

To: West Valley Citizen Task Force  
From: Cindy Cook and Bill Logue, Citizen Task Force Facilitators  
Date: August 13, 2007  
Subject: **Summary of the July 25, 2007, Citizen Task Force Meeting**

### **Next Meeting**

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

Date: **August 22, 2007**  
Time: 7:00 - 9:30 p.m.  
Location: **Ashford Office Complex**  
9030 Route 219  
West Valley, NY

NOTE: All participants must be U. S. citizens and bring photo identification.

If you have questions or comments regarding the upcoming meeting or about this summary, please contact Cindy Cook (802-223-1330, [ccook@adamantaccord.com](mailto:ccook@adamantaccord.com)) or Bill Logue (860-521-9122, [bill@loguegroup.com](mailto:bill@loguegroup.com) ).

### **CTF Attendees**

CTF members attending: Bryan Bower, Mike Brisky, Pete Cooney, Rob Dallas, Bill King, Lee Lambert, Joe Patti, Chris Pawenski, John Pfeffer, Paul Piciulo, Pete Scherer, Warren Schmidt (for Julie Sirianni), Carol Sheibley (for Mike Hutchinson), Bill Snyder, Stephen Kowalski, Tim Siepel and Ray Vaughan.

CTF Members not attending (nor represented by an alternate): Darwin John and Eric Wohlers.

### **CTF Alternates Attending**

CTF alternates attending: Judy Einach and Bob Potter

### **Agency and Other Attendees**

*Coalition on West Valley Nuclear Wastes:* Joanne Hameister  
*Department of Energy (DOE):* Moira Maloney, Craig Rieman, Ben Underwood  
*New York State Energy Research and Development Authority (NYSERDA):* Tom Attridge, Paul Bembia, Colleen Gerwitz, and Ted Sonntag  
*New York State Department of Environmental Conservation (NYSDEC):* Pat Concannon  
*West Valley Nuclear Services Company (WVNSCO):* Sonja Allen, John Chamberlain, Dan Meess, Jim Paul and Steve Warren

### **Meeting Summary**

Cindy Cook and Bill Logue introduced themselves and reviewed the meeting documents and the meeting agenda.<sup>1</sup>

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<sup>1</sup> The documents are listed at the end of this summary and may be found at [www.westvalleyctf.org](http://www.westvalleyctf.org)

## *DOE Project Update*

Bryan Bower, DOE, gave a presentation on activities at the West Valley Demonstration Project from January through June 2007. He noted:

- ▶ the safety history,
- ▶ shipment and disposal from the Drum Cell of 10,446 drums;
- ▶ main plant dismantlement and decontamination activities;
- ▶ infrastructure activities;
- ▶ activities in the Remote Handled Waste Facility (RHWF);
- ▶ processing and shipping of more than 40,000 ft<sup>3</sup> of legacy Low Level Waste (LLW); and
- ▶ the buildings and structures removed in the last year.

The WVNSCO contract has been extended through August for transition purposes. A 4-year, approximately \$160 million contract has been awarded to West Valley Environmental Services, LLC (WVES). WVES will assume management effective September 1. Between now and the end of August, WVNSCO will:

- ▶ continue Drum Cell and legacy LLW processing and shipping;
- ▶ continue processing at the RHWF;
- ▶ begin the NDA cap project; and
- ▶ develop a Drum Cell dismantlement plan.
- ▶ transition to a new contractor

Mr. Bower noted that the original FY 2007 appropriation was \$75 million, this was supplemented by \$5 million for Drum Cell work and \$9 million for the NDA cap and other work. Work is always subject to annual budget appropriations and could be slowed or accelerated depending on future appropriations. Paul Piciulo noted that New York is obligated to pay 10% of project costs. Because the fiscal years are different, the two agencies' shares are periodically reconciled.

Task force members asked questions and expressed concerns about the new contract and contractor, the corporate structure, type of contract, potential liability/responsibility issues, contract amount and potential for workforce reductions. In response, Mr. Bower made the following points: No protest was filed by other bidders within the required time frame. WVES and DOE will evaluate workforce needs, attempt to minimize any involuntary reductions through self-selection and transfers to other locations. The contract requires WVES to submit a baseline for approval and then complete work to the baseline. Concerning potential liability because of the LLC structure, he noted that the contract and the federal Price Anderson Act Amendments would not change the potential liability of the contractor. The Price Anderson Act Amendments provide for indemnification for the impacts from nuclear accidents provided the contractor meets required standards. The Act provides for civil penalties.

In response to questions and comments concerning site work, Mr. Bower and WVNSCO staff made the following points: current disposal costs are approximately \$13 ft<sup>3</sup> for disposal and currently approximately \$30-40 ft<sup>3</sup> for transportation. Transportation of radioactive waste is under the jurisdiction of the U.S. Department of Transportation, while disposal of radioactive waste is under the jurisdiction of the NRC. As part of decommissioning of structures concrete floors and soils will be sampled, and floor pads may be used for equipment storage.

Mr. King asked that WVDP consider donating unneeded clean fill to the Town of Ashford.

The ability to perform additional work on the north plateau plume is within the current WVES scope of work; however, it is not a requirement.

Mr. Bower indicated that there was consensus amongst the federal agencies (DOE, NRC and EPA) to move forward with a single Decommissioning Environmental Impact Statement (EIS).

### ***NYSERDA Update***

Paul Piciulo, Director of the West Valley project for NYSERDA, stated that DOE has decided that it will not proceed with two EIS's, as NYSERDA suggested in its "Expedited Way Ahead".

### ***Core Team Update***

Bryan Bower, DOE, gave a presentation on the Core Team meetings held July 9 – 11. He noted that the Core Team is comprised of technical staff; lawyers are not involved.

In response to questions about potential participation by CTF members in Core Team meetings, DOE promised to provide copies of Core Team by-laws and/or operating documents, if any, and a letter analyzing the applicability of the Federal Advisory Committee Act to the Core Team Process and what this means in terms of CTF and other public participation in future Core Team meetings. The DOE concern is that the Core Team meetings are designed as a forum for internal inter-agency discussion, and are not intended to be public meetings. Further, if the meetings were agreed to be public, the Core Team could not allow access to certain organizations and individuals and exclude others. If public participation in Core Team meetings is not possible, other options for CTF input were discussed. These include the possibility of having the Core Team attend a CTF meeting. Members agreed that CTF involvement in the Core Team process will be discussed at a future CTF meeting.

Mr. Bower noted that much of the work of the Core Team has focused on the enhanced interim end state and NYSERDA's two EIS proposal. Dr. Piciulo stated that, although NYSERDA is a joint lead agency on the EIS, DOE has management authority of the EIS contractor and as such NYSERDA's role is to comment and make recommendations. NYDEC has some regulatory authority. There is an inter-agency agreement to conduct an expert workshop to review and discuss erosion modeling in long-term decision making. The forthcoming DOE letter on CTF participation will indicate if CTF members will be able to attend this workshop. Ray Vaughn expressed an interest in participating in this workshop.

In response to questions concerning Core Team discussions on work at the site, Mr. Bower noted the following: drying the tanks and vaults would not affect the groundwater level in the immediate area; and modular approaches to High-Level Waste canister storage and shipment are being explored including ways to address weight issues for modular dry casks and TAD (transport aging and disposal) canisters. The Task Force discussed options for removal of the logs from the processing building. The discussion centered on the implications for work sequence on the process building, the vitrification facility and the equipment decontamination room, access issues and potential locations for log storage.

## *Presentation re NDA Cap*

Dan Meess, Chief Engineer for WVNSCO, gave a slide presentation describing the plan to install a temporary cap as an interim measure for the Nuclear Regulatory Commission-Licensed Disposal Area (“NDA”). Mr. Meess described how the disposal area was used, 44.8% of the volume of the waste in the NDA was generated by Nuclear Fuel Services (NFS) and 55.2% from the West Valley Demonstration Project (WVDP) but 99.6% of the 298,000 curies are from NFS waste.

Water has infiltrated the trenches due to degradation of the earthen cap and an interceptor trench captures 400,000 gallons annually<sup>2</sup> of mildly contaminated water. Prevention of groundwater and precipitation infiltration is “best practice.” The cap and wall are designed to prevent groundwater and precipitation from entering the NDA area. Three dimensional groundwater modeling was used in support of the design of this project.

Mr. Meess described the proposed geomembrane cap and 3-foot wide barrier wall. These will be keyed into the unweathered livery till. Construction will be conducted with the goal of avoiding excavating any waste materials, and avoiding impacts on the SDA. The wall will be constructed between 5 and 24 feet from waste-filled trenches. Some existing borrow material is already stockpiled on-site; other borrow material will be brought onto the site during construction.

The design has undergone inter-agency review and is patterned after the SDA cap. The cap and wall should slowly reduce water levels in the NDA trenches. The cap is a temporary measure that is designed to minimize surface and groundwater infiltration for about 30 years. Some maintenance will be required during this 30-year period. Site work is scheduled to begin in September 2007. The wall and cap will be completed in September 2008. The IWSF, a RCRA unit located on the NDA has been RCRA clean closed. The RCRA closure plan was issued for public notice; no comments were received during the RCRA notice period.

CTF members raised questions about what is in the trenches and where they are located, and expressed concerns that degradation of NDA waste materials may result in voids that create space for more groundwater infiltration. Waste decomposition may also lead to settling and collapse that could compromise the cap. In response to a question, Mr. Meess indicated that some subsidence of the NDA was observed several years ago, but none has been noted since then.

Ray Vaughn noted that information about the trench location and waste composition could guide decision-making regarding long-term site management. The CTF discussed the benefits and drawbacks of ground-penetrating radar and shallow seismic surveying to more precisely locate and characterize the waste in the NDA. CTF members suggested that it might be appropriate to characterize the area using seismic testing *before* the cap is installed, as the presence of the cap may decrease the quality of the information that can be gathered by remote sensing. WVNSCO offered to provide a response regarding the utility of seismic surveying; and noted that ground-penetrating radar has not been effective at West Valley. The membrane can be patched or replaced if necessary.

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<sup>2</sup> A total of about 2 million gallons of water are treated annually from the site as a whole. Of this amount, approximately 400,000 gallons are pumped and treated annually from the NDA area.

A representative of WVNSCO noted that waste records were sufficient to locate eight tanks for exhumation in the 1980's.

CTF members raised a number of questions about the groundwater infiltration/removal process. Mr. Meess noted the topography and direction of groundwater flow and how this had been incorporated into the design of the cap and wall. The trenches are like bathtubs. Mr. Meess stated that core borings have shown that the clay soil is plastic enough that an earthquake is unlikely to affect the integrity of the cap or soil surrounding the trenches. Water draining out the bottom of trenches does so at a rate of about one inch per year. Once the wall and cap are completed, very little if any new water will be entering the trenches, and the pressure at the trench bottoms is likely to be reduced. The Task Force discussed pumping and dewatering the trenches and Mr. Meess noted that existing monitoring wells would not be covered. The possibility of displacing groundwater in the trenches with CO<sup>2</sup> gas was discussed. Several members voiced their support of the proposed NDA capping work.

The cost of the capping work is expected to be less than \$3 million; exhuming the NDA is estimated at \$2 billion. Capping will reduce the cost of treating up to 400,000 gallons of water currently collected annually from the infiltration trenches. DOE/WNSCO will provide the CTF with an estimate of the cost of treating this water.

***Observer Comments***

An observer from the Coalition on West Valley Nuclear Wastes asked how much contaminated water was generated at the NDA facility and the cost of treating this contaminated water.

An observer from NYSERDA expressed support for capping the NDA. She noted that the SDA is a fairly regular series of trenches, while the NDA is an irregular set of holes and trenches, and that the cap addresses a very real problem of groundwater contamination. She also noted that the cap over the SDA was prompted by state regulatory oversight. The NDA is not subject to the same level of regulatory oversight, but the need for a cap is similar to the need at the SDA. She also noted that increasing water levels were the driver for moving forward with this work at the NDA.

***Action Items***

<b>Action</b>	<b>Assigned To</b>	<b>Due Date</b>
Current disposal costs per cubic foot of radioactive waste	Bryan Bower	Complete
An estimate of the cost of treating 400,000 gallons/year of water from the interceptor trench	DOE	8/22/07
Documents regarding the formation and operation of the Core Team	Bryan Bower	9/7/07
A statement regarding the applicability of the Federal Advisory Committee Act (FACA) to the Core Team and ability of a CTF to attend some Core Team meetings	Ben Underwood, DOE	9/7/07

A written response addressing why surveying the NDA using remote sensing technology would not provide data that would impact approaches to exhumation	WVNSCO	9/7/07
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***Documents Distributed***

<b>Document Description</b>	<b>Date; Generated by (if applicable /known)</b>
07/25/07 Meeting Agenda	Logue/Cook; 7/17/07
June 27, 2007 CTF Meeting Summary	Holland; 7/16/07
DOE Presentation “Progress at the WVDP: Accomplishments Jan – June 2007”	DOE; 7/25/07
DOE Presentation “Core Team Update”	DOE; 7/25/07
Presentation “Nuclear Regulatory Commission-licensed Disposal Area Cap Plan”	Dan Meess; 07/25/07
Compilation of News Articles	NYSERDA