're going to do?

19 SPEAKER: That's very unusual unless, you know,
20 someone were assigned on a rotational basis to the ACNW
21 staff, that we would, you know, ask the staff to help us
22 review their work.

23 MS. DEERING: But certainly, you know, to
24 coordinate and have discussions with them about their
25 recommendations about what their experiences are, that's

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1 appropriate and necessary, I think, for us to get our job
2 done. You know, a lot of coordination with them where we go
3 up and see them. Just to go to these tech exchanges, you
4 know, you have to have some minimum face time with some of
5 these people. I mean, it's pleasant. I'm not saying it's
6 unpleasant, but it's a minimum requirement for us to
7 coordinate to get our job done.

8 MR. GARRICK: Well, okay. I was just thinking
9 back on our discussion to Tim. I guess it would be a little
10 less difficult to exchange between the ACRS staff and ACNW
11 staff, is that correct? If we wanted to bring somebody from
12 the ACRS staff in on this, that is comfortable with the
13 concepts of risk assessment and what have you.

14 SPEAKER: Right. As a matter of fact, we were
15 thinking about doing that if we had done the dose modeling
16 part, we were actually going to do that.

17 MR. GARRICK: Right.

18 SPEAKER: We've sort of gotten away from that.
19 I'm not sure. I guess we'll cover it on another igneous
20 activity at some point.

21 SPEAKER: No, I think we had discussed that a
22 little bit. Even though somebody had suggested that, I
23 don't think that's where it should go. I think we suggested
24 it should go to TSPA. To me, that's where the logical
25 connect is.

1 SPEAKER: So, that would cover the remobilization
2 and aerosol transport, the whole thing.

3 SPEAKER: Yes.

4 SPEAKER: Because the biosphere has to be not just
5 aerosol transport and everything else but groundwater
6 transport. It's all pathways and all pathway standards.

7 MS. DEERING: But some of those open issues, I
8 thought, all happened to be in the igneous activity.

9 SPEAKER: They all are, but what I'm saying is
10 that I don't think that we should say oh, we're not going to
11 look at biosphere if we're not going to do it in the context
12 of igneous activity. I don't think we should do that.

13 MS. DEERING: Well, what if we did it in terms of
14 a vertical slice? If you had an open issue in igneous
15 activity or closed issue, then you would tap into the
16 biosphere PMR, but otherwise, we could review it, but it
17 wouldn't be part of this vertical slice.

18 SPEAKER: Okay, my argument would be that in TSPA,
19 if we do a vertical slice, that if we don't get to the
20 biosphere, then to me, we would have done something wrong,
21 and if we go to the biosphere and TSPA and it so happens --

22 SPEAKER: Okay, you're more concerned with all
23 pathways as opposed to just the atmospheric --

24 SPEAKER: Yeah.

25 SPEAKER: To me, it makes more sense to do it that

1 way because it is all pathways. It's not just igneous
2 activity.

3 SPEAKER: Yes, I thought there were some unique
4 questions, though, about the atmospheric dispersion, about
5 some of the models that we used there, but maybe it can be
6 picked up under TSPA.

7 SPEAKER: I think that's right. To me, it's more
8 logical to pick it up there

9 SPEAKER: Sure.

10 SPEAKER: DOE is having a peer review with IEA
11 representatives I guess on the biosphere in the end of
12 November, the 27th and maybe the 28th. I've got a draft
13 agenda. Yes, when we're in San Antonio. We could send our
14 consultant to it, and then perhaps invite her even to come
15 to the last day in San Antonio on the way back, if she's
16 available and if the committee decides that's what they'd
17 like to do.

18 This is, you know, they're not having -- it's
19 essentially a review of the biosphere PMR as opposed to what
20 we heard last time where the biosphere is included in almost
21 everything and several of the ones that Bill's been to and
22 everything else. So, that's a decision the committee will
23 have to decide, whether they would like to see if that's
24 possible or get attendance at that thing.

25 SPEAKER: It's a good idea if she could do it.

1 SPEAKER: Yeah, it's an area that I think we could
2 use the additional technical support expertise.

3 SPEAKER: And if she can, through someone else.

4 MR. GARRICK: If we're getting to a position where
5 there's a possibility that the driving contributor to
6 off-site contamination is as a result of igneous events,
7 then we're opening up an area that we're going to have to
8 reach probably elsewhere. There are places to reach for
9 atmospheric dispersion models that are very specific, and
10 they've advanced quite a bit in the last ten years. There's
11 a lot of work that's been done.

12 SPEAKER: Yeah, I'm not sure if that's the
13 conclusion. I think that was something the committee
14 thought it ought to look at.

15 MR. GARRICK: Right, right. So, that brings us to
16 igneous activity.

17 SPEAKER: Igneous activity is one of our success
18 stories. That's the one that the staff is holding out as to
19 how to resolve issues. Actually, from what we've heard
20 recently --

21 SPEAKER: It's like the Phoenix.

22 SPEAKER: It is a rising from the ashes. If you
23 remember, we've had a couple of presentations now. Well,
24 two of us, I guess, on the YMRP, and then all of us with
25 respect to KTI. I think the staff rightfully is holding

1 this up as a really good example of how issues get resolved
2 and get resolved in a risk context. So, I think that we've
3 looked at that, and I think it's a good success story.

4 MR. GARRICK: How much work is there for us to do
5 here? This is going to be the dominant contributor to risk
6 if we're going to believe the model for the compliance
7 period.

8 SPEAKER: Yeah, but if you have containers that
9 don't break for 10,000 years, then clearly that's the only
10 way you can get anything out. That doesn't necessarily mean
11 that then it has to command your attention.

12 MR. GARRICK: Yes.

13 SPEAKER: I personally would be a lot more -- I'd
14 put a lot more into the kind of stuff that Ray has talked
15 about, the container life and a couple processes and at this
16 juncture worry less about doing a vertical slice on igneous
17 activity.

18 MR. GARRICK: Okay.

19 SPEAKER: I was just going to raise the issue of
20 would this be a good one -- I agree it's a success story
21 over the past two to five years.

22 SPEAKER: Decade.

23 SPEAKER: Would it be one to look at in terms of
24 transparency of the resolution of this issue? Something
25 that you sit back and take a look at and see how it was

1 closed in the process and whether it was transparent, not
2 only to the technical people but also to other stakeholders?
3 It's an issue that the committee has raised before.

4 MS. DEERING: We were actually -- that's a good
5 idea because at the center, we were going to talk about, at
6 one point we were going to talk about the Yucca Mountain
7 review plan guidance. Igneous activity was on the table as
8 an example of how you can take that guidance and apply it to
9 conduct your sufficiency review, and that was going to give
10 us a visibility of the transparency.

11 What I thought was under issue resolution. We'd
12 probably include that in our letter on issue resolution.
13 So, rather than doing a vertical slice, we could do at the
14 center, feature that as an example.

15 SPEAKER: Are we still on to feature that as an
16 example, because YMRP is on hold?

17 MS. DEERING: Well, there's -- I'm not sure. I
18 think definitely we have issue resolution as a topic, and we
19 were going to have each KTI featured, you know, as we did a
20 couple months back. We had each project lead talk about it
21 for five, ten minutes. We were going to do that again, but
22 a little more structured, I think. Unfortunately, we only
23 have about 15 hours down there total. We cannot take each
24 KTI, but perhaps we could put a little extra emphasis on
25 that one if we want to feature it in our letter.

1 SPEAKER: In fact, if we have the flexibility --
2 we're getting into this afternoon's discussion already. I
3 think that to the extent that we focus rather than have five
4 minutes on ten KTI's, to have 25 minutes on two KTI's, we'd
5 be a lot better off.

6 MS. DEERING: Okay, that's good. That's really
7 good input for this afternoon.

8 MR. GARRICK: Yeah, I would agree with that.

9 MS. DEERING: And we're going to have Wes Patrick
10 and Bude Segar on the phone, and we can get a feel for how
11 this -- and the staff will be here -- what they think about
12 the idea, too.

13 MR. GARRICK: Now, the exception to that is that
14 if somehow, further analysis reveals that an issue is bigger
15 than we thought, such as the igneous activity. You know, we
16 wanted to put that one to bed two years ago. We're pretty
17 deliberate in our attempt to do that. So, that's the only
18 thing we have to keep in mind, is as new analyses are
19 performed, new evidence is developed and maybe new issues
20 emerge, are old issues that were not considered important
21 become important. We have to keep an open mind on that.

22 Okay, so what about structural deformation and
23 seismicity?

24 SPEAKER: Actually, of course, I think that what
25 we should do is wait until Bill is going to give us an oral

1 presentation this afternoon or tomorrow afternoon, I forget
2 when. We should probably wait and make final decisions
3 then.

4 From that I've seen of the report, again, I don't
5 think that that's one that we're going to choose to do a
6 vertical slice on.

7 MS. DEERING: The only thing I'd add is that there
8 are some issues that are cross cutting, and they cut across
9 lots of the other -- some of the hydrology, KTI's and so
10 forth. After we hear from Bill, we can see if we're right.

11 MR. GARRICK: And then, of course, the PA is
12 supposed to be the integrator, where it takes all of these
13 things and tries to in some rational way bring them together
14 in reference to a specific performance measure. So, we've
15 got a lot to do here.

16 MS. DEERING: And John, some of that in the
17 center, hopefully.

18 MR. GARRICK: Yes.

19 MS. DEERING: Risk insights is one of the very
20 important things we're trying to push and get out of that
21 meeting next month, is what we know today based on TPA code
22 application and other experiences. Get staff to talk to us
23 about risk insights in each of the areas, which is getting
24 to where you're going.

25 MR. GARRICK: Right, right. Now, do you want to

1 go to your Table 4?

2 MS. DEERING: Yes.

3 MR. GARRICK: We've got an action item here,
4 though, we want, and that is that each of the members needs
5 to, in collaboration with a staff member and a consultant,
6 needs to develop, let's say, a one-page or thereabout work
7 statement on what they're going to do. If we can bring that
8 to the November meeting, it would be ever so helpful, right?

9 MS. DEERING: Right.

10 MR. GARRICK: Okay. All right. Now you're going
11 to your Table 4?

12 MS. DEERING: Yes. Table 4 is --

13 MR. GARRICK: We're already past some of these,
14 aren't we?

15 MS. DEERING: Isn't this exciting? That's why
16 this is our favorite table. How far back do you want to go?

17 SPEAKER: We've procrastinated on several of
18 these, and they've come and gone.

19 MS. DEERING: Well, hey.

20 SPEAKER: We're where, on criticality?

21 MS. DEERING: Yeah, Bill Heinze just came back
22 fresh from this last one, so we can put a checkmark on that,
23 almost. We still need to read his report. Criticality, I
24 don't think we're really going to be sending anybody.

25 MR. GARRICK: Okay.

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1 MS. DEERING: Geet was going to get the summary
2 report.

3 MR. GARRICK: So you're all set to go to the
4 saturated zone technical exchange?

5 MS. DEERING: Yes.

6 MR. GARRICK: And Clark?

7 MS. DEERING: Yes, we're set to go.

8 MR. GARRICK: Have they decided on a location for
9 thermal effects yet?

10 MS. DEERING: Las Vegas.

11 SPEAKER: That's going to be January, Rich?

12 SPEAKER: That's my understanding. There was a
13 conflict with the center review. I think this drifted off
14 into January. I'd have to look.

15 MS. DEERING: Yes, I think it was the 8th. I'm
16 just remembering the 8th. I got that from NRC staff, but
17 Milt and I have been talking about this on the e-mail, and
18 he wanted an agenda before he made a decision for sure if he
19 was going to go, and I don't think there is on yet. That
20 will depend on the vertical slice he chooses.

21 SPEAKER: And the transport is still on for
22 Berkeley?

23 SPEAKER: Is it Berkeley or Las Vegas?

24 MS. DEERING: Oh, okay. I don't know.

25 MR. SCOTT: I can speak to that. Mike Scott. The

1 current plans, our radionuclide transport is in December and
2 is in Berkeley, but we're talking about moving it to Las
3 Vegas. The thermal effects on flow and evolution of nuclear
4 environment are currently together in one week, and it's the
5 second week in January, the week after the New Year's Eve.

6 MS. DEERING: Did you say Meerfield?

7 MR. SCOTT: Meerfield environment and thermal
8 effects on flow together in one five-day session. I believe
9 that's going to be -- that's also in a discussion between
10 Berkeley and Las Vegas, but it's definitely those two
11 together.

12 MS. DEERING: Is that because some of the issues
13 are the same?

14 MR. SCOTT: Right. There's some parallel there.

15 SPEAKER: When will the location be settled?

16 MR. SCOTT: Very soon.

17 MS. DEERING: A new development. Rod Ewing,
18 apparently John Larkins --

19 SPEAKER: Why don't you give me those first?

20 MS. DEERING: Oh, I'm sorry. I thought he wanted
21 to talk about it. I guess he doesn't.

22 John Larkins talked to Rod Ewing, and he does want
23 to be a consultant. Before, we didn't think we could get
24 him because he was too expensive, but he's changed his mind.
25 We're going to line him up, hopefully for the November

1 meeting and then get him on board to come out, just like
2 Bill and Marty are on board.

3 MR. GARRICK: He decided to go cheap like the rest
4 of us?

5 MS. DEERING: I don't know what kind of deal was
6 cut, but --

7 MR. LARKINS: Well, I could fill you in on the
8 details later, but I think, you know, like most of us civil
9 servants, you do get some benefit out of working for the
10 government, although they're minimal.

11 MS. DEERING: All right.

12 SPEAKER: What haven't we talked about on here
13 now?

14 MS. DEERING: I think the only thing is, I guess
15 by definition, we've agreed to this approach. How many
16 KTI's we choose, whether we have four or just one, do you
17 want to try to scope this stuff out and then --

18 MR. GARRICK: Yeah, and then decide.

19 MS. DEERING: Yeah, to scale it back if we're not
20 going to get there.

21 MR. GARRICK: It looks like we're going to have
22 two definitely TSPA, and CLST.

23 MS. DEERING: CLST, okay.

24 MR. GARRICK: Meerfield, and then to the extent
25 that we do others, that's great. We'll probably have

1 something, either seepage or saturated. We'll make that
2 decision later.

3 MS. DEERING: All right, sounds good.

4 MR. GARRICK: What's this BRWM site
5 recommendation?

6 MS. DEERING: That's a board meeting that George
7 brought to our attention, happening whenever -- what is
8 that, 12/14.

9 MR. GARRICK: What are they going to do at that
10 meeting regarding site recommendations? Do you know?

11 SPEAKER: No. I mean, I saw the agenda. I
12 forwarded it to Lynn.

13 MR. GARRICK: Okay.

14 MS. DEERING: Do I have the agenda? I'm not sure.
15 Yeah, it's possible. A long time ago?

16 MR. GARRICK: It certainly would be useful if some
17 member of the staff at least handled that.

18 SPEAKER: At the time it first came up, of course,
19 we were going to have a December meeting.

20 SPEAKER: Yes, correct.

21 MR. GARRICK: Yeah.

22 SPEAKER: Try and arrange the schedule.

23 SPEAKER: But it looks like, you know, they're
24 going to have major players there doing presentations.

25 MR. GARRICK: Yes.

1 SPEAKER: Knowing BRWN, they're probably thinking
2 about what they might do in terms of a study.

3 MS. DEERING: Well, I'm happy with what we've
4 done.

5 MR. GARRICK: Yes, Marty, what are they going to
6 tackle out there, do you know?

7 SPEAKER: I mean, you've seen the agenda. It will
8 probably be all day, just try and get a frame of reference.

9 SPEAKER: It's two days.

10 SPEAKER: It shouldn't be. That's the second --
11 it's only -- the presentation is only for one day.

12 SPEAKER: It's a two day BWRM meeting. They're
13 focusing site recommendation.

14 SPEAKER: We've got one day study topics
15 essentially at every meeting.

16 SPEAKER: Okay.

17 SPEAKER: The last one was on transportation.

18 MR. GARRICK: All right. Okay, Lynn, what else?

19 MS. DEERING: I think you did it all.

20 MR. GARRICK: Anything else that we need to talk
21 about?

22 SPEAKER: I think the dates on the Meerfield
23 environment are set.

24 SPEAKER: Mike said the second week in January,
25 which must be the week of the 9th.

1 SPEAKER: I believe it's the 8th through the 12th
2 or the 9th through the 12th.

3 SPEAKER: Okay.

4 SPEAKER: And the RDPME is two weeks after that.

5 SPEAKER: Okay.

6 MS. DEERING: Would you like me to put out an
7 e-mail kind of summarizing this and remind people of what it
8 is they're supposed to do?

9 MR. GARRICK: And an action item, what have you.

10 MS. DEERING: Okay.

11 MR. GARRICK: A reminder.

12 MS. DEERING: Do you want to hear a little update,
13 if possible, from the staff on the sufficiency? Jim, is
14 there anything you can tell us about latest developments?

15 SPEAKER: Well, right now, we had been discussing
16 what we can do at the November meeting. So, right now, I
17 don't think we can submit to having a public presentation on
18 the guidance. [Inaudible.] We will have the guidance
19 available for the staff. [Inaudible.]

20 MS. DEERING: So, you're planning on using it for
21 your purposes of reviewing PMR's?

22 SPEAKER: Yes.

23 MS. DEERING: Okay.

24 SPEAKER: We're developing our comments.

25 MS. DEERING: And will you be here this afternoon

1 for the discussion about the center agenda?

2 SPEAKER: When?

3 MS. DEERING: What, like after lunch, roughly
4 1:30, 1:45?

5 MR. GARRICK: The discussion about what?

6 MS. DEERING: The center agenda.

7 MR. GARRICK: Okay, because everything this
8 afternoon is off the record stuff, right?

9 MS. DEERING: Yes.

10 MR. GARRICK: Yes. All right. Are there any
11 comments from the committee on anything we've discussed
12 here? Is this a plan that we can go with? I think it's
13 pretty well documented. The strategy and its four elements
14 are pretty specific, and this is a way out of the dilemma of
15 reading how many PMR's are there? Hundreds? Oh, the AMR's
16 there's hundreds, yeah.

17 All right. Well, I think what we'll do is we will

18 --

19 SPEAKER: John, let me just mention one thing.

20 MR. GARRICK: Yes.

21 SPEAKER: There is a draft report floating around
22 on the stakeholders meeting from Las Vegas we will pick up
23 later today.

24 MR. GARRICK: Great.

25 SPEAKER: So, hopefully, everybody has a chance to

1 look at it and comment on it.

2 MR. GARRICK: That's --

3 SPEAKER: It's short, succinct, and potent.

4 MR. GARRICK: Okay. It's the one you were the
5 sponsor of?

6 SPEAKER: Yes, sir.

7 SPEAKER: Guilty as charged.

8 MR. GARRICK: Yes, yes. It will be short and
9 succinct.

10 SPEAKER: I'll triple space it. Otherwise it's
11 only five or six.

12 MR. GARRICK: Okay. Well, why don't we adjourn
13 for lunch. I'd say we'd come back early except this is a
14 federal register thing, and we'd better stick to our agenda.

15 SPEAKER: Well, we wanted to get together at lunch
16 time anyway and talk about --

17 MR. GARRICK: Yes, we have to get together and
18 plan some meetings that we're having this afternoon with the
19 commissioners, so we'll do that.

20 So, let's adjourn right now, and we'll be due back
21 at 1:45.

22 [Whereupon, the meeting was recessed, to reconvene
23 at 1:45 p.m., this same day.]

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