



# FRIDAY MAILING

5/29/98

## INCLUDED IN THIS FRIDAY MAILING:

- Letter from John Applegate to Jack Craig (Re: Intermodal Transportation)
- Letter from William Pardue to Federico Pena (Re: Waste Disposal Issues at Oak Ridge)
- Memo from Doug Sarno to FCAB Members (Re: Silo 3 RFP)
- Newsclippings

## CAB MEETINGS:

- OFF-SITE COMMITTEE MEETING:** The Off-Site Committee of the Fernald Citizens Advisory Board will meet on Wednesday, June 10, 1998, at 6:00 p.m. in the Alpha Building Classroom A.
- ON-SITE COMMITTEE MEETING:** The next meeting of the On-Site Committee of the Fernald Citizens Advisory Board will be on Wednesday, June 10, 1998, at 7:30 p.m. in the Alpha Building Classroom A.
- EFFICIENCY COMMITTEE MEETING:** The time and location of the next meeting of Efficiency Committee is to be announced.

## OTHER MEETINGS:

- COMMUNITY REUSE ORGANIZATION:** The next meeting of the CRO will take place on Tuesday, June 2, 1998, at 6:30 p.m. in the Ross High School Media Center, 3425 Hamilton-Cleves Highway.
- MONTHLY PROGRESS BRIEFING:** The June Monthly Progress Briefing will be held on Tuesday, June 9, 1998, at 6:00 p.m. in the Alpha Building, 10845 Hamilton-Cleves Highway.

## QUESTIONS:

Please call John at [redacted] or Doug at [redacted] with questions or concerns.  
 You may also fax or e-mail us at:

John	Fax: 281-3331	E-Mail: <a href="mailto:john.applegate@law.uc.edu">john.applegate@law.uc.edu</a>
Doug	Fax: 648-3629	E-Mail: [redacted]

NOTE CHANGES



Mr. Jack Craig  
Department of Energy  
PO Box 538705  
Cincinnati, OH 45253

Dear Mr. Craig:

Over the past two years, the Fernald Citizens Advisory Board has taken a considerable interest in the use of inter-modal transportation for materials being disposed at the Nevada Test Site. A number of recent activities have increased the importance of this issue. Most important, the recent incidents with leaking white metal boxes have increased concerns regarding the transportation of hazardous materials through congested and heavily populated areas. We strongly support the recommendations outlined in the November 12, 1997 letter of the NTS Community Advisory Board (attached) to seek an alternative transportation route to NTS, take all necessary steps to create a complex-wide solution, and place public health and safety as the premier consideration in evaluating alternatives. In addition, we believe the inter-modal option will result in significant cost savings over the long term.

We believe that the most promising site for inter-modal activities continues to be Caliente, Nevada because of its location. To be most effective, a truck transportation route from Caliente that enters the NTS from the north is recommended. Such a route exists, although it goes through Nellis Air Force Base and is not currently available for such uses. We strongly encourage that DOE and the Air Force explore the idea of making this road available. We wish to see DOE accelerate its activities with regard to creating safe and effective transportation options for material that is most properly suited for disposal at the NTS.

If there is anything further the CAB can do to be a positive force in creating these transportation alternatives, please do not hesitate to call on us.

Very truly yours,

John S. Applegate  
Chair

cc:  
Dale Schutte, Nevada CAB Chair  
Gerald W. Johnson, Nevada Operations Office  
Leah Dever, Ohio Field Office

2



FERNALD  
CITIZENS  
ADVISORY  
BOARD

1473

## MEMORANDUM

**TO:** FCAB Members  
**FROM:** Doug Sarno  
**SUBJECT:** Silo 3 Request for Proposal (RFP)  
**DATE:** May 29, 1998

The Silo 3 RFP was issued on May 6th. Although it is unlikely that member of the FCAB will be contacted by a potential bidder, it is important that you know there are certain sensitivities about discussing the RFP with a potential bidder. No one on the FCAB, within DOE-FEMP, or within FDF, with the exception of certain authorized personnel should respond to questions about this procurement. Such questions include inquiries about names of offerers, award determination information, or the stage of procurement the acquisition is currently undergoing. Violating this may alter the integrity of the procurement process and thus hold up awarding the contract.

Thanks,  
Doug

3

May 24, 1998

Journal-News

Page A7

*"Texas decision overturns halt of Fernald waste shipments"*

By: Nicholas G. Jonson

1473

# Texas decision overturns halt of Fernald waste shipments

By Nicholas G. Jonson  
Journal-News

ROSS TOWNSHIP

LOCAL

The U.S. Fifth Circuit Court of Appeals has cleared the way for the U.S. Department of Energy to resume shipments of nuclear waste from Fernald.

The move comes after three-months of delayed plans to rid the plant of more than 1 million tons of low-level radioactive waste.

Shipments were halted last October after Houston-based Waste Control Specialists, L.L.C. filed a suit in Texas to prevent the DOE from awarding a contract for disposing the waste.

The decision from the U.S. Fifth Circuit Court said Waste Controls' suit was "asking the courts to intrude into (U.S. Department of Energy's) policy making process without statutory basis."

DOE spokesman Gary Stegner called the court's decision "a very positive move."

The Fernald waste in question is stored in six waste pits, a burn pit, and a retention basin in the northwest corner of the site. It is the by-product of

processing and refining uranium and thorium during the plant's production years from 1952-1989.

Before the suit, most waste shipments from Fernald were bound for Clive, Utah, where the waste management company, Envirocare, operates a disposal site.

Waste Control filed a lawsuit in October 1997 after DOE refused to accept a bid from the company to dispose the waste in its west Texas disposal facility. Waste Control and Envirocare were among the few companies that bid on the contract.

DOE officials said the reason for refusing the bid was because Waste Control didn't have a license to receive low-level radioactive waste from DOE cleanup sites.

John Kyte, Waste Control attorney and spokesman said a state license was neither a necessary nor sufficient condition for being able to accept DOE waste.

In rejecting Waste Control's argument, the court said the Nuclear Regulatory Commission,

which governs the transfer and storage of nuclear materials, could relinquish its licensing and regulating authority governing DOE waste to the states.

Such states, which include Texas, may require disposal sites to be operated by public entities and not private, commercial facilities such as Waste Control, according to the ruling.

Envirocare President Charles Judd said "We hope this decision to reject Waste Control's proposal for an unlicensed site in Texas complements the effort being led by the states to ensure that commercial waste sites are licensed by the NRC or the affected states."

Kyte said his client, Waste Control, would petition the court for another hearing.

"The DOE seems to be more interested in supporting the monopoly they've established with Envirocare than opening up those contracts to meaningful competition," Kyte said. "The DOE has within its legal authority the ability to address and solve all regulatory problems that it has created with its waste disposal practices."

4

May 25, 1998

Journal-News

Front Page

"Fernald testament to recycling"

By: Nicholas G. Jonson

# Fernald testament to recycling

## Engineers 'building' sewage plant from recycled parts

By Nicholas G. Jonson

Journal-News

ROSS TOWNSHIP

It might not look like much. But to the engineers at the U.S. Department of Energy and Fluor Daniel Fernald, the "new" sewage treatment plant at the Fernald site is an engineering milestone.

The so-called new plant was constructed entirely with old equipment and parts.

Every component of the plant: the pumps, valves, settling tanks, sludge handling tanks, blowers, aeration system, ultra-violet disinfection system, railings and instrumentation was stripped out and scavenged from other buildings.

Construction crews began work late last year, DOE hydrologist John Kappa said. Final construction and piping was completed in March.

The old sewage plant, located along the eastern perimeter of the site, had become something of engineering milestone, itself.

Built in 1952, the plant

was one of the original structures at the site, Kappa said.

"The life expectancy of a plant like that is 30 years, give or take a few," Kappa said. "It had started becoming a high-maintenance item."

Even worse, the plant was directly in the path of a planned on-site disposal facility, a series of eight cells to be constructed for disposing of low-level waste from the cleanup.

Instead of spending additional taxpayer dollars to buy and install new equipment as well as dispose the old, engineers came decided to construct a new plant with old parts.

Rob Janke, DOE aquifer restoration project leader, said the estimated savings to taxpayers is about \$500,000.

"The problem with using old equipment is getting it to work," Janke said. "We've had some problems with that, but everything's OK now."

Perhaps the biggest challenge was moving two aeration tanks, each capable of holding 100,000 to 150,000



Jim Denney/Journal-News

From left, Dennis Carr of Fluor Daniel Fernald, Rob Janke of the U.S. Department of Energy and Mike Jacobs, DOE spokesman, discuss a new sewage plant built with salvaged equipment parts.

gallons, from their former location at the opposite end of the site.

"We had to be careful so they wouldn't break," said Dennis Carr, Fluor Daniel vice-president for soil and water projects. "Dragging those tanks across the former production area wasn't that easy."

After non-stop work of con-

struction crews and engineers throughout the winter, the plant is ready to go.

Kappa said engineers are beginning to bring the plant on-line. Last week, engineers began diverting sewage flow from the old plant to the new.

The plant should be fully operational by this week or next week, Kappa said.

May 18, 1998

Weapons Complex Monitor

Front Page

"Fluor Daniel Fernald Issues Silo 3 RFP, Seeks Fixed Price Contract"

Page 1 of 2

1473

Fluor Daniel Fernald issued the long awaited Request for Proposals for treatment of Silo 3 waste via the Internet May 13. . . . . 5

### FLUOR DANIEL FERNALD ISSUES SILO 3 RFP, SEEKS FIXED PRICE CONTRACT

Fluor Daniel Fernald issued the long awaited Request for Proposals for treatment of Silo 3 waste via the Internet May 13. The RFP does not specify a particular treatment technology, other than to negate vitrification and say the waste must be stabilized and solidified to meet off-site disposal criteria. Earlier this Spring, DOE did determine that the viable option to immobilize were either chemical stabilization/solidification or polymer-based encapsulation (*WC Monitor*, Vol. 9 No. 17). The waste consists of Thorium-laden cold metal oxides which originally were to have been vitrified along with chemically different "K-65" waste in two neighboring silos.

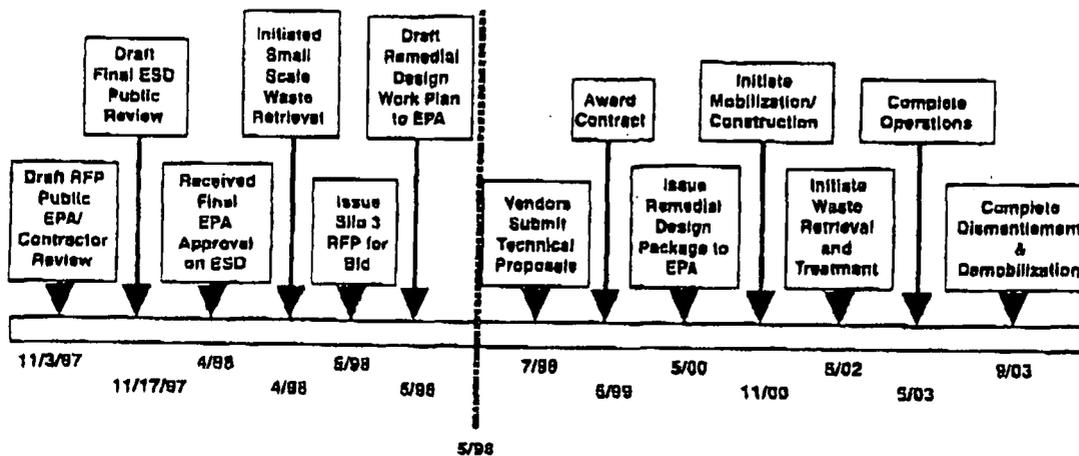
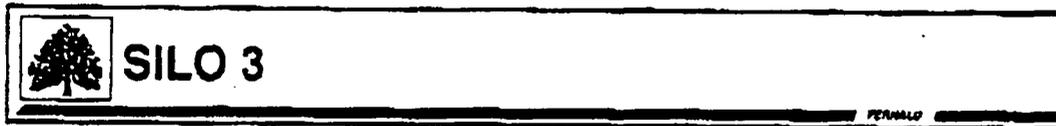
#### Procurement Will Be in Two Parts

According to the RFP, the Silo 3 waste can be treated either on-site or at an off-site facility with a Nuclear Regulatory Commission or Agreement State license. Fluor Daniel Fernald is proposing a 52-month, firm fixed-price unit price contract with an expected award

date of May 1999. The procurement process will be conducted in two steps, with the first phase involving the submission of technical proposals. A separate technical competitive range of offerors will be established for companies submitting on-site treatment and for those offering off-site treatment. Responding companies will be required to perform, at their own cost, bench-scale laboratory treatability tests to confirm the effectiveness of the technical proposals. After the technical phase of the solicitation, firms will be selected to submit final technical and price proposals.

#### Competition Open

The Request for Proposals was initially directed to a list of pre-qualified bidders who responded to a December 1996 *Commerce Business Daily* announcement. The list includes Allied Technology Group of Richland, Wash.; Chem-Nuclear System of Columbia, S.C.; Nukem Nuclear Technologies/Vortec of Irvine, Calif.; Envirocare of Utah of Salt Lake City, Utah; Foster Wheeler Environmental of Livingston, N.J.; IT Corp. of Monroeville, Pa.; Molten Metal Technology of Oak Ridge, Tenn.;



Graphic 60605.6 4/98

6

May 18, 1998

Weapons Complex Monitor

Front Page

**"Fluor Daniel Fernald Issues Silo 3 RFP, Seeks Fixed Price Contract"**

OHM Remediation Services of Trenton, N.J.; Perma Fix Environmental Services of Albuquerque; Rocky Mountain Remediation Services of Golden, Colo.; GTS Duratek of Kingston, Tenn.; and Severson Environmental Services of Niagra Falls, N.Y. The bidding, however, is open and the RFP, No. F98P132339, is available on the Internet at [www.fernauld.gov/acquisitions/solicitations](http://www.fernauld.gov/acquisitions/solicitations).

### **Project Has Five Phases**

According to the advertised scope of work, the Silo 3 project is separated into five phases:

- **Pre-mobilization:** this phase includes completion of engineering and environmental investigations; site inspections; tours; alignment and project meetings; pre-access employee training; additional off-site bench-scale or pilot scale process testing, if necessary; and hazards analyses.
- **Pre-operation:** the pre-operation phase includes mobilization of personnel, tools, material and equipment to the job site to perform site preparation for construction of the treatment facilities; completion of site-preparation activities; construction of treatment facilities; completion of start-up preparations; completion of pre-operational assessments; and receipt from Fluor Daniel Fernald of an authorization to operate.
- **Operation:** this phase involves the processing of the Silo 3 waste, including waste retrieval; water processing; maintenance; packaging; and interim storage.
- **Facility shutdown and dismantlement.**
- **Demobilization.**

*(See time table for the major milestones on previous page)◀*

7

May 18, 1998

Weapons Complex Monitor

Front Page

"At Fernald...Scientists Used Taste-Test for UF6 Samples"

1473

At Fernald ..... 11  
 Scientists Used Taste-Test for UF6 Samples ..... 11

**AT FERNALD ..... SCIENTISTS USED TASTE-TEST FOR UF6 SAMPLES**

The Associated Press last week reported that, during the 1950s, inspectors at the Fernald Site routinely tasted samples of granular uranium hexafluoride, also known as "green salt," to determine whether the samples would be suitable for laboratory tests. Good samples, apparently, could be identified by a specific metallic taste. The practice was discovered as part of a long-term health-monitoring program that former plant workers were awarded as part of a settlement in a lawsuit they brought against the government.

"I don't know whether it was just stupidity or a lack of knowledge," the AP quoted Gene Branham, vice president of a coalition of 14 employee unions at the Fernald site, as saying. Susan Pinney, an associate professor of environmental health at the University of Cincinnati, told the news agency she is "sure they wouldn't have done it if they thought it was dangerous." Pinney is among the scientists interviewing former Fernald workers to determine long-term health effects of continued exposure to radioactive materials.

8

May 19, 1998

Weapons Complex Monitor

Front Page

*"Appeals Court Backs DOE in Low-Level Waste Battle With WCS"*

By: George Lobsenz

## Appeals Court Backs DOE In Low-Level Waste Battle With WCS

BY GEORGE LOBSENZ

In a decision that dissolved a preliminary injunction against the Energy Department, a federal appeals court last week dismissed a lawsuit brought by Waste Control Specialists challenging DOE's regulatory approach to low-level radioactive waste disposal.

The 5th U.S. Circuit Court of Appeals reversed an October 1997 lower court ruling in favor of WCS, which was seeking to force DOE to consider a company proposal to establish a disposal facility in Texas for low-level waste from DOE's Fernald site in Ohio. The appeals court said DOE has full authority to reject the WCS proposal and therefore the court would not "intrude"

(Continued on page 3)

### Appeals Court Backs DOE In Waste Battle... (From page one)

into the department's decisionmaking.

WCS contended that DOE acted illegally by dismissing the company's proposal on the grounds that WCS did not have state and Nuclear Regulatory Commission licenses for its planned disposal facility. WCS said that, under the Atomic Energy Act, DOE self-regulates nuclear facilities operated by contractors for DOE and, therefore, state and NRC licenses were not needed.

The company in December 1996 proposed that DOE regulate the WCS facility through an independent oversight group. WCS argued that an alternative regulatory approach was needed because Texas law precluded the granting of a state license to private low-level waste disposal facilities; only public disposal facilities are allowed.

DOE rejected WCS' plan in May 1997, citing policy concerns and its preference for state and NRC regulation. But DOE added that it was considering allowing alternative oversight mechanisms in future procurements for low-level waste disposal. DOE said alternative approaches might be appropriate to increase competition for DOE waste disposal contracts, given that only one company, Envirocare, currently has a facility licensed to accept DOE waste.

WCS charged DOE's refusal to consider its proposal was "arbitrary and capricious" and sued in federal district court in Texas. The company then won a preliminary injunction from Judge Joe Kendall that froze DOE low-level waste disposal procurement action pending the outcome of the litigation. Kendall agreed with WCS that, under the Atomic Energy Act, DOE is

supposed to regulate nuclear facilities that it utilizes and, therefore, the department does not have the authority to require WCS to get state and NRC licenses for its proposed disposal facility.

However, the appeals court said WCS and Kendall erred in saying DOE effectively is required under the Atomic Energy Act to provide a regulatory umbrella for the proposed WCS facility. Instead, the court said DOE has full discretion in deciding whether to exercise its Atomic Energy Act authority to exempt a private waste disposal facility from NRC and state oversight.

"If DOE chooses to regulate, or 'control,' the private waste disposal sites, then the sites are exempt from NRC and state licensing requirements," the appeals court said in its May 14 decision. "Where, however, DOE does not exercise such control, the NRC and the...states retain their power to regulate commercial sites providing a service to DOE. Nothing in the statute indicates that DOE *must* exercise regulatory authority over such sites.

"WCS is effectively asking the courts to intrude into the agency's policymaking process without a statutory basis. We reverse the grant of the preliminary injunction and order dismissal of the suit against DOE."

Attorneys for WCS said they will petition the appeals court for rehearing to "bring to the court's attention information that WCS believes warrants remand of the case to the district court, rather than dismissal." The attorneys declined to say what specific information they would present in the rehearing request.

May 25, 1998

*Weapons Complex Monitor*

Page 7

*"DOE to Decide on Fernald Contract Extension by July"*

## DOE TO DECIDE ON FERNALD CONTRACT EXTENSION BY JULY

Department of Energy officials reported at the First DOE-Ohio Office Business Forum coordinated by Exchange/Monitor Publications that a decision on the remaining allowable one year extension on Fluor Daniel's current contract at Fernald will be made in June/July of this year. But given the broad measure of support expressed by local interest groups, union officials and local officials, it is almost a certainty that the extension will be approved. What happens after that is an open question. ◀

May 25, 1998

*Weapons Complex Monitor*

Page 7

*"Fernald Silo Waste Transfer Procurement Out Soon"*

## FERNALD SILO WASTE TRANSFER PROCUREMENT OUT SOON

A procurement to select a contractor for the design, construction, testing, technical oversight and operation of a system to move waste from Silos 1 and 2 at Fernald to a transfer tank is expected to be issued in June according to Fluor Daniel Fernald officials. Known as the "Accelerated Waste Retirement Project," Fluor Daniel managers speaking at the "First Annual DOE-Ohio Business Forum" coordinated by the *Weapons Complex Monitor*, said the work "will require a contractor with the ability to construct tanks, monitor radioactive emissions, and remove the waste to new tanks. The awarding is to be a firm-fixed price contract that will be awarded for the total amount and then funded incrementally by phases of work. Payment for work will be done in different ways depending on the nature of the work. Some work, particularly design work, will be paid based on delivery of a specific milestone. Construction work will be reimbursed on a progress payment basis. The award is expected to be made in January 1999 and is expected to be valued in the \$30 million range. The AWR project was deemed necessary after site officials decided to seek alternative technologies to remove and treat the waste from the Silos 1 and 2 following the decision not proceed with vitrification (*WC Monitor*, Vol. 9 Nos. 8 & 9). ◀

10

1473

May 25, 1998  
Weapons Complex Monitor  
Page 10

"At Fernald...Work Begins on Second Waste-Disposal Cell"

**AT FERNALD . . . . . WORK BEGINS ON SECOND WASTE-DISPOSAL CELL**

Fluor Daniel Fernald last week awarded a \$19.5 million contract to Petro Environmental Technologies, Inc. to hire in May 1997 to build the first disposal cell. Construction of the second cell, which measures 800 feet wide by 3,700 feet long by 65 feet high, is scheduled for completion in November 2000. The cell will have an 8.75-foot-thick liner and a capacity of 2.6 million cubic yards. The phased cell-construction for the on-site facility is expected to last through 2006. Fluor Daniel

construct the second of eight planned disposal cells for the On-Site Disposal Facility. Petro Environmental was Fernald began putting waste, consisting of soil from Fernald's East Field, into the completed cell in December 1997. Waste destined for the on-site facility is low-level waste, mostly soil, with some debris from demolition of former production buildings. Highly contaminated materials will be sent off-site for disposal. •

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May 28, 1998

Cincinnati Enquirer

Page B1

"2 more shareholders file suit against Chiquita"

By: Cameron McWhirter

## 2 more shareholders file suit against Chiquita

**BY CAMERON McWHIRTER**

The Cincinnati Enquirer

Two stockholders of Chiquita Brands International Inc. filed a lawsuit Wednesday in Cincinnati against the company and its board of directors, claiming the plaintiffs have suffered damages "caused by a pervasive and on-going course of illegal conduct designed to artificially inflate the earnings of Chiquita."

The two stockholders originally filed separate suits in New Jersey, where Chiquita was incorporated, after *The Cincinnati Enquirer* published a report on May 3 about Chiquita's international business practices.

The cases were refiled in Cincinnati, where Chiquita is headquartered, at the request of Chiquita attorneys, who wanted to consolidate the complaints with three other shareholder suits, according to Robert Harwood, a New York attorney representing William Steiner of New York, one of the plaintiffs.

The other plaintiff was

listed as Harbor Finance Partners, Ltd. Steven Mizel of San Diego signed an addendum in support of the suit stating he was a general partner of Crandon Capital Partners, the managing general partner of Harbor Finance Partners.

Joseph Hagin, Chiquita's vice president for corporate affairs, did not return telephone calls Wednesday.

The lawsuit, called a derivative complaint, was filed in the Hamilton County Court of Common Pleas. Named as defendants were Chiquita and all seven members of the board: Carl H. Lindner, chairman and chief executive officer; Keith E. Lindner, vice chairman; Fred J. Runk, director; Jean Head Sisco, director; William W. Verity, director; Oliver W. Waddell, director, and Steven G. Warshaw, director, president and chief operating officer.

"The Director Defendants through both their culpable action and inaction have permitted Chiquita to systematically engage in violations of the laws of the United States and foreign

countries in which Chiquita does business," the suit contends.

The suit includes allegations that:

► Chiquita attempted to conceal the amount of land it controlled in Latin America "well in excess of the legal requirements of each country."

► Chiquita officials have been implicated in a bribery scheme involving the Colombian government.

► Chiquita officials permitted lax security at its Central American shipping locations even though more than a ton of cocaine was found on Chiquita ships docking in Europe in 1997.

"Chiquita has been damaged by, inter alia, the unnecessary payment of millions of dollars, loss of reputation in the community as well as the securities market, all as a result of unacceptable business practices," the suit contends.

The new suit, plus the other suits, are all being handled locally by attorneys Richard S. Wayne and William K. Flynn of the Cincinnati law firm of Strauss & Troy.

May 19, 1998

Weapons Complex Monitor

Front Page

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▶ 1473

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13

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*Weapons Complex Monitor*

Page 7

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14

May 25, 1998  
Weapons Complex Monitor  
Page 10

1478

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listed as Harbor Finance Partners, Ltd. Steven Mizel of San Diego signed an addendum in support of the suit stating he was a general partner of Crandon Capital Partners, the managing general partner of Harbor Finance Partners.

Joseph Hagin, Chiquita's vice president for corporate affairs, did not return telephone calls Wednesday.

The lawsuit, called a derivative complaint, was filed in the Hamilton County Court of Common Pleas. Named as defendants were Chiquita and all seven members of the board: Carl H. Lindner, chairman and chief executive officer; Keith E. Lindner, vice chairman; Fred J. Runk, director; Jean Head Sisco, director; William W. Verity, director; Oliver W. Waddell, director, and Steven G. Warshaw, director, president and chief operating officer.

"The Director Defendants through both their culpable action and inaction have permitted Chiquita to systematically engage in violations of the laws of the United States and foreign

countries in which Chiquita does business," the suit contends.

The suit includes allegations that:

▶ Chiquita attempted to conceal the amount of land it controlled in Latin America "well in excess of the legal requirements of each country."

▶ Chiquita officials have been implicated in a bribery scheme involving the Colombian government.

▶ Chiquita officials permitted lax security at its Central American shipping locations even though more than a ton of cocaine was found on Chiquita ships docking in Europe in 1997.

"Chiquita has been damaged by, inter alia, the unnecessary payment of millions of dollars, loss of reputation in the community as well as the securities market, all as a result of unacceptable business practices," the suit contends.

The new suit, plus the other suits, are all being handled locally by attorneys Richard S. Wayne and William K. Flynn of the Cincinnati law firm of Strauss & Troy.

# AK RIDGE RESERVATION

Environmental Management

May 8, 1998

Honorable Federico Peña  
 Secretary of Energy  
 U.S. Department of Energy  
 1000 Independence Avenue, S.W.  
 Washington, D.C. 20585

Dear Secretary Peña:

The Oak Ridge Reservation Environmental Management Site Specific Advisory Board (ORREMSSAB) is deeply concerned about the current situation regarding disposal of legacy and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) wastes from the Oak Ridge Reservation. Oak Ridge has extremely large quantities of such waste in forms requiring final disposition. Residents are prepared to accept a balanced approach to the problem. This would include disposal in an on-site engineered cell of wastes that meet proper waste acceptance criteria and with proper regulatory approval. However, a significant amount of the local wastes is of a nature that precludes their safe disposal under the geology and hydrology conditions of East Tennessee. These wastes, by agreement among the Department of Energy (DOE), Environmental Protection Agency (EPA), State of Tennessee, and local citizens, must be removed, transported, and disposed of in proper facilities elsewhere. This balanced approach has been developed to reach a reasonable relationship among costs, risks to workers and population, transportation concerns, and protection of the environment for the eons of time associated with the hazardous nature of the wastes.

Historically, Oak Ridge has received more waste from off-site sources for treatment and disposal than it has shipped off site, demonstrating our willingness to support the national nuclear program. We expect this, along with our support of a balanced approach to waste currently in Oak Ridge, to be recognized and the appropriate actions be aggressively taken to remove that material which cannot be safely disposed of here.

Oak Ridge is pursuing the development of an on-site disposal cell in order to fulfill our obligation under this balanced approach. The ORREMSSAB is, however, dismayed about the current, very limited, ability to ship other wastes to any off-site disposal facility. This dismay is caused by equal concerns on the following subjects:

- The subject waste has been in temporary storage for too long already and additional delays are unacceptable to the ORREMSSAB.
- Increased accumulation and the lack of ability to ship off site are projected to result in cost increases of \$10 million each year, especially if the provisions of DOE Order 435.1 are enforced. This money could be more effectively used to ship and dispose of the waste, while permanently reducing the risk.
- While we recognize that temporary storage is reasonably safe, the longer this is allowed to continue, the more questionable that reality becomes.
- Considering current projected budget trends, we and fellow stakeholders are uncomfortable with the assumption that funding will ever be available in the future to ship the material.
- Delays of this type do little for the credibility of DOE, which has consistently pledged to clean up the Oak Ridge (and other) site(s).

We emphasize that this issue is of the utmost concern to the ORREMSSAB. We request the close attention of DOE to the problem, since Oak Ridge is the only DOE site without a current disposal location for low level waste.

One case in point is the judicial debate over Waste Control Specialists (WCS) Limited Liability Company (LLC) versus the United States Department of Energy (No. 97-11353). As a point of fact, we strongly support the DOE appeal of the preliminary injunction that enjoined DOE from denying any bid by WCS for low level radioactive waste disposal. We also contend that any disposal site must be properly licensed by the U. S. Nuclear Regulatory Commission (NRC) or an NRC agreement state. To allow otherwise would set a dangerous precedent in future DOE actions regarding self regulation affecting the public welfare. It would also be inconsistent with National Environmental Policy Act (NEPA) policy.

Honorable Federico Peña  
May 8, 1998

Page 3

The injunction issued in this case effectively halts all planned low level and mixed wastes shipments from Oak Ridge.

Disposal of transuranic (TRU) wastes from Oak Ridge at the Waste Isolation Pilot Plant (WIPP) is also of great concern to the ORREMSSAB. These wastes, with their extremely long radioactive half lives, are primary examples of wastes that are unacceptable for retention in Oak Ridge.

Regarding other disposal locations, both the Nevada Test Site (NTS) and Hanford offer potential for low level wastes. Their utilization is currently unavailable since the appropriate Records of Decisions (RODs) based on the Waste Management Programmatic Environmental Impact Statement (WM PEIS) are not yet issued and continue to be delayed. We recognize the existence of the forthcoming Intersite Discussion Workshops, which will address this topic, being held in conjunction with the League of Women Voters. The ORREMSSAB has held discussions with the NTS Citizens Advisory Panel, which understands the urgency of our access to their site. Disposal of TRU at WIPP has been delayed time and again.

We demand that the DOE pursue the following actions to remedy the inability to ship waste from Oak Ridge to proper disposal sites:

- Pursue an aggressive and prompt course of legal action to resolve the WCS case. Emphasize public support of the DOE policy to end self regulation.
- Finalize the disposition maps for wastes generated on DOE reservations in the shortest possible time and present them in their final proposed form at the Intersite Discussion Workshops to be held in June 1998. Issue RODs at the earliest possible time thereafter.
- Authorize the shipment of the Oak Ridge wastes to NTS, which had been accepted by that site immediately prior to the injunctive prohibition of new shippers. If necessary, appeal that specific action as an exception to the terms of the injunction.
- Assure the adequate funding of those activities at Oak Ridge which will resolve the current situation, including design, approval, construction, and operation of the waste cell.
- Aggressively pursue the operation of WIPP.

Honorable Federico Peña  
May 8, 1998

Page 4

We believe the following are the three most crucial issues for DOE to address: (1) the lack of waste disposal options, (2) the apparent decrease in overall environmental management (EM) funding over the next few years, and (3) the lack of a well-developed DOE stewardship program for all operational and disposal sites.

Sincerely,



William M. Pardue,  
Chair

WMP/sb

cc: Governor Sundquist  
Senator Bill Frist  
Senator Fred Thompson  
Congressman Zach Wamp  
Justin Wilson, Deputy to the Governor for Policy  
Commissioner Milton Hamilton  
Rod Nelson, Assistant Management for EM, DOE/ORO  
Earl Leming, Director, TDEC/DOE Oversight, Oak Ridge  
John Hankinson, EPA Region 4  
Mayor Walt Brown, City of Oak Ridge  
Susan Gawarecki, Executive Director, LOC  
Fernald Citizens Task Force  
Hanford Advisory Board  
EM INEEL SSAB  
Los Alamos National Laboratory CAB  
Monticello SSAB  
Nevada Test Site CAB  
Paducah SSAB  
Pantex CAB  
Rocky Flats CAB  
Sandia CAB  
Savannah River Site CAB

