

OREGON HANFORD WASTE BOARD

Minutes

Regular Meeting

September 24-25, 2002
Riverfront Center, Boardman

Attendees (Excluding Speakers):

Voting Board Members: Shelley Cimon, Casey Beard, Larry Clucas, Chris Dearth*
Norm Dyer, Michael Graine, * Paige Knight, Armand Minthorn, Eric Nisley

CH2M Hill Hanford Group: Brian Kidder

Confederated Tribes of the Umatilla Indian Reservation: Stuart Harris, Ted Repasky

Nez Perce Tribe: Gabriel Bohnee

Oregon Office of Energy: Dirk Dunning, Susan Hughs, Doug Huston, Ken Niles, Sue Safford, Tom Stoops

U.S. Department of Energy: Greg Jones, Delmar Noyes

Public: Carrie Call (*East Oregonian*), Wayne Kinney (Senator Ron Wyden's Office), Rich Krikava (Senator Gordon Smith's Office), Terry Tallman (Morrow County Commissioner)*

September 24, 2002

Working Lunch: Announcements & Administrative Business

Ken Niles provided an update on the Hanford exhibit that is being developed at the Oregon Museum of Science and Industry in Portland. The exhibit opens October 30. Paige Knight's classes provided input on the exhibit.

Ms. Knight moved to approve the June meeting minutes and the Board voted unanimously to approve them.

Sue Safford announced that Jill Eiland had provided notice that she intends to resign from the Board due to a heavy professional travel schedule and family commitments. Ms. Safford asked Board members to let her know of other individuals who might be interested in serving on the Board.

* September 25, 2002 only.

Shelley Cimon announced that Oregon Public Broadcasting had decided to delay airing an interview with her, that was scheduled to be aired that afternoon, until it becomes more clear what will happen with the Draft Hanford Solid Waste Environmental Impact Statement.

Susan Hughs reported that the U.S. Department of Energy is deciding how to respond to the public comment on the Draft Hanford Site Solid Waste Environmental Impact Statement. An August 22, 2002 Richland Operations Office letter indicated that the Department of Energy intended to issue supplemental information. Ms. Hughs said there will be public meetings and a 45-day period for the public to review and comment on any new information the Department of Energy provides.

Ms. Knight discussed the strong public interest in the Draft Hanford Site Solid Waste Environmental Impact Statement. Ms. Cimon discussed the La Grande meeting and the lack of any transportation analysis in the document. Armand Minthorn stated that the tribes could also bring pressure on the Department of Energy to revise the environmental impact statement. Mr. Niles referred attendees to the Oregon Office of Energy list of technical priorities for 2002-2003. The list includes making sure that the Department of Energy issues a solid waste environmental impact statement that thoroughly analyzes the cumulative impacts of disposing of wastes from Hanford as well as other Department of Energy sites.

The Board discussed sending a letter to the Department of Energy regarding its response to the comments on the Draft Hanford Site Solid Waste Environmental Impact Statement. Mr. Minthorn said there should be communication from the Board, the State of Oregon, the Governor of Oregon or some combination. Ms. Knight said the letter should have as much clout as possible. Eric Nisley stated that a strong letter that is not backed up by action, such as a lawsuit, adversely affects future credibility.

Ms. Cimon said there is an opportunity to start a nationwide discussion about nuclear waste policy.

In response to a question from Norm Dyer, Dirk Dunning said the Oregon Office of Energy filed extensive comments on the programmatic environmental impact statement analyzing how to treat and dispose of low-level and mixed-low level waste. He noted that the programmatic environmental impact statement contained only a generic analysis of how the decision to ship such waste to a particular site would impact that site.

Mr. Niles said it would be appropriate for the Board to send a letter, but not the Oregon Office of Energy, because it already submitted extensive comments. The Department of Energy needs an opportunity to respond to those comments before the Oregon Office of Energy sends further correspondence.

Mr. Minthorn said the time is right for a letter, especially before Governor Kitzhaber's term ends.

The Board deferred further discussion about such a letter until the next day when the Board voted unanimously to send a short letter to the Department of Energy urging it to address the comments submitted on the Draft Hanford Site Solid Waste Environmental Impact Statement. Mr. Minthorn moved to send the letter and Ms. Knight seconded the motion. The Board directed staff to express the Board's strong concerns regarding the use of the System Assessment Capability to analyze groundwater impacts.

Columbia River Protection Report Work Session

The Board then spent the remainder of the afternoon discussing revisions to the first draft of its report recommending actions to protect the Columbia River from Hanford's chemical and radioactive wastes. Copies of the draft report were circulated to Board members prior to the meeting. Additional copies of the draft were available at the meeting.

The Board made both format and substantive suggestions. The suggestions included adding a summary, outline, maps, pictures and a "Hanford Fast Facts" section with basic information about the number of tanks, amount of waste etc. In general, Board members directed staff to make the report more compelling without being factually inaccurate or alarming. Staff will produce a revised draft to be circulated in mid to late October for further Board review and comment. Several Board members gave marked up drafts of the report to staff for reference in making revisions. The following are some of the substantive suggestions of the Board:

Board members suggested adding a discussion about the formation of the Columbia Basin and cultural history of the basin to the introduction. Stuart Harris said he would provide the Oregon Office of Energy with a description of the cultural history of the basin. There was considerable discussion about what contamination is entering the river given the mixing zone effect.

Mr. Nisley said the report should state that contamination is entering the river and more will enter the river in the future. Ms. Knight said the report needs to make it clear that without cleanup the river will be contaminated.

Ted Repasky noted that the drinking water and aquatic life contaminant standards are different. He said some aquatic life standards are being exceeded now. Tom Stoops noted that the interim record of decision uses the drinking water standard.

During the discussion about the section regarding protection of salmon in the Hanford Reach, Mr. Nisley suggested adding a discussion about treaties. Mr. Harris said he would provide this information to Ms. Safford. Several Board members also suggested referring to hexavalent chromium instead of chromium generally. Mr. Harris suggested adding a recommendation that the Department of Energy demonstrate that the chemical being injected to create the permeable reactive barrier is not adversely affecting fish by harming their food source. Mr. Dyer questioned the need for the first three recommendations.

During the discussion about monitoring the Columbia River, Mr. Dyer suggested adding a recommendation about coordinating the recommended monitoring with the Quality Assurance Task Force of the Pacific Northwest.

During the discussion about the section entitled, "Take Action Now," Mr. Minthorn said several of the Department of Energy's end-states are unacceptable to the tribes. Mr. Harris said the failure to address infrastructure breakdowns is part of the problem. There is unwillingness to fund basic infrastructure repairs. The failure to perform infrastructure maintenance is part of the problem. It results in ongoing contamination especially in the Central Plateau. Commissioner Tallman said there is a need to constantly ask questions about efficiency and costs, especially when basic maintenance is not being performed.

In discussing the need for a comprehensive groundwater cleanup strategy, Ms. Cimon said the Department of Energy needs to fund aggressive research and development of the technology to remediate burial grounds. Mr. Minthorn said Oregon must have a larger role in decisions made at Hanford. The report must engage the Oregon Legislature to work for a larger role. He said the Oregon Hanford Waste Board cannot enforce the law, but it can influence responsible agencies to do so.

Gabriel Bohnee said the recommendations could go to the Department of Energy and the Pacific Northwest National Laboratory as well as the Oregon Legislature to help maintain funding for the Science & Technology Roadmap.

Mr. Nisley suggested that the public information section should indicate that Hanford was born in a time of need for secrecy. The secrecy culture continues and is a barrier to the public and parties. The Department of Energy needs to provide more information to the public that allows them to make decisions about their own health and safety. The Department of Energy also needs to recognize that the need for secrecy is diminished.

September 25, 2002

Oregon Priority Area Updates

1. Spent Nuclear Fuel Project

Mr. Dunning reported that the Department of Energy and its contractor have done an excellent job of increasing the pace of cleaning and transferring spent fuel out of the K Basins to the Canister Storage Building. Mr. Dunning reported that at the current pace, the project may well finish removal of the spent fuel from the K West Basin before the end of year milestone to do so, and may finish the entire project nearly a year ahead of schedule. The Department of Energy has transferred 25 multi-canister overpacks containing 146 metric tons of spent fuel. The project staff are behind in preparations to move fuel from the K East Basin to the K West Basin.

2. Tri-Party Agreement Change Package for Fast Flux Test Facility Shutdown

Mr. Huston reported that the change package calls for completion of shutdown in 2011. Mr. Minthorn asked whether litigation will slow the shutdown. Mr. Huston reported that no lawsuits have been filed. Mr. Grainey noted that some groups are advocating use of the Fast Flux Test Facility for production of medical isotopes.

Mr. Minthorn said the Board and Governor of Oregon should restate their opposition to restarting the Fast Flux Test Facility. Chris Dearth said the Governor has long opposed the restart. Wayne Kinney noted that Senator Wyden has also long opposed restart. He will urge the Departments of Energy and Ecology to stick to the change package.

Mr. Minthorn moved and Ms. Knight seconded that the Board send a letter urging the Departments of Energy and Ecology to proceed with work to shut down the facility as proposed in the change package. The Board voted unanimously to send the letter.

3. Fiscal Year 2003 Budget

Ms. Safford reported that the U.S. House and Senate Appropriations Committees agree on the need to accelerate cleanup. They differ on how to do so. The House favors allowing the Department of Energy discretion to do so through the accelerated cleanup funding account. The Senate favors the traditional methods of funding by Congressional direction. She noted that the report accompanying the Senate bill includes \$1 million for the State of Oregon to cover its clean-up oversight effort.

Mr. Grainey noted the Oregon Congressional delegation's long history of supporting cleanup funding.

Ms. Hughs noted that the Department of Energy announced earlier in the week the transfer of responsibility within the Department of Energy for the Fast Flux Test Facility to the Environmental Management Program from the Nuclear Energy Program.

4. Hanford's Carbon Tetrachloride Problem

Mr. Stoops gave Board members and attendees a primer on Hanford's carbon tetrachloride groundwater contamination. He discussed the uncertainty about the amounts and unaccounted for volumes. Mr. Huston noted that almost two-thirds of the total volume listed by the Department of Energy is unaccounted for. Mr. Stoops also discussed the likelihood that some volume exists as dense non-aqueous phase liquids (DNAPLs) that have sunk to the bottom of the aquifer and the difficulty of DNAPL cleanup.

Ms. Knight inquired about where the Department of Energy needs to be pushed on this cleanup issue. Mr. Stoops recommended waiting until field studies beginning late this year and continuing into next year are completed before sending a Board letter.

5. Tank Waste Treatment Project

Mr. Huston summarized the vitrification plant construction status, the status of supplemental waste treatment technology testing, and the current schedule for issuance of the Immobilized Low Activity Waste Supplemental Environmental Impact Statement.

Joe Cruz of the Department of Energy's Office of River Protection described work to demonstrate tank waste treatment retrieval. Suzanne Dahl joined the meeting via phone to provide the Department of Ecology's perspective. Mr. Cruz said the Department of Energy needs to begin this work now to know what waste retrieval is possible. These activities will be analyzed in a tank closure environmental impact statement. Ms. Dahl emphasized that this work is pursuant to interim milestones that may be revised. Many issues must still be discussed. The initial approach is very conservative so as not to elevate the overall risk from the tank farm areas.

In response to questions from Mr. Dunning, Mr. Cruz agreed that some residual waste in tanks does meet the definition of transuranic waste. He also agreed that a special grout intended to chemically bind with radionuclides remaining in the tank waste would not mix with all the waste and hence would not tie up these nuclides.

Mr. Cruz remarked that the composition of the tank waste triggers regulation under several different laws and that even if the definition of high-level waste is changed other regulations would apply to the tank waste. Mr. Cruz also noted that Hanford is not a licensed transuranic waste repository.

Mr. Dunning asked whether tanks left after emptying, and residual waste in those tanks met the definitions of high-level waste under the Nuclear Waste Policy Act. Mr. Cruz declined to answer. Mr. Huston pointed out that DOE Order 435.1 (which reclassifies some high-level waste as incidental waste) is the subject of a lawsuit against DOE.

Mr. Minthorn asked what happens to the groundwater once the tanks are closed. Mr. Cruz said exhuming the tanks is prohibitively expensive, and would result in large worker exposure. He said his personal opinion was that clean closure of the tanks was not a viable option. He said there are many issues such as what to do with the exhumed waste. Mr. Minthorn said the longer the Department of Energy waits, the more contamination occurs. Mr. Dunning said the Resource Conservation and Recovery Act requires an analysis of clean closure. Ms. Knight said a public discussion about what clean closure means is necessary sooner rather than later.

Ms. Dahl discussed the Tri-Party Agreement's requirements. She said the Tri-Party Agreement's goal is removal of as much waste as technologically possible. Tri-Party Agreement Appendix H outlines a process for the Department of Energy to obtain a waiver if it cannot meet the goal of removing 99 percent of the tank waste.

Mr. Dunning asked whether the Tri-Party Agreement goal of 99 percent removal is an end-point for cleaning out the tank waste or a transition point to the "closure process" defined in the Resource Conservation and Recovery Act. Ms. Dahl replied that it was the latter. Mr. Cruz agreed. Ms. Dahl said the closure analysis is the beginning of a study of a range of alternatives, including clean closure and removal of the tanks.

6. Public Involvement Activities

Ms. Hughs said the Oregon Office of Energy's Community Outreach Initiative resulted in 917 contacts last year. The Office of Energy is on pace to quadruple the number of contacts for 2002 by the end of the year.

Ms. Hughs noted that Ms. Cimon had generated one of the largest turnouts ever at a Department of Energy meeting in La Grande.

7. Transport Program

Mr. Niles noted that the number of transuranic waste shipments from Hanford is still minimal, as the Department of Energy continues to prioritize transuranic shipments from Rocky Flats to the Waste Isolation Pilot Plant (WIPP). There is also an emphasis on shipments to WIPP from the Idaho National Engineering and Environmental Laboratory. DOE is legally obligated to remove a certain amount of waste from Idaho this year.

Mr. Niles reported that Hanford will make one transuranic shipment later in September. Hanford is trying to increase its ability to ship transuranic waste in exchange for wastes being shipped to Hanford from elsewhere. He noted that two small sites (one in California and one in Ohio) will begin shipping remote-handled transuranic waste to

Hanford as early as October. The Department of Energy is working with the states to develop transportation protocols for these shipments. The California shipments will travel up Interstate 5 and through the Columbia River Gorge. A health physicist and emergency planner will escort these shipments. The public will be informed of the preparations, but not the date and time of the shipments.

Mr. Niles also noted two recent accidents involving WIPP shipments. The shipping casks were undamaged and there was no release of radioactive material in either case. One occurred in New Mexico when a drunk driver rear-ended a WIPP truck. The other occurred when a WIPP driver passed out. Tests for alcohol and drugs were negative and the driver had no medical history that would indicate a risk of passing out.

Mr. Niles also noted a significant reduction in the number of low-level shipments traveling through Oregon so far this year. Shipments are at their lowest level since the state began tracking shipments in 1982.

8. Emergency Preparedness Activities

Staff reported that the State of Oregon had recently participated in a federally evaluated emergency preparedness exercise, simulating an accident at the Columbia Generating Station nuclear power plant near Richland, Washington. Federal evaluators complimented Oregon on its response.

Ms. Knight asked Mr. Grainey about efforts to gain party status for the State of Oregon. Mr. Grainey said there is opposition to “ex-officio” status for the State of Oregon, but that the State of Washington had agreed to “real-time” briefings to Oregon on Tri-Party Agreement negotiations. He noted that the State of Washington invited the State of Oregon to join it in an amicus brief in the litigation regarding DOE Order 435.1.

Ms. Cimon asked for public comment, but there was none.

Mr. Niles said staff would revise the draft Columbia River report and circulate it to Board members for further review and comment. He asked Board members to maintain the dates of November 19-20, 2002 for a possible fourth meeting.

The meeting adjourned at approximately 12:20 p.m.