



SRS Citizen's Advisory Board

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Waste Management Committee

**Aiken Federal Building, Aiken, SC
January 6, 2004**

The SRS Citizens Advisory Board (CAB) Waste Management Committee (WMC) met on January 6, 2004, 5:00, at the Federal Building, Aiken, SC. The purposes of the meeting were to discuss the WIR, WIPP Permit Modifications, Glass Waste Storage Building #2, and to receive public comment.

Attendance was as follows:

CAB Members

-Bill Willoughby
-Bill Lawless
Gerald Devitt
-Murray Riley
-Wade Waters
William Lawrence
Leon Chavous

Perry Holcomb

Stakeholders

Bill McDonell

Lee Poe
Karen Patterson
Kelly Hunter, Duke Cogema
Mike French

DOE/Contractors

de'Lisa Bratcher, DOE
Ron Campbell, WSRC
Joe Carter, WSRC
Bert Crapse, DOE
Guy Girard, DOE
Sonny Goldston, BNFL-SW
Drew Grainger, DOE
Kim Hauer, DOE

Bob Hinds, WSRC
Larry Ling, DOE

Jim Moore, WSRC

Regulators

*CAB Technical Advisor
-WM committee members
+Facilitator
^Press

Jeff Newman, WSRC
Joe Ortaldo, WSRC
Julie Petersen, DOE-OEA
Kelly Way, WSRC

Bill Willoughby called the meeting to order at 5:00. He welcomed those in attendance and asked for introductions. He then introduced the first speaker.

Environmental Impact Statement (EIS)- Updates-Drew Grainger West Valley EIS

Mr. Grainger updated the group on the Final West Valley Demonstration Project Waste

Management EIS. It was approved on December 19, 2003, and distribution is scheduled for the week of January 12, 2004. Three alternatives were examined, with the preferred alternative being "offsite shipment of waste for disposal and ongoing management of Waste Storage Tanks". Historically, DOE has chosen the preferred alternative. Alternative B, which is not preferred, would involve SRS. In this alternative, the high level waste (HLW) would be shipped to Hanford or SRS for interim storage prior to disposal in a geologic repository. The SRS CAB submitted Recommendation number 169 to DOE-SR and West Valley as a comment on the Draft EIS. This recommendation has been answered by DOE-SR and will be answered by West Valley in the comment response section of the final EIS.

Scrap Metal Draft Programmatic EIS

DOE is currently preparing a programmatic EIS (PEIS) on the disposition of scrap metal. In January 2000, DOE imposed a moratorium on the release of volumetrically contaminated metals from any DOE location pending a Nuclear Regulatory Commission (NRC) approach for release. NRC is in the process of rulemaking regarding contaminated metals. DOE facilities are not licensed by NRC. If NRC doesn't make a rule on this, DOE could go forward with their own release criteria or wait for NRC. In February 2003, the NRC announced its decision to proceed with rulemaking on alternatives for controlling disposition of scrap metals, but no action has been taken.

In July 2000, DOE temporarily suspended unrestricted release for recycling of scrap metal from radiological areas. In 2001, DOE decided to begin a National Environmental Policy Act (NEPA) review in order to provide the public an opportunity to participate in decision making on scrap metal disposition. Scoping meetings were held in the summer and fall of 2001. The majority of public comments expressed opposition to the continued release of scrap metal materials.

The alternatives include a "No Action" which is a release to commerce in compliance with DOE Order 5400.5. Another alternative is a release to commerce in compliance with alternative standards. The last two alternatives include "restricted release" and "no release". No official definitions of these terms have been developed. The "No release" alternative is the one that has been in place for the last four years.

The current draft PEIS does not list a preferred alternative. Approval and distribution of this Draft PEIS is scheduled for January-February 2004.

Waste Incidental to Reprocessing (WIR) and Lawsuit Updates-Larry Ling.

Mr. Ling reminded the group of the activities that have transpired so far. The judge ruled against DOE in the Idaho Federal District Court in July 2003 and in favor of the Natural Resources Defense Council (NRDC). DOE has been preparing for the appeal process since that time. The DOE appeal brief will be filed in the Ninth Circuit Court of Appeals in San Francisco on January 23, 2004, with the NRDC brief scheduled to be filed on March 12, 2004. Four weeks later, the government's reply to the NRDC brief will be filed.

Mr. Lawless recalled that at the November CAB meeting in Charleston, SC, the Department of Health and Environmental Control (DHEC) stated that Senator Lindsey Graham was taking the lead regarding the legislative language to help resolve the issues regarding WIR and the

classification of HLW. However, DHEC does not believe that additional legislation is necessary. They believe that the Judge's ruling provides sufficient latitude that would allow DOE to proceed. Mr. Ling stated that as far as he knew, this legislative initiative was still being pursued. The Senate comes back in session January 20, 2004. Ms. Patterson asked if the government were to lose the appeal, would they then appeal to the Supreme Court. Mr. Ling stated that he didn't know, but that was certainly a possibility.

Mr. Willoughby emphasized that it appears to the public that no work is being done. The salt waste needs to be removed from the tanks. He added that the site is going to hit a point when the tanks are full, and there would be no way to get rid of radioactivity in them. DHEC has commented that issues between the state and Savannah River can be resolved. The WM Committee has the potential to assist in resolution.

Mr. Ling believes that DHEC's position is that if DOE were to determine this waste was not HLW, then DHEC would have no jurisdiction over that waste classification. DHEC's concern at this time is that the process DOE would employ to determine how to manage the waste is currently being challenged in court. Mr. Carter added that The Governor's Advisory Council, DOE, and DHEC met in Columbia in November. Progress was made in understanding the process and the policy issues. He added that work is being done at Savannah River to aid in resolution of the policy issue.

Mr. Ling told the group that there are both legal and policy issues to be resolved before DOE will authorize disposal of the Salt waste or closure of the waste tanks. These are being worked as independent issues, but both must be resolved.

The Tank Closure dates are specified in an agreement with the state and the Environmental Protection Agency (EPA) as documented in the Federal Facility Agreement (FFA). The FFA closure dates for Tanks 18 and 19 are June 30, 2004, and March 31, 2004, respectively. Mr. Ling and Mr. Carter told the committee that these dates would not be met as a result of the legal challenges.

Action-Mr. Ling will send Ms. Way a copy of the appeal once it is filed. She will send it to the committee.

WIPP Permit Modifications-Bert Crapse, TRU Waste program manager

Mr. Crapse brought the proposed WIPP Permit Modification by the New Mexico Environment Department (NMED) to the attention of the committee. This is the first time the state of New Mexico (permitter) has proposed changes. The proposed permit modification limits waste eligible for disposal at WIPP to inventory identified when the permit was originally issued in October 1999. The basis for the original permit inventory was the 1995 U.S. EPA Baseline Inventory Report (BIR).

All DOE sites with TRU waste have been tasked to put together the impacts of this modification. SRS will provide their response to DOE-Carlsbad, which will provide a consolidated list of comments to NMED during the public comment period. SR noted two areas of concern—(1.) TRU waste shipped from the Mound site that is now part of SRS TRU waste inventory and (2.)

TRU waste that may be generated from future and/or new missions. These two areas were not in the 1995 baseline report (although the Mound waste is included in the Mound BIR). New missions, such as PIT and MOX, or the Mound Waste, weren't included in the original 1995 report.

Mr. Crapse continued. In 1995, the site's TRU waste volume was estimated at 9,300 cubic meters. Today the estimate is 15,000 cubic meters. There are other issues concerning legacy waste and defense vs. non-defense waste that need to be resolved, as well.

Mr. Holcomb stated that this modification has a distinct political undertone. New Mexico has arbitrarily decided that, even if the waste meets the Waste Acceptance Criteria (WAC), if it isn't on the baseline, they won't accept it.

Discussion ensued about recommendations versus letters. Different angles for a recommendation were discussed with one being a complaint about the methodology that the state of New Mexico is using. The argument could be that the NMED's decision making process is not right. Provisions for the Mound waste were also discussed. Mr. Goldston added that the comment period ends January 30, 2004.

Mr. Poe would like to see the situation attacked from a procedural process. He sees the issue as being a procedural one of an arbitrary and capricious nature in that a decision made in 1995 doesn't include any new programs that came up after that time. The committee decided to write a recommendation to be presented at the next CAB meeting January 26-27 in Hilton Head.

****Action:** Supply the Mound BIR information to the committee.

Glass Waste Storage Building #2-Guy Girard

Mr. Girard began by telling the committee his purposes for addressing them. He then moved to an outline of the project scope. The GWSB #2 project has been downgraded from Safety Class (PC-3) to Safety Significant (PC-2). When GWSB #1 was constructed and safety analyses were performed, the results for the whole of S-area were combined. GWSB #2 was designated a Safety Class design, which was not necessary. WSRC requested and DOE approved to downgrade GWSB #1 to a safety significant (PC-2) structure through a revision to the facility Documented Safety Analysis (DSA). Based on the approval of the DSA for GWSB #1, a decision was made to downgrade GWSB #2 using the same technical basis to downgrade GWSB #1. This downgrade will result in a reduction in construction cost and schedule of GWSB #2. A review conducted recently with staff of the Defense Nuclear Facilities Safety Board (DNFSB) resulted in no issues of concern.

In addition, active ventilation and HEPA filtration have been eliminated. Mr. Girard explained that passive ventilation is adequate to cool the storage containers and maintain satisfactory vault temperatures. Based on calculations, with the facility fully loaded with an average of 623-watt containers, the temperature of the vault concrete would not exceed 147 degrees Fahrenheit in the passive ventilation mode. Code specifies a limit of 150 degrees Fahrenheit for the concrete. The new design uses a maximum of 1000 watts per can for accident analysis calculations.

Mr. Lawless asked for a baseline number of expected HLW at Yucca Mountain. His issue of a baseline with HLW is that a problem similar to NMED and TRU waste may occur with the state and Yucca Mountain. He believes that SRS should be certain that inventories established for SRS-vitrified HLW destined for Yucca is not compromised by future HLW inventories. Mr. Carter responded that the SRS base line is 7000. Mr. Girard noted that if plutonium were vitrified on site, the number of canisters would increase by approximately 200. It also appears that EM is intending for SRS to vitrify the waste that National Nuclear Security Administration (NNSA) leaves behind.

Mr. Girard continued with the project status. He informed the group that construction for site preparation is ongoing and forecast for completion by March 25, 2004. He handed out and discussed the full duration schedule. He added that GWSB #2 would fill in 2014.

He reviewed Recommendation number 13 with the committee and illustrated that all the recommendations, except for "review the design and the changes in operations with independent scientific peer review", had been met. Numerous questions arose on the design of the building.

Mr. Girard told that group that SR has empirical data in regard to construction of the first building.

Mr. Lawless expressed concern about the building design in the case of an earthquake. He believes there is increased vulnerability to an earthquake, but DOE maintains that an Independent Scientific Peer Review (ISPR) is not needed. Mr. Girard stated that an ISPR of the facility was not warranted because DOE determined that building #2 is essentially the same design as building #1.

Mr. Poe had concerns with the downgrading of safety class for Building #2. He pointed out that the workers are the public and that the safety basis for this facility was changed, with no other justification than DOE's ok. He added that currently the project is on schedule, however, not meeting the schedule means shutting down DWPF. He pointed out that this project must be completed in only 30 months. Mr. Girard assured the group that DOE is managing the project vigorously and that it will be done on schedule to support DWPF operations. He outlined that the present contingency was 1 month on the schedule provided in the presentation. He pointed out that there is an additional three months of contingency available by restoring another 60-70 storage positions in GWSB #1. He added that a schedule was an evaluation criterion for the bid process.

Mr. Girard then discussed Recommendation Number 158. The committee voted to keep both recommendations open.

When asked about the fans in the building, Mr. Girard replied that the Shielded Canister Transporter (SCT) engine exhaust require ventilation.

Mr. Willoughby then asked for public comment. Mr. Lawless congratulated Larry Ling on his training opportunity with DOE in the SES program. He thanked him for his work with the WM Committee and wished him continued success and fortune in his new position.

**Action A presentation on the Federal Repository at Yucca

**A presentation in February or March based on the functional classification downgrade-for GWSB #2.

A Recommendation discussion followed. Comments to the draft recommendation entitled "Tank Longevity versus Expected Lifetimes" are due by January 09.

Mr. Willoughby then adjourned the meeting at 7:50.