

347

G-000-1001.109

**U. S. HOUSE OF REPRESENTATIVES SUBCOMMITTEE ON  
TRANSPORTATION AND HAZARDOUS MATERIALS COMMITTEE**

06/11/1990

HOUSE OF REPS  
6  
LETTER

DOE-HQ

THE HUNDRED FORTY SEVENTH  
100TH SESSION

THOMAS A. LUKE, OHIO, CHAIRMAN  
AL SWIFT, WASHINGTON  
THE CLAYTON, KANSAS  
BOB BAUGHMAN, VIRGINIA  
THOMAS J. MANTON, NEW YORK  
C. THOMAS MUMFORD, MARYLAND  
W. J. "TOM" TALKER, LOUISIANA  
RON WYDER, OREGON  
FRANK E. SPART, OHIO  
BILL SCHMIDT, NEW MEXICO  
JOHN G. DINGELL, MICHIGAN  
IN OFFICE

JOHN B. ARINGTON  
DEPT. COMMERCE AND STATE DIRECTOR

**U.S. House of Representatives**  
**SUBCOMMITTEE ON TRANSPORTATION**  
**AND HAZARDOUS MATERIALS**  
**COMMITTEE ON ENERGY AND COMMERCE**  
**WASHINGTON, DC 20515**

June 11, 1990

ROOM 50-204  
PHONE OFFICE BUILDING ADJACENT TO  
PHONE (202) 545-2000

BOB WHITAKER, KANSAS  
MATTHEW J. DUNN, NEW JERSEY  
THOMAS J. WALSH, IOWA  
DAN SCHAEFER, COLORADO  
BENNY GALLAGHER, ARIZONA  
ALEX MORGAN, NORTH CAROLINA  
ANDREW F. LENT, NEW YORK  
(202) 545-2000

C ERA Project  
AR File

Admiral James D. Watkins  
Secretary of Energy  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585

*Read JMDP-6/12/90*  
*c.c. [unclear]*  
*Smithwick*  
*Hesterbrook*

Dear Admiral Watkins:

I am writing to invite you to testify at a field hearing of the Subcommittee on Transportation and Hazardous Materials at 1:30 p.m. on July 5, 1990. The hearing has been scheduled to enable the Subcommittee to determine on a current basis the nature and extent of environmental pollution at the Department of Energy's (DOE) Feed Materials Production Center near Fernald, Ohio, and to provide a clear understanding of DOE's plans regarding environmental cleanup and related matters. The Subcommittee is also interested in your testimony regarding possible future uses, if any, which DOE may be considering for the Fernald plant.

Further, I am inviting you to join me in touring the Fernald plant at 11:00 a.m. on July 5, 1990, prior to the hearing. A copy of the proposed agenda for the tour is attached.

As you are aware, this is the third time this year that I have written to you that we should visit Fernald together to assess the situation there first-hand in order to bring about an expedited cleanup plan. Your inability to visit the plant has created the impression that the containment of dangerous radioactive and hazardous wastes and the cleanup of massive environmental contamination at Fernald are not among the priorities of top leadership of the current Energy Department.

Additionally, there is much public speculation about DOE's plans for future uses of Fernald as well as for cleanup of the site. I strongly urge you to take this opportunity to visit Fernald to clarify the Department's intentions regarding the future of the plant.

June 11, 1990  
Page 2.

I fully expect that all interested members of the press will accompany us on the tour in order to serve the public's irrefutable right to know about environmental conditions at the plant. Indeed, as I have previously made clear, I will not participate in touring the Fernald plant if restrictions are placed on the participation of the press. If you plan any such restrictions, please advise in complete detail with legal and constitutional justification for such limitations on the press and include the specific areas which are off-limits to the press.

The hearing will be held at the Crosby Elementary School, 8382 New Haven Road, in Harrison, Ohio, immediately following the tour. You may submit a written statement for the hearing of whatever length you deem appropriate, which will be inserted in full into the hearing record. Please plan, however, to limit your oral presentation before the Subcommittee to no more than five minutes to allow Subcommittee Members time to ask questions. Pursuant to Committee rules, please submit 100 copies of your written statement to my office in the Gwynne Building, 602 Main Street, Suite 712, Cincinnati, Ohio 45202, no later than noon, July 2, 1990.

Moreover, in order to further the Subcommittee's understanding of pertinent matters prior to the hearing, and pursuant to Rules X and XI of the U.S. House of Representatives, the Subcommittee requests that you respond to the following:

1. On May 7, 1990, Deputy Secretary Henson Moore visited Fernald and raised the possibility of converting the plant to a technological center for the development of new cleanup procedures. Please furnish copies of all notes, memoranda and other documents in the possession of DOE which discuss this proposal or any other proposals regarding future uses of the Fernald site.
2. Would the conversion of the Fernald site to a technological center for the development of new cleanup procedures result in the transport of wastes to Fernald from other government-owned or privately-owned sites?
3. In your Five-Year Plan, you projected a budget of \$146.5 million for FY 1991 for environmental cleanup at Fernald. However, the total cost of a complete cleanup with removal of contamination at Fernald would be \$5 billion, according to DOE's 2010 Report. That would mean a schedule of over thirty years based on the level of funding provided for in the Five-Year Plan, which on an annual basis is approximately 3% of the total. In the meantime, the radioactive pollution at Fernald will spread. How do you justify allowing this slow pace of cleanup?

June 11, 1990  
Page 3

P: Response

4. The K-65 silos, which contain thousands of cubic feet of radioactive wastes from the Manhattan Project, constitute an imminent hazard and are structurally unsound. Can you state that there is not a real possibility that significant releases of the wastes within the silos may occur at any time? If not, what measures -- including, in particular, the building of a secure containment structure around the silos -- if any, are you currently undertaking which would prevent all potential environmental releases from the silos?
5. What specific substances are in the K-65 silos? Have you even completed sampling of the silos' contents?
6. Are you going to remove the wastes from the deteriorated K-65 silos and ship them from Fernald or do you intend to leave them permanently in entombment at Fernald in order to save money at the expense of alleviating a hazard to the health of hundreds of thousands of people in Hamilton County?
7. What is the farthest distance off-site that uranium contamination of groundwater is known to have spread from Fernald? Further, please furnish a map of the Fernald site and surrounding areas which shows the known boundaries of all onsite and off-site groundwater contamination.
8. Have you completed all groundwater monitoring necessary to enable you to identify with certainty the farthest boundaries of the contamination, or would additional monitoring possibly reveal more contamination?
9. Is uranium contamination from Fernald in groundwater actively continuing to spread? What, if anything, are you doing which will immediately stop the spread of all additional groundwater contamination from Fernald? Further, in all of the areas where contamination has already been discovered, have you pumped the groundwater and treated it to remove the contaminants?
10. There continues to be pollution of groundwater, as well as of surface water in Paddy's Creek, at Fernald as a result of contaminated surface runoff and direct seepage from the millions of pounds of radioactive and hazardous wastes which are buried in the waste pits in the northwest area of the plant.

Salmora

Carlin

Shirley

Carlin

June 11, 1990  
Page 4

Are you going to dig up these radioactive and hazardous wastes which are the source of the contamination and remove them from Fernald or do you intend to leave the wastes buried onsite? If you leave the wastes buried in place onsite, what specifically will you do to prevent additional contamination of groundwater and surface waters from runoff and seepage?

11. DOE is now almost four years behind schedule in meeting its July 1986 agreement with EPA to characterize all wastes at Fernald including the contents of approximately 45,000 drums of radioactive wastes, many of which also contain hazardous wastes.

How much longer will we wait before the characterization of all of these wastes -- one of the most basic requirements under the hazardous waste laws -- at Fernald is completed?

12. Some 45,000 drums of radioactive and mixed wastes have been left outside, exposed to the elements, at Fernald. Some of the drums have leaked or overflowed following the penetration of rainwater and more than two tons of waste have escaped into the environment.

Knowing that the weathering of the drums is contributing to this pollution, are you building any weatherproof structures in which to house the drums?

Even more importantly, are you going to ship the contents of the drums away from Fernald? Or, do you intend to turn Fernald into a permanent storage site for these radioactive and hazardous wastes?

13. DOE's "Tiger Team" completed its onsite assessment of environmental conditions at the Fernald plant in August 1989 and found the plant to be out of compliance with the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation and Liability Act/Superfund Amendments Reauthorization Act, the Clean Air Act, the Clean Water Act, and the National Environmental Policy Act, as well as agreements with EPA and Ohio EPA.

In September 1989 you set a deadline of October 20, 1989, for development of an "Action Plan" to address the multitude of problems identified by the Tiger Team. In April 1990, you set a new deadline of June 11, 1990, for completion of the Action Plan. Now that deadline has passed, unfulfilled.

June 11, 1990  
Page 5

Please furnish a copy of the final Action Plan for Fernald. If the Action Plan is not yet finalized, please furnish a copy of the most recent draft.

14. The Subcommittee hearing will also give you an opportunity to give the residents your overview of the situation -- past, present and future -- at Fernald. The residents are now bogged down in a minutiae of detail caused by countless meetings and committees with overlapping jurisdictions established by DOE bureaucratic edict. The people are wondering if they will ever see any action. This is your opportunity to clarify your answer.

DOE is forcing the residents to attempt to keep up with a proliferation of meetings featuring complex and highly advanced technical discussion. This presents a daunting situation which has led to speculation that the Department's true goal is to stymie rather than enhance citizen participation. How are you going to change DOE's approach to this situation in order to genuinely serve the rights of the residents to be fully informed participants in the cleanup of Fernald?

Please respond in full to this request no later than Monday, June 25, 1990. Your complete response should be delivered to the Subcommittee offices in Room 324, House Annex 2, 2nd and D Streets, S.W., Washington, D.C. 20515.

I look forward to touring Fernald with you and to your participation at the Subcommittee's hearing.

Sincerely,



THOMAS A. LUKEN  
CHAIRMAN

AGENDA  
VISIT BY CONGRESSMAN TOM LUKEN  
July 5, 1990

11:00 Arrival, access, introductions

11:15 Safety Orientation

TOUR

11:30 Dosimeter, urinalysis

11:45 Don protective clothing - ES & H Building

11:50 Building 6 (underground pools of uranium-contaminated water)  
K-65 silos  
Plant Pad 1 (drum storage)  
Waste pit area tour  
South plume on-site groundwater monitoring station

1:15 Monitor out through visitor locker room

PRESS

All interested members of the press will accompany Congressman Luken throughout the tour.

SUBCOMMITTEE FIELD HEARING

Subcommittee field hearing to begin at 1:30 at Crosby Township Elementary School following the tour.