

Paducah Gaseous Diffusion Plant Site Specific Advisory Board Informal Meeting Minutes

March 19, 1998

The March 19, 1998, Site Specific Advisory Board (SSAB) meeting took place in the Van Buren Room at the Executive Inn at 5:00 p.m.

The following board members were present: Mark Donham, Edward Duff, Vicki Jones, Lynn Lane, Linda Long, Ray McLennan, Craig Rhodes, and Gregory Waldrop. Ex Officio members present were: Wayne Davis, Jimmie Hodges and John Volpe. Facilitator Present: Steve Kay. Also present were: David Allen, Carlos Alvarado, Patricia Barnhill, Jeannie Brandstetter, Raúl Castañeda, Scott Creasey, Angela Eaton, Teresa Fields, Shelley Hawkins, Dennis Hill, Norman Jetta, Todd Mullins, Gayla Puckett, Greg Shaia and Elisabeth Stull.

Steve Kay called the meeting to order. Steve asked if there were any modifications to the agenda. The Bechtel/Jacobs Presentation and the Waste Area Grouping (WAG) 22 Presentation were removed and a National Environmental Policy Act (NEPA) Overview Presentation was added. The modified agenda was approved.

Administrative plans were the first item on the agenda. Ray McLennan stated that the office location at the Information Age Park, a 10' x 20' room, costs a little less than \$5,000 a year. It includes the use of the conference room once a month. There is a charge for setting up tables and chairs that was not very clear and will have to be clarified. Ray stated that he thought it was a win-win situation. Carlos Alvarado stated that Bill Tanner had talked to Jacobs about getting the lease in place.

The next item on the agenda was Administrative Support. Carlos stated that Bill had been in contact with Shelley Hawkins. Due to the fact that Bill Tanner was not present the board was unable to proceed on this item.

Board evaluation was the next item on the agenda. Vicki Jones stated that she had talked to Mark Donham and he agreed that the report was okay. Vicki said she would put the finishing touches on it and get together with Teresa Fields on getting the report out to the board.

The next item on the agenda was the draft Work Plan. Changes were made to the plan and agreed to by consensus. A revised work plan will be sent to all of the board.

Jimmie Hodges stated that the Oil, Chemical, & Atomic Workers (OCAW) Former Workers Health Study Presentation is tentatively scheduled for the same night as the SSAB meeting. There will be a presentation for the site people the day before or the day after. The board is invited to attend the presentation. The board will be informed when a final date is set.

The next item on the agenda was the approval of the minutes. Carlos stated that there were some changes made for clarification to the paragraph concerning the Bechtel Jacobs contract. The amended minutes were approved by consensus.

An information/handouts update was the next item on the agenda. Carlos Alvarado presented the board with a handout that Bill Tanner had prepared with the Jacobs people. The handout was a list of equipment needed to supply the office at the Information Age Park. Gregory Waldrop suggested that the overhead projector be dropped from the list. Carlos stated that Jimmie Hodges has asked him to check to see if there are any desks, chairs, tables, or guest chairs available for usage by the SSAB. The proposal was made that these first 4 items and the overhead projector be removed from the list and the rest of the list be approved. The proposal was approved by consensus. This list did not include a computer or typewriter.

The next item on the board was the resignation of Rev. W. G. Harvey. Vicki Jones stated that he had sent a letter stating that due to the constraints on his time he felt that he could not do justice to the board. He also forwarded a name of someone he thought would be a good replacement. Vicki will forward the name on to Nola Courtney.

The EMEF Project Updates were the next thing on the agenda. Jeannie Brandstetter stated that the WAG 27 fieldwork has started. There is a lengthier update in the report so that the board can decide if it wants a presentation.

The next item on the agenda was the Department of Energy (DOE) response to SSAB recommendations. A handout was presented to the board. Jimmie Hodges went over each recommendation and DOE's response. Jimmie stated that there was one recommendation that did not make the list. That was the recommendation that the charcoal filters not be removed from the Northwest pump and treat system. DOE did not remove them. Mark Donham thanked DOE for making the effort to respond to the board's recommendations. Jimmie stated that DOE would try to do a better job in responding to the board's recommendations in a timely fashion.

Decontamination and Decommissioning (D&D) was the next item on the agenda. Carlos Alvarado stated that the information was put into a handout which was presented to the board. John Volpe asked if DOE had taken into account the Nuclear Regulatory Commission's (NRC) approach to D&D. Jimmie stated that DOE had put together a series of booklets which cover what DOE would do. Jimmie also stated that in the long run DOE has not factored in NRC's approach. David Allen stated that there are some major negotiations going on to discuss this issue. Mark asked about C-340 and C-410. Carlos stated that they are shut down and in the process of stabilization. Greg Waldrop asked how this related to the exploding drum incident. Carlos stated that the drum was part of the Waste Management Program. This is a little different. Both of these buildings are shut down. Jimmie Hodges stated that there are sweeps made of these buildings to make sure there are no chemicals stored that could cause problems. Mark asked about Paducah's D&D budget fund. Jimmie stated that Paducah, Portsmouth and the East Tennessee Technology Park (ETTP) work are all funded out of the D&D fund. D&D is used in two different ways, as the fund and the program. Steve Kay suggested that D&D be put back on the workplan for September.

The next item on the agenda was Cost Effectiveness. There were some general comments on how this matter should be handled. Jimmie stated that he felt this subject could be covered as a general theme with the M&I contract. Mark stated that it might be covered under the 2006 Plan - Accelerated Cleanup Paths to Closure. Steve suggested it be rolled into the M&I presentation question and answer period.

The Site Treatment Plan (STP) annual report was the next item on the agenda. The information was presented as a handout. Tom Shadoan of Lockheed Martin Energy Systems(LMES) was on hand to answer any questions. Mark asked what the procedural requirements are. Mark asked if there are any milestones coming up where an official document is required. Tom stated that there is the Federal Facility Agreement (FFA) and the 97 Annual Report which will come out at the end of this month. Greg Waldrop stated that the board is trying to get input in before the documents go out to the public. Tom stated that the STP compliance dates were set in 1995 and a public comment period was held of 30 days. Mark asked if there are any more shipments going to the Toxic Substances Control Act (TSCA) Incinerator. Tom stated that there are ongoing liquid shipments going out at a rate of 2-3 a year and the soft solids shipments begin in fiscal year (FY) 1999. Mark asked if the Governor of Tennessee's Blue Ribbon panel on the TSCA Incinerator issued a report or any kind of findings yet. Jimmie stated that they had and Portsmouth (Ohio) and Paducah (Kentucky) are allowed to ship there but no other states are allowed to ship to the incinerator. Jimmie stated they made some other recommendations concerning looking at the community and the health impacts to the communities. Jimmie stated he would try to get Mark a copy of the report. Mark stated that it concerned him that Paducah is sending material to be incinerated to this incinerator, the only radioactive waste incinerator in the country as he understood it and it is growing in controversy. Tom stated there are two other DOE incinerators - one in Savannah River that is not open to any other states and one in Idaho that Paducah is planning on shipping to that is called the Waste Experimental Reduction Facility (WERF) Incinerator which does not take polychlorinated biphenyls (PCBs). John Volpe stated that there are two commercial facilities (one in Tennessee and one in Texas) also that take mixed waste.

The next item on the agenda was the report on the Prioritization Meeting. Carlos Alvarado and Greg Waldrop attended a meeting in Oak Ridge where they prioritize the projects. All the Paducah responses were discussed. Greg stated that there were 2 things he found particularly interesting. Greg stated that the mortgage reduction became less of an issue and that the notion that any project that might save money really got pulled up higher in the rankings. What they found was that very few projects could be identified as having saved money. They also found that the compliance component was a little peculiar because everything has to comply. What was finally agreed to was a change of 5 percent from compliance and given to Environmental Protection. This is a monthly meeting. Carlos stated that he was a little disappointed in the attendance. Carlos stated that usually the State has representation at these meetings. Jimmie Hodges stated that it is a tool to be used. Mark Donham stated that it would be interesting to see if the list in the 2006 document was the same as the one that Greg and Carlos came back with. Mark agreed that the rankings could be discussed next month in the 2006 discussion. Greg said he felt that this was a good meeting for the board to try to attend if possible and he felt that they would be invited back. Greg also brought back a Glossary Of Useful Terms Found in EMBAM, Risk Assessment, and Waste Management Reports that will be distributed to the SSAB by Teresa Fields.

A National Environmental Policy Act (NEPA) Presentation by David Allen, DOE Oak Ridge, was the next item on the agenda. David gave out handouts and gave a general overview of the NEPA process. Craig Rhodes asked how many categorical exclusions (CXs) there are. David Allen and David Tidwell stated that there are dozens of CXs. Craig asked if any are used more than others. David Allen stated that there are some CXs that are used for basic maintenance, mowing lawns, etc. Mark Donham stated that after the bursting barrel incident a CX was used to treat the waste in the barrels. Mark stated that there was no public comment, no environmental analysis. The public was completely cut out of the

process because DOE uses these CXs. Mark stated that he felt that this was one of DOE's more irritating points. Mark also stated that he challenges the whole CX rule. Mark stated he felt that DOE Headquarters (HQ) had sent out a letter to each site telling them that if they had projects that they wanted done to send HQ a list of all the projects that each site wanted HQ to write a CX on and that is what HQ has been writing CXs on so the sites could get projects done without going through the public comment period. Mark stated he felt that there is a lot of abuse going on. Mark stated that use of CXs cuts the public out completely. Mark also stated that until he had submitted a Freedom of Information Act (FOIA) request he did not know that a CX had been done on treating the waste barrels. Mark stated that when you look at the checklist for this CX that there were as many yes's and uncertain as there were no's. Mark felt that should have triggered something. Mark also stated that it is a pain to go through the public comment process for any agency because it slows things down but it's not necessarily a reason not to do it. David Allen stated that he agreed that it is a pain to go through the public comment period from the time frame aspect. David stated that when CXs are reviewed in Oak Ridge DOE is looking at them to see if there are circumstances there that push them into something of significance. There are some things that are significant because there is general concern about it. David stated that there are some CXs that come through that he says no. David stated that how these CXs came to be in place he did not know since he was not involved in the process. Mark stated that DOE has certain criteria in the CEQ regulations that have to be weighed in order to make something significant. There are other laws such as whether there are Endangered Species, whether it is a Historic Property or whether it is a wetlands or whether there are any cumulative effects. Mark stated that not just DOE, but other agencies need to be made to look at everything they are supposed to.

Mark stated that the comment that he has been making for quite a few months, that with everything that it is going on at Paducah, how could DOE not have to look at everything, site wide. Mark asked how Paducah is functioning, complying with NEPA having never done a site wide Environmental Impact Statement (EIS). David asked Mark what a site wide EIS does for you. Mark stated that it gives you a bigger picture of everything that's going on and what potential alternatives are in one document instead of coming out one project at a time. David stated that site wide documents are basically general documents not alternative analysis because you do not have an action. David stated that there has been discussion on doing a site wide EIS for years. David stated that what DOE has seen is that when you do a site wide EIS they are very umbrella and very general. Because it covers the whole site there is nothing specific for you to home in on to determine alternatives because you don't have an action. Site wide EISs cost millions and millions of dollars. David stated that what they have seen is that 3-4 months after a site wide EIS is completed that it is outdated and a supplement has to be done in order to add data that has happened since the first document was completed. So you never actually gain any ground. David stated that there are some in the process of being done. The general intent of the CXs is for something to be where there is basically no impact at all or impact so little that if you added up 100 of these things there would be no impact. In order for the basic process to go forward we have to have some basis to say these things have no impact. DOE's role is to look at these things and make a determination - somewhat like a policeman - of looking at them and making a determination whether DOE agrees or not. Steve Kay asked if the SSAB was interested in the looking at the CX for the bursting barrel, could they do it. Greg Waldrop asked if the SSAB could be in on the conversations when DOE is making the decisions on CXs. David Allen stated that they cannot. David stated that it is a good idea to take one and go through the process. David suggested that a listing of the CXs that have been issued be provided to the SSAB. David stated that on the bursting barrel incident (because of the emergency situation of having another one that could possibly burst) that DOE went to everyone

(State, EPA, etc.) and got approval that DOE needed to act on in. DOE did go ahead and very quickly look at it from an impact stand point and processed a CX based upon the impacts. David stated he would stand behind that CX. Mark asked why DOE didn't process it as an emergency under NEPA. David stated that DOE had time to process it as a normal CX and DOE quickly did that because they were in the middle of getting their contract in place. Mark stated that he felt that this situation had been going on for a couple of decades and then all of a sudden it became an emergency and a bunch of public money had to be spent and public resources but there was no time to notify the public or just tell them what is going on. Mark said he did not agree with it. John Volpe stated that when there is a threat to the workers you have to proceed. Mark stated that the public should be involved sooner. It is public money that DOE is spending. Mark also stated that in this situation there might have been a reason for doing it but when you look at the bigger picture he doesn't think that should be the habit the agencies should be getting into as a reason to avoid disclosing what they are doing. Steve asked if it is possible to see a list of the CXs for this site. Greg Waldrop asked David if he determines as the compliance officer the CXs based on a checklist or regulations. David stated that he has the ultimate signature authority. David explained that the plants have to make their own determinations, then the program officers review and then they are sent to Oak Ridge for review by David's staff. Then once he gets the CX back from his staff he decides whether or not to sign off on the CX. Mark stated that there is one thing lacking from that process. Congress said when they passed NEPA that one of the important things is public scrutiny because sometimes agencies have their own agendas or for whatever reasons an agency can get skewed and they might not make the proper determination. It states in the law that having the public scrutinize these determinations that the agencies make is essential to ensure that the decisions that they make are done right. When too many of these decisions are done behind closed doors without public scrutiny then that part of the law that Congress passed is not being fulfilled. Mark stated that you can say that you had all this input and it was looked at by all these multiple disciplines, interdisciplinary teams but this is still talking about intergovernmental without public scrutiny and that should be an important part of the process. Mark stated that is a real problem with CXs and he thinks the agencies should be using them only when it's really clear that this is something that has been done over and over again that where there has been very little controversy generated, where knowingly the impacts is really small and just where it's just as obvious that there is not going to be a lot of interest in generating a lot of paperwork on this. Mark asked how you translate this into the bursting barrel incident. This was something brand new, something that had not been done at the plant before, something unique. David stated that once again you have to look at what the human impacts would be from that event. Mark stated the SSAB did not have a chance to go to their experts to see if what the agency was saying was correct. Mark also stated that is the whole point of NEPA, to get public input. David stated that Mark made a very good point, that is the intent of the environmental assessment (EA) process and public involvement and the EIS process and public involvement. David said that they look at all of the different impacts such as air, water, radiological, etc. David said if you looked at all the different things and took out the sensationalism of quote "exploding drum" which is not something that goes into the process, you are looking at what is the impact on the human environment. David said he did not see any impact to the human environment. David stated that no one wants to exclude the public. David stated that he looks at all of the different points to determine if something falls under the CX process. Vicki Jones suggested that the SSAB get copies of the regulations on CXs and the list of CXs for Paducah for the last year. Vicki stated that the board could review the regulations and the CXs then at some time in the future have another discussion on the NEPA process. Greg Waldrop asked if there is alternative way to arrive at a cumulative impact other than an EIS. David stated that when you are looking at an EA you are trying to look at the cumulative impacts of that particular action. Steve Kay

suggested that the board schedule another presentation on NEPA in June.

The Vortec EA was the last item on the agenda. Libby Stull of Argonne National Laboratories handed out copies of the EA and gave a presentation. The Vortec EA is being released for public comment from March 20 to April 20, 1998. Craig Rhodes asked what the highest temperature is that the process reaches. Norm Jetta, Vortec Corporation stated that it is between 2,200 and 3,000 depending on the particular waste stream that is going in to be vitrified - this is within the melter itself. Craig asked what is being volatilized at that temperature. Libby stated that all the air emissions, all the criteria pollutants as well as emissions of hazardous air pollutants are discussed in the document. Craig asked how much of the percentage of the total mass is volatilized. Craig stated that lead volatilizes before 3,000 and so it would be going up into the air. Libby stated that it would not. Norm explained how the system works. The final product is the size of rock salt. The air emissions are within the limits of the Kentucky air regulations. Section 2 of the EA describes the process, section 3 is the effect to the environment and section 5 is the discusses the consequences. John Volpe asked how the air filters will be handled and will they be treated as mixed waste. David Tidwell stated that they would be tested. John asked if these filters would be part of DOE's waste. Jimmie Hodges stated that they would be stored on site. Craig had several more questions on the logistics of the process which were answered by those present. Craig asked when DOE disposes of the glass that has hairline fractures in it what will keep the material from leaching out of the glass. Norm stated that the material is atomically bonded into the glass matrix. Mark asked how much of the waste material has been characterized. David stated that pretty much all of the mixed waste and the toxicity characteristic leaching procedure (TCLP) waste has been characterized and a variety of other waste. There is some characterization on all waste that DOE has. Some waste that would go through the Vortec process would require additional testing. Libby stated that the SSAB would be receiving an official copy through the mail. Greg Waldrop asked about the monitoring. Jimmie stated that DOE owns the air permit and the discharge permit and is responsible for them. Craig stated that he is concerned about the air discharge. John Volpe stated that there is an ambient air monitoring system out there. Jimmie suggested that since there are many questions concerning the EA that DOE would make itself available for questions and answers. Steve Kay suggested that the Vortec EA be back on the agenda for April.

Steve Kay had some questions on the location and it was agreed that the meeting would be held at the Executive Inn. Steve proposed moving the Administrative Issues back to the end of the meeting.

The next meeting will be held April 16, 1998, in the Roosevelt Room at the Executive Inn. The meeting was adjourned.

Tentative agenda for the April 16, 1998, meeting:

Minutes

Information (Handouts)

EMEF Project Updates

DOE Response to SSAB Recommendations (15 minutes)

Vortec EA (30 minutes)

Paths to Closure - Accelerated Cleanup Plan (30 minutes)

Cylinder Programmatic Environmental Impact Statement (PEIS) (30 minutes)

Administrative Plans for the Board -
Office Location (10 minutes)
Administrative Support (10 minutes)
Board Evaluation (10 minutes)
Review of the SSAB Draft Work Plan (10 minutes)

Action Items

Vicki Jones will send board copies of the board evaluation.

Teresa Fields will send the board copies of the revised SSAB work plan.

Jimmie Hodges will try to get Mark a copy of the Governor of Tennessee's Blue Ribbon panel on the TSCA Incinerator report.

Teresa Fields will distribute the Glossary Of Useful Terms Found in EMBAM, Risk Assessment, and Waste Management Reports.

Provide the SSAB with copies of the regulations on CXs and the list of CXs for Paducah for the last year.