

Coalition on West Valley Nuclear Wastes

PO Box 603 Springville, NY 14141

Re: WVDP Melter Press Release Final 031011

Re: WVDP_Melter_Draft_WIR_Eval.pdf

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The West Valley Demonstration Project Actⁱ (WVDPA) charged the Department of Energy with taking “the lead role in solidifying the liquid high-level waste and decontaminating and decommissioning the facilities at West Valley.”

The working definition of high-level waste at West Valley, according to this law, predates and supercedes the Department of Energy’s (DOE) 1999 Guideline 435.1, which, among other things, attempts to redefine some high-level wastes as ‘Waste Incidental to Reprocessing.’ The Coalition maintains that the redefinition in DOE Guideline 435.1 does not apply to the West Valley nuclear site, its wastes, its facilities or any description of decontamination and/or decommissioning. The authors of the WVDPA recognized the extreme hazard and danger associated with West Valley’s high-level waste; their understanding and intent should be acknowledged and honored, not altered by an attempt to apply 435.1 at West Valley.

The Nuclear Regulatory Commission (NRC) has defined high-level waste as follows:ⁱⁱ

“High-level radioactive wastes are the highly radioactive materials produced as a byproduct of the reactions that occur inside nuclear reactors. High-level wastes take one of two forms:

- *Spent (used) reactor fuel when it is accepted for disposal*
- *Waste materials remaining after spent fuel is reprocessed”*

By this definition and WVDPA law, the melter is high-level waste; it is not low-level waste simply because DOE wishfully cooks up the new appellation: ‘Waste Incidental to Reprocessing’ (WIR).

Our environment deserves better federal caretakership than this irresponsible attempt to reclassify and discard the melter as low-level waste.

The Ronald W. Reagan National Defense Authorization Act amends of 2005 redefined waste that resulted from the reprocessing of nuclear fuel (WIR). The Coalition rightfully claims that the redefinition does not apply to the nuclear wastes at West Valley demonstration site.

The NRC explained its regulatory requirementsⁱⁱⁱ as follows:

COVERED STATES

For purposes of this section, the following States are covered States:

The State of South Carolina

The State of Idaho

CONSTRUCTION

... Nothing in this section amends the West Valley Demonstration Act (42 U.S.C. 2121a note)

The *Final West Valley Demonstration Project Waste Management Environmental Impact Statement^{iv}* does not mention the melter in the major document or in any of the Appendices. Members of the West Valley Coalition on Nuclear Wastes often commented that they were

worried about what would “fall through the cracks” with the segmentation of the 1996 EIS and recently when DOE and NYSERDA proposed their “Way Ahead”.

DOE apparently authored a Supplement Analysis to justify its current decision. HOWEVER, the Supplement Analysis was not noticed or offered for comment to the public or major stakeholders.

Obviously, the recent shenanigans with the Supplement Analysis, and now this Draft Melter ‘WIR’ circumvention of due public process, bear witness to our aforementioned and ongoing concerns.

DOE’s “WVDP Melter Draft WIR Eval” details on Page 38 the following:

The following table summarizes the effectiveness of curie removal from the Vitrification Melter using decontamination solution flushing.

TABLE 4-4. Vitrification Melter Flushing Effectiveness⁽¹⁾

Flush Number	Remaining Melter Inventory in Curies	Melter Inventory Reduction Factor	Curies Removed Per Melter Flush
Starting Point	30,000.00	-	-
1	16,126.60	46.24%	13,873.34
2	8,668.91	71.10%	7,457.69
3	4,660.00 ⁽²⁾	84.47%	4,008.91

NOTES: (1) From Purdue 2004, Table 11.

(2) The evacuated canister removed another 4480 curies from the Vitrification Melter cavity. This left the 4660 curies cited (4120 cavity plus 540 ex-cavity).

DOE’s irresponsible ‘WIR’ concept, using an algorithm of “concentration averaging”, does not change the fact that this 4,660 Curies of mixed radionuclides is high-level waste and not suitable for near-surface land burial.

Flushing Solution

DOE’s Melter Evaluation does not mention the present location, future classification/disposition of the flushing solutions, which apparently contain a total of 25,000 Curies. This information should have been presented.

Waste Incidental to Reprocessing Maneuvers

While we were appalled by the DOE decision to do an ‘end run’ after losing the NRDC^v suit by asking Congress to legislate in DOE’s favor, thereby negating a court ruling, we are equally disgusted by the fact that DOE produced a Supplement Analysis for the melter ‘WIR’ reclassification without the opportunity for public notice and comment. Those maneuvers leave us with no other choice but to regard DOE’s intentions and request for public input as disingenuous.

Conclusion

The Coalition has devoted decades of diligent attention to documents, meetings and technical understanding related to the decision-process at West Valley. This Draft Melter ‘WIR’ decision is an insult to us, our time, our efforts and our stakeholder status.

ⁱ Public Law 96-368 (S 2443) October 1, 1980

ⁱⁱ <http://www.nrc.gov/waste/high-level-waste.html>

ⁱⁱⁱ NRS: Section 3116 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (NDAA)

^{iv} DOE/EIS-0337F, December 2003

^v Natural Resources Defense Council v. Abraham, 271 F. Supp. 1260 (2003)