

Draft Minutes from the May 16, 1998 Meeting

The Fernald Citizens Advisory Board met from 8:33 a.m. until 12:15 p.m. on Saturday, May 16, 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 French Bell Jim Bierer Marvin Clawson Lisa Crawford Pam Dunn Jane Harper Gene Jablonowski Graham Mitchell Robert Tabor Thomas Wagner Gene Willeke
Members Absent:	Jack Craig Darryl Huff Dan McElroy Ray Wurzelbacher
Designated Federal Official Present:	Gary Stegner
Staff Present:	Tereza Marks Crystal Sarno Douglas Sarno

Approximately 5 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 8:33 a.m.

2. Announcements and New Business

Minutes from the March 14, 1998, meeting were noted as being approved.

Applegate announced that the Steering Committee recommends that Tom Wagner be appointed Vice Chair Elect. Jim Bierer made the motion and Marvin Clawson seconded it. The motion was unanimously approved.

Applegate then stated that each member was provided with a copy of the updated Closure Fund Management Plan, which is very similar to the previous version.

The technical support contract to the Fernald Citizens Advisory Board (FCAB) had previously been an annual contract. For a number of years, the FCAB has been trying to get a multi-year contract. A Request for Proposal (RFP) has been drafted for a new support contract, which is to be awarded this upcoming year. The FCAB will have the opportunity to review the RFP and make any comments. Any Board member interested in reviewing the RFP should attend the next Steering Committee meeting.

The Nevada CAB's low-level waste seminar is now scheduled for August 16th-19th in Las Vegas. The Fernald CAB should try to have a strong showing at this seminar.

There will be two separate meetings held for the National Dialogue, one in Chicago and one in San Diego. They will each be held in June. The Fernald CAB will attend the meeting in Chicago on June 25th to 27th. More details on this meeting will be provided at a later date.

The CAB is concerned about the possible change in management of Fernald from DOE to the Corps of Engineers. Graham Mitchell recommended that the CAB formally state their opinion on this issue. Gene Willeke stated that the Corps has an excellent cleanup reputation, but Fernald is more like a construction project than it is a cleanup project. Lisa Crawford suggested that the CAB send a letter not only to DOE outlining the CAB's position, but also send the letter to the Ohio Congressional Delegation. Willeke agreed with this idea. Applegate suggested that the letter go to Acting Assistant Secretary Owendoff, the head of Region 5-USEPA, the head of OEPA, and to the Ohio Congressional Delegation. Applegate also suggested sending the letter to other CAB's particularly Rocky Flats and Mound, since they are also Defense Closure Facilities. He felt that those CABs would also possibly support this position and send letters to DOE as well. The Fernald CAB's letter should include concerns about having to deal with a transition period, the necessity to resubmit contracts, the negating of previously made agreements, and the learning curve that would be needed for the Corps of Engineers, since they have no experience with nuclear materials. The DOE FUSRAP program has been dismantled and given to the Corps. The key DOE personnel were moved to other areas, so their experience was lost. Sarno said he would draft a letter to DOE for the CAB.

3. Off-Site Disposal Issues

On Friday, May 15, 1998, the Fifth Circuit Court of Appeals dismissed Waste Control Specialist's (WCS) case against DOE. This was the most favorable decision that could be made for DOE. Before the case is truly over, the Fifth Circuit must issue a mandate to the district court within 53 days. During this time, WCS still has a chance to appeal. The contract for Operable Unit One (OU1) cannot be signed with Envirocare until the 53 days have passed. DOE is working to expedite the process and hopes to shorten the time to 30 days. Applegate asked Johnny Reising if this would affect the schedule for waste removal from OU1. Reising said they are working on the project and once they have the contract, they will be able to begin shipping wastes. Because the court's decision was so strong, it is a wise decision to move forward on the project in manner as if the disposal contract will be signed.

Bob Tabor asked if the CAB should write a letter stating that it is glad the case was overturned. He was still concerned that adequate planning had not been made for contingencies had the injunction not been overturned. Before the injunction was lifted, there were a number of concerns, particularly about the lack of other options for OU1. Applegate asked the rest of the CAB if this were something they were interested in doing.

Mitchell suggested that he fax Sarno a copy of the letter he had written on the potential new DOE off-site policy that was outlined in a Commerce Business Daily announcement. The deadline for comments on this policy is Monday, May 18, 1998. The CAB could possibly use his letter and make its own additions or changes. The CAB decided that, because they had limited information on the announcement, they should not submit any comments.

The White Metal Box Corrective Action Plan lists over 60 corrective actions that must be performed. Most of those actions are being corrected and are on schedule. When the plan was issued, it was hoped that Nevada Operations Office would be able to come to Fernald in late May or early June to examine the progress. However, the current schedule is for Nevada to come to Fernald in late July. Nevada has a new waste policy that needs to be implemented and this has caused some delay. Over the next month or so, Nevada will finish the waste profiles needed as part of the new policy and will be free to come to Fernald.

Pam Dunn wanted to ensure that the state of Nevada's concerns about the white metal box incident were addressed. The state has been invited to all of the DOE meetings on the subject.

Willeke wanted to know if Nevada Test Site would come for an interim review prior to July to ensure that everything was proceeding well. If they should find a problem at the end of July, additional time will be needed to make corrections. NTS is not able to come prior to July, since the waste profiles will not be complete. Mitchell suggested that the CAB readdress this issue at the July meeting.

Fernald was asked to prepare information addressing what was being done to handle aqueous waste on site for the Toxic Substances Control Act (TSCA) incinerator. Fernald prepared the response and had thought everything was in order. However, they recently learned that another letter is needed to explain how Fernald will deal with aqueous waste. The response will be mailed this week.

Mitchell stated that Tennessee had faced significant budget cuts and could save additional money by closing down the incinerator. If the incinerator is closed, he fears that it will not be reopened. The TSCA incinerator is the only option available for Fernald. Mitchell explained that the TSCA incinerator can accept radiological waste while other incinerators cannot. Until the requested response is provided to Tennessee, Fernald will not be able to ship any aqueous wastes.

Fernald has traditionally shipped waste to the Nevada Test Site (NTS) by truck because no viable rail option exists. Sending the waste by truck is more expensive and dangerous than sending wastes by rail. Truck transport also involves going through Las Vegas. An intermodal option is being considered. The transfer from rail to truck could take place in Caliente, NV. There is a road near Caliente that cuts through Nellis Air Force Base and ends near NTS. The CAB could ask DOE and the Air Force to work together to open the road and allow the trucks from Caliente to NTS. A bill is currently before the House and Senate that makes mention of using Caliente as a transfer point for high-level waste. While the CAB does not want to take a stand on the high-level waste policy, they feel that it is good that the Senate and House are aware of the possibility of using Caliente as a transfer point.

Members of the CAB were provided with letter to Jack Craig that supported the use of Caliente. The Board approved the letter without changes.

Yermo (CA) and Barstow (CA) are other options for the transfer facility. Nevada is holding conversations with each of these sites. Caliente does not have a transfer facility or adequate roads, while these other sites do. A public comment period on this issue should be held in early June. Use of any of these three sites would avoid truck transport through Las Vegas and over the Hoover Dam.

The Off-Site Committee is very concerned with the general lack of contingency planning at Fernald. Tom Wagner felt that the contingency studies were just surface studies and were not followed through. Fernald has not considered options for what could occur if something goes wrong. A decision tree that evaluates a variety of possible alternatives should be available. The problems have been identified, but the next steps to solve them have not. Reising said that studies have been done on this issue but have not been shared with the CAB.

4. Budget Issues

Fernald needs \$280.5 million for the FY2000 budget. For FY99, Fernald needed \$273.2 million but actually received \$275. In FY2000, there could be a reduction from what Fernald needs by as much as 30 million.

DOE Headquarters has just completed its midterm budget review. The request for funds that Fernald needs for FY2000 have been submitted to headquarters, but the funds have not been allocated. Once Fernald finds out exactly how much has been allocated, it will have a better idea of the possible schedule impact. Of all the activities at Fernald, 92.2% are on a critical path because of the accelerated cleanup schedule. Jim Bierer asked if being on the accelerated schedule would mean it would be easier to get the needed funds. Reising stated that he didn't know.

Crawford and Dunn went to Washington, DC earlier in the month and met with DOE and Congress. Crawford told them that Fernald should not be sacrificed for the other four Ohio Field Office sites.

Sarno pointed out that Closure Fund status had not seemed to change operations at Fernald. The Efficiency Committee had discussed sending a letter to Senator Glenn asking about the intent of the Closure Fund. The letter should be copied to Leah Dever and Owendoff. The Board agreed that the letter should come from the full Board. Applegate said that the letter should state that the CAB had been in favor of the Closure Fund. He pointed out that removing money from Fernald would mean it would not meet the 2006 cleanup goal.

5. Special Nuclear Materials

Many special nuclear materials still remain on site. Some enriched material has been sold; however, the rest remains on site because it cannot be sold. Sarno mentioned that the International Uranium Corporation was interested in removing uranium from waste and gave the name of a contact to DOE. Reising thought that DOE had already spoken with this group. Sarno agreed to send Willeke and Mitchell a copy of her paper on the process. Reising promised to send Sarno logs of his conversations with them.

There are currently approximately 6.3 million pounds of enriched uranium on site; one third of it will be off site by this summer. There are no plans for the rest. The Off-Site Committee feels that the remaining material should be removed from the site. A letter was sent to Dever and Craig in April asking that this material be declared waste and moved off site by next spring. There is talk of making Oak Ridge a storage facility for enriched uranium. The CAB should not interfere with the happenings at Oak Ridge, but should continue to push for the off-site shipment of this material. Headquarters needs to make a waste declaration for this material, but this is not proceeding.

6. Native American Reinterment

Joe Shomaker made a presentation on Native Americans. The area around Fernald is a historical district because there are so many burial grounds. So far, they have uncovered 115 historical areas. Fernald is working with nine federal tribes and forty groups from the states.

He has found a Shawnee village by the road where it was previously believed there were no Shawnee. This had led him to think there could be as many as 3500 burials on the site. Willeke asked how these burial sites would affect the cleanup of the site. Shomaker said they might have to deal with some unexpected discoveries.

Sue Walpole added that Fernald has developed an education program dealing with Native American archaeology. Local teachers bring kids to the sites on field trips, and Shoemaker travels to local schools to explain the projects to the children.

The On-Site Committee has reviewed the Sitewide Excavation Plan and the Integrated Environmental Monitoring Plan. Bierer explained that a tentative settlement has been reached with EPA on the natural resources lawsuit. There will be public meetings on this in the future. The Committee will provide the Board with a list of the dates.

7. Public Comment

Applegate opened the floor for public comment; there was none.

Crawford wanted to let the Board know that it had been ten years since the television program "48 Hours" did a show on Fernald. The program might do a follow-up on the 28th of May.

The next committee meetings will be the 10th and 11th of June. The Off-Site Committee will meet at 6:00 p.m. on June 10th. The On-Site Committee will meet that same night at 7:30 p.m. The Efficiency Committee will meet at 6:30 p.m. on June 11th. The June 9th Monthly Progress Briefing will focus on the Community Reuse Organization (CRO) and CAB.

The Steering Committee will meet on May 27th at 5:15 p.m. to review the RFP for the support contract and work on membership issues.

The next CAB meeting will be July 15th at 6:30 p.m.

8. Adjournment

Applegate adjourned the meeting at 12:15 p.m.

