



**FINAL MEETING SUMMARY**

**HANFORD ADVISORY BOARD  
PUBLIC INVOLVEMENT &  
COMMUNICATIONS COMMITTEE**

*June 5, 2018  
Richland, WA*

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*This is only a summary of issues and actions discussed at this meeting. It may not represent the fullness of represented ideas or opinions, and it should not be used as a substitute for actual public involvement or public comment on any particular topic unless specifically identified as such.*

## **Opening**

Liz Mattson, Hanford Challenge and Chair of the Public Involvement and Communications (PIC) Committee, welcomed committee members and introductions were made.

The March meeting minutes were approved by consensus.

### *Announcements*

Gary Garnant, Hanford Advisory Board (HAB, Board) Issue Manager recommended a list of books to the HAB members:

#### Book Recommendations – June 2018

- Hanford Cleanup – The First 25 Years, by Ken Niles, issued by Oregon Nuclear Safety and Energy Facilities Division, 2014
- Hanford: A Conversation about Nuclear Waste and Cleanup, by Roy E. Gephart, published by Battelle Pr, February 1, 2003
- Martians of Science – Five Physicists Who Changed the Twentieth Century, by Istvan Hargittai, published by Oxford University Press, July 27, 2006
- Nuclear Implosions: The Rise and Fall of the Washington Public Power Supply System, by Daniel Pope, published by Cambridge University Press, 2008
- Voices from Chernobyl: The Oral History of A Nuclear Disaster, by Svetlana Alexievich, published by Picador, April 18, 2006

## **Tri-Party Agreement (TPA) Public Involvement Update**

### *Agency Presentation*

Echo Dahl, North Wind – supporting the U.S. Department of Energy (DOE) Office of River Protection (ORP), provided an update of the Tri-Party Agreement (TPA) Agency [Public Involvement Calendar](#) to PIC members.

Using the calendar as a guide, Echo provided an overview of upcoming public comment opportunities. Echo stated there are four active public comment periods. She also pointed out that there is a scheduled public meeting associated with a 96-day public comment period for the Draft Waste Incidental to Reprocessing (WIR) Evaluation for Closure of Waste Management Area C (WMAC) on June 18, 2018 at the Richland Public Library. Echo stated that the 45-day public comment period for the Environmental Performance Demonstration Test associated with the Waste Treatment and Immobilization Plant (WTP) was extended to June 22, 2018. Additionally, the HAB meeting is scheduled for June 6 & 7, 2018 at Red Lion Inn – Hanford House hotel. Following the HAB meeting, there will be a Tank Waste Committee (TWC) meeting on June 19, 2018 at the Richland Public Library. The Oregon Hanford Cleanup Board meeting is scheduled for July 16 & 17, 2018 in Pendleton, Oregon.

Emy Laija, U.S. Environmental Protection Agency (EPA) and Ginger Wireman, Washington State Department of Ecology (Ecology) provided a draft version of the lessons learned section of the Public Involvement (PI) survey that EPA and Ecology conduct, as described the Hanford Public Involvement Plan. In past years there has been a lessons learned section in the PI survey, but this time around there are some new changes. Sub bullets were added in the lessons learned section that suggest a planned action. Emy and Ginger requested input on the draft document from the PIC.

***Committee Member Questions (Q), Responses (R), and Comments (C):***

*Note: This section reflects individual questions, comments, and agency responses.*

C: “I recommend that when the agencies come to provide an update or give a presentation, they come to a PIC meeting prepared to answer questions. We come here to get informed, but that is difficult when the agency representatives don’t know the information they are giving or can’t answer any questions.”

*Q: “What is the background with the second comment period for the Plutonium Uranium Extraction Plant (PUREX) Storage Tunnels Permit Modification? I thought the PUREX Tunnels were done. There has been back and forth with whether there would be a meeting.”*

R (Ecology): “For PUREX Tunnel 1 there were no meetings, but for PUREX Tunnel 2 there is a two-part process for permitting. The second comment period is the Ecology portion of the permitting process. There may be local public meeting associated with the comment period. With this type of permit, the meeting will be a hearing that is recorded. Is the PIC going to ask for a regional meeting? If so, we will go ahead and plan for it.”

*Q: “What is the permit modification about? I thought a decision has already been made to grout PUREX Tunnel 2, so how does this fit into the permit modification?”*

R (Ecology): “I don’t know that answer.”

*Q: “So is the permit modification for the grouting of Tunnel 2?”*

R (Ecology): “I would assume it’s for the grouting but does that mean closure? Basically, DOE is saying they can go back and exhume the Tunnels after they have been grouted, so then that would not be closure.”

C: “I think the public would be more interested in a meeting about the Hanford Site risks on the Central Plateau. Typically, a permit modification is not the best tool to utilize for getting people engaged in Hanford topics.”

C: “If there is a permit modification, we should receive a presentation or information prior to a public comment period starting.”

C: “I think you would get more interest in a public meeting before a comment period on aging infrastructure. It’s annoying that we get the information when a comment period starts.”

R (EPA): “I hear what you are saying that permit mods are not sexy and it’s not going to get the public’s attention, but it is the easiest way for the public involvement group to get a meeting scheduled. There is a lot of good work that can be done with the advertisement. Working together can help get all of our needs

met. The PUREX Tunnels comment period is a continuation from the first comment period, but now a different agency is holding the second comment period, per the Resource Conservation and Recovery Act (RCRA) process.”

C: “We need to understand what these changes are so that we can properly comment on the permit modifications.”

*Q: “Will TPA milestone M-92 changes be part of the agency presentation at the HAB meeting on June 6, 2018?”*

R: “There won’t be much covered on M-92 at the HAB meeting.”

*Q: “So 2047 is when the milestone will be complete, is that correct? The fact sheet for this is confusing.”*

R: “2047 is not the final disposition for the cesium and strontium capsules. I agree the fact sheet was not clear.”

C: “I have had questions regard this topic as well. I don’t understand why the PIC wasn’t involved in putting the fact sheet for the TPA milestone M-92 from the beginning. In the past the PIC would’ve expected to be involved in putting together the fact sheet.”

R: “M-92 is a major milestone. When the agencies are in negotiations on the major milestones, there are many moving pieces. When the agencies can sign a tentative agreement, it’s difficult to slow down the process. The public involvement officers know that the PIC likes to view and comment on the draft documents. There should not be the expectation that this will happen every time.”

C: “I’m not saying every time, but sometimes the major milestone is something that we could give input on.”

R: “One example is the WIR discussion we will be having later today, which will be a higher-level discussion with the PIC and the TWC. I think getting the information to the PIC ahead of the process will help everyone involved.”

*Q: “Are the public comments available from the budget priorities meeting this past April?”*

R: “All of the presentations from the budget priorities meeting are up on the Hanford website. I do not know if budget package is complete yet, but the public comments from the budget priorities meeting and the HAB budget advice coming forward tomorrow at the HAB meeting, will go along with the budget package. They may not go simultaneously.”

R: “Regarding the M-92 milestone, the Agencies are working to change the milestone in regards to the 2047 date, but there is a due date of September 30, 2018 to get the date set. It’s very uncomfortable for the agencies to have a missed milestone, as we have to report those to headquarters.”

C: “The date that was unclear to me in the fact is when the cesium and strontium capsules will be removed and treated so they are no longer a risk on site. That is the question that was not answered or clear on the fact sheet that could’ve been without any of the negotiations.”

R: “This is where the interim milestones in the fact sheet also come into play. The major milestone M-92 is huge. There are a lot of steps and work that will need to be done to meet M-92. All of the interim steps are not described in the fact sheet. I agree that we need to look at a better way to explain that we are tracking the interim steps to get to where we need to be.”

C: “There are two dates that bother me. The first is for the 2025 date to get the cesium and strontium into dry storage, which seems too late for me. The 2047 date seems like a date that was pulled out of the clouds. I would like to understand how the TPA agencies can get together and agree on a date that is 30 years away on an item that is critical like the cesium and strontium capsules.”

C: “The TPA agencies have struggled with closing the loop on public comments. The TPA Agencies are trying to find a better solution or tool that can identify items that went out for public comment. One solution can be to provide a direct link to where the comments are and how they were put to use.

*Q: “Is this something you would be interested in having a discussion with PIC about as it’s being developed?”*

R: “I think once we have draft ideas or products to have a discussion on, then maybe that’s something we can pursue later on. Right now, we have great ideas but we need to put the work in before we bring it to the PIC.”

*Q: “Do you think September would be too early for this discussion?”*

R: “The end of the fiscal year can get really busy. We can definitely check back in September to see if it’s ripe for discussion. Maybe early next year would be a more appropriate time for a bigger discussion.”

**Next Steps:** The PIC committee will continue to follow the comment/response tracking from the PI survey lessons learned document from EPA and Ecology.

### **Role of HAB & Public Involvement**

Liz Mattson, Chair introduced the topic of the role of HAB and Public Involvement. She stated the purpose for this discussion is to define the role of the HAB and public involvement. She explained that when new members join the HAB, it can be confusing on how the Board works.

Tom Galioto, Public at Large and Vice Chair of the Budgets & Contracts Committee (BCC) provided his insight on this topic. Tom stated that the Public at Large is a broader group than the other stakeholders on the Board. When Tom first joined the PIC, he thought the committee was focused on the broader public. He learned that the PIC activities are regulatory related. Tom stated that the role of the PIC should expand to activities beyond the legal requirement. He believes there is a hole not being fulfilled with public involvement. Tom expressed his concern with not closing ongoing issues with advice and responses. He stated that although DOE sends a response to advice, the HAB does not follow up on action(s). Tom stated that the PIC should be able to get more of the public involved, e.g. college students and professors.

### ***Committee Member Questions (Q), Responses (R), and Comments (C):***

*Note: This section reflects individual questions, comments, and agency responses.*

C: “In response to how to get more of the public involved; that is already happening. Although we may not see it in the HAB, there are outside group that engage the public in Hanford activities. I think we need to get to the part of defining how the PIC committee can take action on something instead of asking the Agencies. The HAB is an advisory board that advises the Agencies on issues.”

C: “I know we have issue managers for the advice that we send to the Agencies, but I think I would blur that line between the HAB and the Agencies. We should have a collaborative effort between the issue managers and the agencies we are advising.”

R (Jim Lynch, ORP): “The reason we as the TPA agencies do not take a direct role in the production of advice is to allow the HAB to work on and provide advice without influence from the Agencies.”

R (Ginger Wireman, Ecology): “In the past, members have reached out to me regarding outreach. I have had professors engaged, but then drop off the radar.”

C: “It takes a lot of work to engage different organizations but it’s doable.”

C: “Our board is a very unique board as we were developed first. We are a Board of different stakeholders and groups, so we have a lot of institutional knowledge. I think one thing that can be done is linking our advice to a fact sheet that is related to a specific issue.”

C: “One suggestion is that members can share news about Hanford or public meetings on their social media outlets.”

C: “As members of the Board, we serve the public. I think we missed the fact is that we are not the regulators.”

C: “So what I am hearing today, is what do we do and how does the PIC function?”

C: “What do we do? How does the pic function? There is an opportunity for us to trying new things.”

### **HAB Member Self-Assessments**

An introduction to the topic of HAB Member Self-Assessments was made by Liz Mattson. This time was used for a round table discussion of what members have been up to. What have members done to share information about Hanford with the community and/or family and friends? Have members heard from anyone in their network that would be helpful to agencies?

- Ginger Wireman – will be attending a Rotary Club in Kent, WA tomorrow and Lewis County Juvenile Camp for an environmental program they have on Thursday. Ginger will be attending the University Rotary on Friday and in the past couple weeks traveled between Umatilla and Portland, OR Rotary Clubs.
- Tom Galioto – has not done very much with PIC activities outside of the committee but will continue to work on it.

- Helen Wheatley – attended a couple of public meetings and radio spots for Heart of America Northwest.
- Rebecca Holland – works onsite and shares HAB information/presentations with coworkers.
- Jan Catrell – is transitioning from River & Plateau Committee (RAP) Vice Chair to Chair. Jan is very thankful to Dale Engstrom for ushering her through the process for the 100-B/C proposed plan. Jan read the RI/FS at the University of Washington Library in order better understand the 100-B/C proposed plan.
- Gary Garnant – is involved with small focus groups about Hanford on why it was in production for all those years.
- Gerry Pollet – Heart of America Northwest kicked off a series of public meetings around the region and a meeting in Olympia, including some radio spots. Has two students that are working in environmental tribal law will be attending today’s meeting and tomorrow’s HAB meeting. Gerry has students that conduct public presentations at schools. Gerry was invited to have a table about Hanford at a James Taylor concert.
- Dan Solitz – has been involved with social media. Watched the videotaped Hanford tour and had some suggestions for the format.
- Echo Dahl – ORP has spoken with 6 Rotary clubs and the Tri-Cities Home Builder Association. ORP has also been to Richland High School and Chief Jo Middle School. Most presentations were an update/overview of Hanford. Richland High was a collaboration with the National Park Service and focused more on the history.
- Jim Lynch – attended Environmental Management Site Specific Advisory Board (EM SSAB) meeting in New Mexico and toured some of the sites. Jim talked with members in the area about the oil business. Jim mentioned that there are many different sites that have people with different mentalities and communities.
- Shelley Cimon – attended EM SSAB meeting in New Mexico.
- Sam Dechter – It’s been quiet lately in the media. The DSA was approved recently and I have not had any questions about it.
- Liz Mattson – Hanford Challenge hired Ann Ruthoum. Ann is helping with events and postings. Recently hosted a movie night about plutonium.
- Kristen Holmes – went with Santos Ortega to Spokane and Yakima to speak with high school students.
- Mark Heeter – continues to work with the HAB.
- Kyle Rankin – will be taking back conversations here to my other job.
- Jennifer Colborn – working with public tours and speaker’s bureau.

- Dana Gribble – DOE did coverage in Business Journal on upcoming public involvement activities.

### **Review of TPA Response to Advice #293**

Liz Mattson informed members that the HAB received a response from the TPA Agencies to Advice #293. Liz gave a brief overview of the response to Advice #293 and noted that the TPA Agencies agreed to host at least one regional meeting. She stated that the purpose for this discussion is the gather recommendations from PIC members on a rebranded State of the Site (SOS) meeting. This includes the title, location, and format. Liz also mentioned that the HAB meeting in September 2018 will be hosted in Seattle, WA. She noted that this could be an opportunity to have the first regional meeting in many years.

#### *Agency Perspective*

Mark Heeter, Public Affairs Specialist with DOE, provided an overview of the TPA Agencies' response to HAB Advice #293. Mark stated that prior to the last PIC meeting in March, the Agencies were close to not having a synchronized response to HAB Advice #293. After the SOS discussion during the March PIC meeting, the agencies were able to issue a unified response. The TPA Agencies are not opposed to having a regional public meeting. The TPA Agencies are looking to the PIC for ideas on a format, location, and title. The TPA Agencies also ask for at least two months to plan for a regional public meeting.

Using the previous list of [recommendations for a SOS meeting](#), Liz opened the discussion for input from members.

#### ***Committee Member Questions (Q), Responses (R), and Comments (C):***

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*Q: "The advice that was submitted in November 2017 was in regards to a SOS meeting, but today were talking about a regional meeting. Are we looking for a regional meeting on one major topic?"*

*R: "It won't be an SOS meeting, but what the TPA Agencies are looking for is a regional meeting. This is why the TPA Agencies are requesting ideas from the PIC."*

*C: "Saying that the TPA Agencies are willing to do only one regional meeting now and maybe more later, leaves it very difficult for us to plan and work on public meetings. This is seriously still inadequate for face to face public accountability. There is a loss for institutional memory. Traditionally there were conference calls and discussions with facilitation, TPA Agencies and stakeholders."*

*C: "If we're only going to have one meeting, then it makes sense to have a meeting on the budget and the current budget priorities."*

*C: "We haven't agreed to hold the regional meeting in conjunction with the HAB meeting in Seattle, WA. Maybe the regional meeting should be in a different location from the HAB meeting."*

C: “I think having the meeting in Seattle, WA is a good way to start since we only have commitment from the Agencies to hold one regional meeting. It’s a great way to reintroduce something that isn’t new. We as the HAB have an opportunity to find metrics for success with the one meeting that could initiate more meetings.”

R: “The Agencies would prefer to disengage this one regional meeting from the HAB meeting in September. This meeting is specifically design to be different from the HAB meeting. It would be a great idea if the PIC could come up with a different location for the first regional meeting.”

C: “One of the reasons I think the regional meeting should be in Seattle is so we can have full participation from Ecology.”

*Q: “If there was a regional meeting in Oregon, would that affect Ecology’s participation?”*

R: “No, not at all.”

*Q: “Recognizing that a regional meeting is not the SOS meeting, is there an opportunity to test drive different formats at that meeting to see how well they do for future meetings?”*

C: “Having the regional meeting in Seattle would not only be cost effective but you also have all the agencies and HAB members already there.”

C: So, because the response doesn’t give a specific date for a regional meeting, it could be that we have a meeting in the fall of 2018 or spring of 2019.”

C: “I think we need to determine a location and then discuss whether it should be in conjunction with the HAB meeting.”

C: “We can establish an issue manager team to create a template for the format protocol.”

C: “So what I a hearing today is that the what should depend on the where. Since we didn’t get very much on the where, we should focus on the how.”

C: “I don’t have an issue with the first meeting being in Seattle or Portland, my issue is the agencies saying the meeting can be in Seattle or Portland. This indicates only one meeting.”

**Next Steps:** An issue manager call was scheduled for Friday, June 29, 2018 from 9:00 a.m. to 10:30 a.m.

### **Understanding the Process for the Draft Waste Incidental to Reprocessing Evaluation**

Liz Mattson introduced the topic for the Draft Waste Incidental to Reprocessing (WIR) Evaluation. Liz noted that this is a joint topic with the TWC. Liz stated the purpose bringing this topic to the PIC committee is to provide context and understanding of the WIR evaluation process.

Dieter Bohrmann, NorthWind – Supporting ORP, distributed a draft fact sheet and a draft newspaper ad for the upcoming public meeting on the Draft WIR Evaluation, which is scheduled for Monday, June 18, 2018. Dieter stated that input on the draft fact sheet and draft newspaper ad for the WIR would be useful for the Agency.

Dieter noted that the WIR evaluation is one of the processes for the closure of Waste Management Area C (WMA C), which includes the 16 C-Farm tanks. The process will involve input from all of the different agencies. The WIR evaluation process is completed by DOE under the Order 435.1. DOE evaluates whether the residual waste remaining in the empty C Farm tanks at Hanford can be managed as low-level waste. This process is a similar evaluation process that was completed at the Savannah River Site, Idaho National Laboratory, and West Valley.

The discussion provided an opportunity for the PIC to build framing questions for the upcoming TWC meeting on June 19, 2018.

***Committee Member Questions (Q), Responses (R), and Comments (C):***

*Note: This section reflects individual questions, comments, and agency responses.*

*Q: “Can we talk about the overarching public process for the WIR process or lack thereof before we discuss the fact sheet?”*

*R: “There will be a 96-day public comment period associated with the draft WIR evaluation, which is over 30 days longer than most of the public comments periods at Hanford. The public will have time to review the draft WIR evaluation concurrently with the Nuclear Regulatory Commission (NRC). Comments received during the 96-day comment period will be reviewed and DOE will determine whether a final WIR evaluation will be issued. Ecology is currently reviewing some of the WIR documents. Ecology will have a separate permit modification process, but the timing is still uncertain when that will take place.”*

*Q: “There is a Tank Closure and Waste Management Environmental Impact Statement (EIS), which examines the landfill closure tank residuals contamination left in the tank farms. We have those results and data, but DOE claims to have new data. Does DOE intend to go through a National Environmental Policy Act (NEPA) process or does the State of Washington as part of closure go through a new State Environmental Policy Act (SEPA) process for the public to review?”*

*R: “I do not know the answer to that. That would be a great question for the day of the public meeting on June 18, 2018.”*

*Q: “In terms of public process, asking the public to comment on this document is impossible for the public to do without having the required documentation. The draft fact sheet state whether the DOE or the NRC are evaluating on the standards for the groundwater. Having a public meeting during the day does not meet the best practices for the public. Are you willing to hold public meetings for the surrounding regions, as this is a huge issue? We need to know that now.”*

*R: “At this time, we have one public meeting planned with a webinar to allow for remote participation.”*

*C: “It’s not really a public meeting, it’s more of a workshop that is not designed for the general public and does not take public comment.”*

*R: “It’s an informational meeting that we know has been of interest to many people for many years, which is why we have dedicated a full day public meeting on this topic. We are bringing experts from many different disciplines who have worked on this WIR and others at different sites.”*

C: “I think it’s great to have a daylong workshop for the public, but I have huge public concerns. I don’t know how I can tell the public to participate in this process without the information they need or without more public meetings. In terms of any input given today, there are some significant issues with the process. That fact that we will not be able to see the NRC review before the board comments, is hugely problematic.”

R: “The NRC review at other sites has been an open process to the public. That would be an important question to bring up as we go through the process.”

*Q: “I am confused on the whole process, as far as the WIR. The waste in the tank by definition is high-level waste because of where it came from. We took out as much of the waste as we could, so what is left in the tank is being called low-level waste. Is that accurate?”*

R: “That is what the WIR evaluation is designed to determine whether the waste can be managed as something other than high-level waste.”

C: “So it’s a process that looks at how much radionuclides, volume, etc.”

R: “Essentially yes. We will get into the technical portion at the June 18, 2018 public meeting. The draft WIR evaluation has determined that the waste remaining in the WMAC can be managed as low-level waste.”

*Q: “Is that an NRC determination?”*

R: “No. It will be a DOE determination in consultation with NRC.”

*Q: “So once it is defined as low-level waste, will it be grouted? Why can’t the low-level waste coming from the Vitrification Plant be grouted?”*

R: “That is a separate discussion, which would likely require a separate WIR process.”

*Q: “The meeting on June 18, 2018 is informational only? Can you confirm that there is not public comment at this meeting? Can we provide input to the NRC on their technical review? Can we ask questions at the meeting?”*

R: “Absolutely, there will be time for questions. There is going to be a representative of the NRC at the meeting. I believe this person will be at the TWC meeting the following day. Sherri Ross from DOE Headquarters will give an overview of what the WIR is, how the NRC fits into the process, and how the public can be involved in the process.”

*Q: “So at what point can the public ask questions at the June 18, 2018 public meeting?”*

R: “The first part of the meeting will be focused on the WIR process. There will be Q&A following each presentation. Before lunch there will be a follow-up for another opportunity to answer any questions that did not get answered. The WIR is 300 pages within seven chapters. Each chapter will be covered during the meeting. Towards the end of the day, the technical aspect of the document will be covered, with time for questions after each presentation and additional time after all the presentations.”

*Q: “Is there two Q&A periods?”*

R: “There is Q&A throughout the day after each presentation. There is time allotted toward the end of the day for open discussion and questions.”

*Q: “So where would long term impacts on groundwater and health risks be covered during the presentations?”*

R: “I thinking during the presentations for the Disposal Safety Requirements and Analysis of Key Radionuclides.”

C: “I feel like this process is being rushed. I would’ve much rather see these presentations after an expert panel oversight of DOE had a chance to review the information. It’s not okay to ask the public to review something that has not had a second set of eyes on the information and numbers.”

R: “The performance assessment is the technical basis for the WIR evaluation. This started in 2009 with consultation from Oregon DOE, Tribal Nations, etc. Most of the workshops for this were held at the Ecology building. The NRC is also expected to provide an independent Technical Evaluation Report to DOE on the draft WIR evaluation.”

C: “I am questioning the balance of expertise.”

R: “Yes, and it involved experts as well.”

*Q: “I am aware that the State of Washington submitted a set of detailed technical comments about the performance assessment, last year. I am surprised to see the version that was put out, did not incorporate those comments. Do you plan to revise the performance assessment and incorporate those comments? Will those comments be made available for people to consider?”*

R: “I will make a note of that, as I don’t know the answer at this time.”

*Q: “Why is the public comment period for the WIR starting on June 4, 2018? Why can’t it extend past September?”*

R: “DOE may take that into consideration. DOE has done 90-day comment periods for other WIR, so we wanted to mirror that with this public comment period.”

*Q: “My understanding is that it was said repeatedly that there are three decisions on which it would rely on the WIR outcome. One of the three is leaving the residual waste in the tanks, which is the focus of the fact sheet. The second one is where DOE would consider WIR to replace supplemental vitrification of the low activity waste treatment. The third is whether or not discharged or leaked high level waste may remain in the surface under landfill closure, which depends on the WIR determination. Why is the fact sheet focused on the residual waste in tanks?”*

R: “This WIR is only for the C Farm tanks. I believe there would need to be a separate one for supplemental waste treatment.”

*Q: “In 2008, DOE did a WIR process via citation on the soils stating it was not high level waste. Do you know the NRC timeline report that would come out in this WIR?”*

R: “I believe in other places it’s been a nine-month process. They will likely continue to provide comments following the end of the comment period.”

*Q: “It’s listed that there will be a final WIR evaluation prior to a WIR determination in the future. The final WIR evaluation that presumably will be responsive to the comment received during this comment period and the comments on the performance assessment. Will the public get to comment on the final evaluation before DOE makes its final determination?”*

R: “I do not believe so.”

C: “Okay, well that would be a recommendation from the State of Oregon. A lot of the real information is going to come out after this first comment period.”

R: “I think that would be a good question for the public meeting.”

*Q: “Where do the public comments go?”*

R: “DOE has some flexibility on that and we are going to address how to respond to the comments.”

C: “Ecology’s input on this is important. In the past Ecology has stated that they are skeptically following this process. The State of Washington and Oregon formally opposed DOE’s proposal, which became Section 3116 of the Defense Authorization Act of 2005. The final language for allowing this process only applies to Idaho and South Carolina.”

C: “DOE Order 435.1 is a directive under DOE’s own authority. Under the Atomic Energy Act, DOE is its own regulator when it comes to radioactive waste management, including management of high-level waste. The Nuclear Waste Policy Act of 1982 gave a definition of high-level waste. DOE under its own authority in 1999 released a regulation of how they govern themselves, which is Order 435.1. In that they put in a process that says under an evaluation they can call something not high-level waste and manage it as either low level waste or Transuranic (TRU) Waste. This is important because the Congressional act states that high level waste must go to a deep geological repository, but if a waste can be determined to be a lower classification, there are other disposal options available including shallow land burial (as would be the case if the residual wastes in the tanks are closed in place). When DOE Order 435.1 first came out, DOE was sued by the Natural Resources Defense Council (NRDC) and Oregon joined in only for informational purposes. The NRDC argued that DOE did not have the authority to define something as not high-level waste. This lawsuit went through two different court systems and during the first, the court sided with the NRDC. The second court invalidated that ruling stating it was not yet ripe for a decision. You cannot sue DOE for releasing its own regulation. You can only sue after they try to use it. We are now in a situation where DOE is trying to use that Order to call something not high-level waste. Section 3116 of the National Defense Authorization Act 2005 was a WIR law congress passed in order to confirm DOE’s authority to call something not high-level waste. Congressional delegates from Washington, New York, and Oregon did not want to be included in the law. Section 3116 only applies to Idaho and South Carolina. For DOE to reclassify high level waste in Washington, it has to use the 435.1 law that was challenged before. DOE has used the WIR process under 435.1 for the 3 gallons of waste they sent to Texas in 2017 and for a vitrification melter from the West Valley Demonstration Project in 2012. [Martin Letourneau from DOE HQ provided an explanation on the WIR history and process for C-Farm at a HAB meeting in 2010.](#)”

*Q: "Have they formally declared C Tank Farm closed?"*

R: "The final paperwork is being done on C-105 tank. Retrieval efforts are closed."

*Q: "What about C-301 catch tank? Why isn't this included in the Waste Management Area C? How can they just forget about this tank that is just sitting out there? There is no mention of it in any of these documents."*

R: "It's in the WIR. I don't know the specific contents."

*Q: "Early it was stated that 96% of the waste has been removed, but it this the average across all of the tanks or tank by tank?"*

R: "I believe that is an average per WMAC."

*Q: "What will NEPA be relied upon for this process?"*

R: "I believe it is the EIS. We can check on that."

Q: "The EPA and DOE for TRU is 100 nanocuries per gram. Looking at the data for C-102 alone, it lists 5273 nanocuries per gram. How does this work for the geological disposal criteria? How does this work for the WIR process? Is one helping the other?"

R: "That is a great question for the public meeting."

C: "It would be helpful if there were questions people can answer before you get to the overview on the fact sheet. That would give them a reason to read the overview of the fact sheet. The public interest groups are going to give people a reason to learn about this. You also asked for comments on the performance assessment, but that wasn't clear on the public involvement page."

C: "There are three criteria for doing a WIR, so I was wondering if that is something you could include on the fact sheet. The public could potentially comment on whether the criteria has been addressed or satisfied. The start of the third paragraph says the WIR is important but it doesn't list why it's important. It should be clear in the fact sheet whether the public has an opportunity to make a comment on the WIR evaluation."

R: "I believe there will be time in the December 2018 timeframe for another public meeting to review and possibly ask questions on NRC comments."

C: "It should be clear in the fact sheet that closure is not the same thing as cleanup."

C: "I think it could say what the draft WIR evaluation and performance assessment show with a graph."

C: "I think it could ask where the C-Farm fits into this as well."

R: "There will be posters on display at the public meeting. We are working on an FAQ for anticipated questions and will try and link it to the fact sheet."

C: “If DOE would be honest about it, I think the question of why they want to do this could be added to the fact sheet as well.”

C: “Ecology filed a detailed set of comments on the performance assessment that DOE failed to mention, would be helpful for people to see. Can DOE produce that to the TWC committee?”

R: “We will follow up with this.”

**Next Steps:** An issue manager team was formed with the following PIC members: Gerry Pollet, Jeff Burright, Rebecca Holland, Helen Wheatley, Tom Carpenter, and Liz Mattson.

**Attachments**

**Attachment 1:** Tri-Party Agreement Agencies – Public Involvement Calendar – Spring 2018

**Attachment 2:** TPA Response to Advice #293

**Attachment 3:** Electronic Flipchart Notes

**Attendees**

**Board Members and Alternates:**

Liz Mattson	Shelley Cimon	Tom Galioto
Bob Suyama	Gary Garnant	Sam Dechter
Helen Wheatley	Jeff Burright	Dan Solitz
Jan Catrell	Rebecca Holland	Gerry Pollet
Tom Carpenter (Phone)	Pam Larsen (Phone)	

**Others:**

Jim Lynch, DOE-ORP	Mark Heeter, DOE-RL	Echo Dahl, NorthWind – Support for DOE-ORP
Dieter Bohrmann, NorthWind – Support for DOE-ORP	Jennifer Colborn, MSA	Kris Holmes, DOE-RL
Jen Copeland, CHPRC	Ginger Wireman, Ecology	Dana Gribble, MSA
Kyle Rankin, DOE-RL	Rich Buel, DOE-RL	Emy Laija, EPA (Phone)
Maggie Elliot, Tank Farms Intern	Lindsay Strasser, ProSidian	Melissa Orona, ProSidian