



FULL BOARD MEETING **Crosby Township Senior Center**

Saturday, March 15, 2003

FINAL MINUTES

The Fernald Citizens Advisory board met from 8:30 a.m. to 12:00 p.m. on Saturday, March 15, 2003, at the Crosby Township Senior Center.

Members Present:

Kathryn Brown
Sandy Butterfield
Marvin Clawson
Carol Connel, for French Bell
Lou Doll
Pam Dunn
Jane Harper
Steve McCracken
Graham Mitchell
Robert Tabor
Tom Wagner
Gene Willeke

Members Absent:

Jim Bierer
Lisa Blair
Blain Burton
Lisa Crawford
Steve DePoe
Gene Jablonowski

Designated Federal Official:

Gary Stegner

The Perspectives Group Staff:

Douglas Sarno
David Bidwell

Fluor Fernald Staff:

Jamie Jameson
Sue Walpole

Critical Analysis Team:

Gail Bingham
Todd Martin
Bob Roal

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

General Announcements

Tom Wagner called the meeting to order at 8:35 a.m. The Board approved the minutes from the February, 2003 meeting, with the changes sent to David Bidwell by Lisa Crawford.

Steve McCracken reminded the group that if the U.S. goes to war with Iraq, security will be tightened and access to the site may become more difficult for members of the public.

Steve announced that DOE has been renegotiating Fluor's contract, with a greater emphasis on incentives for meeting the 2006 deadline. He stated that the two sides are close to reaching an agreement. The new contract would result in a more complete site in December 2006, with most of the current water treatments structures and the rail yard removed. As the site nears closure, Fluor would be required to institute the most cost-effective alternative for completing the groundwater project, which could include utilizing part of the current Advanced Waste Water Treatment facility or a temporary packaging facility. Steve promised to provide the group with a summary of the modifications in the renegotiated contract. Board members stated that they do not support acceleration at the expense of safety, quality, or thoroughness of remediation. Bob Tabor noted that the number of safety professionals has been reduced at the site, while the pace of work has been accelerated. Doug Sarno explained that the Board has concerns about continued funding for the site if Fluor does not meet the 2006 closure deadline. Tom Wagner suggested that the Board review the new contract and then submit a letter that outlines its concerns to DOE.

Jamie Jameson reviewed current trends in safety at the site. He noted that the number of safety professionals working at a site would not guarantee a particular level of safety. Jamie explained that the Fluor Corporation holds him accountable for the safety record at the site, which was worse than the company average in 2002. He explained that there has been a good safety trend over the past few months, and that a team of experienced managers is evaluating safety issues related to upcoming work. He noted that this safety team will be headquartered at his new office and invited FCAB members to visit this office. Doug indicated that the group might visit the office during its tour, scheduled for April 12.

Pam Dunn asked Steve why the budget request for the FCAB was cut for FY04. Steve stated that the budget for the FCAB and the State of Ohio were cut. Gary Stegner reminded the Board that for the past few years the site had projected reducing the frequency of FCAB meetings to one every two months in FY04. Pam stated that more communication with stakeholders was needed due to the accelerated cleanup schedule. Steve suggested that the FCAB send a letter to DOE stating that it believes it is important for the Board to continue its monthly meeting schedule. Graham Mitchell stated that cost-recovery for the State is required per the Consent Agreement, and that the State is concerned about the budget cuts.

Carol Connel announced that the budget of ASTDR has been reduced dramatically, particularly for its DOE programs. The agency will merge with the National Center for Environmental Health (NCEH), which is a division of the Center for Disease Control. However, she stated that they plan to continue monitoring radon at Fernald, as work on the Silos Projects continues. She further stated that a final report of work conducted to date is expected by the end of the year.

Doug announced that the official name of the Fernald site has been changed to the Fernald Closure Project (FCP), and it will no longer be known as the Fernald Environmental Management Project.

SSAB Chairs Meeting

Doug reminded the Board that Pam Dunn and Tom Wagner would attend the annual SSAB chairs meeting, which will be held in Denver at the end of March and will be hosted by the Rocky Flats site. The meeting will focus on the inter-site transfer of waste. Graham noted that the main inter-site issues for Fernald are the uranium sent to Portsmouth and the PCB wastes that have been shipped to Oak Ridge. Of greater importance to the FCAB, however, is that Mike Owen and Dave Geiser will attend the meeting, to discuss the new Office of Legacy Management. Recommendations from the SSAB Workshop on transuranic waste will also be discussed; the FCAB will sign the recommendations only if all other sites agree to them.

Tom Wagner stated that an important issue to discuss at the Chairs meeting would be the overall level of support for public participation by DOE Headquarters. Bob Tabor stated that the current administration has inherited the benefits of good public participation conducted in the past, but does not show a great interest in continuing meaningful interactions with the public. Katie Brown noted that this might be a good topic to address with editorial boards of local papers.

Silos Project Update

Steve McCracken discussed the issue of where the site is able to dispose of materials from the silos. Until a year ago, the site planned to send silos wastes to the Nevada Test Site (NTS). At that time, Envirocare offered to take the silos waste, if DOE could reach an agreement with NRC to classify the materials as 11(e)2 waste. This would have allowed the site to ship silos waste via rail, which would reduce costs, be faster than shipping by truck, and reduce transportation risks. Steve explained that DOE and NRC have different definitions of 11(e)2 wastes; the NRC definition is based partly on the year of generation, rather than just the characteristics of the waste. For several reasons, DOE Headquarters has determined that it cannot legally sign a Memorandum of Agreement with NRC on this issue. This means that unless Envirocare or Fluor can reach an agreement with NRC, the waste will be sent to NTS. NTS would accept Silo 3 waste in soft-sided bags and bury the entire Sea-Land container in which they would be shipped. The site could still use rail to move the waste offsite, but it would have to be transferred to trucks before reaching NTS. Some FCAB members stated that resolution of this issue should involve Congressional representatives, since it could have a significant impact on the expense and schedule of the Silos Projects.

Ray stated that Envirocare would continue to pursue NRC approval to accept the Fernald silos waste. He also stated, however, that the Silos Team is working on detailed plans for all scenarios. Board members noted that inter-modal transportation was not found to be feasible in the past, due to the difficulty in securing a transfer station between Fernald and NTS. Ray noted that it is Fluor's responsibility to identify a transfer station, if inter-modal transport of waste is to be used. Ray explained that it would be more difficult to reach the 2006 closure goal for the site if the silos wastes are shipped from the site entirely by truck. Current estimates would require seventeen trucks to leave the site each day, once removal of silos waste begins. Ray stated that a decision on shipping should be made by Fall 2003, in order for the project to remain on schedule.

As promised at the February FCAB meeting, Ray provided Doug with a letter from the vender of the clarifier that will be used in the Silos 1 and 2 treatment process. Doug will

share that letter with the FCAB members. Ray explained that a normal clarifier is designed to meet 2500 foot pounds of torque, but the clarifier for the treatment process at Fernald is designed to handle 50,000 foot pounds of torque. Ray also showed pictures of the clarifier rake, which has been constructed by a vender.

Ray also updated the Board on the designs for the process that will be used to reduce the dispersability of Silo 3 wastes. Jacobs Engineering is working on designs for the nozzle system that will be used to spray a fixative on the materials during packaging. Ray showed the group a rough schematic drawing of the Silo 3 packaging process and how the spray nozzle would be integrated into the drop chute. He stated that a mockup of the system would be tested in Oak Ridge during Summer 2003. Bob Roal, a member of the Critical Analysis Team (CAT) suggested that the actual fixative be used in the mockup, because it is important to know that the system can handle the sticky substance. FCAB members asked that members of the CAT be present at this test. Ray stated that the CAT and members of the FCAB would be welcome to attend this test.

Ray further reported that a test cut had been begun in the wall of the empty Silo 4, as a demonstration for breaching the wall of Silo 3 for waste removal. The excavator will also be tested at Silo 4. David Bidwell asked if video could be taken of these activities and shared with the FCAB. Sue Walpole stated that less video is being taken at the site due to cutbacks in staff, but she would check the feasibility of videoing these activities.

Ray also noted that work schedules at the Silos project would shift to two ten-hour shifts in April. Lights used at the site will be visible to neighbors living adjacent to the site. He stated that schedules would be coordinated to make sure workers have a reasonable workweek and efficiency is maintained.

All three members of the CAT attended this meeting. They shared their concerns and perspectives regarding the Silos Project with the FCAB. Key points are listed below:

- Todd Martin reported that the CAT's position on the 11(e)2 designation has been that the site should pursue the option that would ensure quick removal of silos wastes from the site. The CAT is wary of putting too many resources towards pursuing the Envirocare option, which it views as an optimistic scenario.
- Todd stated that the CAT is concerned with the aggressiveness of the schedule for development of the Silo 3 waste packaging station, which is scheduled to be tested in June 2003.
- Past involvement of the CAT has followed a pattern of long periods of inactivity, followed by intensive periods of review. Todd stated that as final designs are completed and tests of systems begin, the CAT's involvement would become more frequent and consistent.
- Gail Bingham reported that based on past cost-performance reports, he has projected a \$48 million cost overrun for the Silos Projects. He also noted that the project would be difficult to complete by 2006, if performance does not improve.
- CAT members reported that some of the design packages they have received have not been as complete as they expected.
- The CAT has several concerns regarding the remote-controlled waste packaging station for Silo 3. The equipment that has been designed for the process does not appear to be very robust. The remote environment would make it difficult to repair the equipment, and requiring staff to make frequent repairs would compromise the safety benefits of using a remote system. The CAT stressed

that a test of this system must replicate the remote conditions under which it will be operated at the site. Todd noted that the initial test plan looks good.

FCAB members concluded that improvement is needed in the communication between the CAT and the project staff. Todd noted that the CAT would be meeting with project staff the following week, and that communications issues are on the agenda. Todd also noted that the CAT and project staff had begun weekly conference calls. Doug asked that the CAT provide the FCAB with a report on these meetings and how communications will be improved.

The FCAB briefly discussed that the responsibility to meet the 2006 closure date rests with the site contractor, Fluor. Board members noted that the quality of work is more important to the public than meeting the project schedule. Members also noted that involvement of the public and CAT should not suffer in order to meet the schedule.

DOE Commitments for Long-Term Stewardship

Steve McCracken spoke to the group regarding current DOE commitments to long-term stewardship of the Fernald site. This presentation was intended to clear up questions that arose regarding the Comprehensive Stewardship Plan, submitted to DOE Headquarters at the end of January 2003.

Steve stressed that DOE has not abdicated any responsibility to maintain the integrity of the remedy at the site. He stated that DOE is required to monitor and maintain the on-site disposal facility (OSDF) and its buffer zone in perpetuity. This includes groundwater detection, cap integrity, and leachate management. DOE also has a perpetual responsibility to maintain institutional controls at the remainder of the site, including the maintenance of signs and other posted information and implementation of deed restrictions. Steve's presentation also noted that DOE must maintain fences at the property, but the FCAB stated that they do not want the entire property to be fenced. Steve stated that DOE must produce an Institutional Control plan and a Long-Term Surveillance and Maintenance plan, which will provide details to the commitments outlined in the Comprehensive Stewardship Plan. Pam Dunn stated that the FCAB and other stakeholders should be involved in the development of these plans.

Graham Mitchell stated that DOE must also fulfill other requirements, such as the CERCLA 5-year reviews, but that these requirements would have a finite endpoint. Steve added that DOE must comply with the same requirements as other landowners, such as endangered species laws and wetland protections.

Steve further noted that DOE could meet its legal obligations through a cost-effective grade-to-drain approach, but DOE has committed to the restoration of the site. The site is being restored to forest and prairie, as agreed upon by the Natural Resource Trustees. DOE has also committed to work with stakeholders to accomplish other goals, including the construction of educational trails and other public use features and Native American reburials. However, DOE does not have the authority to maintain these aspects of the site perpetually. The potential NRD settlement is the tool that is available to DOE to ensure that the ecological restoration, Native American burial sites, and public education features are maintained over the long term.

Graham noted that the ecological restoration projects would provide DOE with some cost savings, such as not having to backfill deep excavations that would be used to create lakes. Graham also noted that prairie grasses were selected for the restoration of some areas at the site, because prairie grass can successfully grow in the poor soils that

will remain after remediation. The FCAB briefly discussed issues related to the management of prairie grasses; Pete Yerace, DOE representative to the Trustees, noted that greater public dialogue is needed regarding these issues. Steve noted that the duration of DOE's obligation to the restoration projects is the main obstacle to settling the NRD lawsuit.

Public Comment

Tom Wagner asked if there were any members of the public who wished to provide comments. No members of the public offered comment at this meeting.

Other Issues

Doug noted that he and David Bidwell received a copy of the draft proposed revision of the Silo 3 cleanup plan. A summary of the plan will be provided to the FCAB members as soon as possible.

Pam Dunn reported that the Stewardship Committee discussed the draft EPA guidance on institutional controls at its March 13 meeting and requested a copy of the earlier EPA guidance. David noted that the FCAB members were provided a summary of this draft guidance.

Doug reported that some members of the group had recently become aware of a draft Long-Term Stewardship Science and Technology Roadmap, which was produced by DOE Idaho. Comments on the draft were requested by April 15. The Stewardship Committee recommended that the FCAB send a letter asking for more time to review the document and submit comments. The FCAB agreed that a letter should be sent and that it should also ask for clarification on the role of the report.

David Bidwell stressed the importance of attending the April 10 Stewardship Committee, since representatives of the DOE Grand Junction Office and Office of Legacy Management would be available to answer questions.

Doug announced that invitations to the May 8 Natural Resource Damages roundtable were sent to the appropriate contacts. No responses had been received.

Doug also announced that Judith Bradbury's report on Site Specific Advisory Boards would be posted on the FCAB website. He suggested that this report could be a topic of discussion at a future FCAB meeting.

Tom reviewed the upcoming FCAB meeting schedule. The June FCAB meeting date has been changed to Thursday, June 12 and will begin at 6:30 p.m. The next FCAB meeting will be special tour of the site on Saturday, April 12.

The meeting adjourned at 12:05 p.m.