Environmental Management Site Specific Advisory Board Chairs Meeting
Draft Meeting Minutes
April 27-28, 2006
Knoxville, Tenn.

The Environmental Management (EM) Site Specific Advisory Board (SSAB) met April 27-28, 2006 at the Cumberland House Hotel in Knoxville, Tenn. The Oak Ridge SSAB hosted the meeting. Meeting participants included Chairs, Vice Chairs, Co-Chairs, other SSAB members, Department of Energy (DOE) Headquarters and field staff, site coordinators, SSAB administrators, and support staff. The meeting was facilitated by Mike Schoener, facilitator for the Savannah River Site Citizens Advisory Board (CAB). Many of the meeting attendees also participated in a tour of the Oak Ridge Reservation on April 26, 2006.

Participants

- Fernald CAB: Lisa Crawford, Vice Chair; Gene Willeke, member
- Hanford Advisory Board: Shelley Cimon, member; Todd Martin, Chair
- Idaho National Laboratory Site EM CAB: Richard Buxton, Co-Chair; Bill Flanery, Co-Chair; Lila Gold, Member
- Nevada Test Site CAB: David Hermann, member; Kathleen Peterson, Chair
- Northern New Mexico CAB: J.D. Campbell, Chair; Grace Perez, Vice Chair
- Oak Ridge SSAB: Norman Mulvenon, member; Kerry Trammell, Chair
- Paducah CAB: Rhonda Smith, Chair-elect
- Rocky Flats CAB: Gerald DePoorter, Chair
- Savannah River Site CAB: Donna Antonucci, Vice Chair; Karen Patterson, Chair
- DOE Headquarters: Charlie Anderson, Principal Deputy Assistant Secretary for EM; Tony Carter, Office of Legacy Management (LM); Mark Frei, Deputy Assistant Secretary for Business Operations; Doug Frost, Designated Federal Officer; Melissa Nielson, Office of Internal/External Coordination; James Rispoli, Assistant Secretary for EM; Douglas Tonkay, Office of Commercial Disposition Options
- Federal Officials/Coordinators: Gary Stegner, Fernald Federal Coordinator and Deputy Designated Federal Officer (DDFO); Shannon Brennan, Idaho Federal Coordinator; Kelly Snyder, Nevada DDFO; Christina Houston, Northern New Mexico DDFO; Lorrie Bonds-Lopez, Los Alamos National Laboratory Liaison; Pat Halsey, Oak Ridge Federal Coordinator; David Dollins, Paducah Federal Coordinator; Gerri Flemming; Savannah River Federal Coordinator
- Administrators/Support Staff/Facilitators: Doug Sarno, Fernald Facilitator; Lynn Lefkoff, Hanford Support Staff; Lisa Aldrich, Idaho Support Staff; Carla Sanda, Nevada Support Staff; Menice Santistevan, Northern New Mexico Executive Director; Spencer Gross, Oak Ridge Support Staff; Pete Osborne, Oak Ridge Administrator; Jeannie Brandstetter, Paducah Support Staff; Ken Korkia, Rocky Flats Executive Director; Dawn Haygood, Savannah River Administrator; Mike Schoener, Savannah River Facilitator

Others present
Gerald Boyd, DOE, Manager, Oak Ridge Office
Bill Haslam, Mayor, City of Knoxville
Luther Gibson, Member of the public

David Mosby, City Councilman, Oak Ridge
Alice Murphy, Executive Director, East Tennessee Environmental Business Association

Thursday, April 27, 2006

Welcome and Introductions

Mr. Trammell opened the meeting by welcoming everyone and introducing Mr. Boyd. Mr. Boyd also welcomed the attendees and noted the importance of the input the SSABs provide DOE. He recognized Steve McCracken as the Oak Ridge Assistant Manager for EM.

Mr. Trammell then introduced Mayor Haslam, who noted the good working relationships among Knoxville, Oak Ridge, and the University of Tennessee and how they mutually benefit one another.

Mr. Trammell then introduced Mr. Mosby who welcomed participants on behalf of the city of Oak Ridge.

Mr. Frost began the business portion of the meeting by introducing Mr. Frei

Discussion of the FY 2007 Budget

Mr. Frei opened his presentation by providing an overview of the closure projects underway and due for completion over the next few years. He said the EM program priorities continue to focus on safe, cost-effective risk reduction and cleanup.

Mr. Frei said as many as nine sites are scheduled for closure in 2006, and an additional eight are scheduled for completion between 2007 and 2009. Those sites are noted in Attachment 1.

He noted a number of EM priorities in developing the FY 2007 budget:

- Conduct compliant and safe operations
- Establish disposition for radioactive liquid tank waste, special nuclear materials, and spent nuclear fuel
- Dispose of contact-handled and remote-handled transuranic and low-level wastes
- Decontaminate and decommission unneeded facilities
- Continued remediation of soil and groundwater
- Support post-closure benefits and liability requirements.

The requested FY 2007 budget is $5.8 billion, down about $762 million from FY 2006. Page 1 of Attachment 1 is a pie chart of the FY 2007 budget. Page 2 of Attachment 1 is a comparison of the FY 2006 budget and the proposed FY 2007 budget.

Page 6 of Attachment 1 is a chart showing performance measures and projections of disposition projects through FY 2007.

Mr. Frei said as much as $25 billion will be needed to address emerging and new scope, performance, and design issues. He said a Five Year Plan can be viewed on the EM internet homepage at http://www.em.doe.gov and then click on ‘Featured Items.’

Mr. Frei said EM is committed to management initiatives to improve safety, project management, and project execution.

A number of questions were asked after the presentation. Following are abridged questions and answers.

Question	**Answer**
Ms. Patterson – SRS and Hanford are concerned about high-level waste. If there is not enough money, how will you use your new baselines and risk assessments to come up with DOE complex priorities?	Mr. Frei – We intend to use our baselines to convince the Secretary of Energy, the Office of Management and Budget, and eventually Congress that what we're asking for is needed to get the job done. Mr. Anderson and I are confident that we can secure the resources we need to deal with salt waste and the Hanford waste and so on. Mr. Anderson – I want to point out the priority placed on tank waste. We have to build the Waste Treatment Plant and we have to build the Salt Waste Processing Plant for a final solution. We've requested full funding for both of those for 2007.
Mr. Martin – Did DOE develop the corporate performance measures internally, or did Congress develop them for you? As a follow-up, I would suggest that given you're at 100 percent of plutonium packaged, indicate as a corporate performance measure the percentage of plutonium consolidated. We could track that and it would send a signal to us that you are serious about moving the plutonium from Hanford, which is at the top of our priority list.	Mr. Frei – We developed them internally. Good idea.
Ms. Crawford – You talked about baseline and risk assessments. Is that available? I would encourage you to make sure that kind of information is shared, not only with the SSABs but with other stakeholders.	Mr. Frei – We're in a process of going through internal and external reviews. We're going through the sites one by one, but they are not all finished yet. The goal is to finish those by the end of this fiscal year.
Mr. Campbell – The people of Northern New Mexico recognize there have been performance issues and concerns with respect to the environmental work at Los Alamos National Lab. We think to penalize	Mr. Frei – The $91 million that was put in the budget for Los Alamos, which is about a $50 million reduction, shouldn't be viewed as punitive. It is stepping back and saying 'if you tie your budget to performance where can you best spend

Question	Answer
the new contractor or use punitive action ahead of their performance by cutting their budget $50 million or more with new groundwater contamination found at the site is a very poor way for DOE to start off a new contractor. We hope you will change your mind and give a more positive message to this new contractor.	your dollars?' We were not seeing cost-effective use of those dollars. We want to give the new contractor time to come up with a proposal to determine how they can best use the money. We will be meeting with the National Nuclear Security Administration to discuss the FY 2008 budget. We appreciate your comments and we'll be taking them with us.
Mr. Buxton – In Idaho we have a lot of Navy spent nuclear fuel. This is not covered in the EM budget, is that correct?	Mr. Frei – Currently under the billing arrangement with the Navy, the EM budget does include the storage and handling of spent nuclear fuel. Between now and 2012 the Navy will be moving the fuel to the new Naval reactor facility. They will then be responsible for that budget. Under the current billing arrangement the Navy does reimburse DOE through the treasury for the work that we do for the Navy.
Due to the declining budgets for cleanup, is there any recognition on the part of DOE that the accelerated cleanup plan may have to be adjusted and some of these completion dates will have to be postponed? If that's not the case will DOE try to change budget projections?	The short answers to your questions are 'yes' and 'yes.' We're taking a hard look at what we can deliver and not over-promise. If there are changes in the end dates they will be reflected in our requests next February. We're working at DOE Headquarters on what our real needs are; that will be reflected in the 2008 and 2008-2012 budget request to the Secretary of Energy and then to the Office of Management and Budget in the fall.

Lessons Learned from Closure Sites

Mr. Willeke and Mr. DePoorter presented individual lessons learned of the closure activities at Fernald and Rocky Flats respectively (Attachments 2 and 3). They collaborated prior to the meeting to develop a combined list of lessons learned from both sites (Attachment 4).

Mr. Willeke's presentation noted an issue about a Local Stakeholder Organization (LSO) (Attachment 2, page 12). The community decided that the LSO did not meet its needs, but reserved the right to revisit the concept later.

Mr. Willeke said the Fernald CAB was the principal integrating entity across media and operable units more than DOE or the contractor. The Fernald CAB had no limits on the kinds of questions it could ask. He said while Fernald was not a state-of-the-art project it cost a lot less because of the involvement of the CAB. Key factors in saving money, he said, were the use of rail transportation and disposition of about 75 percent of the waste on site.

Concerning the Rocky Flats closure, the CAB was complimentary of DOE and contractor openness, DOE's acceptance of most of the CAB's recommendations, and the contractor's safety

record. The Rocky Flats CAB, however, was critical of DOE cutting off funding of the CAB before a final record of decision was signed.

Ms. Crawford presented the joint observations and lessons learned from Fernald and Rocky Flats closure.

She said it was important to open a public dialogue early with LM. The establishment of LSOs was flawed because they represent only small constituencies, and funding of the LSOs was not equitable. She said the 'fatal flaw' of the LSOs is that they have no advisory role and they would be impacted by turnover from term limits, resulting in a loss of institutional knowledge and expertise.

Suggestions of steps LM should take are noted in Attachment 4, page 4.

Ms. Crawford said other stakeholder groups at Fernald worked together to achieve results. She said the balanced approach to cleanup, most of the waste being disposed on site at Fernald, was important.

After the presentation there was discussion about LSOs and why Fernald chose not to have one and why the Rocky Flats CAB chose not to have any association with the LSO put in place there. Idaho asked for more information about LSOs, and Mr. Carter was asked to explain. He said LSOs were legislated by the 2005 Defense Authorization Bill to be established at closure sites if the community wanted one.

After the presentations a number of questions were asked.

Question	Answer
Mr. Trammell – Could you talk more about public participation as an institutional control?	Ms. Crawford – We have a document called a Legacy Management Institutional Control Plan. Part of the document says we will continue to do some of the educational public participation under the enforceable section of this document to keep the public knowledgeable about what took place at Fernald.
Mr. Martin – How did you get the U.S. Fish and Wildlife Service to take ownership of the land at Rocky Flats?	Mr. DePoorter – It was done as part of legislation. But Fish and Wildlife will not take control of any of the former industrial areas. We don't know yet where the fences separating the industrials areas from the clean areas will be. Mr. Anderson – The legislation says the Environmental Protection Agency must certify the land as clean before Fish and Wildlife would take it. Ms. Crawford – We need to point out that DOE will retain ownership of Fernald, so there are differences there too. Mr. Willeke – While it's Fish and Wildlife's goal not to accept contaminated land they have done it on several occasions.

Mr. Campbell – What has your experience been with risk-informed decision-making at the closure sites? Where are we in informing the public of this decision process?	Mr. Willeke – In the case of our on-site disposal facility at Fernald, the advisory board provided the assessment risk to the community. Mr. DePoorter – In our case at Rocky Flats, risk didn't come up until we did the radionuclide soil action level study. DOE funded an independent study. We wanted to explain risk to the public in terms they could understand. DOE did not see fit that we should do that. I think it's important we should do that because the public doesn't understand the concept of risk, especially comparative risk.

Update on Waste Disposition Strategy

Mr. Tonkay reported on the status of disposition plans and documents (Attachment 5). He said the draft disposition plan summarizes EM disposition efforts. The report is going through the last stages of review. Availability may be announced through the *Federal Register* and it will also be posted on the EM website. He said Ms. Nielson would advise the SSABs when it is available.

Mr. Tonkay said the plan is a companion document to the Five Year Plan that Mr. Frei referenced earlier.

He said the second part of the report is the national disposition strategy, which looks at waste streams and any bottlenecks. Mr. Tonkay said new waste transfer maps will be developed that will be easier to follow.

Concerning low-level and mixed low-level wastes, he said a number of no-path wastes now have paths for disposal.

He noted the estimated volume of transuranic wastes at various sites. He said current efforts are focused on optimization of transuranic waste disposal, and he noted volumes of transuranic waste disposed. He said the next step for transuranic waste is to continue to meet compliance milestones and monitor the permit modifications at the Waste Isolation Pilot Plant.

For greater than Class C waste he said DOE has the responsibility for disposal. DOE must submit a report to Congress on disposal alternatives and then wait on Congressional action before selecting a final option. Mr. Tonkay said DOE will submit a report on estimated costs and schedules to prepare an environmental impact statement life cycle cost analysis for disposal decisions.

Nuclear Materials Disposition and Consolidation and Coordination Committee

Mr. Anderson provided a presentation regarding the committee, which briefs the Defense Nuclear Facilities Safety Board monthly.

The committee meets monthly, sometimes twice a month, and there are several subgroups working on different issues.

Mr. Anderson said the committee uses a scientific approach. First the problem is defined. Second, all pertinent facts are gathered. The third step is listing all the alternatives, then conducting cost evaluations of the viable alternatives, and concluding with a recommended path forward.

Mr. Anderson noted that near-term issues are consolidation of excess plutonium-239 by 2008; disposition of uranium-233 from Oak Ridge National Laboratory; removal of surplus material from Y-12; removal of surplus material from Los Alamos National Laboratory; removal of all category 1 and 2 materials from Lawrence Livermore National Laboratory; removal of materials from Sandia National Laboratory by 2008; and removal of surplus weapons pits from Zone 4 at Pantex. He said consolidation of plutonium-239 and disposition of uranium-233 at Oak Ridge will save DOE significant amounts of money in security costs.

There are other special nuclear materials that do not fit these categories, and efforts are underway to look at these areas. Some of these materials could have other uses, which would be the final disposition. He said a problem has been that at the end of the Cold War, waste ceased moving through the system for disposition. He also said usable material was sometimes included with non-usable material, which complicated disposition efforts.

Mr. Korkia asked about the current disposition strategy for surplus plutonium that was shipped from Rocky Flats to Savannah River. Mr. Anderson said that wouldn't be known until the containers are opened. He said the process is in the conceptual design phase, and a leading option for disposition is plutonium vitrification. He said a feasibility study would be done on that option.

During his presentation he talked about design basis threat. Mr. Flanery asked for a more detailed definition. Mr. Anderson said it's a way to design a system to protect facilities from threat.

Public Comment

Ms. Murphy said the East Tennessee Environmental Business Association represented about 130 companies doing environmental work in Oak Ridge. She said the organization was concerned about the decline in the EM budget, especially in regard to cleanup work that needs to be done at Y-12 and at Oak Ridge National Laboratory.

Vision and Plans for EM Program and EM SSAB, James Rispoli

Mr. Rispoli began by thanking the Chairs and their boards for this public service to the communities and the nation.

Mr. Rispoli reminded the group that the boards must comply with the Federal Advisory Committee Act (FACA). He said the act is specific as to what is expected of advisory boards, and the boards must be in compliance with FACA when providing advice.

He pointed out that the boards are not regulatory bodies, but exist to provide advice and express the concerns of the community.

Mr. Rispoli said it was the chairs' jobs to ensure advice is provided professionally and respectfully of all constituencies, including EM. He said in meetings and in correspondence it is the responsibility of the chairs to see everyone is treated with respect, including those with dissenting views.

He said the combined chairs' meetings are especially useful because they provide an outlet for collective knowledge and advice. They give DOE a chance to share things with the chairs and also a chance to learn of common themes among the boards that can be addressed by DOE.

Mr. Rispoli noted five focus areas for EM:

1. Safety. If work can't be done safely it affects the credibility of the program and the community.
2. Risk reduction. The department is trying to put money where risk is and reduce the risk. DOE sees tank waste as its highest priority, while it considers decontamination and decommissioning as the lowest. He said if things were being done at sites that didn't address the stated priority he wanted to know about it.
3. Project management and development of a high-performing organization. The objective is to get the best possible results. Proper questions must be asked before a project begins. His commitment to all stakeholders is to take things in a more logical progression.
4. Human capital. There have been major reductions in the EM workforce since 2002. Some sites have shortages of key skills, and Mr. Rispoli is looking to balance needs with skills. He is putting emphasis on a human capital management plan.
5. Lessons learned. DOE needs to be open to feedback from lessons learned. The boards represented are an invaluable method to provide this feedback to DOE.

Mr. Rispoli said when he first took the job as Assistant Secretary, 15 of 90 PBSs were not on cost and schedule. Today nine are not on schedule. He said the goal is to maintain 90 percent on schedule.

Mr. Rispoli reiterated that he values what the SSABs do, but reminded the chairs that they must be aware of FACA and be in compliance with FACA so as to not put them in jeopardy. He said it was possible someone could challenge their compliance with federal law.

After his presentation, a number of questions were asked. Following are abridged questions and answers.

Question	Answer
Mr. Willeke – At Fernald I've observed some things: technical advice was eliminated too soon, the 'not invented here' syndrome was prevalent among contractors. and continuing technical advice to the end of projects was not solicited or used.	Mr. Rispoli – Regarding the 'not invented here' syndrome, I'm beginning a program of independent technical review of projects at certain points. Contractors shouldn't look at independent review as threats.
Ms. Cimon – Are there plans to reinstitute a technology coordination group at Hanford?	Mr. Rispoli – That has not been considered specifically. Perhaps there have been things in place that were useful. The boards should provide EM

Question	Answer
	with any specific suggestions.
Mr. Martin – Could you look into the modeling and methodology of the tank closing and waste management environmental impact statement at Hanford? It would be helpful if there were technical experts available to advise the board on the environmental impact statement, because it would result in a better chance of the document being accepted as well as a record of decision later.	Mr. Rispoli – I will look into that.
Mr. Campbell – There seems to be no interest at Los Alamos National Laboratory by the National Nuclear Security Administration to implement EM's policy. Is there a way the boards can assist in the decision-making process and provide information to the public on a risk-informed decision basis and on life cycle costs of waste disposition?	Mr. Rispoli – Send a note to Ms. Nielson with bullet points on the issue so it can be addressed. I will look into this issue once the information is provided.
Mr. Flanery – How can we best deal with someone who comes to meetings and falsely accuses the boards of profiting personally in working with DOE or of ignoring information that the board believes is of little consequence?	Mr. Rispoli – Perhaps correspondence with the person explaining the board's position in a professional way, but ultimately saying the board disagrees with that person's assessment. Ms. Nielson - Concerning the implications of profiteering, it should be the responsibility of the DDFO at the site to assure an accuser that the matter has been investigated and there is no validity to the accusations.
Mr. Trammell – Consideration of independent verification on the front end of cleanup decision-making would go a long way in negating any cynicism about cleanup of sites early in the process.	Mr. Rispoli – I thought independent verification was part of the process of all sites, but if not I will look into that.
Ms. Smith – Regarding the concerns related to LSOs, should the chairs pursue that, and to what entity in DOE should comments be directed?	Mr. Rispoli - Comments have been noted. I will work with Mike Owen in LM to better understand the issue and how it relates to the existing advisory boards.

Question	Answer
Ms. Peterson – DOE apparently does not have a way to look at an entire system, e.g., salt waste processing at the Savannah River Site. DOE understands the risk at a single facility, but when that facility is put in the context of an entire system there is no way to get a handle on what the system risk is.	Mr. Rispoli – I agree that there has been no systems approach to looking at risk. We are paying more attention to this aspect as we move through major decisions points.

Top Issues of Each SSAB
Each site went through its top three EM issues. Those issues are included in Attachments 6-14.

After the presentations, Ms. Smith asked where Fernald received funding for the multiuse facilities that were mentioned in the presentation. Ms. Crawford said funding was put into the LM institutional control plan, and some money may be coming from a Natural Resource Damage Assessment lawsuit.

Discussion of Proposed Product from the Chairs
Mr. Martin suggested writing a letter to DOE recommending that it employ lessons learned from the closures at Fernald and Rocky Flats for use in future closures. Ms. Nielson said the letter should be crafted in such a way as to avoid giving the appearance of offering LM advice. Mr. Martin and Ms. Nielson agreed to work on the letter for presentation the following day.

Mr. Campbell suggested writing a letter to DOE asking that the local advisory boards be included in future budget discussions. He agreed to draft the letter for presentation the following day.

Friday, April 28, 2006

Briefings by Doug Frost and Melissa Nielson
Ms. Nielson said her office is moving from Business Operations, and she will work for Deputy Assistant Secretary Frank Marcinowski in the new Office of Regulatory Compliance. She didn't anticipate any major changes in the transition.

She said Mr. Carter in LM will provide a white paper on the LSOs. It will be distributed to the SSABs from DOE Headquarters.

In writing recommendations, she reminded the chairs to make sure the site managers and Mr. Rispoli can act on the recommendations.

Work on Product to Send to DOE
The meeting participants worked on the draft letters suggested at Thursday's session. The final drafts of those letters are Attachments 15 and 16. It was agreed that the letters will be formatted by Oak Ridge staff and distributed to the SSABs for consideration. Upon approval by the boards, each SSAB will send its chair's signature to Oak Ridge for inclusion in the final letters to DOE.

SSAB Organizational Issues

Ms. Nielson said the EM SSAB charter has been revised (Attachment 17). She said individual SSAB bylaws or operational procedures in conflict with the EM SSAB charter would have to be changed.

Mr. Campbell expressed concern over the restrictions on term limits in the new charter. He wondered if some exception could be made to the term limits. Ms. Nielson said the exception provision in the charter allows for an exception letter if an applicant pool is too small or a board has a particular requirement for membership. She said one of the goals of the advisory boards was to involve many citizens and not have the same group of people year after year. She said if boards have a limited pool of applicants they should work with their federal coordinators and DDFOs to meet individual board needs but not be in conflict with the EM SSAB charter.

Mr. Schoener asked the group if there was a topic that the chairs would like to address in a workshop at the next meeting. After considerable discussion groundwater and waste disposition were considered as potential topics for a workshop or meeting focus. Participants decided to revisit the issue at the next chairs' conference call on May 11, 2006.

The fall 2006 meeting will be hosted by Northern New Mexico in Santa Fe, N.M. Facilities have been secured. The meeting is scheduled for September 6, 7, and 8, with a tour of Los Alamos National Laboratory tentatively set for September 6. Mr. Campbell, Ms. Cimon, Mr. Flanery, Ms. Gold, Mr. Mulvenon, and Ms. Perez volunteered to serve on the steering committee. A steering committee conference call was scheduled for May 18, 2006.

Public Comment

Mr. Gibson said he was glad to see some public involvement in the transition from EM to other landlords. He hoped that institutional knowledge on the boards can be maintained to be part of the transition. He said he was interested in the waste disposition issues and mentioned registration for the next FedRad meeting. He said by attending the FedRad meetings he learned about waste streams throughout the DOE complex and permit modifications that he would not have heard about otherwise. He encouraged attendance at the meeting.

Meeting Wrap-up and Closing Remarks

Mr. Frost, Ms. Halsey, and Ms. Nielson thanked everyone for attending and made some closing comments about the success of the meeting.

Adjournment

Mr. Frost adjourned the meeting at 11:30 a.m.

Attachments (17)