

To: West Valley Citizen Task Force  
From: Melinda Holland, Task Force Facilitator  
Subject: Summary of the October 20, 2004 Meeting  
Date: November 1, 2004

### **Next Meeting**

The next Citizen Task Force meeting will be held as follows:

Date: Wednesday, November 17, 2004  
Time: 7:00 - 9:30 p.m.  
Location: West Valley Demonstration Project Site  
10282 Rock Springs Road  
West Valley, NY

NOTE: All participants must bring photo identification to enter the site.

If you have questions or comments regarding the upcoming meeting or about this summary, please contact Melinda Holland at (828) 894-5963, or Tom Attridge at (716) 942-2453.

### **CTF Attendees**

Attending were: Pete Scherer, Paul Piciulo, T. J. Jackson, Ray Vaughan, Mike Hutchinson, Lee Lambert, Bill King, Eric Wohlers, Gayla Gray, Joe Patti, John Pfeffer, and Warren Schmidt.

CTF Members not attending (nor represented by an alternate) were: Mark Mitskovski (for Larry Rubin), Tim Siepel, Rev. Bill Kay, Ron Buczak, John Allan, and Nevella McNeil.

### **Agency Attendees**

Chad Glenn and Bob Prince , Nuclear Regulatory Commission (NRC).

### **Meeting Highlights**

- ▶ Presentation and Discussion on current West Valley Demonstration Project (WVDP) site work and regulatory activities;
- ▶ Review of information requested by the CTF on the Vitrification Dismantlement Project;
- ▶ Update from NYSERDA regarding the status of their response to the CTF's comments on the draft legislation.

### **Meeting Summary**

Tom Attridge, NYSERDA, reviewed the documents distributed at this meeting and Melinda Holland reviewed the agenda. CTF member Ray Vaughan noted that he attended the Lewiston Porter School Board meeting to explain the CTF resolution, and that the School Board passed a resolution in support of the CTF.

#### *Overview of Recent Work at the WVDP Site and Regulatory Activities*

T. J. Jackson, DOE, provided the CTF with a brief overview of recent work at the WVDP site. In response to a CTF member question he explained that the additional \$10 million in 2004 funding was used to add the vitrification cell dismantlement scope to the contract and double the amount of waste

removal from the other cells in the main plant. In response to the CTF member's request for additional detail on the scope of work for this additional funding, Mr. Jackson explained that dismantlement of the vitrification facilities and shipping additional waste off-site were the major activities. He explained that DOE authorizes the work scope but the prioritization of the work is the responsibility of the contractor based on the work scope and milestones. The CTF member requested a copy of the scope of work for these activities. Mr. Jackson stated that this information was in the contract and he would inquire as to whether that document could be released. Responding to another question, Mr. Jackson explained that the waste currently being removed will be boxed and stored on-site until it can be shipped off-site for disposal. Mr. Jackson also explained that the Waste Management Environmental Impact Statement Record of Decision (WM EIS ROD) is still at DOE Headquarters and it is scheduled to be signed before the end of the year. A CTF member asked for clarification regarding why the WM EIS ROD has been delayed for over a year. Mr. Jackson noted that DOE Headquarter's was working through issues that include the destinations where waste will be shipped and inclusion of TRU waste in this ROD. Class B and C waste cannot be shipped until the WM EIS ROD is final, without this ROD, site cleanup work could be impacted by the end of FY 2005.

In response to a question about the status of the future procurement and the current West Valley Nuclear Services Company contract, Mr. Jackson explained that DOE Headquarters has not yet made a decision. DOE West Valley personnel are recommending that the current contract be extended for 9 months under the contract's continuity of services clause. The scope of work for such an extension could include shipping as much Class A waste as possible and removal of many unneeded facilities, buildings, trailers, and infrastructure. A CTF member asked if there would be layoffs under this type of work scope and what would happen to work on the preferred alternative. Mr. Jackson responded that the site is continuing with planning for the future cleanup. He could not answer regarding future layoffs but estimates that the site probably will not need as much in the way of science/engineering/administrative skills but will need more hands-on labor and support workers to ship waste and decontaminate/dismantle facilities. Another CTF member requested a copy of the scope of services for the contract extension. Mr. Jackson agreed to provide that information when it becomes available. In response to a question about the future need for infrastructure to support the staff needed for implementation of the preferred alternative for the final site cleanup, Mr. Jackson explained that there is currently office space for approximately 300 people after the current removal of office trailers is complete.

A CTF member asked for the site's schedule/time-line for achieving the final end-state for the site. Mr. Jackson explained that NYSERDA recently proposed a different approach which would allow the EIS contractor to draft the EIS documents then have a longer review/comment opportunity after the drafts are available. Mr. Jackson also stated that DOE now plans to issue the Decommissioning Plan and the EIS at the same time. The current schedule shows release of the final EIS in 2007. The cooperating agencies held a meeting recently and discussed this approach, and how this EIS could satisfy NRC and NYSDEC EIS needs and requirements. The cooperating agencies plan to meet again in a few weeks.

#### *Review of information requested by the CTF on the Vitrification Dismantlement Project*

In response to a CTF member question, Mr. Jackson explained that the vitrification melter is scheduled to be removed by the end of October, that the Nevada Test Site is one of the candidate disposal sites for the melter, and that DOE hopes to have it shipped for disposal as early as spring 2005. The CTF member asked about the impact of waiting to remove the melter until it was ready for disposal instead of staging it outside over the winter. Mr. Jackson replied that they would need to re-mobilize all the equipment and crews to move it at a later date, plus there is a contract milestone for it to be removed this fall. Mr. Jackson also mentioned that Chad Glenn and Bob Prince of NRC, are on-site this week doing an inspection and review of the melter removal process. Mr. Prince gave the CTF a brief

overview of the focus of this inspection which he said was to review the packaging to be used, the qualifications of the contractor who manufactured the packaging container, and the construction techniques used (review of welding records, etc.), and the quality control oversight performed for this contract.

A CTF member reminded NRC that the container to be used does not yet have DOT certification nor approval for shipment to a disposal site. Mr. Prince stated that he understood those points and that NRC's main focus is to assure that the material is properly characterized and that the packaging meets the U.S. Department of Transportation (DOT) requirements. They will also review the storage method, and the safety and accident scenarios evaluated. In approximately 30 days, after the completion of the inspection, NRC will issue a report for this inspection which will be shared with the CTF. In response to CTF questions about why NRC is doing this inspection so late in the process, a NRC representative responded that DOE does not need NRC approval for this activity, but NRC decided to do the inspection after NYSERDA and the CTF raised concerns over risk and safety issues. A DOE representative stated that he has seen no justification for safety concerns, and that NYSERDA's issue focuses mostly on the sequence of removing the melter and disposal. NRC representatives explained that they cannot address work sequencing issues, only safety. CTF members expressed concern that the melter will be removed before NRC issues its report. NRC representatives responded that they will verbally communicate any concerns they have from the inspection to DOE this week, then follow up with a written report.

In response to a CTF member question about which wastes have RCRA waste characterization, a DOE representative explained that the melter has RCRA waste characterization, but a lot of waste which was packaged during the 1980's does not. Those wastes will have to be examined, certified to meet waste acceptance criteria, and potentially repackaged prior to being shipped off site for disposal.

Next, John Chamberlain, WVNSCO, reviewed their written responses to the CTF's questions and requests for information expressed at the September 27<sup>th</sup> CTF meeting. A Task Force member asked for clarification regarding the 125 mrem/hr. listed on one of the container labels. Mr. Chamberlain explained that this reading was a hot-spot on one area of the container, the readings on the rest of that container were from 0.1 to 31 mrem/hr. In response to another CTF question, Mr. Chamberlain explained that there are no DOT criteria for storage of wastes, only for shipment. The Task Force member reiterated that he believes the waste should be stored in a safe building not in the open. Another CTF member asked if there will be free air space inside the melter after it is packaged. Mr. Chamberlain explained that the melter may be grouted to fill that air space once a disposal destination has been determined.

CTF member Ray Vaughan mentioned that he met with Bryan Bower, DOE, via telephone to discuss their respective calculations (written discussions of each set of calculations were distributed at this meeting). Mr. Vaughan stated that his key concerns with the accident scenarios are the assumptions used to estimate how much material gets into the air and the size of particles which may be inhaled. He stated that DOE should also have analyzed a terrorist attack/explosion scenario which he believes would release a much greater amount of respirable particles into the air than DOE analyzed in its calculations. He asked that DOE do this further analysis and utilize the procedure for analysis of explosion risk in Chapter 4 of DOE Report 3010. Another CTF member noted that the terrorist attack scenario was not considered in the WM EIS, and that it should be included. A Task Force member suggested that DOE analyze a lightning strike scenario as well. A DOE representative agreed to look at DOE Report 3010 and do the analysis for explosion and lightning strike. A NRC representative stated that if the container holding the melter meets DOT specifications, then NRC will be satisfied. He said that NRC would also investigate whether the DOT criteria consider lightning strikes and what NRC's quantities of concern are regarding terrorism. He said that NRC is not publishing the results of its terrorist risk analysis but they are doing the analysis, and there is information sharing ongoing between NRC and DOE on this issue.

A NYSERDA representative asked if a Waste Incidental to Reprocessing (WIR) determination will be made for the melter. A DOE representative responded that they are currently evaluating WIR for these components. A Task Force member voiced his concern that NYSERDA did not have the information on whether a WIR determination is being done. The NYSERDA representative added that there is a lot of information that NYSERDA does not routinely receive. The CTF member urged the agencies to improve their communications.

*Update from NYSERDA Regarding the Status of Their Response to the CTF's Comments on the Draft Legislation*

Paul Piciulo, NYSERDA, stated that NYSERDA has made major changes to the draft legislation based on the CTF's comments. The draft is currently under review by other New York State agencies/entities. NYSERDA is working to address the CTF comments and hoping to be ready to discuss the draft legislation at the November 17, 2004 CTF meeting. NYSERDA's goal is to develop draft legislation that New York and the CTF can agree upon, and he anticipates that the legislation would be introduced during the 2005 legislative session. Dr. Piciulo expressed concern over possible confusion resulting from a letter signed by several environmental and social organizations which was sent to the Congressional delegation to provide comments on the first draft of the legislation. He noted that the CTF has extensive community participation in its membership and expressed a preference that the CTF work cooperatively with outside groups to find a way to incorporate those groups' concerns into in the discussions between NYSERDA and the Task Force regarding the legislation. CTF members agreed to use their best efforts to accomplish this goal.

Gayla Gray provided a brief overview of the Seneca Nation of Indians' written comments to NYSERDA on the draft legislation. In response to a CTF member question, Ms. Gray stated that she believes that the Seneca Nation is open to discussions with NYSERDA and the CTF to achieve mutually agreeable draft legislation.

*Future Meeting Topics, Observer Comments, and Next Steps*

The November 17<sup>th</sup> CTF meeting will focus primarily on the draft legislation along with a brief presentation by the Southern Tier West consultant on the site redevelopment study. The December 15<sup>th</sup> CTF meeting will focus on the draft legislation (as needed) and DOE's update on the site contract.

**Observer Comments**

Chad Glenn, NRC provided verbal responses to the two action items assigned to him from the September 27<sup>th</sup> CTF meeting as follows: NRC does not certify the transportation containers for the three large components being removed from the vitrification facility; and NRC recognizes DOE's use of the 25 Rem number - it is not a dose limit to the public, but is used in the evaluation of accident scenarios for reactors being constructed. The value is used to evaluate the adequacy of design to mitigate highly unlikely accident consequences. The value was also used in the design of the vitrification facility.

**Action Items**

| <b>Action</b>   | <b>Assigned To</b> | <b>Due Date</b>           |
|---|--------------------|---------------------------|
| Provide the CTF with the scope of services for the contract extension   | T. J. Jackson      | When available            |
| If it can be released to the public, provide the CTF with a copy of the scope of services for the additional \$10 million of 2004 funding | T. J. Jackson      | November 17 <sup>th</sup> |
| Provide the CTF with the schedule/time-line for achieving the final end-state for the site  | T. J. Jackson      | When available            |
| Provide the CTF with a copy of the report from NRC's inspection held the week of October 20 <sup>th</sup>                                 | T. J. Jackson      | When available            |
| Provide the CTF with a copy of the radiological characterization for the melter   | T. J. Jackson      | Upon completion           |
| Utilize DOE Report 3010 and do the risk analysis for explosion and lightning strike on the packaged melter                                | Bryan Bower        | 11/12/04                  |
| Provide the CTF with a copy of the RCRA profile for the melter.   | DOE - T.J. Jackson | Upon completion           |

**Documents Distributed**

| <b>Document Subject</b>  | <b>Document Description</b> | <b>Generated by–Date (if applicable/known)</b> |
|--|-----------------------------|--|
| Meeting Agenda   | Agenda                      | Holland; 10-20-04                              |
| Sept. 29, 2004 CTF Meeting Action Items and Resolutions  | Response to questions       | DOE, WVNSCO; 10-19-04                          |
| Seneca Nation of Indians' Comments on NYSERDA's Draft Legislation  | Letter                      | Seneca Nation; 10-9-04                         |
| Presentation on recent work at the WVDP  | presentation                | Jackson; 10-20-04                              |
| Memorandum to the CTF  | Memo                        | D'Arrigo & Rabe; 10-20-04                      |
| Letter to WNY Congressional Delegation on NYSERDA draft legislation  | Letter                      | D'Arrigo & Rabe, et.al.; 9-20-04               |
| Energy Communities Alliance Bulletin   | Newsletter                  | ECA; September, 2004                           |
| NYSERDA letter to the WNY Congressional Delegation in response to the 9/20/04 D'Arrigo & Rabe, et.al. letter | Letter                      | NYSERDA; 10-12-04                              |

| <b>Document Subject</b>  | <b>Document Description</b> | <b>Generated by–Date<br/>(if applicable/known)</b> |
|--|-----------------------------|--|
| Memo to the CTF “Incorrect WVNS Calculation of Dose From Tank/Melter Accident” | Memo                        | Vaughan; 10-6-04                                   |