



FULL BOARD MEETING T-214

Tuesday, August 3, 2004

DRAFT MINUTES

The Fernald Citizens Advisory Board met from 6:30 p.m. to 8:30 p.m. on Tuesday, August 3, 2004, in T-214 at the Fernald Closure Project site.

Members Present:

Jim Bierer
Jack Craig
Lisa Crawford
Robert Tabor
Gene Jablonowski
Graham Mitchell
Bill Taylor
Gene Willeke

Members Absent (all excused):

French Bell
Kathryn Brown
Sandy Butterfield
Marvin Clawson
Steve Depoe
Lou Doll
Pam Dunn
Gary Storer

Designated Federal Official:

Bill Taylor

The Perspectives Group Staff:

Douglas Sarno
David Bidwell

Fluor Fernald Staff:

Sue Walpole

Approximately 20 spectators also attended the meeting, including members of the public and representatives from the Department of Energy and Fluor Fernald.

Updates and Ex-Officio Announcements

Jim Bierer called the meeting to order. He announced that Jessie Roberson had responded to the May 13 letter regarding Silos. She thanked the CAB for their continued support and stated that DOE is currently evaluating the legal arguments put forward by the State of Nevada. He also announced that the June meeting minutes will be reviewed by the CAB, and approved at the September 18 retreat.

Bill Taylor announced that there would be a tour for Congressional staff on August 12. The Defense Nuclear Facilities Safety Board (DNFSB) will be on site on August 11 to review the Advanced Waste Retrieval (AWR) readiness assessment. Bill informed the CAB that 20 office trailers were removed from the eastern area of the site. He also stated that the dryers at the waste pits will be shut down in mid-September, and then decontamination and demolition (D&D) will begin. The On-site Disposal Facility (OSDF) and soils are having a record year.

Dennis Carr announced that there had been some safety issues at the Hanford site in the last month relating to falls and dropped materials. He reminded the CAB that the safety record at the Fernald site has been excellent since the site's renewed focus on safety. Doug Sarno asked if there had been any effort made to get more positive news out to the public and media. Bill Taylor responded that the DOE Ohio Field Office asked the site to create a film documenting the progress at the site. Fluor has already begun this film. Doug informed the CAB that there is a story in the July/August issue of *Rad Waste Solutions* regarding the 10 years of progress at Fernald.

Jack Craig of Legacy Management (LM) announced that he would be attending the September 18 FCAB retreat.

Jim Bierer read aloud the draft letter to Bill Taylor requesting the budget for the CAB. The CAB confirmed that the letter should be sent to Bill. Bill responded that the budget will be \$150,000, and that he will provide a formal response to the CAB's letter to confirm.

Stewardship Update

Doug explained that the Stewardship Committee had reviewed the Institutional Controls Plan (IC Plan) at its last meeting on August 2. Early drafts of the plan for long-term stewardship aligned with the Stakeholder Vision for the Future of Fernald, but this had eroded over time. He said that it appears that some aspects of the Stakeholder Vision are making their way back into the IC Plan. The CAB provided recommendations to the January, 2004 draft, but the Committee felt that more recommendations were needed. A follow-up letter containing four specific recommendations was drafted. The Committee and other meeting attendees agreed that the FCAB and other members of the Stewardship Coalition should sign this, and all future stewardship-related letters. The draft letter will be distributed for review. Comments on this letter will be due by August 13.

Doug asked the CAB to review a draft letter from Steve Depoe for the Fernald Living History Project to Bill Taylor regarding pre-1992 photographs. If the CAB has any comments, they should contact Steve directly.

Doug explained that the Committee is working to understand the best possible leadership options for the Coalition. Options include Fernald Living History taking the leadership role (they were recently given 501c3 status), and pursuing the Greater Cincinnati Foundation. Lisa Crawford stated that FRESH and F-CHEC were planning to provide input by the September 18 retreat.

Silos Water Treatment Proposal

DOE's Bill Hertel announced that at the last public meeting, Fernald Atomic Trades and Labor Council (FATLC) provided an assessment of using the Advanced Waste Water Treatment (AWWT) facilities for Silos Projects water treatment. He spoke with the union following the meeting. The Silos Project staff looked at water treatment needs and a treatment plant is not needed to accommodate the volume of water. The union questioned the Carved-down Waste Water Treatment (CWWT) concept, but he had not yet met with them to share specific information and design concepts. Bill promised that he will continue to work with them and get information to them to address their concerns.

Graham asked if the current issues facing the Silos Project will impact water treatment. Dennis Carr responded that it was always planned that water used for decontamination would be treated through the AWWT. As the site began to plan for the CWWT, there was a concern that pumping activities at the silos would become a major generator of water. The pumping system has been changed to recycle sluicing water, which diminishes the volume of water to be treated. The water used for decontamination is still an issue, and it is not known if it will be handled by CWWT or another pretreatment system. He stated that due to the small volume of this water, a type of holding pond could be used.

Silos

Doug stated that as the FCAB had requested at its last meeting, a letter requesting information regarding the ongoing dispute between DOE and Nevada was sent to Bill Taylor. A response has not yet been received. The DOE General Counsel sent a letter to the Nevada Attorney General on July 28 discussing the legal arguments at hand. Doug also suggested that the CAB discuss the AWR process. The milestone for DOE to begin the removal of Silos 1 and 2 waste is September 8; however, since there is not a designated disposal location many uncertainties remain. Doug asked the Critical Analysis Team (CAT), DOE, Fluor, and the regulators to address the CAB.

Bill Taylor responded verbally to the CAB's request for information, which contained five specific questions. He stated that he is not in a position to discuss the actions that DOE has taken to resolve the Silo 3 issue, and it will be resolved between DOE Headquarters and Nevada. Bill will provide technical assistance to Headquarters if requested. Doug asked if DOE is considering any alternatives to existing plans. Bill responded that possible alternatives were shared with the General Counsel. Graham Mitchell and Dennis Carr discussed the possibility of NRC taking a review role in the silos disposal process.

Lisa Crawford informed the CAB that she had heard that there would be a conference call between DOE and Nevada on August 2, and that DOE might be giving Nevada a 45-day notice for shipment on August 6. She asked Bill Taylor to share the CAB's

frustrations regarding this issue to DOE Headquarters. Lisa stressed the importance of getting information to the public as soon as possible.

Jim Bierer asked how much the delay of shipment for Silo 3 waste would cost the taxpayers. Bill responded that it costs about \$57,000 per day to run the Silo 3 facility in full operation. Currently, Fluor is running Silo 3 in a state of readiness, so that workers can move quickly once DOE gives the go-ahead. Fluor has moved resources from Silo 3 to Silos 1 and 2 to mitigate costs. It costs approximately \$8,000 to \$10,000 per day to keep Silo 3 in a state of readiness. Bill explained that after the 45-day notice to NTS, it would take about 10 days to get ready for operations.

Gene Willeke made a motion for the CAB to draft a formal recommendation that DOE consider use of Waste Control Specialists (WCS) for storage of Silo 3 waste until the NTS issue is resolved. Bill stated that he has been told by DOE Headquarters (through the Ohio Field Office) that WCS is not an option at this time. Gene responded that he was asking for a quick evaluation of costs, so the CAB could understand the pros and cons of considering WCS as an option. Graham stated that the cost of delaying shipment might be more than storing the waste at WCS. The CAB agreed that a logistical and cost evaluation would be valuable. Doug agreed to send out a draft recommendation to the CAB for review over the next week.

Dennis Carr informed the CAB that an integrity test of the Sea-Land containers had been performed and showed photos of the test. A container was dropped from the height of 2 stacked containers. There was a slight dent in the container, but the 8 bags of fly ash were not damaged. This has been the only test thus far.

Silos AWR

Dennis Carr stated that Fluor intends to declare readiness for AWR on August 6. Review teams from Fluor and DOE would spend the following week doing assessments and observing demonstrations. The total removal of Silos 1 and 2 waste could take anywhere from 32 days to 8 months, though Dennis estimated that it would likely take 3 to 4 months. Surrogate materials equaling more than 10 percent of the silos 1 and 2 waste have already been used to test equipment. The pumping of waste would begin at the end of August. Bill stated that before AWR goes on line, Fluor would issue a letter to DOE stating that the waste was ready to be moved, and DOE would give the final go-ahead to Fluor.

Lisa Crawford asked if there was a specific date in the official records stating how long waste can stay in the transfer tanks. DOE explained that a date is not included in the current agreement and added that in the original plans for Silos 1 and 2 the waste was expected to stay in the tanks for several years. Lisa expressed concern that if Nevada doesn't take the waste, it would remain on-site indefinitely. Gene Jablanowski stated that the regulators would not agree to leave the waste stored on site. Doug stated that the ROD requires the movement of waste. Lisa requested a specific date for its removal from the site. Gene Willeke stated that he believes it would be safer to move the waste to the transfer tanks than to leave it in the Silos.

Doug asked the CAT to provide its perspective. Todd Martin told the CAB that he did not see any significant safety or technical reasons for not moving waste to the transfer tanks. He said there would be operational difficulties and issues, but no more than any other project. The CAT still believes that putting the project on standby would be far more problematic. Todd expressed that the move to the transfer tanks would take the project one step closer to completion.

Lisa Crawford asked how much of the silos D&D waste could go to the OSDF. Dennis stated that the debris from the treatment facility could go to the OSDF, but the concrete from the silos would have to go to a permitted facility such as Envirocare. Lisa reiterated that under no circumstances would the community agree to keep the silos waste on site permanently. Graham stated that the state of Ohio would never agree to allow it to remain on site.

Doug asked if the regulators for their agencies' positions on moving forward with AWR. Gene Jablanowski responded that the U.S EPA believes there is still an implementable Record of Decision and wants to see the waste moved off site. The documents for AWR are all approved. Bob Tabor expressed that once that process began, the ROD would be even more enforceable. Lisa Crawford stated that she would like to see a specific deadline for getting the waste out of the tanks. Graham stated that a milestone would be very helpful. Gene Willeke proposed that the FCAB submit a recommendation to DOE stating that the CAB supports a move of silos waste to the transfer tanks. Lisa asked who would designate a specific date by which DOE must begin the treatment and disposal process. Gene Jablanowski responded that DOE must propose a date for approval by U.S. EPA. The Board agreed to develop a recommendation to move waste from silos 1 and 2 to the transfer tanks, as long as a milestone date is provided.

Support for Ongoing Involvement of the CAT

The FCAB reviewed a draft letter requesting that DOE continue to involve the CAT throughout the Silos Projects. Members of the CAT also reviewed the letter and provided feedback to the FCAB. The CAB asked that the letter be distributed to all members for review and approval.

Retreat Planning

Doug reminded the group that its annual retreat would be held on Saturday, September 18. Doug asked for input from the regulators and LM regarding the CAB's focus over the next year. Gene Jablonowski said that the U.S. EPA needs the CAB to keep pushing for project completion and site closure. Graham expressed that long-term stewardship and settlement of the Natural Resource Damage claim will also be major issues. Doug stated that the retreat would also focus on how to absorb the projected 25% cut in funding. The CAB will also set its meeting schedule for the coming year.

Next Meeting

The next meeting is the Annual Retreat, and will be held at the Fitton Center Board Room from 8:00 a.m. to 2:00 p.m.

Public Comment

A question was raised as to whether there is a national security level at which shipment of silos waste would be suspended. Johnny Reising of DOE responded that after 9/11 there was a stand down on shipments around the country, but nothing similar has happened since then, and that he doesn't believe there are any definitive plans regarding this issue at this time. It was questioned whether if the site could not ship due to security levels, would that create an on-site storage issue. Johnny said he would follow-up on the issue and provide the information to Ralph and the FCAB.

The meeting adjourned at 8:30 p.m.

James Bierer
Fernald Citizens Advisory Board Chairman

Date

Bill Taylor
Deputy Designated Federal Official

Date