



UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF PUBLIC AFFAIRS
REGION V
1450 MARIA LANE, SUITE 210
WALNUT CREEK, CALIFORNIA 94596

ATTACHED IS THE MATERIAL
HANDED OUT AT CONGRESSMAN WYDEN'S
PORTLAND PRESS CONFERENCE THURSDAY,
AUGUST 20.

Greg Cook

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PDR WASTE PDR
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WM Project: WM-10
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WM Record File: 101
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STATEMENT BY REP. RON WYDEN (D-3RD DISTRICT)
AT A NEWS CONFERENCE CALLING ON
ENERGY DEPARTMENT INSPECTOR GENERAL TO
REOPEN INVESTIGATION OF WASTE DUMP PROGRAM COVER-UP CHARGES

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NRC
REGION V

1987 AUG 25 A 9:22

Today Congressman Al Swift (D-WA) and I are asking the Department of Energy Inspector General to reopen his investigation of a cover-up at the Hanford waste repository site on the basis of information my office has obtained. At stake here is the integrity of the entire nuclear waste repository siting process, and, clearly, the Inspector General's recently closed investigation overlooked troubling recent developments and failed to interview at least one witness who was central to their inquiry.

As you can see from the Freedom of Information version of the IG's investigation abstract, strangely the only document produced by a two year inquiry, charges of improper cover-up of information date from 1985. Documents I have just received from the General Accounting Office indicate that the policy alleged in the 1985 complaint may have continued even as the IG investigated it. Giving credence to that notion is the fact that the IG somehow managed to ignore a highly public October, 1986 incident.

On October 13th, 1986, a Rockwell manager, Steve Baker, advised his hydrology staff in writing that they could be fired for giving data about the potential Hanford dump site to the Nuclear Regulatory Commission without DOE approval. By binding agreement, data on Hanford must be freely available to the NRC, because this agency will pass final judgment on the safety of any repository. As he explained to my counsel, he wrote the letter to protect his staff by warning them that, under senior management policy, they could face dismissal for following the law.

The story does not end there. Within a couple of days, the letter — with Mr. Baker's name expunged — was described in a story in the Tri-Cities Herald. It seems curious that the public nature of the cover-up charges didn't spur the IG into action. Yet Mr. Baker has told my staff that he was never questioned by the IG, either about his letter or his knowledge of earlier events that could bear on the allegations.

Instead action of a different sort was forthcoming. By October 17th, on paper at least, senior contractor management disavowed the Baker directive in a second letter. The sincerity of this second letter is called into question by, among other things, the fact that Mr. Baker was relieved of his managerial duties within months of this incident. These matters — including the IG's conduct in having been less than comprehensive in his investigation — demand further investigation.

Now, to the underlying issue, why would Rockwell management oppose cooperation with the NRC? Perhaps the DOE-Rockwell hierarchy was nervous that the more NRC knew, the more they would be able to identify the shortcomings of DOE's examination of the Hanford site. After all, as you can see in the two September, 1986 memos from NRC senior advisor Sidney Parry, the agency was beginning to make some embarrassing observations.

Unfortunately, having watched the repository siting process from the beginning, I find this whole situation has an all-too-familiar ring to it. Besides the allegations of intentional cover-up, there are mounting indications that DOE has delayed pursuing Hanford's possible "showstoppers" — facts that could knock the site out of the repository sweepstakes. As NRC advisory Parry put it, "an uncharitable person might conclude that the reduced exploratory activity is a result of a desire not to find anything unfavorable."

Why would the Energy Department pursue such a peculiar and irresponsible approach to characterization of a site that must isolate deadly waste for 10,000 years? That is a very good question. I can only offer these observations: I have long been convinced that Hanford is only in the running for bureaucratic reasons. It has looked for a while as though DOE and contractor officials would like to see Hanford remain under consideration as long as possible, regardless of its scientific merits. They have no interest in seeing the multi-million dollar program stop and the cash cow run dry.

The site characterization process must not continue until a full and candid investigation of these serious allegations is completed. In addition to requesting that the DOE Inspector General reopen his examination, Congressman Swift and I are also asking the General Accounting Office, which helped us obtain these documents, to look into the conduct of the IG's inquiry into cover-up allegations, and examine whether there has been a general policy of withholding data from NRC. Also, we are asking the GAO to investigate whether DOE has been delaying important parts of the site characterization process to extend the Hanford program beyond the point it could be justified on a scientific basis.

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The site characterization process must not continue until a full and candid investigation of these serious allegations is completed. In addition to requesting that the DOE Inspector General reopen his examination, Congressman Swift and I are also asking the General Accounting Office, which helped us obtain these documents, to look into the conduct of the IG's inquiry into cover-up allegations, and examine whether there has been a general policy of withholding data from NRC. Also, we are asking the GAO to investigate whether DOE has been delaying important parts of the site characterization process to extend the Hanford program beyond the point it could be justified on a scientific basis.

Internal Letter



Rockwell International

Date: October 17, 1986

No. .

TO: (Name, Organization, Internal Address)
All Site Department Personnel

FROM: (Name, Organization, Internal Address, Phone)
• L. R. Fitch
• Basalt Waste Isolation Project
• CDC-2/3000 Area
• 6-6339

Subject: Interface with the Nuclear Regulatory Commission

Ref: Letter, October 13, 1986, S. M. Baker to Hydrology Staff,
"Contractor-Technical Liaison Relations"

In response to the reference, it is necessary to immediately set the record straight relative to our interface with the Nuclear Regulatory Commission (NRC). All communications with NRC personnel should be carried out as described in the Department of Energy - Richland Operations Office (DOE-RL)/NRC Procedural Agreement and the attached letter from DOE-RL.

The DOE-RL has requested that Rockwell Hanford Operations (Rockwell) make the Branch Chief of Licensing, Environmental and Safety aware of any internal correspondence that may be given to NRC personnel. There has never been any intention to dismiss staff for talking to the NRC and/or responding to NRC requests. However, there is a need for Project management to be kept cognizant of what information is being transmitted to the NRC.

Your cooperation in following the attached is appreciated.

L. R. Fitch
Associate Director
Basalt Waste Isolation Project

LRF/ejm

Att. 4
1.
cc: T. A. Curran
D. C. Gibbs
E. W. Jackson
File/LB/Rec. Ret.

0483

B100005

Internal Letter



No. 77420-86-124

Date: October 13, 1986

TO: *State Organization, Internal Address*
• Hydrology Staff
• Hydrology Group
• PBB/1100 Area

FROM: *State Organization, Internal Address Phone*
• S. M. Baker
• Hydrology Group
• PBB/1100 Area
• 6-4764

Subject: Contractor-Technical Liaison Relations

The following items were passed down from the Director level through staff meeting October 10, 1986. Please note and comply with them.

In order to communicate in a timely manner with subcontractors without going through the Directors office, instructions to subcontractors will be:

1. written under signature of the Buyer or
2. verbal with Buyer consent. All verbal instructions will be documented with a DSI or Telephone Conference form to your manager and Buyer.

There will be no communication with any Nuclear Regulatory Commission personnel without prior approval of the Department of Energy-Richland Operations Office Licensing. Violation of this directive may result in immediate dismissal.

SMB
S. M. Baker, Manager
Hydrology Group

SMB/abj

cc: T. A. Curran *TA*
L. S. Leonhart
R. M. Smith
BRMC (2)

Oct 15 1986

0483

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ABSTRACT REPORT OF INVESTIGATION

ALLEGED COVERUP OF INFORMATION CONCERNING BASALT WASTE ISOLATION PROJECT (BWIP), HANFORD SITE, RICHLAND, WASHINGTON

CASE I85RL002

PREDICATION

On May 6, 1985, the management of the Richland Operations Office (RL), U.S. Department of Energy (DOE), advised the Office of Inspector General (OIG), DOE, of allegations made by [] U. S. Nuclear Regulatory Commission (NRC), [] Basalt Waste Isolation Project (BWIP). The allegations provided to the OIG were that:

- (1) in 1984 an unknown employee of one of RL's prime contractors was chastised or administratively disciplined for discussing, [] the possibility that radioactive nuclides, and specifically Iodine 129 (I129 or I29I), produced on the Hanford Site by the Site's processes, were migrating to, and within, the aquifers located beneath the site.
- (2) an unknown employee or group or employees was attempting to conceal information indicating that an "above background" level of I129 had been found in the aquifers located beneath the Hanford site and adjoining farmland.

BACKGROUND

The Hanford site is a 570 square mile multi-contractor multi-program facility located immediately north of Richland, Washington. The site is managed by the Richland Operations Office (RL) through contracts issued by the U.S. Department of Energy. The primary operating contractors during the period covered by this investigation were, consecutively, the General Electric Corporation (GE), Atlantic Richfield Hanford Company (ARHCO or ARCO), and subsequently Rockwell Hanford Operations (Rockwell or RHO). Rockwell assumed their responsibilities (which includes the management of the site's radioactive waste) under contract DE-AC06-77RL01030, on March 23, 1977.

The contractor assigned the primary research responsibilities for the majority of the site's current history has been the Battelle Memorial Institute. The contractor has been known at the site as Battelle, Battelle Pacific Northwest Laboratory (BNWL or BNL), and currently as Pacific Northwest Laboratory (PNL). PNL assumed their contract responsibilities on January 4, 1965. Their current contract is numbered DE-AC06-76RL01830.

I85RL002

Interviews and examination of numerous publications concerning the Hanford Site environment revealed that the nuclear processes on the site produce radioactive effluents, some of which are discharged into ditches, swamps, and cribs on the site. During the 1950s the effluents were also injected via injection wells into the soil beneath the site. Some of the nuclides (a particular nuclear species as characterized by the atomic and mass numbers) contained within the effluents, because of the mobil nature of the nuclide and the natural flow of the effluent, have traveled to the aquifers located beneath the site.

Due to the concern of DOE and its predecessor agencies as to the possible adverse effects the nuclides could have on the environment, a number of programs have been authorized over the years to monitor the Hanford Site's groundwater flow rate and contamination patterns. The results of the monitoring programs have been routinely reported in documents such as: Environmental Monitoring Report on the Status of Ground Water Beneath the Hanford Site (Annual Report); Geohydrology of the Rattlesnake Ridge Interbed in the Gable Mountain Pond Area; and An Assessment of Aquifer Intercommunication in the B Pond - Gable Mountain Pond Area.

During the late 1950s or early 1960s, an analysis method was developed which could be used to measure minute quantities of the nuclide I129. The method (classified during the 1960s and early 1970s) reportedly was able to measure I129 (half-life of 1.6×10^7 years) in liquid at a magnitude many times below the Federal Government's drinking water standard. Beginning in approximately 1962, and continuing in varying degrees until 1971, water samples were obtained from the aquifers under the Hanford Site and analyzed by this method for the presence of I129 and other nuclides. Beginning in 1971 and continuing through 1974, a concentrated sampling program was established in an effort to determine the migration of the nuclide and therefore, the flow patterns of the aquifers located below the Hanford Site. ARHCO (and subsequently Rockwell) was primarily responsible for gathering the liquid samples. PNL was responsible for analyzing the samples and providing the results to ARHCO/Rockwell.

This investigation is based upon allegations made by [] which, if substantiated, could be violations of statutes and/or regulations that deal with the environment, and which establish the standards for the prevention, control, abatement, monitoring, and reporting of pollution. The subject statutes/regulations are contained within AEC manual chapters 510, 513, and 524; Department of Energy Orders of the 5400 series (5440, 5480, 5481, 5482, and 5484); Titles 10, 29, 40, and 49, Code of Federal Regulations (CFR) and the Resource Conservation and Recovery Act (RCRA).

I 85RL002

RON WYDEN
3D DISTRICT, OREGON

WASHINGTON ADDRESS
SUITE 1406
LONGWORTH HOUSE OFFICE BUILDING
PHONE 202-225-4811

DISTRICT OFFICE
500 NE MULTNOMAH, SUITE 250
PORTLAND, OR 97232
PHONE: 503-231-2300

Congress of the United States

HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

August 20, 1987

COMMITTEES
ENERGY AND COMMERCE

SMALL BUSINESS

SELECT COMMITTEE ON
AGING

Mr. Charles A. Bowsher
Comptroller General of the United States
General Accounting Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Bowsher:

We would like the General Accounting Office to look into a possible attempt to hide information from the Nuclear Regulatory Commission (NRC) concerning the Hanford Basalt Waste Isolation Project (BWIP). That attempt would be a violation of the Department of Energy's (DOE's) written nuclear waste repository data-sharing agreement with the NRC.

Your staff obtained for us a letter from a contractor manager ordering personnel not to pass information to the NRC without clearance from DOE, on pain of being fired. Shortly after this letter was sent to staff, the policy was rescinded in writing by a more senior manager. Perhaps the second letter was sent because the original letter was inaccurate. But perhaps the first letter was accurate, and the second letter was sent as simply a cover to deny the illegal policy.

Circumstantial evidence gives some weight to the less innocent view. First, the correction letter bears no internal document number, raising a question in our minds of its authenticity. Second, the illegal directive was not corrected by its author. If it had simply been a mistake, a retraction from the same author would seem the natural way to have corrected it. Third, the author was relieved of his managerial duties sometime after the letter was written. Fourth, the contractor and the Department may have had motives for hiding information from NRC. Earlier information "leaks" to NRC had brought criticism of the project's management, and had pushed the project towards investigating problems that could ultimately result in the site's disqualification as a repository.

We would like to know the truth. Did DOE or senior contractor management order a data cover-up? Was this covert policy scrapped when a conscientious lower manager put it in writing?

Also, we have also heard related charges that DOE has delayed follow-up work on leads that might prove unfavorable to the site. These leads include the Iodine-129 tracer studies and studies on difficulties in protecting miners and waste from "rock burst" and flooding accidents.

Page 2
Charles A. Bowsher
August 20, 1987

We would like GAO's opinion on these allegations. Has the course of DOE's study of the site been consistent with an objective desire to determine the site's suitability for a repository?

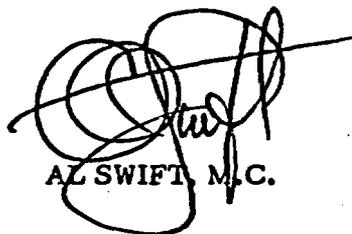
Finally, we would like you to look into the DOE Inspector General's investigation of the alleged data cover-up, DOE IG Case I85RL002. From the Baker letter, and our preliminary inquiries, it appears that Baker may be able to shed considerable light on the cover-up question. Yet it seems, from examination of the Inspector General's report, that Baker was never interviewed during the investigation. We would like to know why.

We look forward to having you resolve these questions. If our offices can be of any help, please contact Ken Rosenbaum, at 225-4811, or Mike Gillett, at 225-2605.

Sincerely,

Ron Wyden

RON WYDEN, M.C.


AL SWIFT, M.C.