

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

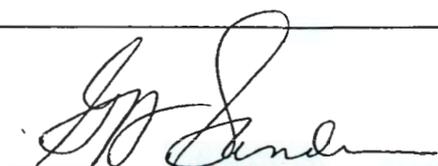
February 9, 1999
Federal Building, Room 590-A, Richland Washington

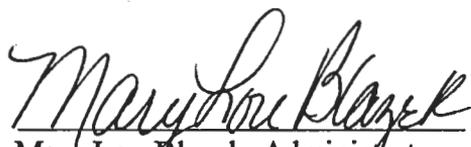
Distribution:

G. M. Bell	DOE-RL	A5-52
P. J. Bengtson	PNNL	A0-21
M. L. Blazek	OOE	Oregon
M. Grainey	OOE	Oregon
J. S. Hertzell	FDH	H8-67
D. Huston	OOE	Oregon
K. Lang	DOE-HQ	
R. Lightner	DOE-HQ	
G. M. McClure	DOE-RL	A7-75
F. R. Miera	DOE-RL	A7-75
R. D. Morrison	FDH	H8-67
N. B. Myers	BHI	H0-14
K. Niles	OOE	Oregon
K. K. Randolph	DOE-RL	A7-75
J. E. Rasmussen	DOE-RL	A5-15
G. H. Sanders	DOE-RL	A5-15

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Meeting Minutes
U.S. Department of Energy and Oregon Office of Energy
Bi-Monthly Forum
February 9, 1999
Federal Building, Room 590-A, Richland Washington

Apprvl.:  Date: 4/28/99
George H. Sanders, Administrator
Tri-Party Agreement
U.S. Department of Energy

Apprvl.:  Date: 4/28/99
Mary Lou Blazek, Administrator
Nuclear Safety Division
Oregon Office of Energy

Attendees:

G. Bell	DOE-RL
P. Bengtson	PNNL
M. Blazek	OOE
G. McClure	DOE-RL
F. Miera	DOE-RL
R. Morrison	FDH
N. Myers	BHI
K. Niles	OOE
J. Parsons	DOE-RL
K. Randolph	DOE-RL
J. Rasmussen	DOE-RL

AGENDA

DOE/OREGON BI-MONTHLY FORUM

February 9, 1999

- 1. Introductions – Karen Randolph**
- 2. Privatization Public Involvement Plans – Bill Taylor/Peter Bengtson**
- 3. Office of River Protection Update – Bill Taylor/Ken Lang**
- 4. NRC Regulation Plan – Pilot Projects... Why not Hanford? – Roger Christensen**
- 5. GW/Vadose Zone Integration Status – Rich Holten/Mike Graham**
- 6. Status of 1999 budget/FY2000 Budget Rollout – Bob Tibbatts**
- 7. Fiscal Year 2001 Budget Public Outreach – Gail McClure**
- 8. Status of FFTF Comment Response Document – Rasmussen/Hertzel**
- 9. C-106 Initiate Sluicing Briefing - Rasmussen**
- 10. Oregon Office of Energy Quarterly Report – RL Feedback – McClure/Zeisloft**
- 11. Status of INEEL High Level Waste Environmental Impact Statement, i.e. Alternative for Moving the Waste to Hanford - Rasmussen**
- 12. Status of Search for New RL Manager - Randolph**
- 13. Status of Secretary's Summit – Randolph/Rasmussen**
- 14. Tri-Party Agreement Status – Miera/Hertzel**
- 15. Action Items – Ron Morrison**
- 16. Next Forum Meeting Date – Ron Morrison**
- 17. DOE Event Notifications to the State of Oregon – M. Blazek**
- 18. Waste Shipments From the Hanford Site – K. Niles**

MEETING MINUTES, February 9, 1999 (Richland, Washington)

3. Office of River Protection Update.

Discussion of the status of the U. S. Department of Energy (DOE) Office of River Protection organizational changes was rescheduled to the next regular DOE and State of Oregon (Oregon) Forum meeting.

5. Groundwater/Vadose Zone Integration Status.

Status of the Groundwater/Vadose Zone Integration effort was not discussed.

6. Status of 1999 Budget/FY 2000 Budget Rollout.

R. Tibbatts was unable to attend and conduct the Status of 1999 Budget/FY 2000 Budget Rollout discussion.

2. Privatization Public Involvement Plans.

P. Bengtson provided Attachment 1 "Draft Decision Process – Six Month Decision Activities and Schedule" and discussed the scheduled activities.

P. Bengtson also provided Attachment 2 "Draft Public Involvement Activities During Design Phase of the Tank Waste Treatment Project" and explained that the chart is an attempt to integrate the various public involvement activities which will play a part.

It was pointed out that the next Quarterly Public Involvement Meeting is scheduled for late March and it needs to be emphasized that Tri-Party Agreement public involvement is not the only opportunity for carrying out public involvement.

M. Blazek stressed that if significant public involvement is going to occur in the April through June time frame we must know more about what these activities will comprise. The chart presented provides some good information, however, Oregon is still not comfortable that a public involvement plan is underway to guide an effective schedule of public involvement events.

J. Rasmussen commented that what seems to be missing is a coordinated approach between the various activities on the chart so that no one activity becomes the lightning rod for the entire projects issues.

M. Blazek pointed out that the State of Oregon is meeting on May 6, 1999 with public involvement groups in Oregon, and this may be good information to discuss with them.

M. Blazek and K. Niles provided a discussion of possible public involvement work to be performed for the State of Washington, Department of Ecology. One project is a primer on the various perspectives on Privatization issues including the technical and funding aspects. The product will consist of probably four documents addressing funding, privatization timelines, perspectives and background information on the waste tanks at Hanford. The DOE will be

afforded an opportunity for review of the primer. Additionally, K. Niles is working on a 10 year retrospective on public involvement at Hanford and what has been accomplished to date.

4. NRC Regulation Plan – Pilot Projects.

E. Parsons and G. Bell of the DOE provided Attachment 3 “External Regulation of DOE Facilities” and conducted a discussion of it’s contents. It was explained that the DOE has been tasked by Congress to look into turning some regulation over to other agencies such as the Nuclear Regulatory Commission.

M. Blazek asked why only non-defense program facilities and operations were included in the scope of the pilot programs. E. Parsons responded that the scope was limited due to security concerns for defense related programs. E. Parsons also explained that the scope of the program is changing to include industrial safety, contrary to the last item on page four of the presentation. Also, the potential 1999 pilot program facilities listed on page 8 of the presentation are currently on hold. An observation offered on this is that the complexity of the program has been more than originally anticipated.

M. Blazek asked if DOE self regulation was in part responsible.

E. Parson responded that at the local DOE/RL level, the complexity observed was in the different ways in which safety has been achieved, and the issue has not been the adequacy of safety. E. Parsons concluded the presentation by requesting any input the State of Oregon could provide.

7. Fiscal Year 2001 Budget Public Outreach.

G. McClure opened the discussion by announcing that there would be an afternoon FY 2000 Budget workshop on February 25, 1999 at the Tower Inn in the Tri-Cities. The workshop was scheduled to take place from 12 noon to 6 p.m. with four breakout sessions, and would include a discussion of the impacts to RL programs that would occur with level funding for the Hanford Site budget, as provided in direction from DOE/HQ.

A Portland discussion group will be held with afternoon and evening sessions.

Sessions will be held in Seattle at the Seattle Center on March 10, 1999 and in Spokane at the Spokane Library.

8. Status of FFTF Comment Response Document.

G. Sanders informed the Forum that the Fast Flux Test Facility (FFTF) Tri-Party Agreement change request details have been worked out with the State of Washington. Additionally, the Secretary of Energy has made the decision that the FFTF will not be used in a Tritium production mission but, there may be other missions. A decision on other missions is expected by April or May of this year. The DOE and the State of Washington will not act upon the Tri-Party Agreement change request until the April/May decision is made. If the decision on other missions is negative then the original milestones will be reestablished with revised due dates.

M. Blazek asked if anyone had considered informing the public on where this process stands?

G. Sanders stated that there appeared to be a decline in the level of interest right now on FFTF, pending a final decision from Secretary Richardson.

G. McClure asked if an article in the regularly published Hanford Update might accomplish this?

M. Blazek responded that it would certainly be a help.

G. Sanders pointed out that the State of Washington will have to be involved in any statements made regarding the FFTF related changes to the Tri-Party Agreement.

M. Blazek stressed that it is important that the Tri-Party agencies at least acknowledge that the comment have been received and heard. Additionally, M. Blazek inquired about the Nuclear Energy Research Advisory Committee visit to the FFTF.

G. Sanders stated he was not involved with, or familiar with the Committee or it's plans.

9. C-106 Initiate Sluicing Briefing.

F. Miera provided a copy, to M. Blazek, of the Bi-Monthly report to the State of Washington on single-shell tank sluicing retrieval. It was announced that sluicing retrieval of Single-Shell Tank C-106 had begun, but was stopped when unexpectedly high levels of volatile organic carbons were detected. A schedule for competing sluicing is expected to be available in April. It was also pointed out that the December 1999 completion date would not be met and that efforts must continue with the State of Washington to establish an appropriate completion date.

10. Oregon Office of Energy Quarterly Report – RL Feedback.

J. Rasmussen stated that submittal of the financial and grant expenditures data (approximately 2 pages of information) was needed by the DOE on a quarterly basis. The balance of the programmatic activity reporting could be submitted every six months.

M. Blazek responded that the financial information is transmitted to the DOE separately, but, will determine the current frequency and ensure that it goes to J. Ziesloft.

11. Status of INEEL High Level Waste Environmental Impact Statement, i.e. Alternative for Moving the Waste to Hanford.

F. Miera stated that the Hanford Site will still come out as one of the alternatives in the draft Environmental Impact Statement for receipt of INEEL high-level waste, but will not be on the final list of sites for further analysis. The draft Environmental Impact Statement is still expected out this Spring.

13. Status of Secretary's Summit.

K. Randolph informed the attendees that the Summit is still being considered but, no decisions have been made and little progress has occurred.

12. Status of Search for New RL Manager.

K. Randolph discussed the ongoing selection process for the new Manager of the Richland Operations Office.

17. DOE Event Notifications to the State of Oregon.

M. Blazek and K. Niles pointed out the State of Oregon is informed about every spill which occurs on the Hanford Site but, seemingly not about the most significant events. It has been noted that there are some inconsistencies in the reporting requirements. The State of Oregon will provide it's concerns and suggestions for improving the process.

18. Waste Shipments From the Hanford Site.

K. Niles noted that the Hanford Site Waste Receiving and Processing (WRAP) Facility could be ready to ship to the Waste Isolation Pilot Plant by April or May. With regard to the necessary waste shipments passing through the State of Oregon, 6 to 9 months is needed for training and emergency preparedness activities.

The State of Oregon has submitted work plans and funding requests to the Carlsbad WIPP Office, in order to prepare for the October 1999 date (the Hanford Sites current ship date on the national transuranic list). The response to Oregon was that the Hanford Site is not close enough to shipment to justify preparations yet.

Action: RL-DOE to relay the above noted concerns to RL's Assistant Manager for Waste Management.

14. Tri-Party Agreement Status.

The Groundwater/ Vadose Zone Tri-Party Agreement change package will be going to public comment on February 16, 1999 through April 1, 1999.

Agreement has been reached on the milestone M-41-00 single-shell tank (SST) interim stabilization consent decree. Under the terms of the consent decree, the M-41 series of milestones will be deleted from the Tri-Party Agreement. A new enforceable schedule for single-shell tank stabilization will be established within the consent decree. The date for completion of SST interim stabilization will now become September 2004. A public comment period will be conducted with a start date to be determined.

15. Action Items.

Recap of action items from this forum.

Action: M. Blazek to develop a letter to the DOE Headquarters regarding the Podonski visit (see also item 2 of outstanding action items in Attachment 4).

Action: G. McClure and K. Randolph to followup on activities related to the Privatization Public Involvement Plan.

Action: G. McClure and George Sanders to discuss public notification possibilities regarding current FFTF status with R. Stanley of the State of Washington.

Status of outstanding action items.

Outstanding Oregon/DOE action items were statused and discussed, see Attachment 4 for details.

16. Next Oregon/DOE Forum Meeting.

It was tentatively agreed that the next Forum would take place on April 28, 1999 at 9:00 am in Richland Washington.

Several items were discussed for inclusion in the agenda of the next Forum. These items included the following:

Office of River Protection organizational changes,

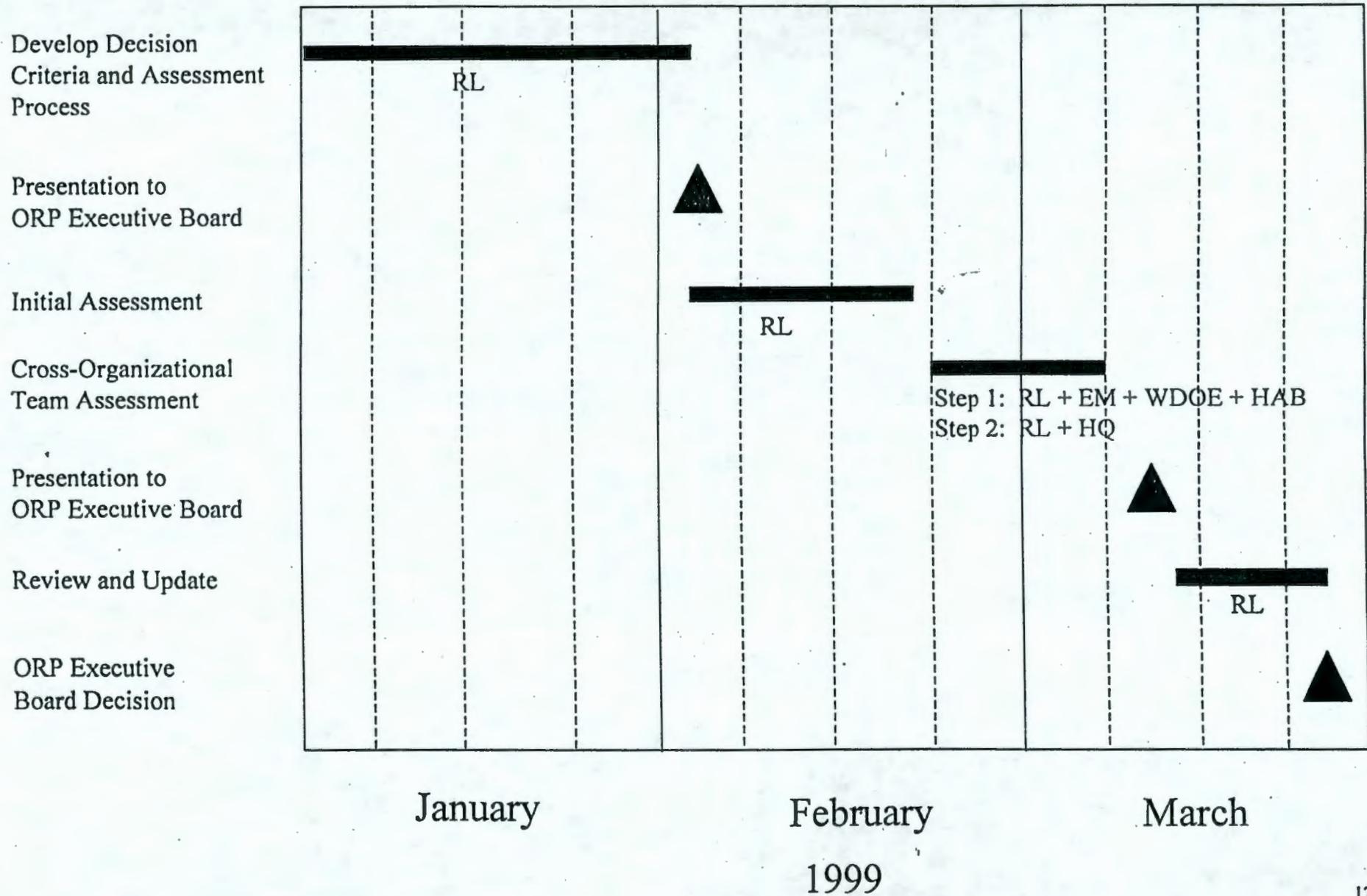
Hanford Site budget status,

New DOE staff,

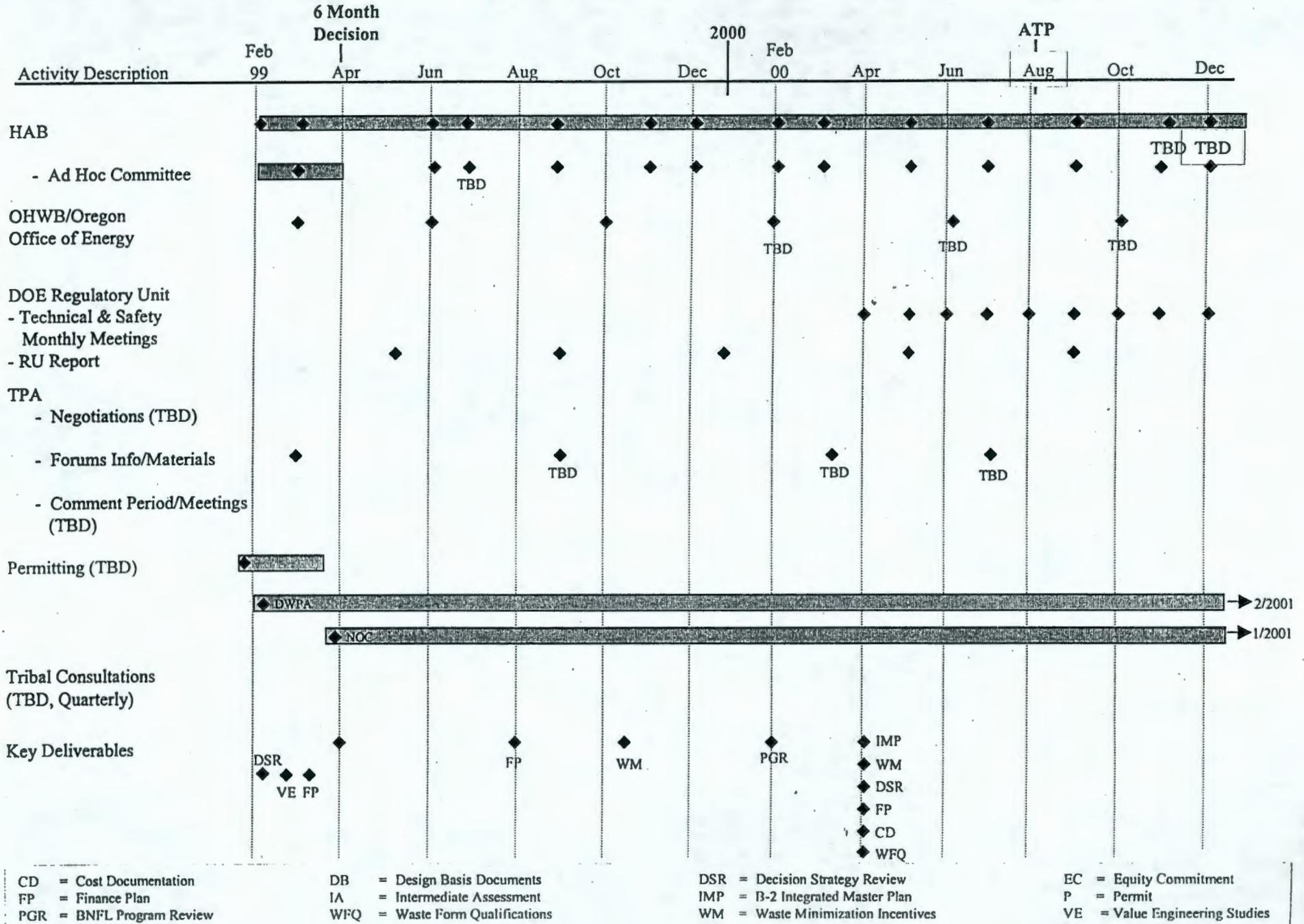
Groundwater/ Vadose Zone status discussion would not be necessary in the April Forum.

The Forum Was Adjourned.

Decision Process - Six Month Decision Activities and Schedule



DRAFT -- PI/Activities During Design Phase of The Tank Waste Treatment Project



External Regulation of DOE Facilities



**Ed Parsons, CHP
Senior Technical Advisor-ESH
DOE-RL**

February 9, 1999

Basis for the Pending Decision

- ◆ NRC and DOE have embarked on a process to evaluate the costs and benefits of transitioning regulatory authority for nuclear safety.
- ◆ Pilot programs designed to test concept and evaluate a facility against NRC standards.



Background

- ◆ **1994- Legislation proposed calling for an end to DOE's self-regulation**
- ◆ **1995- Advisory Committee on External Regulation**
- ◆ **1996- Working Group recommended NRC as regulator**
- ◆ **1997- Sec. Pena and Chairman Jackson agree to pursue NRC regulation of DOE on a pilot basis**



Scope

- ◆ **Non-Defense Programs facilities & operations**
- ◆ **6 to 10 pilots over two years**
- ◆ **Simulated regulation of nuclear safety and radiation protection of workers at pilot facilities**
- ◆ **Does not cover non-radiological worker health and safety**



Objectives

- ◆ Determine value added
- ◆ Test regulatory approaches
- ◆ Determine compliance status
- ◆ Estimate cost of regulation
- ◆ Identify transition issues
- ◆ Identify needed legislative & regulatory changes
- ◆ Evaluate options to involve stakeholders



Pilot Program Strategy

- ◆ **Three prong approach**
 - ◆ **Pilot facilities/ sites**
 - ◆ **Generic policy issues**
 - ◆ **Lessons-learned from on-going licensing actions**

- ◆ **Transition planning if decision is to transition to external regulation**



Generic Policy Issues

- ◆ Designation of licensee
- ◆ Price-Anderson coverage
- ◆ Regulatory framework
- ◆ Resolution of DOE & NRC requirements
- ◆ Safeguards & Security
- ◆ States as regulator
- ◆ Radiological emissions regulatory authority
- ◆ Adequacy of NRC regulations for waste management and disposal
- ◆ Waiver of sovereign immunity
- ◆ Ability to implement a corporate safety program with DNFSB oversight
- ◆ Conflict of interest for DOE laboratories support of NRC
- ◆ NRC involvement in radiological aspects of remediation activities currently regulated under CERCLA
- ◆ Others



Pilot Programs

◆ 1998 Pilot Facilities

- ◆ Lawrence Berkeley National Laboratory
- ◆ Radiochemical Engineering Development Center
- ◆ Receiving Basin of Offsite Fuels

◆ Potential 1999 Facilities

- ◆ Pacific Northwest National Laboratory
- ◆ Non-power Reactor
- ◆ EM Facility



Hanford Involvement

- ◆ Two contributors to the external reg. program
 - ◆ PNNL pilot program in 1999
 - ◆ volunteered in 1998
 - ◆ Office of River Protection (TWRs) Regulatory Unit
 - ◆ Intent is to provide for transition of regulation to the NRC
 - ◆ on-going program
 - ◆ NRC “consistency” interactions



Current DOE Activities

- ◆ Secretary Richardson has expressed some skepticism/reservation on external regulation benefits to safety
- ◆ Department is evaluating the viability of external regulation based on results of the 3 pilots conducted
- ◆ Additional pilots are on HOLD pending the review results and Secretary decision



Attachment 4

OREGON/DOE ACTION ITEMS - February 9, 1999

Note: status changes as a result of the February 9, 1999 meeting discussion are indicated in ~~strikeout~~ and shading with ~~strikeout~~ text indicating text to be deleted and ~~shading~~ indicating text to be added.

1.	M. Blazek requested the DOE to review the Quarterly Progress Report for adequacy. Oregon also requested that reporting frequency be made semi-annual or annual if possible.	F. Miera	CLOSED OPEN M. Blazek requested input on specific areas of change needed within the report.
2.	M. Blazek asked F. Miera to check on status of outcome of the Glenn Podonski, Deputy Assistant Secretary for Oversight, visit to the State of Oregon.	F. Miera J. Rasmussen K. Randolph	OPEN Letter from the DOE HQ forthcoming on this subject.
3.	Investigate opportunities for a meeting between Governor Kitzhaber and John Wagoner possibly to include visiting the Hanford Site or in conjunction with any future visits to the site by the Secretary of Energy.	F. Miera M. Graine M. Blazek	DELETED OPEN Opportunities may not be feasible until spring of 1999.
4.	The DOE is expecting enforcement actions in the next couple of months as a result of last summers Environmental Protection Agency Multi-Media inspections. J. Rasmussen will provide additional information to the State of Oregon when it is available.	J. Rasmussen	OPEN
5.	W. Taylor to review public involvement plans for Privatization effort and discuss with M. Blazek.	W. Taylor	OPEN Still need strategy document.
6.	RL took the action to put together a coordinated schedule of meetings and activities to try to find a fit for the proposed public involvement activities (INEEL HLW EIS Hanford Alternative).	P. Dunnigan	OPEN On hold pending HQ decision with Idaho.
7.	P. Bengtson to provide copy of the Integrated Master Plan to M. Blazek	P. Bengtson	CLOSED

8.	A public involvement plan (for the Groundwater Vadose Zone Integration Project) was discussed with a copy to be provided by N. Myers to M. Blazek.	N. Myers	OPEN
9.	K. Randolph committed to determine the status and schedule for a meeting planned to take place on "Wyden Watchlist Tanks".	K. Randolph	CLOSED