



FRIDAY MAILING

2/20/98

INCLUDED IN THIS MAILING ARE:

- Monthly Progress Report Summary- January 1998
- Draft Minutes of the January 17, 1998, Fernald Citizens Advisory Board Meeting
Please note: If you have any comments or changes to these minutes, please contact the office by 5:00 p.m., Friday, March 6, 1998.
- Letter from John Applegate and Tom Wagner to Jack Craig and Leah Dever
Re: White Metal Boxes
- Fernald Citizens Advisory Board Restructuring Plan
- Newsclippings

CAB MEETINGS:

- JOINT FERNALD CITIZENS ADVISORY BOARD/FRESH WORKSHOP ON GOVERNMENT PROCUREMENT PRACTICES:** This workshop will be held on February 25, 1998, from 7:00 to 9:00 p.m. in the Crosby Elementary School Multipurpose Room, 8382 New Haven Rd.
- STEERING COMMITTEE MEETING:** The Steering Committee will meet on Wednesday, March 11, 1998, at 6:30 p.m. in the Jamtek Building, 10845 Hamilton-Cleves Highway.
- FERNALD CITIZENS ADVISORY BOARD MEETING:** The next meeting of the Fernald Citizens Advisory Board will be held on Saturday, March 14, 1998, at 8:30 a.m. in the Alpha Building, 10967 Hamilton-Cleves Highway.

OTHER MEETINGS:

- COMMUNITY REUSE ORGANIZATION MEETING:** The CRO will meet on Tuesday, March 3, 1998, at 6:30 p.m. in the Ross High School Media Center, 3425 Hamilton-Cleves Highway.
- FERNALD CLEANUP PROGRESS BRIEFING:** The March Fernald Monthly Cleanup Progress Briefing will be held on Tuesday, March 10, 1998, at 6:30 p.m. in the Alpha Building

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: john.applegate@law.uc.edu
Doug	Fax: 648-3629	E-Mail: [REDACTED]

PLEASE NOTE
LOCATION



MONTHLY PROGRESS REPORT SUMMARY

JANUARY 1998

OPERABLE UNIT 1 --- WASTE PITS REMEDIAL ACTION PROJECT

Major Work Activities - January 1998

- Completed erection of rail maintenance facility.
- Began Shannon Yard upgrade construction.
- Received USEPA approval to amend OU1 Remedial Action Work Plan to include IT Corporation's Submittal Register listing new enforceable milestone dates for remedial design and remedial action document package.
- Awarded contract for transport, storage, and maintenance of two 60-ton locomotives acquired as excess from Department of Defense in Umatilla, Oregon.

OPERABLE UNIT 2 --- ON-SITE DISPOSAL FACILITY (OSDF)

Major Work Activities - January 1998

- OSDF
 - Placed seasonal cover on Cell 1 of OSDF; began planning for construction of OSDF Material Transfer Area.
 - Reviewed contractor proposals for OSDF Phase II/Southern Waste Units excavation contract.
 - Submitted revised Waste Acceptance Criteria Attainment Plan to regulatory agencies.
- Leachate Conveyance System
 - Operated system and performed routine maintenance as required.

OPERABLE UNIT 3 --- FACILITIES CLOSURE & DEMOLITION PROJECT

Major Work Activities - January 1998

- Safe Shutdown
 - Performed 24 electrical isolations; removed holdup of material in selected areas; and excavated for domestic water line, cooling system, and sewage lines in Plant 8.
 - Isolated storage tank containing sodium hydroxide and sodium sulfide mixture in Plant 6.
- Maintenance/Tank Farm Complex
 - Implementation Plan expected to be submitted to agencies in March 1998.
- Thorium/Plant 9 Complex
 - Began friable asbestos abatement, equipment removal, and interior demolition activities in Plant 9.

OPERABLE UNIT 4 --- SILOS PROJECT

Major Work Activities - January 1998

- Briefed stakeholders on both Request for Proposal (RFP) for Proof-of-Principle Testing and Initial screening of technologies at January monthly briefing; extended comment period to 2/3/98 at the request of stakeholders.
- Prepared Responsiveness Summary addressing public concerns on Draft Final Silo 3 Explanation of Significant Differences (ESD) and submitted final version to DOE-FEMP.
- Responded to vendor/stakeholder comments received on Silo 3 Draft RFP; made decision to modify RFP to allow off-site treatment and initiated evaluation of impacts of this modification.
- Completed evaluation of Silo 4 core sampling test results; based on these results and other already existing data, further integrity testing of the silos does not appear to be warranted.

OPERABLE UNIT 5

Major Work Activities - January 1998

- **Soils Characterization and Excavation Project**
 - Completed majority of field activities for Paddys Run Embankment Stabilization Project; demobilization to occur in early February 1998.
 - Submitted Draft Preliminary Wetland Mitigation Assessment to regulatory agencies; outlines revised approach to wetland mitigation for Fernald site and expands acreage required to accomplish this restoration.
- **Aquifer Restoration and Waste Water Project**
 - Submitted Draft Start-Up Monitoring Plan for South Field Extraction and South Plume Optimization Project modules to regulatory agencies.

WASTE MANAGEMENT

Major Work Activities - January 1998

- **Neutralization/Precipitation/Deactivation/Stabilization Project**
 - Treated 660 drums in project as of 1/31/98; identified 83 additional drums for treatment.
- **Thorium Legacy Waste Stabilization Project**
 - Received conditional approval of Final Technology Specific Work Plan from OEPA.
- **Liquid Mixed Waste Project**
 - Received sampling results for Batch #8 and initiated characterization.
- **T-Hopper Repackaging System**
 - Completed System Operability Testing and performed Standard Startup Review (SSR); repackaging operations to begin in early February, after completion of prestart modifications required by SSR.



Draft Minutes from the January 17, 1998 Meeting

Chair
John S. Applegate

Vice Chair
James C. Bierer

Members
Marvin W. Clawson
Lisa Crawford
Pamela Dunn
Constance Fox, M.D.
Darryl D. Huff
Dan McElroy
Robert G. Tabor
Dr. Thomas E. Wagner
Dr. Gene E. Willeke

Ex Officio
L. French Bell
Jack Craig
Gene Jablonowski
Graham Mitchell

The Fernald Citizens Advisory Board met from 8:40 a.m. until 11:45 a.m. on Saturday, January 17, 1998, at the Alpha Building, 10967 Hamilton-Cleves Highway, Harrison, Ohio. The meeting was advertised in local papers and was open to the public.

Members Present:

John Applegate
Jim Bierer
French Bell
Marvin Clawson
Lisa Crawford
Jack Craig
Pam Dunn
Jane Harper
Darryl Huff
Gene Jablonowski
Dan McElroy
Graham Mitchell
Warren Strunk
Robert Tabor
Gene Willeke

Members Absent:

Constance Fox
Thomas Wagner
Ray Wurzelbacher

Federal Official Present:

Mike Jacobs

Staff Present:

Peter Galon
Crystal Sarno
Douglas Sarno

Approximately 10 spectators also attended the meeting, including members of the public and representatives from DOE and Fluor Daniel Fernald.

1. Call to Order

Chair John Applegate called the meeting to order at 8:40 a.m.

2. Announcements and New Business

Minutes from the November 15, 1997, meeting were noted as being previously approved.

After the last meeting, CAB members met informally to identify potential candidates for new members. One of those candidates, Jane Harper, was in attendance at this meeting and has agreed to join the CAB. Ray Wurzelbacher has also agreed to join the CAB. He is a newly elected Ross Township trustee and will attend future meetings. A motion was made to recommend to DOE the appointment of these two people as new members of the CAB. The motion was unanimously approved. Doug Sarno announced a new member orientation following the meeting.

The format of the National Dialogue is still somewhat undecided. The concept of one large meeting may not be effective. The League of Women voters is now considering the idea of holding several smaller meetings in communities and covering different topics at each of these meetings. In essence, these small meetings would then be equivalent to holding one large meeting.

The Nevada Test Site Community Advisory Board is planning a forum on low level waste to be held from April 6-10, 1998. The Nevada CAB is inviting stakeholders from sites that will be generating waste to attend their meeting in order to discuss equity and transportation issues. The Nevada DOE is supportive of this idea. The FCAB has told the Nevada CAB that it would help in any way. John asked CAB members to consider attending this meeting of the Nevada CAB. More details on the meeting will be forthcoming. Gene Willeke stated that the Waste Transportation Committee had previously said that they would like to formally respond to the Nevada CAB invitation. Willeke said the Waste Management Committee would draft a response, if this has not been done.

Applegate has received a binder on the Idaho National Engineering Lab CAB. It is very informative and will be kept in the FCAB library.

DOE has solicited comments on the Draft 2006 Accelerated Clean Up Plan. A response to these comments has been prepared. Johnny Reising said that there are more responses than are contained in this document and these additional comments will be made available to stakeholders in the near future.

3. White Metal Box Incidents

Doug Sarno provided the update on the white metal boxes in place of Tom Wagner, Chair of the Waste Transportation Committee. He also introduced a letter from the Waste Transportation Committee to Jack Craig outlining the Committee's informational needs in order to make recommendations on the white metal box incidents. A total of seven boxes have leaked from four different trucks. The initial leak was found in a truck in Arizona and the truck was returned to Fernald. The other three trucks were discovered leaking upon arrival at NTS. The contents were retained by NTS. A Type B investigation has been launched to determine the cause of these leaks. FDF hopes to have a report on the Type B investigation by the end of January. The FCAB felt the response was quick and adequate and that the public was not at risk as a result. However, the risk of damaging the public

faith is considerable. As a result of these incidents, shipments from other sites will be accompanied by additional personnel in order to address any problems as they arise.

Sarno explained how the box was constructed and where the leaks have occurred. The Waste Transportation Committee has a number of concerns about these incidents. A letter outlining these concerns was drafted and provided for each FCAB member.

The biggest question the committee had concerned who had the responsibility to approve the design. Marvin Clawson, a welder, looked at the box and thought it would fail. There are also no liners in the box; absorbent material is the only defense against the waste. The truck did not have a liner or pan either. The Committee wanted to know why there were not redundant protection systems and why the truck floors were wood, because wood is a very porous material. The committee questioned whether or not a particular group was responsible for overall planning and design of the transportation of this waste. If not, the committee felt that FDF should think more along those lines and more fully examine total systems integration.

The committee was also concerned about the moisture content of the material. If the material had been dry, the leak would not have occurred.

Darryl Huff asked if each box was tested. Jack Craig replied that random testing is conducted on each shipment of boxes.

Jane Harper asked how many times the boxes had been used. Sarno explained that they are one-time only use boxes. Craig explained that the boxes are filled, however, approximately one month prior to shipment.

There have been two previous incidents in which boxes have leaked while being transported to Nevada. These incidents were not thoroughly investigated. Sarno suggested obtaining more information on these leaks.

Dunn wanted to know how many of the 1400 boxes shipped were wet. NTS requires only that there is no observable free liquid. Bob Tabor pointed out, however, that during shipment the liquid would separate out due to vibrations.

Dunn and Lisa Crawford suggested a change to the letter in the second paragraph, first sentence, "the potential risk to the public health appears to be minimal." This change was approved. Willeke made a motion to approve the letter with this change. The motion was seconded and unanimously passed.

4. Silos Issues

The results of the Accelerated Waste Retrieval Strategy Critical Analysis Team Report have been received. The report has not been thoroughly reviewed yet. The members of the review team were very familiar with the site and its concerns. Overall, it appears that the team's conclusion is that the accelerated waste retrieval strategy will accelerate the cleanup schedule. DOE asked that the Waste Management Committee review this report before the March CAB meeting.

Dunn pointed out that there has been no discussion about increased monitoring of the tanks and silos while the tank farm is being developed and during the actual removal of the wastes. The community would feel more secure about the project if there was increased monitoring.

The FCAB was concerned that the accelerated waste retrieval strategy could become a very long term and not interim step.

After some discussion, the FCAB determined that there were no issues that would preclude DOE from continuing to develop the RFP. The issue still needs to go to the Waste Management Committee for more review.

DOE will add the option for off-site treatment to the Silo 3 RFP. This addition will cause a schedule delay. Nina Akgunduz thought the delay could be as long as four months. The FCAB feels that the changes to the RFP could be made in a shorter time frame. Akgunduz agreed to reexamine the time factor involved.

Craig mentioned that at several of the public meetings, vendors have been in attendance when discussions were made of upcoming RFPs. This could provide an unfair advantage for those vendors. Transcripts of the meetings should be given out with the RFP to eliminate this advantage. Applegate asked DOE to draft a short set of guidelines on this issue. The FCAB could use them at future meetings.

Beth Osheim updated the FCAB on the injunction issue. The fifth circuit court has granted DOE's motion to appeal. The reply brief is due on February 2. The court will then hear arguments in March.

5. Committee Updates

Waste Management Committee: The committee met on December 1, 1997, to discuss the Silo 3 RFP, the injunction against DOE, and the studies being conducted on the silo materials. They wrote a letter to Secretary Pena outlining their recommendations on the injunction. They will continue to monitor the status of the injunction and follow progress on the waste pits, OSDF, and D&D. They will also be keeping track of silos issues. They are planning an upcoming conference call.

Applegate had some concern about a future conflict of interest if the FCAB visits bidders on pending RFPs. Bob Tabor suggested that to ensure that there is no conflict of interest, the FCAB could formally write a letter to the facility prior to a visit that states the intent of the visit. Akgunduz suggested that the FCAB visit DOE sites where a technology of interest is being utilized. A conflict of interest would not be perceived if they were visiting a DOE site. Graham Mitchell said it was important that the FCAB define what they want to see before making a trip. To get near high level waste, special training is required, so CAB members may only get to see the facility. In this case, it may be better to have someone brief the group on the technology. The issue of who would pay for the trip was addressed. Members consider this issue to be very relevant. The FCAB agreed that the Steering Committee should make a formal policy on this issue.

Natural and Cultural Resources Committee: The committee held its last meeting on November 24, 1997. At that meeting, they discussed the Sitewide Excavation Plan, the Natural Resource Restoration Plan, the Natural Resource Impact Assessment, the Aesthetic Barrier Project, the Supplemental Environmental Projects, and Conservation Easements. Their upcoming activities include making recommendations on the aesthetic barriers and the timing of restoration activities and examining the Natural Resource Trustee recommendations.

The OEPA has made their comments on the Natural Resource Restoration Plan. Early in February, FDF will begin making changes based on these comments. A workshop is

planned for early spring to educate the public on the plan. The Natural Resources Committee will be involved in that workshop.

The ecological research grants are moving forward. Many universities have shown interest in pursuing various ecological projects.

Monitoring and Recycling Committee: This committee held a meeting on January 7, 1998, to discuss the Quarterly Integrated Environmental Monitoring Report. They plan to schedule a meeting for February to examining monitoring issues related to remediation activities. They also plan to issue recommendations on copper recycling.

The latest version of the quarterly IEMP was examined. Criticisms have been made that the IEMP preparers are not doing work because they feel it is not in their scope. The preparers' next meeting will talk about their specific scopes of work.

The committee would like more information on concrete recycling. Also, the committee is waiting for the recycling report. Reising said that DOE has received public comments and is working on incorporating them into the document.

Doug Sarno passed out copies of the intermodal report which states that intermodal transport may be more cost effective than previously believed.

Efficiency Committee: The Efficiency Committee is continuing to monitor efficiency and budget issues.

Bob Tabor was concerned that the scope of the committee is getting too broad. He feels that the scope should be narrowed in order for the committee to be successful. Reising will provide the committee with additional materials to help narrow the scope.

6. 1998 CAB Issue Planning

At the November meeting, the FCAB asked the *ex-officio* members to make recommendations on areas in which the CAB should focus in 1998. The FCAB has received letters from OEPA, USEPA, and DOE. All three of these letters raised these issues: suggesting that the CAB reexamine its previous recommendations; restructuring committees so they are more in line with tasks; and examining large issues such as the silos, transportation, and disposition of waste materials. Applegate asked the CAB which issues they thought were important for 1998 and what structure would be optimal for examining these issues.

Tabor expressed concern about projects being thrown off schedule due to problems in other areas of the site. He would like for the FCAB to work at keeping things on schedule.

Dunn thought the FCAB should examine all of the previous recommendations, not just those from the 1995 report. She also expressed concern at how things will change when Assistant Secretary Alm is replaced. The rest of the Board felt that they should deal with setbacks when they occur, not in advance.

Applegate suggested that the Steering Committee examine the planning issue in more detail and bring some specific recommendations before the full Board. Willeke felt that the September meeting was supposed to have resolved this issue. Sarno replied that the issue could not be adequately addressed because of poor attendance. Applegate pointed out that any member can attend the Steering Committee meetings.

Willeke suggested that FCAB agenda be flexible. New issues arise every few months and the FCAB should be careful in setting a rigid agenda.

Applegate asked Sarno to prepare a list of recommendations and identify areas where specific issues need to be addressed. Tabor asked that the list be divided into short term and longer term items. Applegate agreed that this would be helpful.

Applegate opened the floor to public comment. There was none.

7. Membership

Applegate reminded members to keep in mind anyone they felt would be a good addition to the FCAB. There are still two openings. He would like to see a representative from Hamilton County, business, and environmental group.

8. Adjournment

Applegate adjourned the meeting at 11:45 a.m.

I certify that these minutes are an accurate account of the
January 17, 1998, meeting of the Fernald Citizens Advisory Board.

John S. Applegate, Chair
Fernald Citizens Advisory Board

Date

Mike Jacobs
Federal Official

Date



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

Ms. Leah Dever
Ohio Field Office Manager
US DOE
PO Box 3020
Miamisburg, OH 45343

Dear Mr. Craig and Ms. Dever:

I am writing to follow up on the concerns of the Fernald Citizens Advisory Board with regard to the recent incidents of leaking white metal boxes. Members of the CAB attended the briefing provided by DOE on February 10 and have carefully reviewed the Type B Investigation report. While we found the report to be generally complete in explaining the many mistakes and oversights that led up to these failures, it lacked any information as to how these mistakes were allowed to occur in the first place.

We are most concerned with the broader implications of this event. The actual deficiencies of the box seem to us to present the least concern at this time. That ultimately a strong, tight box can be built we have no doubt. It is the series of gross errors and lack of judgment that allowed these boxes to fail which cause us grave concern. These systemic problems are not limited to the waste shipping program, and we want to take this opportunity to reiterate our call for a total systems review of the site. This is not the first time we have made such a plea. In our initial recommendations in 1995, we urged DOE to reinvent itself at the Fernald site to focus on the task of environmental remediation. We reiterated that call in a letter last year focussing on remediation priorities and again in responding to the opportunity created by Congress in making Fernald a closure fund site. In this area, DOE has been non-responsive.

We recognize that a corrective action program is now underway, and we hold out some hope that these systemic issues will be addressed in that venue. There are many questions raised in the Type B Investigation report. We identify some of them here so that you understand how stakeholders view this problem. Only to the degree that these types of questions are answered and broad-based corrections implemented throughout all of the FEMP, will we be satisfied that DOE has implemented a program that is capable of achieving the enormous challenges that face us over the next decade.

- Why was no effort made to identify the cause of the earlier leaks? Why were boxes that were known to leak continued to be used without at least some level of redundancy to contain possible future leaks? Why was nothing done to compensate for the stresses on the runners after it was known of the location of the leaks on the boxes? How did this continue even after a second leak was discovered? Who was notified of these previous leaks and what systems were in place to respond to such situations?

Chair
John S. Applegate

Vice Chair
James C. Bierer

Members
Marvin W. Clawson
Lisa Crawford
Pamela Durn
Constance Fox, M.D.
Darryl D. Huff
Dan McElroy
Robert G. Tabor
Dr. Thomas E. Wagner
Dr. Gene E. Willeke

Ex Officio
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Graham Mitchell

- How is it possible that on-site procedures specified the use of dicalite at an absorbency rate far in excess of manufacturer specifications?

- How is it possible that the design for the box was not required until after it was tested and then that the submitted design was not compared to the actual construction of the box previously tested? How is it possible that design specifications were changed without requiring additional testing? How is it possible that the tests for the stresses that were guaranteed to occur in the shipping process were waived? How did boxes that did not meet specs ultimately get accepted? How did a change in steel thickness identified in the testing process fail to be incorporated in the contract design requirements? Why was there so little technical support in the contracting process at the point where acceptance decisions were being made?

- How was so little known of the waste form that high level of moisture and the separation that would result from the transportation process was not adequately considered?

- What type of review process was used in the acceptance of these box designs that they failed to notice that the design differed from the box that had been previously tested and the center rail design was so flawed as to be immediately obvious to a room of laypersons on the CAB?

- Why is it that even now that we know the political significance of this issue, there is no consideration being given to developing redundant systems for future shipments? A pan trailer or similar arrangement still appears the most straightforward approach to preventing this type of incident from happening again.

- Why is it that the box vendor who both designed and built these boxes has in no way been held accountable for their performance, and was not contacted in any way by the Type B investigation team?

- How could "senior management not recognize the programmatic impact" of such an event as a transportation leak in an environment where the political sensitivities and stakes are so high? The CAB has recognized these impacts from the very beginning and it is the reason we created a balanced approach to waste disposal and allowed so much of Fernald waste to remain on site.

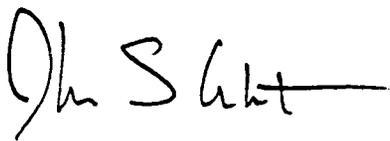
These design and procurement issues are similar to those cited in the much delayed and much over-budget vitrification pilot plant. It is interesting that in an environment of such total control, where even the smallest tasks are slow and expensive as a result of the mind-numbing rules that are in place, that such gross oversights as occurred in this case continue to happen. At the same time, where no rules exist, there is sometimes an appearance of haste.

In an environment where all personal responsibility and accountability is replaced with written procedures, there seems to be little room left for common sense. This is a clear case where "by the book" failed miserably because the book was incomplete or simply wrong, and personnel either did not have the knowledge or were not empowered to identify potential problems or fix known problems. We strongly caution against an investigation that results in simply writing more rules to be followed. We hope that in the end you will

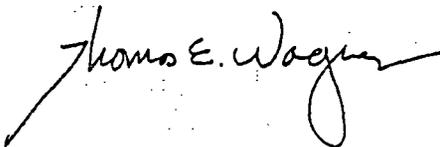
be able to devise a process that is not larger but rather smarter. Ultimately, it is important to understand that key to this investigation is not how to build a better box, but rather how to create systems which allow us to get on with the job of cleanup.

We fear that Fernald has used up all of its good will with the State of Nevada and other states through which we must transport our waste. We simply cannot afford another event like this. It is our hope that you will be able to provide information to the CAB regarding progress on these systems-level issues at its next meeting on March 14. As always, please feel free to contact us with any questions or issues.

Very truly yours,



John S. Applegate
Chair



Thomas Wagner
Chair, Transportation Committee



MEMORANDUM

TO: Citizens Advisory Board Members

FROM: John Applegate

SUBJECT: Restructuring of the FCAB

DATE: February 16, 1998

As the Fernald site changes, the Board has changed its role and structure to better address new issues. The attached proposal from the Steering Committee seeks to streamline our operations and respond to the site's current needs. The new committee structure is also in keeping with the suggestions of DOE and the regulatory agencies.

As before, members of the FCAB are expected to belong to one of these committees but may attend meetings of any committees in which they are interested. Assignments are shown according to current committee membership, but they are only suggestions. We will discuss this structure further at the March 14th meeting.

Another change from current practice is that committee meetings will be held the second Wednesday and Thursday of each month in order to coordinate better with the full Board meeting and the DOE Monthly Progress Briefings. The Progress Briefings are timely and informative and we have had a good turnout from CAB members. I strongly encourage you to attend these briefings, in addition to committee and Board meetings. to keep abreast of progress on the site,

PROPOSED COMMITTEE STRUCTURE OF THE FERNALD CITIZENS ADVISORY BOARD



STEERING COMMITTEE

John Applegate (Chair)
Jim Bierer (Vice Chair)

Lisa Crawford
Pam Dunn
Bob Tabor
Tom Wagner
Gene Willeke

- Issues:*
- Administrative Issues
 - Agenda
 - Issues Planning
 - Membership
 - Special Projects

OFF-SITE COMMITTEE

Jim Bierer (Co-Chair)
Gene Willeke (Co-Chair)
Marvin Clawson
Sandi Butterfield

- Issues:*
- Silos
 - Transportation/
Off-Site Disposal
 - Waste Pits

ON-SITE COMMITTEE

Pam Dunn (Co-Chair)
Tom Wagner (Co-Chair)
Jane Harper
Darryl Hulif

- Issues:*
- D & D
 - Groundwater
 - Monitoring
 - Natural Resources/
Land Use
 - OSDF
 - Recycling
 - Soils

EFFICIENCY COMMITTEE

Lisa Crawford (Co-Chair)
Bob Tabor (Co-Chair)
Dan McElroy
Ray Wurzelbacher

- Issues:*
- Budget
 - Mortgage Reduction
 - Priorities
 - Site Shutdown
 - Special Nuclear
Materials
 - Streamlining &
Efficiency

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lot 2
 1292

Senior center coming

Groundbreaking for the Crosby Township Senior Center/Administration Complex is scheduled for March 10, 1998 at site location on Willey Road at 4 p.m. The public is invited to share in this long awaited event. I'm serious.

The following is a brief summary of some of the activities of the trustees in between the regular meeting dates during the month of January.

Jan. 5 - the trustees met for the first time in 1998 in order to conduct the organizational meeting. The following schedule and appointments were approved and adopted. Meeting dates are the second and the last Monday of each month. Mark your calendar for Feb. 9, 23; March 9, 30; April 13, 27, May 11, 18; June 8, 29; July 13, 27; Aug. 3, 24; Sept. 14, 28; Oct. 12, 26; Nov. 9, 30; and Dec. 14, 21. The meeting at the Shaker Cemetery is May 18 at 6:30 p.m. Pottinger Park is June 29 at 6:30 p.m. and at Whitewater Park, Sept. 28 at 6 p.m. All other meetings will begin at 7:30 p.m. at the civic center on Baughman Road, unless otherwise advertised. The public should call the clerk by Friday at 5 p.m. to reserve a spot on the agenda.

Crosby Township trustees are Gary Storer, president; Jane Harper, vice president; Melba Guard, member; Melody Inman, clerk and Don Meyer, attorney. Other township positions include Jim Miller, fire chief; Glen Buckley, EMT/firefighter; Maurice Hornbach, zoning inspector; Marjorie Meyers, assistant zoning inspector; and Harry Meyers, maintenance supervisor.

FEMP envoy to Crosby Township will be Theresa Schomaker. Employees of the maintenance department include: Jeff Callaway, Kelly Feller, Doug Feller, Tony Gober, Gary Haas, Mike Hill, Heidi Martin, Robert, Stan, and Steve Lovins, Robert Rudisell; alternates include Louis Brewsaugh and AJ Esterkamp.

Members of the zoning commission are: Clifford Guard, Ruth Prifogle, Gary Roberts, Leonard Schnell and Carol Schroerb

Crosby Corner

Gary Storer

Members of the zoning Board of appeals are: Bill Morgan, Dennis Heyob, Don Barrow, and Gary Entenman. Congratulations and good luck to all of you as you each proudly serve Crosby Township in 1998.

Crosby Township cleanup weekends are scheduled for April 17, 18, 19 and Sept. 18, 19, 20.

Jan. 6 - trustee Storer attended the monthly Fernald Community Reuse Organization (CRO). The CRO will be contacting a firm to conduct a marketing study on the 23-acre area at the Fernald site to determine the commercial viability of the land for potential reuse. The public participation plan was accepted.

Jan. 8 - trustees Guard, Harper and Storer attended the Western Joint Ambulance District (WJAD) organizational meeting. Debbie Acra is president and Jim Mills is vice president. Dr. Tim Druryl, Franciscan System, is the new medical director, Alan Kinnett is the administrative chief. WJAD has made 1196 runs in its 18-month history.

Jan. 9 - trustee Harper attended the Fernald living history project meeting. The purpose of this project is to prepare a living history of the Fernald atomic energy plant. The university and Miami University are spear-heading this project while using local citizen input.

Jan. 13 - trustees Guard, Harper and Storer attended the January Fernald cleanup progress briefing. Updates on operable units 1 through 5 were presented. Fernald estimates the 124 unit train round trip will be necessary to transport the waste off site.

Jan. 13 - The trustees met to discuss the 1998 salary raise increases for township employees.

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Jan. 14 - the board of trustees met with Beth Hehman and Mark Zink of Fifth Third Bank to discuss financing of an ambulance or fire pumper and a township vehicle. Star Bank will be given the same opportunity, since Crosby Township has been banking with them for many years.

Jan. 14 - trustee Harper attended the Crosby Township Zoning Board of Appeals meeting.

Jan. 15 - trustee Storer attended the land re-use equipment and materials committee of the Fernald CRO.

Jan. 15 - Trustees Harper and Storer attended the Crosby Township Historical Society meeting.

Jan. 17 - trustee Harper attended the citizen advisory board. The meeting was centered on the "white box" incident in Kingman, Ariz.

Jan. 20 - trustee Harper attended the Native American alliance to enlist support for a sacred final resting place for native Americans at the Fernald site.

Jan. 21 - trustees Guard and Storer attended the cooperative planning and training committee meeting. The meeting followed concerning the special fire district involving Crosby, Ross, and Morgan townships. The year 2001 is the target date to have the fire district up and functioning.

Jan. 21 - trustee Harper attended the zoning board of appeals meeting.

Jan. 22 - trustee Harper attended the Time Warner Cable meeting at the Cincinnati Museum Center.

Jan. 23 - the trustees met to conduct interviews for a vacant position on the zoning board of appeals. The decision is still pending.

Jan. 26, 29 - the board of trustees met with D.A.G. construction managers and D.R. Brooks to discuss final changes and review of final bids for the senior/administrative complex.

The criminal investigation section of the Hamilton County Sheriff's Department reports that two cases were assigned for investigation in Crosby Township. No cases were closed and no stolen property was recovered during the month of December.

In 1997, the Crosby Township fire department had a total of 98 fire runs and a total of 228 EMS runs. EMS served 141 residents and 109 nonresidents. Bills are being sent to nonresidents in 1998.

The trustees will meet in February on the 9th and the 23rd. See you there.

Other important dates include: Valentine's Day (Feb. 14); President's Day (Feb. 16), Ash Wednesday (Feb. 25).

Crosby Corner is written by Gary Storer in an effort to improve communication between the trustees and the citizens of Crosby Township.

In Cincinnati, the average household watches 46 hours, six minutes of TV a week.

"The world is round and the place which may seem like the end may also be the beginning." — Ivy Baker Priest

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"Holiday spirit stretches from Fernald to Oklahoma"

Holiday spirit stretches from Fernald to Oklahoma

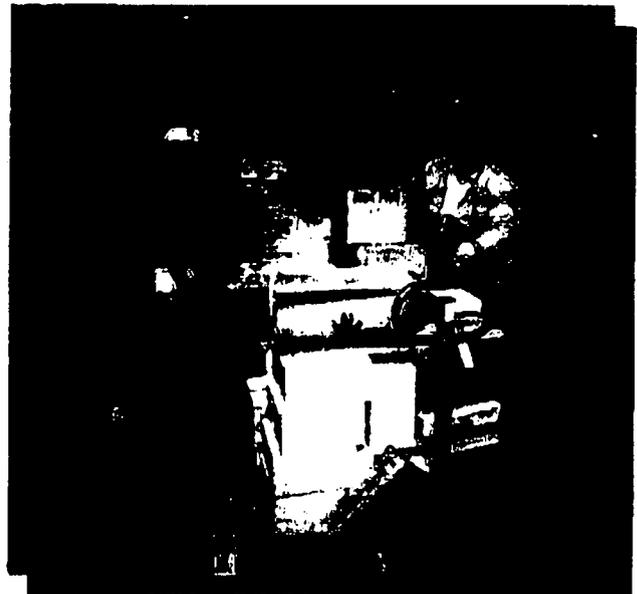
Thousands of dollars of donations from Fernald employees, local churches, historical societies and businesses have made a significant difference in the lives of several Native Americans. For the third consecutive year, the Ohio Field Office sponsored a program to collect food and clothing for the Loyal Shawnee Tribe in Oklahoma.

"The assistance we received last year allowed us to have the best Christmas ever," said Don Greenfeather, Loyal Shawnee Tribal Chairman.

The Loyal Shawnee were the last people to be moved out of Ohio by the United States military in the 1830's. Tribe members were moved to a one-million-acre area in Kansas. In 1869, they were no longer considered an Indian "nation" and were moved to northeast Oklahoma where they were managed by the Cherokee Nation and the United States government.

"It's taken over 200 years to give Thanksgiving back to the Native American people," said Joe Schomaker, Fluor Daniel Fernald Manager of Cultural Resources. "They are in desperate need of assistance and this is just a small way of helping out."

Over \$3,300 worth of food was donated by one local supplier and approximately \$10,000 worth of goods were packed as donations. Landstar Ranger donated a tractor trailer truck and a driver to make the trip. ❖



Fernald employees help load the approximately \$10,000 worth of goods collected for the Loyal Shawnee Tribe in Oklahoma.

- The **Office of Scientific and Technical Information (OSTI)** in Oak Ridge, Tenn., provides ongoing assistance to five elementary schools in Anderson County through its Adopt-A-School program. Recently, about 6,000 packets of excess "Science Activities in Energy" materials were donated to the Anderson County school system. Elementary, middle, and high school students will benefit from these educational materials.

- The **Fernald site** has formed a school-business partnership with two Cincinnati, Ohio, area school districts. The Successful Teaming for Education Partnership in Science (STEPS) is designed to help the districts update science equipment and labs, provide teacher workshops and support curriculum development. Each district received a \$10,000 donation this year. Plans are to continue the donations at the same level for the next two years.

- Shortly before the holidays, Tellico Plains High School in Monroe County, Tenn., received over 100 pieces of excess computer equipment worth about \$108,000, courtesy of the **Department of Energy and Oak Ridge Institute for Science and Education (ORISE)**.

Deborah McFalls, a training and development research associate at ORISE and a graduate of the high school, saw that a room full of computers were no longer needed and would be warehoused. She checked and found that a Presidential Order directs Federal agencies to transfer excess equipment to school and nonprofit organizations. ❖



Students in the Cincinnati area are able to participate in hands-on science activities with the help of the Fernald site's school-business partnership with local school districts.

February 11, 1998

The Energy Daily

Front Page

"Governors Warn DOE On WCS Waste Plan"

Reporter: George Lobsenz

Governors Warn DOE On WCS Waste Plan

BY GEORGE LOBSENZ

The National Governors' Association has warned the Energy Department against adopting the low-level radioactive waste disposal licensing plan proposed by Waste Control Specialists, saying any such move would be unlawful and draw the "strongest resistance" from states.

However, Waste Control Specialists (WCS), in a court brief filed last month, said its plan was not only lawful, but the only reasonable course of action for DOE if it wanted to inject competition into its low-level waste disposal program. The company called on a federal appeals court to back a lower court decision effectively directing DOE to consider the licensing plan outlined by WCS for a proposed landfill in Texas for DOE waste.

But in a Feb. 4 letter to Energy Secretary Federico Pena, the governors served emphatic notice that they considered the WCS licensing plan politically unacceptable. They also said they were "very troubled" by DOE's recent statements suggesting the department was considering WCS' proposal to have DOE—through a third party—oversee regulation of a WCS landfill.

The state executives said DOE regulation of a private low-level waste dump would trample on states' rights and that the department should continue to rely on Nuclear Regulatory

(Continued on page 2)

DOE Warned On Waste Plan... (From one)

Commission and state regulation of landfills that take DOE waste.

The officials also urged DOE to press its appeal of the federal court decision backing the WCS proposal and questioning the role of NRC and states in regulating landfills taking DOE waste.

"Not only does DOE lack the legal authority to approve the scheme proposed by WCS, the scheme itself runs directly counter to the public interest, and we will offer our strongest resistance to it," Ohio Gov. George Voinovich (R) and Delaware Gov. Tom Carper (D) told Pena.

"[DOE] self-regulation has been shown over many decades to be unworkable and insufficient. It runs counter to current initiatives to externally regulate DOE facilities...Most importantly, it ignores the legitimate role of the states in regulating the disposal of these wastes," said Voinovich and Carper, the chairman and vice chairman, respectively, of the NGA.

The letter represents the second formal complaint by the governors about a lawsuit brought by WCS over DOE's rejection of the company's 1996 bid to dispose of low-level radioactive waste from DOE's Fernald, Ohio, site.

The department said WCS could not bid because, under Texas law, low-level waste dumps could only be sited on public land and, therefore, WCS could not obtain a state license.

However, in an Oct. 3 ruling, Judge Joe Kendall of U.S. District for the Northern District of Texas agreed with WCS that, under the Atomic Energy Act, DOE is responsible for regulating any site that takes its low-level nuclear waste. As a result, Kendall said WCS' lack of a state license should be no impediment to seeking DOE business.

Kendall issued a preliminary injunction halting DOE's Fernald waste disposal procurement pending resolution of the WCS lawsuit. But more broadly, Kendall's ruling raised legal questions about DOE's reliance on state and NRC regulation of the only private landfill now taking DOE waste, a Utah facility run by Envirocare.

WCS charged that DOE was improperly protecting an effective monopoly on DOE waste disposal by Envirocare. It also said Envirocare only received a state license because Envirocare's then-president was making payoffs to a key Utah regulator; those payoffs are under federal investigation.

DOE has appealed Kendall's ruling and, in a brief filed last month with the 5th U.S. Circuit Court of Appeals, said his interpretation of the Atomic Energy Act was wrong. The department also said Kendall did not have the authority to issue the injunction because DOE has taken no final administrative action affecting WCS' ability to bid on DOE contracts. And DOE said Kendall was wrong in ruling that WCS likely would win on the merits of the case because federal law gives DOE full discretion to reject WCS' bid.

In addition, the department said WCS' lawsuit not only was legally invalid but also unnecessary in that DOE was willing to consider the alternative regulatory approaches sought by WCS, namely, regulation by DOE. Still, DOE said that even if it embraced an alternative regulatory approach, WCS would not qualify for a DOE disposal contract because it could not take permanent responsibility for the wastes.

In its reply brief, WCS said Kendall was correctly interpreting the Atomic Energy Act in saying DOE was responsible for regulating all its nuclear activities and that NRC and states had no role. WCS said if that was not the case, DOE would be in violation of the Atomic Energy Act because major waste disposal and storage facilities at its contractor-operated nuclear weapons sites, such as Hanford and Savannah River, had no state or NRC licenses.

"DOE's argument...—that it has discretionary power to require that its disposal contractors obtain an NRC or state license—contravenes the Atomic Energy Act, the Energy Reorganization Act of 1974, legislative history, DOE's own regulations, applicable case law and over 40 years of consistent statutory interpretation," WCS said in its Jan. 19 brief.

"Moreover, in view of Envirocare's 'virtual monopoly' in the disposal of DOE waste and the ineligibility of WCS for a Texas license due to reasons completely beyond its control, DOE's actions relative to WCS' proposals are arbitrary, capricious, abusive of discretion and contrary to law."

THE ENERGY DAILY
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February 13, 1998

The Energy Daily

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"Faulty Containers, Fluor Daniel Lapses Caused Waste Leak"

Reporter: George Lobsenz

Faulty Containers, Fluor Daniel Lapses Caused Waste Leak

The operator of the Energy Department's Fernald site failed to correct known design flaws in a low-level radioactive waste container, leading to a December 1997 incident in which a waste shipment leaked liquid on to an Arizona highway, DOE investigators have concluded.

In a report released Feb. 6, investigators said Fluor Daniel Fernald knew about the problems, but continued to use the containers without ensuring that the design flaws had been fixed.

"[T]he root cause of the event was that the Fluor Daniel Fernald contracting process did not deliver a strong, tight container as required by contract specifications," the report concluded.

The investigators also faulted DOE's Fernald, Ohio, office and the department's Nevada Test Site office—the destination for the leaky waste shipment—for not overseeing the contractor more carefully.

The incident occurred Dec. 15 when the driver of a truck carrying seven containers of low-level waste from Fernald noticed that his trailer was leaking as he pulled off I-40 near Kingman, Ariz. The driver alerted state, local and Fernald authorities about the leak; subsequent testing found no radioactive contamination or threat to the environment or public health.

The containers were white metal boxes holding dirt and fine chalk-like silica containing trace amounts of uranium from Fernald.

Investigators said the presence of large amounts of liquid in the containers was unexpected, especially since actions were taken during packaging to eliminate any liquid. Specifically, sorbents were added to soak up any free liquid.

Here again, however, investigators said Fernald officials failed to act on earlier signs of trouble, this time with liquid in the containers. They said liquid had been found in earlier shipments, but that Fernald managers had failed to take corrective action to assure the sorbent material worked as expected.

The investigators said the liquid seeped out of the containers through stress fractures that were caused during routine loading and handling of the containers at Fernald. The cracks were exacerbated by vibration from highway travel.

The investigators said Fluor Daniel had numerous lapses in assuring the quality of the containers it bought from a subcontractor. Among other issues, they said the metal boxes supplied to Fluor Daniel for testing prior to the award of the container fabrication contract were not of the same design as the boxes ultimately delivered for use. In addition, Fluor Daniel failed to evaluate the boxes it received to see if they met specified safety criteria.

James Owendoff, acting Energy secretary for environmental management, said that while the incident posed no threat, he was concerned that the accident occurred despite the earlier identification of problems with the boxes.

—GEORGE LOBSENZ

February 18, 1998
 The Cincinnati Enquirer
 Page B3
 "Grant sought for jobs network"
 Reporter: Lew Moores

Grant sought for jobs network

Fernald group looking ahead to layoffs

BY LEW MOORES
 The Cincinnati Enquirer

CROSBY TOWNSHIP — The Fernald Community Re-use Organization (CRO) has applied for a \$50,000 state grant it will use to help local businesses and firms hire Fernald workers once gradual lay-

offs occur at the cleanup site of the former uranium processing plant.

CRO was established about a year ago to allow local community representatives to work with the U.S. Department of Energy on what happens following the final clean-up and closing of the plant.

Curt Paddock, CRO economic development consultant, said if the grant money — which is being applied for through the Ohio Department of Development — comes

through, up to 12 firms will be identified in the Cincinnati area that can be helped.

"They will be the creator of jobs that might require the talents and abilities of workers at Fernald who may be losing their jobs over the next several years," Mr. Paddock said.

The grant money could be used by the firms to hire management assistance consultants to help the companies grow and develop.

That way, said Mr. Paddock, "they're able to grow

more rapidly and hire this target group of workers we're concerned with."

CRO expects to hear whether it has been awarded the grant within a week to 10 days.

Fluor Daniel Fernald was hired by the Department of Energy to clean up the plant, and most of those who work there are employed by Fluor Daniel.

As cleanup progresses, layoffs of workers are expected to occur, moving from a cur-

rent work force of about 2,000 to about 200 in the next 10 years.

Workers include environmental and other engineers, health and safety experts and workers in trades, such as machinists and carpenters. Many are in labor or trade categories, but a significant number are professionals in the scientific and engineering fields.

Mr. Paddock said an example of the kind of help they could provide would be to identify a potential high-

growth firm that may need to develop a new computer system to help it grow.

The grant money could be used for consulting advice to develop the new system and then be able to hire additional workers that might be required as the firm grows.

"If we can help foster the development of firms that will need workers that will have the skills of the Fernald workers) in the transition into the private sector in the best way possible," Mr. Paddock said.

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