

0057755

Meeting Minutes
U.S. Department of Energy and Oregon Office of Energy
Bi-Monthly Forum

March 27, 2000
Room 780
Federal Building, 825 Jadwin Avenue, Richland Washington

Distribution:

W. W. Ballard	DOE-RL	A5-12
M. L. Blazek	OOE	Oregon
D. H. Chapin	DOE-RL	N2-36
D. J. Connell	FH	A3-05
D. Dunning	OOE	Oregon
O. A. Farabee	DOE-RL	N2-36
M. Grainey	OOE	Oregon
R. I. Greenberg	DOE-HQ	
J. S. Hertzell	FH	A1-14
D. Huston	OOE	Oregon
M. K. Marvin	DOE-RL	A7-75
G. M. McClure	DOE-RL	A7-75
F. R. Miera	DOE-RL	A7-75
R. D. Morrison	FH	A1-14
N. B. Myers	BHI	H0-14
K. Niles	OOE	Oregon
H. M. Rodriguez	DOE-RL	A5-15
S. N. Safford	OOE	Oregon
G. H. Sanders	DOE-RL	A5-15
D. J. Somers	FH	A3-05
J. L. Spracklen	DOE-RL	A6-35
J. L. Tokarz-Hames	DOE-RL	A6-35
D. C. Ward	DOE-RL	A2-15

RECEIVED
JUL 23 2002
EDMC

Meeting Minutes
U.S. Department of Energy and Oregon Office of Energy
Bi-Monthly Forum

March 27, 2000
Room 780
Federal Building, 825 Jadwin Avenue, Richland Washington

Apprvl.: *Felix R. Miera* Date: 7/18/00
for George H. Sanders, Program Manager
Office of Regulatory Liaison
U.S. Department of Energy

Apprvl.: *Mary Lou Blazek* Date: 7/18/00
Mary Lou Blazek, Administrator
Nuclear Safety Division
Oregon Office of Energy

Attendees:

M. L. Blazek	OOE
D. H. Chapin	DOE-RL
D. J. Connell	FH
O. A. Farabee	DOE-RL
R. I. Greenberg	DOE-HQ
D. Henry	OOE
D. Huston	OOE
M. K. Marvin	DOE-RL
G. M. McClure	DOE-RL
F. R. Miera	DOE-RL
R. D. Morrison	FH
N. B. Myers	BHI
K. Niles	OOE
H. M. Rodriguez	DOE-RL
S. N. Safford	OOE
D. J. Somers	FH
J. L. Spracklen	DOE-RL
J. L. Tokarz-Hames	DOE-RL
D. C. Ward	DOE-RL

AGENDA

DOE/OREGON BI-MONTHLY FORUM

**March 27, 2000
1:00 p.m. – 3:00 p.m.
Fed. Bldg., Rm. 780
Richland, WA.**

1. Introduction – Marla Marvin/Felix Miera/Mary Lou Blazek
2. DOE Headquarters Update – Ray Greenberg (By phone 301-903-1826)
3. Hanford Site Abnormal Event Notifications (1:15 – 1:45) – Jim Spracklen
4. FFTF – PEIS/Funding/Schedule Status (1:45 – 2:05) – Al Farabee/Doug Chapin
5. Environmental Monitoring & Surveillance at the Hanford Site (2:05 – 2:20) – Dana Ward/Steve Wisness
6. March 30th FY 2002 Proposed Budget and Integrated Priority List Public Meeting, Portland OR. – Gail McClure/Mary Lou Blazek
7. Idaho High Level Waste & Facilities Disposition DEIS (Out for Public Comment) – Gail McClure/Mary Lou Blazek
8. Tri-Party Agreement Status Report – Hector Rodriguez
9. Action Items – Ron Morrison
10. Other items of interest -- All
11. Wrap-up and Next Meeting Date

MEETING MINUTES, March 27, 2000 (Richland, Washington)

1. Introductions.

Marla K. Marvin, Deanna Henry and Sue Safford were introduced to the attendees. Marla K. Marvin is the new Director of the U. S. Department of Energy's (DOE) Office of External Affairs. Sue Safford is a Hanford Project Specialist and Deanna Henry is a Nuclear Emergency Preparedness Coordinator within the Nuclear Safety Division of the Oregon Office of Energy.

3. Hanford Site Abnormal Event Notifications.

J. Spracklen initiated the discussion of State of Oregon concerns regarding the event notification process at the Hanford Site and the tritium originating from the 618 Burial Ground. J. Spracklen stated that the DOE is striving for a zero defect system of notification but, it is proving very difficult to achieve in practice.

D. Connell conducted a presentation entitled "Abnormal Event Notifications" (Attachment 1).

M. Blazek stated that someone has known for approximately one year that the Tritium releases were occurring and asked why a year elapsed before the DOE announced it. If a concern needs to be raised to your management the State of Oregon needs to know about it.

J. Spracklen responded that the technical people in the field do not work directly for the notification organization and that the DOE is working to improve the communication and understanding of these issues.

F. Miera added that once we understood that we had a problem then the notifications took place.

D. Connell stated that currently if a press release is to be made then the event is considered to be an off-normal event and notifications are made. In this particular case our information was that there was not to be a press release.

M. Blazek stated that the State of Oregon would prefer to error on the side of being notified about a subject even though it may not become an issue rather than not be notified. M. Blazek additionally asked if the DOE Office of External Affairs is tied into the notification process?

D. Connell responded that they were.

4. Fast Flux Test Facility (FFTF) – PEIS/Funding/Schedule Status.

A. Farabee stated that the DOE has forwarded a reprogramming request to Congress, on March 17, 2000, for \$9.0 million. If it is successful and the reprogramming is in place by April 2000 we expect public meetings to be held in August. The PEIS draft documents would go out in July with a corresponding 45 day public comment period. The Record of Decision would then be issued in January. It was also pointed out that \$5.6 million of the reprogramming is for maintaining staff at the FFTF with the remainder being for the PEIS effort.

M. Blazek asked how many people are currently assigned to FFTF and what is the minimum safe staffing level. A. Farrabee responded that there are currently 228 people and the minimum safe staffing level is 197.

Action: D. Huston requested a copy of the minimum safe level plan.

M. Blazek stated that the State of Oregon would like to see a 60 day public comment period on the PEIS and asked if there was a public involvement plan. A. Farabee responded that a public involvement plan did exist.

M. Blazek pointed out that a large scale public involvement effort should be made with workshops as opposed to general public meetings. This position has also been passed on to Assistant Secretary Magwood.

8. Tri-Party Agreement Status Report. (H. Rodriguez)

Privatization of tank waste disposal.

The DOE and the State of Washington Department of Ecology (Ecology) are still in dispute over several issues. Discussions are ongoing at very high levels of management. The DOE is reviewing another Ecology proposal and the deadline is March 29, 2000. Unless this deadline is extended the Director of Ecology will issue a final determination on March 29, 2000 after which the DOE will have 30 days to file an appeal.

M-24-00 installation of ground water monitoring wells.

The number and locations of Resource Conservation and Recovery Act ground water monitoring wells for calendar year 2000 are currently being negotiated. Issues are being encountered over the number of wells to be installed.

7. Idaho High Level Waste & Facilities Disposition DEIS.

M. Blazek provided a copy of a letter from the Oregon Office of Energy to Mr. Thomas L. Wichman, dated March 23, 2000, containing written comments from the State of Oregon on the Idaho High Level Waste and Facilities Disposition draft Environmental Impact Statement (Attachment 2).

M. Blazek requested the attendance of DOE National Environmental Protection Act (NEPA) personnel at a future Forum meeting for discussion of various interpretations of NEPA.

Declassified Photographic Negatives (non agenda item).

M. Blazek asked about a large number of photographic negatives which are being declassified and placed on a compact disk and whether a copy could be obtained for the State of Oregon. F. Miera replied that Y. Sherman would be the appropriate contact for this request.

Hanford Environmental Information System (non agenda item).

M. Blazek requested access for the State of Oregon to the Hanford Environmental Information System.

PCBs in waste tanks (non agenda item).

K. Niles asked what the issue is regarding PCBs in Hanford tank waste?

M. Marvin responded that the issue is whether the Toxic Substances Control Act applies to the treatment of tank waste. If it should apply this would require additional treatment processes and add substantially to the cost.

5. Environmental Monitoring & Surveillance at the Hanford Site.

D. Ward reviewed the history of environmental monitoring and related public involvement and information.

M. Blazek asked if the information meetings could be taken "on the road" possibly at Hood River in October and Eugene in June.

Hanford Advisory Board Draft Advice (non agenda item).

G. McClure provided Attachment 3, "Draft Advice on FY2002 Proposed Integrated Priority List for DOE-Richland and DOE-Office of River Protection for consideration by the Hanford Advisory Board from the Dollars and Sense Committee", dated March 24, 2000.

9. Action Items.

See Attachment 4 for action items and status.

11. Next Oregon/DOE Forum Meeting.

It was tentatively agreed that the next Forum would take place on May 25, 2000 at 9:00am in Portland, Oregon.

The Forum Was Adjourned.

ABNORMAL EVENT NOTIFICATIONS

Dan Connell, Manager

Fluor Hanford

EP Project Support and Reporting

ABNORMAL EVENT NOTIFICATIONS

Previously "Not-Classified" Notifications

What is it for?

- **Precursor of larger events (heads-up).**
- **Issues which may have public concern or media interest.**

BACKGROUND

Pre-PRF

- **Unusual Occurrence verbal notifications went to some Regulators.**
- **Notification Reports (written) were provided 3 working days after submission to ORPS.**
- **Minimal feedback/complaints from Stakeholders.**

BACKGROUND (continued)

Post-PRF

- **Emergency Duty Officers determined “Not Classified” event from 5 subjective bullets.**
- **Significant complaints from Stakeholders (missed items, consistency, timeliness).**

BACKGROUND (continued)

July 1, 1998

- **Detailed criteria negotiated with Stakeholders .**
- **ONC the decision point.**
- **Continued complaints regarding timeliness.**

BACKGROUND (continued)

October 1, 1999

- **Name changed to “Abnormal Event.”**
- **Several negotiated changes to criteria have occurred.**

December 1999

- **Web Site initiated with ALL occurrence reports 24-hours after ORPS submission.**

Environmental
Contingency
Plan
Implementation

GENERAL

SITE AREA

ALERT

Emergency
Action
Levels
DOE/RL-94-02

OPERATIONAL EMERGENCY

UNUSUAL OCCURRENCE

OFF NORMAL

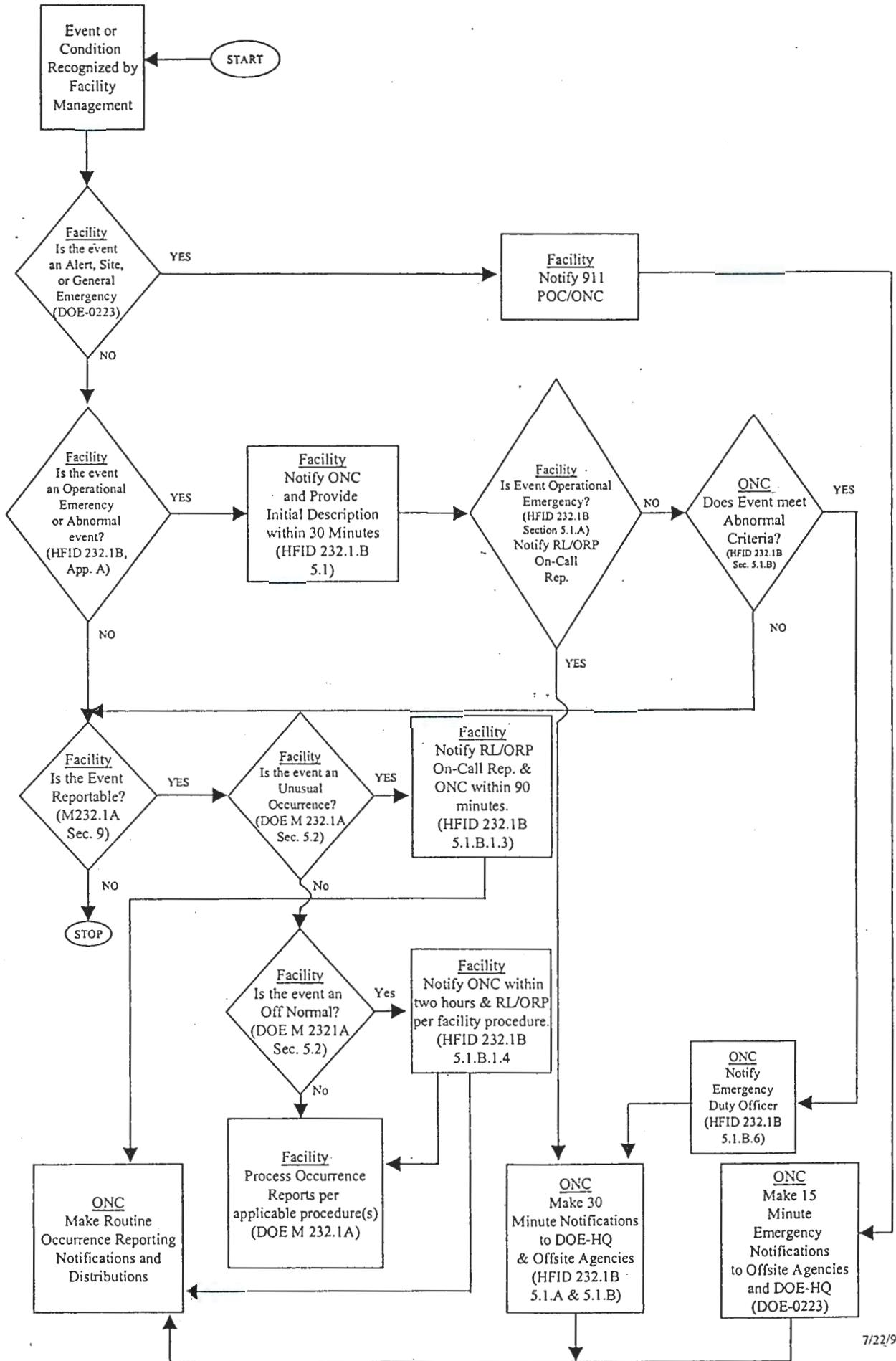
NON-REPORTABLE

HFID 232.1B
DOE O 232.1A

Abnormal
Event

APPENDIX C

HF Notification/Reporting Decision Process



In Work

- **Better integration of Environmental Reporting with Abnormal Event Reporting.**
- **Enhance Abnormal Event awareness.**

ABNORMAL EVENT CRITERIA (SPECIFIC)

FACILITY CONDITION	
Fires/Explosions	
1.	Any fire within primary confinement/containment boundaries of a nuclear facility.
2.	Any explosion within a nuclear facility.
3.	Any fire or explosion that activates a fire suppression system (e.g. halon discharge, sprinkler heads activating) or disrupts normal facility operations.
4.	A fire that occurs outside the boundaries of a facility and: <ul style="list-style-type: none">• Threatens to involve a facility or significant structure, or• Threatens to involve an area containing either chemical or radiological contamination, or• Obstructs visibility on any onsite roads such that they must be closed to traffic, or• Threatens to spread outside the boundaries of the Hanford Site.
Loss of Control of Radioactive Material/Spread of Radioactive Contamination	
1.	Identification of radioactive contamination offsite that is expected to have originated from the Hanford Site.
Operations (Events that interfere with the safe operation of the facility, system or process)	
1.	Actuation of Safety Class System, Structure, or Component (SSC) - intended for protection of the public - or their alarms, resulting from an actual unsafe condition. Inadvertent alarms are not required to be reported unless an actuation of a Safety Class SSC occurs and the actuation is considered significant as defined by the approved facility procedures.
2.	Loss of incoming alternating current power and failure of any backup emergency power system supplying power to Safety Class SSC - intended for protection of the public - to operate for any reactor or nonreactor nuclear facility.
3.	Weather conditions/natural phenomenon causing serious disruption of facility activities. Note: Does not include Site Delay, or Early Release of non-essential personnel.
4.	Any facility evacuation (excluding office space) in response to an actual occurrence, not including a precautionary evacuation for an event that can be controlled and mitigated by employees or maintenance personnel assigned to the affected facility or activity.
5.	Any unplanned Hanford electrical outages or unexpected consequences from a planned outage which seriously disrupt normal operations of a facility and/or may prevent the facility from meeting approved operating goals.

ENVIRONMENTAL

Radionuclide Releases

1. Release of a radioactive material that violates environmental requirements (including monitoring requirements) in Federal permits, Federal regulations, or DOE standards.
2. Any release that is not an Emergency as defined in DOE 5500 series Orders (or DOE Order 151.1) but requires immediate reporting to Federal regulatory authorities. Release of a radioactive material that exceeds a federally permitted release by the amount of a Comprehensive Environmental Response, Compensation and Liability Act Reportable Quantity or, where no federally permitted release exists, the release exceeds the reportable quantity or triggers specific action levels for an outside Federal agency (to include sanitary, storm sewer, waste or process streams or any holding points).
3. Release of radioactive material into the Columbia River that exceeds State surface water quality criteria.

Release of Hazardous Substances/Regulated Pollutants/Oil

1. Release of a hazardous substance or regulated pollutant that exceeds a Comprehensive Environmental Response, Compensation and Liability Act reportable quantity per 40 CFR 302 and 40 CFR 355 for chemicals and extremely hazardous substances or exceeds a federally permitted release by a reportable quantity.
2. Any release that is not an Emergency as defined by DOE 5500 series Orders (or DOE Order 151.1) but requires immediate reporting to Federal regulatory agencies or triggers specification action levels for an outside Federal agency.
3. Release of a hazardous material into the Columbia River that exceeds State surface water quality criteria.

Hazardous Material Contamination

1. Discovery of onsite or offsite contamination due to DOE operations that does not represent an immediate threat to the public but exceeds a reportable quantity for such material per 40 CFR 302.
2. Any discovery of groundwater contamination due to DOE operations that is not part of an existing plume previously identified in either an annual report or in any Comprehensive Environmental Response, Compensation and Liability Act/Resource Conservation and Recovery Act activity or report.

Ecological Resources

1. Any occurrence causing significant impact to any ecological resource for which the DOE is a trustee (i.e., destruction of a critical habitat, damage to a historic/archeological site, damage to wetlands, etc.).

Environmental Agreement/Compliance Activities

1. Any occurrence under any agreement or compliance area that requires immediate notification to an outside regulatory agency, or triggers any outside regulatory agency action level.

PERSONNEL SAFETY

Occupational Illness/Injuries

1. Any occurrence due to DOE operations resulting in a fatality or terminal injury or illness.

Vehicular Incidents

1. Any vehicular incident, including aircraft, resulting in fatality(s), terminal injury(s), or terminal illness on the Hanford Site.

PERSONNEL RADIOLOGICAL PROTECTION

Personnel Contamination

1. Any event or condition resulting in medical transport to a local hospital for evaluation or treatment of contaminated personnel.

SAFEGUARDS AND SECURITY

Occurrences in this section will require consideration of classified and unclassified controlled nuclear information in addition to careful review for privacy considerations.

Criminal Acts

1. Any facility evacuation in response to a bomb threat. (Does not include evacuations due to suspicious objects.)

Demonstrations/Protests

1. Disruptive activities impeding vehicular or employees access/egress.
2. Attempted or actual trespass.
3. Malevolent activities causing property damage or bodily harm.

CROSS-CATEGORY ITEMS

Potential Concerns/Issues

1. Any occurrence that may result in a significant concern (particularly in the offsite transportation and radiological areas) to the press or general population, or could damage the credibility of the DOE. (NOTE: Requests by offsite agencies to conduct Abnormal Event notifications shall be used to gauge public concern or media interest.)
2. Any earthquake on the modified mercalli earthquake intensity scale of Level III or greater.
3. Any occurrence on which the DOE plans to issue a press release.



Oregon

John A. Kitzhaber, M.D., Governor

Office of Energy
 625 Marion St. NE, Suite 1
 Salem, OR 97301-3742
 Phone: (503) 378-4040
 Toll Free: 1-800-221-8035
 FAX: (503) 373-7806
www.energy.state.or.us

March 23, 2000

Mr. Thomas L. Wichman
 Document Manager,
 U.S. Department of Energy, Idaho Operations Office
 850 Energy Drive, MS 1108
 Idaho Falls, Idaho 83401-1563

Dear Mr. Wichman,

Thank you for the opportunity to comment on the Idaho High Level Waste and Facilities Disposition draft Environmental Impact Statement (EIS). These comments are submitted on behalf of the State of Oregon. They should be considered as an addition to written comments provided by Ken Niles of my staff at the Portland public meeting on February 22, 2000.

Our previous comments focused primarily on conditions under which Oregon could potentially consider future treatment of Idaho's high-level waste at Hanford. The comments provided here focus more on the technical elements of the draft EIS.

We have two overarching concerns with this draft EIS:

- We believe the "mix and match" philosophy of this EIS is inappropriate. Putting together pieces of different alternatives to create a hybrid alternative creates an alternative that has not been analyzed in an integrated fashion in the EIS.
- This EIS is too hypothetical to be used as a decision making document. For example, construction on the facilities being considered for Hanford's own use in the Hanford Option will not begin for several years even if they are approved and funded. Final waste dispositions discussed in the EIS rely on facilities still in the research, planning and approval phase. The future existence of these facilities is not certain and is many years away at best. And, these facilities may not be compatible with Idaho waste. We recommend that Hanford references in this EIS be removed and re-evaluated and the ROD deferred due to the large uncertainties associated with the alternatives being considered.

There is another point I would like to make: I am greatly concerned about the manner in which the Portland public meeting was conducted. Although the information provided was fair and understandable, I must object to the rigid format used in conducting the meeting. My staff suggested a less formal format to reflect the small turnout. We were

told this was not possible because the National Environmental Policy Act required that each public meeting be conducted exactly the same. We do not agree with this interpretation of NEPA's requirements.

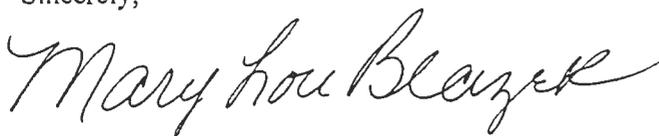
Only five members of the public and two members of my staff attended the meeting. One highly interested and knowledgeable individual left her sick child with her husband to come to this meeting because of her passion about Hanford issues. She politely asked to give formal public comment after 90 minutes of presentations because she could not stay for the formal public comment period. She was allowed to give her comment during the question and answer period but was told her comments were not on the record. After giving her comments she was told that her comments were good but she should send written comments if she wanted them on the record. This inflexible approach to public involvement and NEPA serves neither the public nor the U.S. Department of Energy.

Oregon Office of Energy staff also suggested a low cost facility which was not used. We are ever vigilant about getting the best possible result for money spent. Please provide the total cost of the Oregon public involvement effort to include meeting room and staff travel costs and per diem. This information will be used in an Oregon report to USDOE on public involvement efforts in Oregon.

More specific technical comments on the draft EIS are attached. Should you have any questions about any of our comments, please contact me at 503-378-5544 or Mr. Douglas S. Huston of my staff at 503-378-4456.

I look forward to seeing how our comments and concerns are addressed.

Sincerely,

A handwritten signature in cursive script that reads "Mary Lou Blazek". The signature is written in black ink and is positioned above the typed name and title.

Mary Lou Blazek
Administrator,
Nuclear Safety Division
Oregon Office of Energy

**Oregon Office of Energy Technical Comments on the Idaho High Level Waste and
Facilities Disposition Draft Environmental Impact Statement**

1. This EIS does not consider all reasonable alternatives. For example, vitrification plants exist and are operating at West Valley and Savannah River. The EIS should examine the alternative of vitrifying Idaho's waste at these locations.
2. Section 3.1, "Description of Waste Processing Alternatives," lists five alternatives. Table 3-1 on the next page lists nine alternatives/options. This is confusing and should be clarified.
3. As a result of the mix and match philosophy espoused in this EIS, Section 5 should analyze Hanford impacts for the Full Separations Option and Early Vitrification Option.
4. Appendix C.8, Section C.8.3.2, "Water Resources," page C.8-11, "Surface Water," does not discuss Oregon's extensive use of the Columbia River for irrigation, drinking water, electrical power generation, commerce and tourism. We recommend these uses of the river be included in this section, and that the EIS examine and explain the impacts on these uses from the various alternatives being considered.
5. The Hanford alternative is described as having a minimal impact on 52 acres of sage shrub-steppe habitat. However, no consultation was done with the Native American tribes in the area, or with the appropriate federal agencies to support this assertion. As a result of fires in the 1980s, much of this habitat was burned. This has drastically reduced the amount of prime sage shrub-steppe habitat. The State of Washington identifies this habitat as of special concern. It is home to about 17 species which are under consideration for listing as rare, threatened or endangered. As Hanford cleanup proceeds, additional land will be required for processing and cleanup facilities. Even more land will be disturbed as a direct result of cleanup. The EIS fails to consider or analyze the cumulative impacts of all of these activities at Hanford. We recommend these impacts be considered in the EIS.
6. The models used to predict waste migration through the vadose zone and groundwater are overly simplified and fail to consider the broad uncertainties that occur due to preferential pathways and a general lack of understanding of the basic science involved in long term migration of radioactive materials through soil. We recommend that a discussion of these uncertainties be included in this EIS.
7. Mobilization of plutonium and other actinides by the action of vegetative organic decay products such as humic and fulvic acids does not appear to have been considered, or by colloid formation and transport. We recommend these potential impacts be considered in the EIS.
8. This EIS should discuss how the Hanford Option would be funded and the impacts of the various funding options on Hanford and Idaho cleanup.



Attachment 3

**HANFORD ADVISORY BOARD
FAX COVER SHEET**

Date: March 27, 2000

To: Dollars & Sense Committee

Madeleine Brown, Norm Buske, Greg deBruler, Harold Heacock, Doug Huston, Robert Larson, Jeff Luke, Gary Miller, Nanci Peters, Gerald Pollet, David Watrous

cc: Wade Ballard, Peter Bengtson, Chris Chamberlain, Dennis Faulk, Abe Greenberg, Barbara Harper, Clark Haueter, Russell Jim, Angela Johnson, Gail McClure, Linda Mays, Nancy Myers, Valerie Peery, Max Power, Marilyn Reeves, Joseph Richards, Gordon Rogers, Ruth Siguenza, Janis Ward, Barb Wise

From: Amy Grotsfendt

Number of pages including cover sheet 7

Attached is the FY2002 IPL draft advice compiled from pieces written by individual committee members. We will be discussing it during our 12:30 p.m. conference call today. In order to move through the advice relatively quickly, please take a moment to read it prior to the conference call and identify the sections where you have major disagreements. We can get into word-smithing and editing, but I would like to identify the areas where we need discussion first.

We will also be discussing this week's budget public meetings and who and what we will be presenting at those meetings. Please refer back to the presentation I faxed out last week to you and be prepared to discuss that as well! Thanks and if you have any questions, please call me at 206-269-5041.



EnviroIssues (Facilitation) (206) 269-5041
Nuvotec, Inc. (Administration) (509) 943-5319
723 The Parkway, Suite 200
Richland, WA 99352



DRAFT ADVICE
on
**FY2002 PROPOSED INTEGRATED PRIORITY LIST FOR DOE-RICHLAND AND
DOE-OFFICE OF RIVER PROTECTION**
for consideration by the
HANFORD ADVISORY BOARD
from the
DOLLARS & SENSE COMMITTEE
March 24, 2000
Rev. 1

1. There is not a clear linkage between new budget priority criteria and the proposed budgets.

The Hanford Advisory Board responded favorably (Advice #105) to the proposed criteria for development of the U.S. Department of Energy-Richland's (DOE-RL) Integrated Priority List (IPL), which eliminated the use of high priority funding categories that were not well defined and increased the priority for funding of Tri-Party Agreement (TPA) milestones and cleanup along the Columbia River. However, in the two proposed FY2002 IPLs (DOE-RL and DOE-Office of River Protection), a total of \$277 million TPA milestones are not funded. The Board believes that the new criteria that emphasize cleanup along the River are not well linked or reflected in the draft IPL.

Also, during review of the FY2002 IPL, it was difficult for the Board to determine the size of the compliance gap. Both DOE-RL and DOE-ORP created a new category of budget priorities called "unfunded critical needs," which gave higher funding priority to items that are not legally required than to essential work and cleanup work required by the TPA and environmental laws. This is inconsistent with DOE-RL's new prioritization criteria. DOE should not abuse concern over the lack of funding for compliance requirements to drive increased funding which then goes to activities other than legally required safety and cleanup work.

The compliance gap for DOE-RL and DOE-Office of River Protection (ORP) programs includes:

- a) A \$156 million Environmental Restoration (ER) Program compliance gap. This compliance gap includes lack of funding for investigation and remediation of the Hanford low-level waste burial grounds and the release of tritium (measured in January at 400 times the drinking water standard) from the 618-11 burial ground, which is just over three miles from the Columbia River.
- b) A \$114 million compliance gap in unfunded legally required safety and cleanup work for the high-level nuclear waste tank programs under DOE-ORP.

2. The Board recommended revising priorities in the proposed budgets.

To properly prioritize protection of the Columbia River and compliance with TPA milestones, the Board urges the following changes in the FY2002 IPL:

- (a) Fund monitoring wells required to comply with both the TPA and Resource Conservation and Recovery Act (RCRA);

- (b) Fund continued pumping and treatment for the UP-1 plumes;
- (c) Fund investigation, monitoring upgrades, and interim action to stop the spread of contamination, and remediation of numerous burial grounds. For example, DOE has detected tritium levels 400 times the drinking water standard in the 618-11 burial ground, but has not set aside funding for any remediation required following currently planned investigation and monitoring. Also, there are no currently identified plans for investigation of the low-level waste burial grounds while DOE has set aside funds for plans to accelerate work in the 300 Area.
- (d) Fund the retrieval of buried TRU wastes, whose storage drums and containers are known to be failing, at a much higher priority. Currently DOE-RL is funding packaging and assessment of stored wastes to be shipped to WIPP, which pose no threat to the environment, while not funding retrieval of wastes, which are currently releasing contaminants to the environment. Failure to retrieve buried TRU wastes now may lead to dramatically increased retrieval costs as more containers fail. Also, DOE-RL is incurring increased costs to certify that stored TRU wastes slated for shipment to WIPP do not include Washington designated dangerous wastes, while not increasing surveillance of the offsite wastes being buried in Hanford's soils;
- (e) Portions of the Hanford Environmental Monitoring Program (HEMP) and several similar IPL line items would receive a lower priority if the prioritization criteria were applied to specific programs, instead of attempting to include them all in the highest priority funding categories for compliance and protection of the River;
- (f) The 224-B facility and 233-S decommissioning are not TPA requirements and should not be given priority over funding for TPA requirements.
- (g) Funding for building infrastructure needs should be prioritized to those that pose significant risks, based on clear criteria. Funding sources need to be identified to meet those priorities, including where other programs deferred maintenance or upgrades and then passed the facility to the ER program.
- (h) Funding for the Groundwater/Vadose Zone Integration program, including data characterization and modeling, should be reprioritized so that funds are be used for characterization of soil and groundwater contamination, especially for TPA and other legal requirements.

3. Do not accelerate cleanup of 300 Area at the expense of regulatory requirements.

The Board considers this topic premature for funding in FY2002 in view of the many unfounded compliance requirements as well as the very preliminary state of planning.

Well established investigation, ??, and work proposal procedures, including public and regulator review, pursuant to the TPA, CERCLA, MTCA, and RCRA need to be followed for the 300 Area. Budget decisions should not supplant those processes.

4. Increase funding for burial grounds.

In light of the recent discovery of high tritium levels in groundwater under the 618-11 caissons and Board advice #103 (Characterization of Burial Grounds and Importation of Waste), there is not adequate funding for required burial grounds monitoring, characterization, and remediation during FY2000 and FY2001 as well as FY2002. In addition, near term interim action at 618-11 may be necessary if significant plume growth is identified. The Board recommends that

planning attention be given to identifying contingency fund sources of several dollar amounts to allow for prompt response to unforeseen surprises or emergencies.

5. Funding for the Groundwater/Vadose Zone Integration Project should not be continued while funding for 200 Area characterization is decreased.

The Groundwater/Vadose Zone Integration Project's mission is to ensure that Hanford Site decisions are defensible and possess an integrated perspective for the protection of water resources, the Columbia River environment, river-dependent life, and users of Columbia River resources. Currently, there is limited evidence that there is integration occurring across the Hanford Site programs and projects. Mission from the integration team is Waste Management, Fluor Hanford, and specific project people, such as 300 Area groundwater vadose zone management. The primary focus has been for the System Assessment Capability Project with PNNL support. A larger amount of funding has been provided for a long-term research project with no decision-making capability and no near-term products. A limited number of study elements were defined and assigned based on initial guidance from the Columbia River Comprehensive Impact Assessment (CRCIA) Part II document, but the total number of elements required to do the impact assessment is incomplete. The integration management team has elected not to fund those elements associated with impacts to the Columbia River.

The Board recommends that DOE complete a thorough impact assessment and integrate data across the Hanford Site programs and projects. Assessments of specific sites (200 Area) on Hanford must be identified and funded. Groundwater monitoring is at a minimum and badly requires expansion of funding and prioritization; individual contracting mechanisms are blocking a coordinated effort at integration. DEQ needs to identify exactly what funding levels are being

6. There has been a lack of opportunity for Board, public, and regulator input.

The Board agrees with Ecology and EPA that there has been a significant reduction in the opportunity for regulators, tribal government, the Board, and the public to participate effectively in the development of the FY2002 budget priorities. Drafts of the proposed budgets were not available for review prior to the delayed half-day budget review workshop. The Board applauds DOE-RL's assertion of greater control over the development of its own budget this year. However, it is not readily apparent the degree to which this delegation was reversed as the Board was informed that the contractors proposed draft budget was deemed unacceptable and the cause of significant delay. The information available to the public for public meetings around the region on Hanford's cleanup budget priorities, and the integrity and clarity of that information, has been greatly reduced this year.

7. Extensive commitment to achieving cost savings and validating contractors' costs is vital to reduce the compliance gap.

The Board has offered extensive advice in the past on cost savings and the need for independent validation of baselines. In the proposed FY2002 IPL, it appears that several of DOE's commitments for cost saving initiatives have not been met, including:

- (a) Independent, external cost validations for the tank waste programs, such as the costs to pump out single-shell tank wastes (interim stabilization), which DOE-ORP committed to the Dollars and Sense committee to have completed in January.

- (b) There appears to be a 16% increase in the baseline cost for double-shell tank operations between FY2000 and FY2002, with no justification and inadequate breakout of the costs.
- (c) The PHMC contractor should identify cost savings resulting from its extensive restructuring, which cost \$2.8 million in indirect overhead costs during FY2000.
- (d) It appears that costs for the 232-S facility decontamination and decommissioning may be too high and could benefit from a review for efficiencies.
- (e) There should be a review of what appears to be significant growth in ER program overhead and indirect and management costs.
- (f) As stated in previous Board advice, DOE should break out for public presentations the total indirect overhead costs and present indirect overhead budgets for years other than the current year.
- (g) It appears that accounting practice changes to shift costs out of the indirect overhead accounts to make it appear that these costs have been reduced to meet prior commitments to the public and Congress has continued. If it were not for these shifts of costs to direct programs for such items as laptop computer support, the indirect overhead costs for FY2000 would rise to \$265 million.
- (h) The Board has urged for several years that DOE prepare credible analyses of the alternatives to private financing of the tank waste vitrification plants. DOE-ORP has produced the first review of alternatives, which shows that reducing the amount of funds privately borrowed by BNFL would save between \$430 million and \$2.2 billion (in constant 1997 dollars), in comparison to a reference BNFL contract cost estimate of \$6.9 billion. The options for up to 90% government financing of this contract appear to have no schedule impact, while the report claims that 100% government financing could result in one year of delay solely due to DOE-Headquarters' reviews. These potentially massive cost savings could be utilized to either ensure more treatment capacity and treatment of more than 10% of the wastes by 2018, or that the ORP tank farm budgets are adequate to ensure that waste is delivered to the vitrification plants (closing the massive ORP compliance gaps). We urge DOE to review this potential with Congress, to determine if Congress is willing to proceed with earlier budget outlays in exchange for greatly reduced costs, treating more waste, and avoiding the billions of dollars in liability from ORP being unable to deliver tank wastes to BNFL's plants.

The Board requests that DOE Headquarters review and respond to the above cost saving issues along with the relevant DOE Hanford office.

8. Level funding is inadequate

Even after increasing efficiencies and cost savings, DOE's level funding plan, with no increase for inflation, will be inadequate to cover TPA milestones and other legally required safety work. A budget increase of \$22 million or 2% would not keep the site even with inflation for FY2002. For a decade, DOE has delayed many significant cleanup infrastructure investments and startups, while also failing to invest in tank farm infrastructure essential for safe storage as well as for waste retrieval.

Cleanup progress will not occur within level budgets. Along the Columbia River, actions will not be taken to protect the groundwater and River from newly discovered contamination sources. Tank farm infrastructure will not be upgraded to be ready to retrieve high-level waste and

transfer it to vitrification plants. Also, there will be no readiness to clean up soil and groundwater in the Central Plateau (200 Areas). DOE-RL's and DOE-ORP's draft IPL's show what a funding increase of 10% would accomplish; however, this funding increase still does not meet legally required cleanup and safety work.

9. Transfer of funds to new DOE-HQ security agency will decrease the amount of funding available to Hanford cleanup.

A major area of Board concern is DOE's decision to permanently remove over \$40 million from the Hanford cleanup budget baselines (in the Environmental Management account) and increase the budget baseline of the new National Nuclear Security Agency (NNSA) by this amount for the costs of security at Hanford. The Board has advised for several years that cleanup funds should not be used for the security and safeguarding of plutonium and other nuclear materials. The weapons, defense, and nuclear energy budgets should incur those costs. Furthermore, it is unacceptable for the limited Hanford cleanup budget to permanently fund the NNSA's weapons and nuclear materials security mission, which already reflects an over \$400 million in increased funding for the line items transferred to its authority from DOE's total budget. As Hanford is cleaned up and site security needs are reduced, those cost savings would be available to fund the site's compliance gap if the funding was not permanently transferred out of the Hanford cleanup budget baseline. The Board urges the Energy Secretary to reverse this reduction in the Hanford cleanup budget.

The Board is also concerned that this \$40 million transfer will just be the beginning of future requests of the NNSA for additional funds from the sites to increase security. By removing the accountability for site security from the site manager and placing it within a security agency, DOE is removing the necessary tempering effect of the balancing of considerations such as the need for accelerating cleanup (which reduces security requirements) and for openness. Rather, the balance will be replaced by a single security agency, which may seek to expand its funding base and justify its continued existence instead of working to a reduced presence.

10. Do not use cleanup funds for non-cleanup activities.

The Board's previous advice has urged an end to the use of cleanup funds for non-cleanup activities. However, there are examples in the FY2002 proposed IPL that continue this practice. These examples include:

- a) As noted above, DOE proposes to permanently transfer \$40 million from the EM budget to the NNSA budget. As with other transfers of budget baseline from EM accounts, these actions directly harm Hanford's ability to comply with the TPA and result in increased compliance gaps.
- b) The cleanup budget continues to fund the defense of former Hanford contractors in downwinder litigation. DOE's defense programs, for which the contractors operated the facilities, should bear these costs.
- c) The HAMMER facility, which is being used for unrelated cleanup activities, continues to be fully funded out of the cleanup budget. In addition to increasing the funding and use of the facility by non-cleanup and non-DOE activities, a greater portion of the base costs should be charged to DOE and cleanup program users. The site previously brought training costs under control by ensuring that the benefiting programs paid for the training, instead of the costs

- being borne by the indirect overhead budget. This lesson should be applied for the HAMMER facility.
- d) The subsidy from Hanford's cleanup budget's limited funds for the import and burial of offsite generated low-level and mixed wastes should not continue. The Board has previously advised DOE to charge the generators the fully burdened, long-term costs of storage, treatment and disposal. The FY2002 draft IPL includes funding for expanding burial grounds, which would not be necessary but for the continued import of offsite wastes. Furthermore, the expansion of low-level waste burial grounds is contrary to the Board's advice urging that these landfills be closed to offsite waste while investigated, remediated, and upgraded. The low-level waste burial grounds appear to have become dangerous waste landfills because of the illegal burial of hazardous or dangerous wastes from offsite generators in the past decade. However, the Hanford cleanup budget currently has to bear the burden of investigating and remediating these burial grounds.
 - e) The funding for the ORP regulatory unit should not be in the DOE-RL budget. It should be a DOE-HQ funded item in the DOE-ORP budget and DOE-ORP should not be able to cut the regulatory units' budget
 - f) Decisions such as shipping offsite waste to Hanford for burial, increased inspection of stored TRU wastes before being shipped to WIPP, and use of funds for national security purposes are all examples of unfunded mandates from DOE-Headquarters. Funding should be provided by DOE-Headquarters for the site to fully study the impacts of the proposals and current practices to ship offsite waste to Hanford.

11. Spent Nuclear Fuel

To come based on information provided by DOE concerning new proposal for project.

Environmental Management (EM) funding should be used for Hanford activities associated with achieving compliance with all relevant and applicable environmental, public protection, and worker protection laws, regulations, agreements, acts, orders, directives, and commitments

12. Performing "clean-up" activities associated with achieving milestones as per the Hanford Federal Facility Agreement and Consent Order (TPA) must be considered as a priority, as well as ensuring compliance with other requirements that ensure "overall" protection of the worker, the public, and the environment" on a day-to-day basis.

These requirements include, but are not limited to, compliance with OSHA, the Endangered Species Act, Archeological Resources Protection Act, Native American Graves Protection Act, Federal Advisory Committee Act, and trust responsibilities by Federal agencies on behalf of tribal nations.

Several "non-specific" TPA milestone activities include the on-going activities associated with "how work is done" via the Integrated Environmental, Safety & Health Management System (protection of the worker, the public, and the environment), and the protection of existing natural, cultural, biological, and ecological resources that may be impacted by clean up activities or other activities at the Hanford site.

Activities as cited that are not part of achieving "TPA milestones" should be considered to be essential services (as part of the IPL budget process).

Attachment 4

U.S. DOE/STATE OF OREGON OPEN ACTION ITEMS

March 27, 2000

Action: A public involvement plan (for the Groundwater Vadose Zone Integration Project) was discussed with a copy to be provided by G. McClure to M. Blazek.

Status: OPEN ("Communication Plan still needed).

Action: M. Blazek requested the names of Oregon recipients of the HRA/EIS and copies of comment sheets.

Status: OPEN (ML Blazek to reply on status of this item).

Action: R. Greenberg to check on status of summit meeting and provide a response to a letter from Governor Kitzhaber expressing interest in attending a summit meeting.

Status: CLOSED

Action: Mary Lou Blazek requested an organization chart of the new DOE Headquarters Environmental Management Office.

Status: CLOSED

Action: F. Miera to provide deadline for submitting comments on the Record of Decision.

Status: CLOSED

Action: G. Sanders to look into a Tri-Party Agreement milestone reporting mechanism which would meet the State of Oregon's needs, hopefully without developing an entirely new reporting system.

Status: OPEN

Action: Mary Lou Blazek to provide listing of issues (regarding Groundwater/Vadose Zone/CRCIA Discussion on January 25, 2000).

Status: CLOSED

Action: Ron Morrison to provide K. Klein CRCIA related letter mentioned above, to Mary Lou Blazek and Gail McClure.

Status: CLOSED

Action: Mary Lou Blazek to provide draft of video script to Gail McClure.

Status: CLOSED

Action: F. Miera to provide specifics of above discussion to Rudy Guercia to facilitate resolution of the noted concern.

Status: CLOSED

Action: Gail McClure and Felix Miera to carry forward the request for a public meeting in Portland Oregon.

Status: CLOSED