

To: West Valley Citizen Task Force  
From: Tom Attridge  
Subject: Summary of the September 27, 2004 Meeting  
Date: October 11, 2004

### **Next Meeting**

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

Date: Wednesday, October 20, 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, and Warren Schmidt.

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

### **Agency Attendees**

Denise D'Angelo, New York State Department of Environmental Conservation

### **Agency Attendees via Videoconference**

Chad Glenn, U.S. Nuclear Regulatory Commission (NRC)

### **Meeting Highlights**

< Presentation and Discussion on the Vitrification Dismantlement Project

### **Meeting Summary**

Tom Attridge, NYSERDA, reviewed the documents distributed at this meeting and reviewed the agenda.

#### *Presentation on the Vitrification Dismantlement Project*

Russ Mellor, President of WVNSCO, provided a presentation on the Vitrification Dismantlement Project. The presentation covered the history of the vitrification process, safe operations, and the plans for removal and storage of large components from the Vitrification Cell (VC). Throughout the presentation, CTF members asked questions and provided comments on the topic as described below.

A CTF member asked how many canisters were made using non-radioactive glass at completion of the

vitrification campaign. Russ Mellor said that two “evacuated” canisters were made to draw out any contaminated glass from the melter. He also said that several canisters were made using only non-radioactive glass-forming chemicals as part of the final system flushing process. WVNSCO will check on how many of these canisters were made and provide the answer to the CTF. A CTF member inquired as to whether the large components (the Concentrator Feed Make-up Tank (CFMT), the Melter Feed Hold Tank (MFHT), and the melter) being removed from the VC are being size-reduced. Mr. Mellor responded that they were not being size-reduced because it would take extra time to cut up the components and the high dose rate. The CTF member asked whether any of the three components being removed could be processed at the Remote-Handled Waste Facility (RHWF). Russ Mellor said that the large size of all three components would rule out this possibility, adding that the melter’s high dose rate would also preclude it from consideration. The CTF member asked if he could see a comparison of shipping the three large components as-is vs. being size-reduced. Mr. Mellor indicated that this comparison has not been done.

A CTF member asked what the final destination of the melter is going to be. Russ Mellor said that the melter would either be sent to a low-level radioactive waste (LLRW) disposal facility (as Class C LLRW) or sent to another site for autopsy (for lessons learned). When asked what sites would accept the melter for disposal, Mr. Mellor said the Nevada Test Site (NTS) was a possibility, but there may be other options as well. A CTF member asked for a list of potential disposal options for the melter by the next meeting.

A CTF member inquired how the dose rate for the components are determined. Mr. Mellor said initial calculations are made to predict what the dose rates will be and then confirmation surveys of the actual components are taken (remotely). The components are loaded into a shipping container and surveyed again to determine what the dose rate will be for transportation of the loaded shipping container. A CTF member asked about the transuranic content of this Class C LLRW. A WVNSCO representative responded that it was less than 40 nanocuries/gram. The CTF member said that it was important to keep in mind that the WVDPA Act defines transuranic waste as anything above 10 nanocuries/gram, while disposal regulations say 100 nanocuries/gram for a transuranic waste determination.

A CTF member asked about the possibility for any of these components to be put back into service by other DOE sites that are planning to vitrify HLW. Mr. Mellor responded that because the composition of the waste is different, as well as the size of the melter, other DOE sites would not be interested in these components. The DOE representative added that the melter at West Valley was near the end of its design life when it was taken out of service. The NYSERDA representative asked why the label on the outside of the CFMT container shows a dose rate of 125 millirem/hour, but the presentation materials say the maximum dose rate is 20 millirem/hour. A WVNSCO representative said that the label may have been placed on the container prior to grouting, but that they would check on this. A CTF member asked if there was a weight limit on shipping the melter and, if not, would it be possible to add other waste components inside the melter before shipping. Russ Mellor replied that waste packaging requirements wouldn’t allow adding additional materials.

A CTF member indicated that he was troubled by storage of these components outside of the VC. He asked how long the components would be stored before they are shipped off site. Mr. Mellor replied that in his opinion it would be six months to a little over a year, at most. The CTF member asked why the site wanted to gamble and remove these components from a safe facility to the outdoors without knowing when they will be shipped off site. Mr. Mellor responded that this work needed to be done to continue to make progress on the cleanup of the site. The CTF member added that if the containers remain in storage for a lengthy period, then DOE may be subject to New York State storage fees.

A CTF member asked whether a cost-benefit evaluation had been done for shipping the components whole vs. size reducing them. Russ Mellor responded that the cost of disposal was ultimately based on

volume. The DOE representative said that there were time constraints for size-reducing the components influenced by available time, people and money. The analysis for this kind of size reduction indicated three to five years to cut up the large components. He added that DOE was looking to get more work done before the WVNSCO contract ended. The CTF member asked if this project was part of a change in work scope and the DOE representative said that it was. Another CTF member inquired about the possibility of having to pull the melter back into the VC for grouting. A WVNSCO representative said that the shipping container is outfitted with special ports that will allow grout to be pumped inside the container and the melter (without having to remove the melter from the outside container).

A CTF member asked whether the shipping containers for these components are permitted by the NRC. Mr. Mellor stated that they are only required to be permitted by the U.S. Department of Transportation (DOT) as they are Type A waste containers. The NRC representative said that he will check with his agency regarding the shipping container and get back to the CTF. Considering the fact the shipping container for the melter will require an exemption from the DOT because of the expected high dose rate (>1000millirem/hour), a CTF member asked what happens if an exemption cannot be obtained. Mr. Mellor said that if this happened, they would not attempt to size reduce the component, but rather ship the waste in a Type B waste container. A CTF member asked if there was anything else standing in the way of shipping the melter (other than the final destination and issuing the Record of Decision for the Waste Management EIS). Russ Mellor replied that waste profiles need to be completed for disposal at the Nevada Test Site (NTS). A CTF member asked if the containers were certified. Russ Mellor said that although they had not been certified by the DOT, they have had extensive discussions with the DOT about their plans. The CTF member asked if the containers would stand up to severe weather conditions. Mr. Mellor responded that they would, but if for some reason the containers don't get shipped off for disposal, it would be possible to cover them with a temporary shelter.

A CTF member asked if NTS would accept waste that is so highly radioactive. Mr. Mellor said that NTS would and that other LLRW sites accept waste with substantially more radioactivity than what is in these components. Another CTF member asked if the documentation for LLRW classifications and Resource Conservation and Recovery Act (RCRA) determinations for these components were available. The DOE representative indicated that they would provide that information to the CTF. The CTF member asked DOE to include any qualifying assumptions DOE incorporated in these calculations.

Mr. Mellor distributed a chart presenting an Accident Consequence Comparison (attached to the end of this summary). Russ Mellor described the results of a dose assessment analysis for accidental releases involving different radioactive materials including an accident involving the CFMT, MFHT, and Melter. A CTF member said that he was confused by the chart. Another CTF member questioned the 25 rem standard for off-site dose to the public (seems too high) and the 1.82E-04 rem dose to public (seems too low) from the CFMT/MFHT/Melter accident scenario. A DOE representative answered that the dose assessment analysis was based upon a DOE and NRC-approved method for this type of assessment. The CTF member asked if he could receive a copy of this documentation and DOE agreed to provide this to the CTF member. The NRC representative was asked to confirm accuracy of using the 25 rem standard, to which he replied that he would have to check on this and get back to the CTF. A CTF member commented that he was concerned that this waste was no longer going to be protected by a building. Russ Mellor responded that the waste will be safe at either location, inside the VC or outside within the shipping containers. The CTF member reminded Mr. Mellor that the spent fuel shipping cask was guarded by the County Sheriff.

A CTF member asked if there was disagreement between NYSERDA and DOE regarding whether the components were LLRW. The NYSERDA representative said that although his agency is in favor of moving these components off-site for disposal, they are also concerned that DOE is moving forward without resolving all of the issues. He said that NYSERDA believes a Waste Incidental to Reprocessing (WIR) determination should be completed for these components. He suggested that the components

should remain in the VC until all of the issues have been resolved. The DOE representative said that the components have been characterized and meet all of the criteria for LLRW disposal. A WVNSCO representative stated that the WIR issue is confusing and often misunderstood, adding that the issue arose from a lawsuit against grouting HLW tanks in place and its application to shipping LLRW components for off-site disposal was never envisioned.

A CTF member asked whether it was possible to move the shipping containers back into the VC if the off-site shipping option isn't available. Mr. Mellor responded that, although possible, this wasn't likely because of the size of the containers. The components would have to be removed from the containers to put them back in the VC.

A CTF member asked about the additional work scope that was developed to cover this project. The DOE representative responded that there was an additional \$10M from last year's budget and they encouraged WVNSCO to identify means to remove contaminated components from site facilities as work scope for these funds. The total work scope for VC dismantlement is \$26M, which includes the additional \$10M. DOE said they would provide a copy of the additional work scope to the CTF. A CTF member asked whether the existing contract with WVNSCO, scheduled to end on December 31, 2004, will be extended. The DOE representative stated that he did not know whether the contract would be extended, but if it is, he would provide a copy of the work scope to the CTF. Russ Mellor indicated that WVNSCO is there to serve the project regardless of what happens. The DOE representative added that there is a continuity clause in the current contract which ensures that services are not interrupted should the contract need to be extended.

A CTF member said he was concerned that this project seemed to be in a big rush to complete. Mr. Mellor responded that nothing is being rushed and nothing is being done unsafely. The DOE representative stated this work had to be done at some time and he fully intends for this waste to be shipped for disposal. A CTF member observed that it seems like the decision to do this was made to give WVNSCO some busy work to do, while guessing that unresolved issues will all work out. She added that it does not make sense to move these components out of a new building. The DOE representative asked the CTF member if she does not want DOE to move these components out of the VC, then what does she want DOE to do instead. The CTF member commented that the demonstration project up until now has been fantastic and asked why another demonstration project couldn't be initiated to demonstrate successful site cleanup.

The NYSERDA representative inquired why the melter was not being grouted. The DOE representative responded that it is not being grouted, as a contingency, until the determination for shipping/disposal has been completed. He added that if there is an issue with this component, they will not have to remove any grout to go in another direction. The NYSERDA representative asked if they expected a decrease in the dose rate after the component is grouted. A WVNSCO representative answered that the reduction in dose rate would be minor because they use a low-density grout. A CTF member asked DOE, if they are not grouting the melter, what decision still has to be made regarding its disposal. The DOE representative replied that they need a final destination for the melter. Another CTF member requested that DOE provide a list of possible final destinations for the disposal of these components, including their rank (from most likely to least likely), who will make the final decision, and when the sites will be available for receiving this waste.

A CTF member asked about the schedule for completing this work. Mr. Mellor replied that the CFMT is already inside its container, grouted, and being stored on a hard stand at South Plateau. The MFHT will be removed from the VC, placed in the container and grouted next week. The melter will be removed, placed inside its container, and moved to a hard stand by the end of October. Component removal will continue through the end of 2005.

A CTF member asked under what National Environmental Policy Act (NEPA) coverage was this work being performed. A WVNSCO representative said that this is a RCRA closure action and that Project decontamination work is covered under the 1982 EIS. The DOE representative, having observed the significant discussion at the meeting, offered to provide similar presentations on current project activities at future CTF meetings.

A CTF member asked NYSERDA if they see any way out of this movement of the components from the VC. The NYSERDA representative responded that although they are looking out for the best interests of the community, they do not have any regulatory clout to stop this action. He added that NYSERDA does not think it is a wise idea to move the melter out of the VC at this point in time with so many unresolved questions. Another CTF member asked if NYSERDA had any input on the new contract procurement process. The NYSERDA representative answered that they had seen a draft scope of work back in February but have not seen anything since that time. He added that NYSERDA wrote to Bob Warther in June expressing concern about the slow pace of the procurement process. A CTF member asked if the project could come to a stop in January if a new contract is not in place. The DOE representative said that would not happen as there is still much work to be done.

A CTF member put forth a motion on a resolution for CTF consideration, taking a position that the melter should not be removed from the VC due to unresolved questions about storage, transportation, WIR, and final destination for disposal. The CTF did not take immediate action on this resolution, but entered into a discussion about the resolution. Another CTF member said he did not feel comfortable impeding the progress of the cleanup and did not have the same level of concern that other CTF members had about the safety of these containers. Another CTF member stated that although he did not have concerns about the safety of these containers, he is concerned with how long DOE takes to make decisions. A CTF member asked if the RCRA profile for the melter had been completed and if it was available. The DOE representative said that the profile was not complete yet, but would be completed before the melter was moved outside. The DOE representative said that he would provide the CTF a copy of this profile when it was completed. Another CTF member asked if DOE will have the DOT exemption before the melter is put in the shipping container. The DOE representative stated that they will not have the exemption by then and that they were making a risk-based decision to move forward. At the conclusion of the discussion, a CTF member put forth another motion on a revised resolution for CTF consideration, which reads as follows:

*It is the opinion of the CTF that the melter should not be removed from the VC until unanswered questions about risks and benefits, RCRA data, and disposal destinations are resolved.*

Another CTF member seconded the motion. Eight CTF members voted in favor of the motion. One CTF member voted against the resolution. There were no abstentions.

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

The October 20 CTF meeting will focus primarily on the draft legislation.

#### **Observer Comments**

Colleen Gerwitz commented that she had attended a recent meeting of the National Academy of Sciences on Waste Incidental to Reprocessing. She indicated that there was significant ongoing technical debate about WIR'd waste. Interstate equity issues are a continuing concern for this waste. For example, the state of New Mexico is modifying the Waste Isolation Pilot Plant (WIPP) permit so they cannot accept waste, that was once defined as HLW, without an exemption from New Mexico. John Chamberlain noted that the situation in New Mexico arose from concerns over sending waste from storage tanks at

Hanford to WIPP for disposal. The tank waste had been considered HLW.

CTF member Gayla Gray asked if there was anything new on the Regulators Communication Plan. There was nobody that could answer that question as Chad Glenn had signed off the videoconference by this time. Mrs. Gray asked what the latest revision of the plan was and Colleen Gerwitz answered that it was dated 5/20/2003.

**Action Items**

<b>Action</b>	<b>Assigned To</b>	<b>Due Date</b>
Check on how many canisters were made using only non-radioactive glass at the end of the vitrification campaign.	WVNSCO - Russ Mellor	10/20/04
Check the labeling on the CFMT container to reconcile the difference between the label (125 millirem/hour) and the presentation materials (max = 20 millirem/hour)	WVNSCO - Russ Mellor	10/20/04
Check with NRC to see if the IP-2 containers must be permitted by NRC.	NRC - Chad Glenn	10/20/04
Provide the documentation for LLRW classifications and Resource Conservation and Recovery Act (RCRA) determinations for these components, including any qualifying assumptions DOE incorporated in these calculations.	DOE - T.J. Jackson	As soon as possible
Provide the documentation for the dose assessment analysis that supported the Accident Consequence Comparison chart.	DOE - Bryan Bower	10/20/04
Get NRC's reaction to the documentation for the dose assessment analysis that supported the Accident Consequence Comparison chart.	NRC - Chad Glenn	10/20/04
Provide the CTF with a copy of the additional work scope for the vitrification dismantlement project.	DOE - T.J. Jackson	10/20/04
Provide the CTF with a copy of the new work scope (2005) if WVNSCO contract is extended.	DOE - T.J. Jackson	When available
Provide the CTF with a list of possible final destinations for the disposal of the three components, including their rank (i.e. most likely to accept), who will make the final decision, and when the sites will be available for receiving this waste.	DOE - T.J. Jackson	10/20/04
Provide the CTF with a copy of the RCRA profile for the melter.	DOE - T.J. Jackson	Upon completion
Distribute a copy of the 9/27/04 CTF resolution to the full CTF.	Melinda Holland	10/15/04

**Documents Distributed**

<b>Document Subject</b>	<b>Document Description</b>	<b>Generated by–Date (if applicable/known)</b>
Draft Agenda	Agenda	9/27/04
Vitrification Dismantlement Project Presentation	Presentation	9/27/04
Accident Consequence Comparison	Chart	9/27/04
Letter from Paul L. Piciulo, NYSERDA, to Robert F. Warther, DOE, dated July 23, 2004	Correspondence	7/23/04
Letter from Robert F. Warther, DOE, to Paul L. Piciulo, NYSERDA, dated August 13, 2004	Correspondence	8/13/04
Letter from Paul L. Piciulo, NYSERDA, to Robert F. Warther, DOE, dated August 27, 2004	Correspondence	8/27/04