

MEETING SUMMARY

The Environmental Management Site-Specific Advisory Board (EMSSAB) Chairs met on April 21-22 at the U.S. Department of Energy (DOE) Forrestal Building in Washington, DC. The meeting was hosted by the Office of Environmental Management. Meeting participants included Chairs, Vice Chairs, Co-Chairs, Citizen Advisory Board (CAB) members, and DOE Headquarters (HQ) staff. Other attendees included the Designated Federal Officer, Deputy Designated Federal Officers, Federal Coordinators, EMSSAB Administrators, and support staff. The meeting facilitator was Mike Schoener from the Savannah River Site (SRS). The agenda for the meeting is included as *Attachment 1*. A list of meeting attendees is included as *Attachment 2*. All meeting attachments are available upon request at 1-800-7-EM-DATA, or at eminfo@cemi.org.

Agenda topics for the meeting were selected based on the results of discussions by a steering committee comprised of EMSSAB Chairs and DOE representatives. Round Robin discussion topics were then developed, and a template was prepared as a guideline for each site to use when developing its presentations.

Participants

- Fernald CAB: Lisa Crawford, Co-Chair; Katherine Brown, Member
- Hanford Advisory Board: Todd Martin, Chair; Shelley Cimon, Co-Vice Chair
- Idaho National Engineering and Environmental Laboratory (INEEL) CAB: Monte Wilson, Chair; Larry Knight, Member
- CAB for the Nevada Test Site: Charles Phillips, Chair; Kathleen Peterson, Member
- Northern New Mexico CAB: Katherine Guidry, Chair; Abad Sandoval, Member
- Oak Ridge SSAB: Norman Mulvenon, Vice Chair; David Adler, DOE Ex-Officio
- Paducah CAB: Bill Tanner, Chair; Linda Long, Vice Chair; Douglas Raper, Member
- Rocky Flats CAB: Victor Holm, Chair; Joseph Downey, Vice Chair
- Savannah River Site CAB: Jean Sulc, Chair; Melvyn Galin, Vice Chair
- DOE-HQ:
Jessie Hill Roberson, Assistant Secretary for Environmental Management
Ines Triay, Deputy Chief Operating Officer for Environmental Management
Barbara Heffernan, Acting Deputy Assistant Secretary for Business Operations
Sandra Waisley, Designated Federal Officer, Associate Deputy Assistant Secretary for Business Operations
John Lehr, Office of Environmental Cleanup and Acceleration
Lynne Smith, Office of Federal Disposition Options
Dennis Hosaflook, Office of Project Planning and Controls
Dave Geiser, Director of Policy and Site Transition, Office of Legacy Management
Tony Carter, Acting Director of Stakeholder Relations, Office of Legacy Management
Betty Nolan, Office of the Assistant Secretary for Congressional and Intergovernmental Affairs

Wednesday, April 21, 2004

Morning Session

Welcome

The meeting began at 8:20am with a review of the agenda by Mike Schoener and welcoming remarks by Sandra Waisley. Ms. Waisley noted that this was the first meeting for the EMSSAB Chairs in 2004 and thanked the Steering Committee for planning the meeting.

EMSSAB Round Robin Presentations on Sites' Key Issues:

(i.e., Risk-Based End States (RBES), Structure of CABs, and Future of CABs at Closure Sites)

A participant from each CAB was allowed seven minutes to capture the site's key issues and/or concerns to be addressed. A copy of all Round Robin presentations is included as *Attachment 3*. Issues were then distilled to two-minute presentations for discussion with Assistant Secretary Roberson.

Fernald

Lisa Crawford presented for the Fernald CAB:

- Planning for Stewardship – CAB would like to see “Community-Based Stewardship”
- Silos Projects – Major conflicts over the final disposition of this waste
- Groundwater Treatment – CAB will monitor the implementation of the new DOE strategy; “one size does not fit all”

Hanford

Todd Martin presented for the Hanford Advisory Board:

- Risk-Based End States
- Credible Cleanup Contracts and Contractors
 - spent fuel K-Basin storage cost, schedule and safety setbacks
 - tank farm workers with health and safety concerns (health contractor)
- Board Ownership – CAB now administered by the Office of River Protection

INEEL

Monte Wilson presented for the INEEL CAB:

- Scope of the INEEL CAB, part 1 – Focusing the CAB on only cleanup projects funded by the EM program is too narrow; environmental impacts from programs other than EM
- Scope of the INEEL CAB, part 2 – Cease providing advice to agencies or entities other than DOE-EM, such as the Environmental Protection Agency (EPA), Idaho Department of Environmental Quality and WIPP, affects CAB's credibility
- Budget Holdback for Pending Resolution of the Waste Incidental to Reprocessing (WIR) litigation – FY 2005 INEEL budget for EM includes a \$97M holdback pending WIR decision; can the money be reprogrammed if not used?
- The Six Themes in the CAB Annual Work Plan
 - cleanup and closure of the Idaho Nuclear Technology and Engineering Center
 - cleanup and closure of the Radioactive Waste Management Complex

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- RBES for INEEL
- remaining cleanup program
- EM budget
- potential impacts of other INEEL missions on the cleanup program

NTS

Charles Phillips presented for the Nevada Test Site (NTS) CAB:

- Transfer of DOE/Nevada Site Office EM Program to National Nuclear Security Administration (NNSA) by FY 2006 – need continued stakeholder involvement in issues pertaining to low-level waste, mixed low-level waste, transuranic/mixed transuranic waste, industrial sites, underground test area, off sites, and soils
- Underground Test Area – Rapidly emerging interest from both stakeholders and the media in this project

NNM

Katherine Guidry presented for the Northern New Mexico (NNM) CAB:

- Continuation of NNM CAB with Transition of EM Responsibilities to NNSA in FY 2006, no authority exists for a NNSA-funded SSAB
- Funding for Full Scope of EM Activities at Los Alamos National Laboratory (LANL)
- New Mexico Environment Department (NMED) allegation of groundwater contamination by LANL near Rio Grande, only 3 regulators for the entire State of New Mexico, severe shortage of resources

Ms. Guidry also noted that the NNM CAB congressional delegation conveyed to CAB representatives that no decisions have been made as to what activities around LANL will transfer to other programs such as NNSA, stating that nothing is a ‘done deal.’ She also shared a news article with other attendees entitled, “State Threatens to Shut WIPP,” dated April 13, *Albuquerque Journal*.

Oak Ridge

Norman Mulvenon presented for the Oak Ridge (OR) CAB:

- Funding Shortfalls
- Stewardship
 - what is the policy when cleanup is finished?
 - what areas will transition to the Office of Legacy Management (LM)?
 - East Tennessee Technology Park (ETTP)?
- Transuranic Waste Issues – What needs to be done to remove remote-handled transuranic waste out of Oak Ridge?
- Future of SSABs
- Newly Generated Waste

Paducah

Bill Tanner presented for the Paducah CAB:

- DOE Consideration of CAB Recommendations – Project management support
- RBES document Becoming a Decision Document
- Support Staff Transition and Funding

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Mr. Tanner stated that six new members have joined the Paducah board in the past six months. He noted that the CAB Federal Coordinator, David Dollins, is doing a great job, but the CAB has some frustration with the Paducah Site Office being in Lexington, KY, 250 miles from the actual site.

Rocky Flats

Victor Holm presented for the Rocky Flats (RF) CAB:

- Board Funding
- Future Public Involvement
- Worker and Community Health and Safety through Site Closure

There was some discussion about the fact that in the mid-1990s, RF had immediate risks that needed to be addressed, and as a result of this need, initial efforts came about through remedial actions rather than through CERCLA. This included the RF Cleanup Agreement with DOE and EPA.

SRS

Jean Sulc presented for the Savannah River Site CAB:

- High-Level Waste (HLW) Program – Budget and momentum of this program regardless of WIR decision
- Plutonium Disposition Strategy
- WIPP Permit Modification

Ms. Sulc noted that the common denominator among the SRS Key Issues is “STOP.” Stop in various stages of cleanup and acceleration. She suggested that SRS copy the Hanford experience and “seek the other path.”

Mr. Wilson asked if the SRS CAB attempted to send comments to NNM or WIPP directly. Ms. Sulc responded that SRS sent a recommendation to DOE to send to NMED and that the CAB was planning a letter to NMED. Melvyn Galin noted that many individuals have sent comments to NMED.

Common Issues for CABs

As each CAB offered its key issues, Mr. Schoener developed a list of common issues that included:

- To Whom May Boards Provide Advice?
- EM Site Transfers
- RBES – How will these documents be used?
- Funding – WIR and CAB funding
- Future of SSABs – Viability of CABs at closure sites
- Stewardship
- Transuranic (TRU) Waste
- Long-Term Storage – Orphan waste and intersite transfers

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EMSSAB Roundtable Presentations on Key Issues for Assistant Secretary Roberson

The Chairs were allowed two minutes each to summarize for Assistant Secretary Roberson the key issues for their particular sites.

SRS

- Funding Holdback of \$350M – Can the funds be redistributed?

Assistant Secretary Roberson stated that if the funds are not restored, the money will not be expended on other activities.

Rocky Flats

- Concern about the Future of Public Participation when the Site Moves from EM to LM

Paducah

- Change of Contracts at Sites
- Transfer of Paducah Office and Reduced Presence of DOE staff on Site
- RBES

Oak Ridge

- TRU Waste and WIPP
- Funding Shortfalls
- Stewardship and Ongoing Management Status - LM, ETPP

NNM

- Transition from EM to NNSA
- RBES Vision Document
- WIPP Permit Modification – High-level waste

NV

- Underground Test Area Project Continued/ Proper Funding

INEEL

- RBES
- Cleanup Activities – EM, Nuclear Energy (NE), NNSA
- Scope of the CAB Advice
- \$350M Holdback

Hanford

- RBES Working in Opening Scope – Commitment to allow the Hanford CAB to make a meaningful contribution in decision-making

Fernald

- Position on Issue of Nevada Suing over Silos Waste at Fernald – Next steps, strategy, timeline
- CAB Funding – Future of CAB and closure of CAB

Assistant Secretary Roberson's Discussion with Board

Ms. Roberson thanked each site and stated that she had read their presentations prior to this exercise and that she found great consistency in the information raised.

In response to the issues surrounding the silos waste, Ms. Roberson stated that she is not at liberty to discuss issues of litigation. She acknowledged her concern for the issue and the need for DOE to respond to the State of Nevada by April 30. Ms. Roberson offered to share that letter with the CABs.

Ms. Roberson stated that on the issue of RBES, EM has much work to do. Because each site is unique, the vision for each one will be different. The process has been extended and additional time allotted for this work. She noted that each site manager has been tasked to develop a site-specific plan to open the process and dialogue. Responding to whether there is really a need for these RBES documents, Ms. Roberson stated that EM needs this information. She said there is a need to create a context for others to understand how EM conducts its work across the complex.

Katherine Brown, member of the Fernald CAB, asked if the RBES is a decision-making document. Ms. Roberson stated that it is a strategic document that will inform decision-making, but it is not a decision-making document itself.

Ms. Roberson then explained the status of the WIR issue. She explained that DOE proposed a set aside of funds for activities which were going to be affected by the WIR litigation, primarily at SRS, ID and Hanford, where specific activities are at risk. EM wants to engage in the activities and believes they are the correct activities to conduct, but now there exists a legal barrier to completing them.

Ms. Sulc and Mr. Galin asked why some sort of mediation could not be reached in lieu of an all-out court case. Ms. Roberson explained that the issue has its complexities and that any reconciliation would not only impact the situation with the current plaintiff, but future ones as well. She noted significant resources and investment have gone into the path outlined and DOE does not want to do anything to jeopardize its efforts thus far. She emphasized the importance of the fact that the resolution of this issue must be clear, so that these efforts are not stopped again.

Ms. Roberson then spoke to the issue of transfers. She prefaced her comments by saying that she is not in a position to answer for other program offices. She stated that EM is not in discussions yet with NNSA on what functions will transfer or on the disposition of certain activities among programs.

Shelley Cimon of Hanford asked what the timetable and scope for such discussions may be and if the CABs would be able to 'weigh-in' on possible decisions. Ms. Roberson noted that, in some respects, these decisions were well underway. For example, the issue of newly generated waste was assumed by

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NNSA in the early 1990s. However, many activities within the DOE complex are intertwined among programs, missions and sites. Ms. Roberson encouraged the CABs to make recommendations to assist in deciphering the best practices for accelerating cleanup.

Mr. Mulvenon offered that he had heard some mention that environmental management at the Y-12 facility at Oak Ridge would transfer to NNSA and that ETTP would transfer to LM. Ms. Roberson noted that the Office of Science is the landlord authority at Oak Ridge and that she was not able to confirm Mr. Mulvenon's observation.

Mr. Holm asked Ms. Roberson if she would relate the success EM has had with CABs to other programs within DOE.

Ms. Crawford commented that a representative from LM should attend CAB meetings at Fernald, preferably sooner than later.

Mr. Holm noted that there is a LM representative on-site at Rocky Flats and that person might become an ex-officio member of the RF CAB.

Mr. Galin stated that LM representatives had come to visit the SRS CAB, but he was left with the impression that LM is not interested in SRS issues at this time.

Ms. Roberson spoke to the issue of funding shortfalls. She stated that EM tried to implement its budget as it was outlined and approved prior to the WIR litigation. EM is examining the impacts of WIR and trying to gain some funds. She noted that the program may see some minor changes in funding. She offered that the progress and results the program has achieved speak for themselves with Congress and we will see what happens.

Ms. Roberson spoke about the issue of contracts. She was interested in the Paducah CAB's concern for project management and the CAB's access to project managers. Mr. Tanner noted that it was sometimes difficult to get technical contractors to attend CAB meetings. In addition, the site's contract with Bechtel Jacobs is ending. Ms. Roberson stated that she plans to follow up with Paducah on this issue.

Mr. Martin asked if the EMSSAB Charter was definitely going to be renewed. Ms. Roberson confirmed that it would.

Mr. Galin inquired about which agencies the CABs are authorized to make recommendations. Ms. Waisley stated that the EMSSAB charter and guidance clearly state that the CABs may make recommendations on issues pertaining to the EM program. Ms. Roberson reiterated that recommendations must relate to EM issues. Ms. Roberson suggested that she might send a letter to the CABs outlining how best to voice recommendations, and to whom, possibly providing some specific examples of such communications.

Mr. Phillips requested that the letter Ms. Roberson proposed to write clarify the line of responsibility at multi-program sites.

Ms. Roberson thanked the board members and affirmed the importance of their efforts to the success of the work of EM.

Board Discussion Following Roberson Dialogue

Mr. Schoener opened the discussion to any additional comments or issues after the Assistant Secretary departed the meeting.

Mr. Wilson voiced concern as to which entities the CABs are able to make recommendations. Ms. Waisley stated that she would take the issue to the Office of the Executive Secretariat for clarification. Ms. Waisley stated that the CABs might make recommendations, relating to the EM program, to Site Managers and to headquarters. A CAB may also request that DOE forward its recommendation to another agency.

Shannon Brennan, the Federal Coordinator for the INEEL CAB, clarified how this issue evolved at INEEL. She stated that she encouraged the CAB to focus its recommendations on EM issues solely and its correspondence to DOE only; i.e., not sending correspondence directly to other agencies such as EPA, NMED or the State of Idaho. She explained that the boards are chartered and funded by DOE. The boards are chartered in compliance with the Federal Advisory Committee Act (FACA) and must comply strictly with the law's spirit.

Mr. Holm asked about the procedure for formulating the CAB budgets. Ms. Waisley explained that all the numbers for the CABs come from site manager recommendations. She noted that Barbara Heffernan would speak more on this issue during her presentation in the afternoon session.

Ms. Brown asked if the group might receive a copy of the budget template used in developing CAB budgets. Ms. Waisley stated that again she should ask Barbara Heffernan.

Mr. Galin asked about WIPP. He noted that SRS views shipping to WIPP as a good activity and asked when shipping could be resumed.

Mr. Sandoval responded that it was a matter of politics between NMED and LANL/DOE. The characteristics of some of the waste containers are the problem.

Mr. Schoener opened the meeting for public comment.

Public Comment Period

The issue was raised by Ms. Brown and Ms. Crawford of Fernald that the State Attorney General from Nevada was planning to petition the Nuclear Regulatory Commission (NRC) to fight waste shipments coming into Nevada from Fernald.

This information was new to Mr. Phillips and Ms. Peterson from NTS. Both promised to look into the issue as soon as possible

Carla Sanda, Administrator for the NTS CAB, spoke about the letter from the State of Nevada. She noted that the State had initially negotiated to accept waste from Fernald and agreed to a schedule of acceptance. Ms. Sanda commented that the issue has now appeared to become more political and possibly a part of the larger issue pertaining to the Yucca Mountain repository.

Ms. Sanda recapped the history of the citizen advisory boards and how they were born from the Keystone Report about ten years ago. The report strongly advocated public involvement in government decision-

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making. She also noted that it was not necessarily envisioned that these boards would continue indefinitely. The boards were constituted under the ‘umbrella’ of the Environmental Management Advisory Board and are bound by FACA.

Ken Korkia, Administrator for the Rocky Flats CAB, introduced himself as being affiliated with public participation around nuclear cleanup sites for the past 14 years. He also remembered the Keystone Report. He offered the idea of broadening the scope of citizen advisory boards within the agency to study DOE-wide issues, not having the CABs report and comment on just the EM program, but pool the agency’s resources and ‘kick it up’ to a level closer to the Secretary’s office.

Jim Bridgman from the Alliance for Nuclear Accountability (ANA) stated that he saw public participation mistakes with the Top-to-Bottom Review conducted by EM. He stated that in his opinion, Freedom of Information Act (FOIA) request responses from DOE/EM are often late and incomplete. He suggested that there be a unified guidance issued by the Department that outlines how the public may better voice its grievances. He stated that he also raised these comments at the EMAB meeting last fall. Commenting on the LM Strategic Plan, he felt that there were fundamental questions when it came to the wisdom of its creation and ANA was concerned about the cleanup acceleration. He referred the audience to the ANA website at www.ananuclear.org where they can find performance management plans and RBES documents. He closed by stating that there are multiple missions at various EM sites, not just the EM mission, and that this should be addressed in a more efficient manner within the Department.

The meeting broke for lunch at noon. The meeting resumed with a presentation on RBES at 1:00pm.

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Afternoon Session

EMSSAB Presentation on Risk-Based End States

(HQ Status; Reports on RBES from each site; Discussion on Public Participation in RBES; Paths Forward)

Each site CAB took turns presenting its views on the RBES (*Attachment 4*). A summary follows:

Fernald

Lisa Crawford presented for the Fernald CAB:

- “One-Size Does not Fit All”
- Dilution of the Cleanup Focus
- Summary of RBES Process
- Issue and Recommendation: 1) Fernald Cleanup Decisions are Already Based on Risk and Anticipated End States
- Issue and Recommendation: 2) Implementing Variances is Unrealistic per the Current Baseline

Ms. Crawford stated that she would rather refer to this exercise as cost-based end states and that she personally is not enthusiastic about the process. She also distributed a letter on this issue from the CAB to Ms. Roberson, dated December 3, 2003.

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Hanford

Todd Martin presented for the Hanford Advisory Board:

- Process
- Process
- Process
- Groundwater

Mr. Martin explained that in the first review round of the RBES for Hanford there was no opportunity for substantive public involvement and the full document was not seen. He stated that the RBES process ignores the last 15 years of effort at the site. He noted that the RBES seems as though it is duplicitous: it is not a decision document and DOE intends to comply with regulations, but the Department reserves the right to make changes in policy based on results from the RBES exercise. This gives the impression that groundwater may just stay contaminated and appropriate efforts may not be made concerning this issue.

Mr. Martin suggested that DOE take a broader view than just the RBES and create a 3-D model of what Hanford will look like ‘when all is said and done,’ including the Tank Closure Environmental Impact Statement (EIS) and the Solid Waste EIS.

INEEL

Monte Wilson presented for the INEEL CAB:

- The Rationale for the Document was Never Clear
- Unrealistically Aggressive Timeline
- Public Participation
- RBES Vision Process has Untapped Potential
- Site-Specific Issues and Recommendations
- Federal Control for the Foreseeable Future
- Cleanup Scenarios – Industrial Scenarios should be the exception, not the rule
- Butte County Interested in the RBES Process – Butte County would like to see the land at the site return to the tax rolls to generate revenue for the County

Ms. Peterson asked about the size of the INEEL site. Mr. Wilson stated that it is about 890 square miles. Ms. Peterson commented that the issue of residential vs. industrial cleanup standard sounded familiar.

Ms. Crawford recognized that Idaho had at least made an effort to hold a public meeting on the RBES in Spanish for the Spanish-speaking public around the site. She was asked if it was successful. It was stated that it was well received and Ms. Crawford commended the effort.

NTS

Kathleen Peterson presented for the Nevada Test Site CAB:

- Document Review Time – Concerning Project Shoal, Central Nevada Test Area, and NTS
- Site-Specific Issues and Recommendations
 - summary of RBES process
 - initial RBES reviews – what could go wrong? what is the likelihood? what are the consequences?
 - readability and relevance

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- visualization – pertinent, geographical information
- data gaps – unexplained; uncertainty: accept or not

NNM

Katherine Guidry presented for the Northern New Mexico CAB:

- Inadequate Provision for Public Involvement
- Summary of RBES Process – Readability
- Issue and Recommendation – A schedule would be appreciated

Oak Ridge

Norman Mulvenon presented for the Oak Ridge CAB:

- Summary of RBES Process
 - variances – CERCLA process will be the dictate
 - economic burden – no economic determination
 - public input – lack caused by schedule
 - intent – what will DOE do with the RBES?

Paducah

Bill Tanner presented for the Paducah CAB:

- Overall Concern
 - RBES will be a decision document rather than a strategy document
 - elimination of cleanup through institutional controls and CERCLA
- Specific Concerns
 - burial grounds
 - groundwater source removal
 - construction of on-site CERCLA cell
 - suitability of site future use
- Site-Specific Issues and Recommendations
 - summary of RBES process – time; public participation
 - Board opposition to the RBES strategy

Rocky Flats

Victor Holm presented for the Rocky Flats CAB:

- RBES Used to Establish the Rocky Flats Cleanup Agreement
- CAB Observations of the Current RBES Process

Mr. Holm noted that it seems no matter what the degree of risk, all is going toward cleanup in the end; surface vs. subsurface cleanup.

SRS

Jean Sulc presented for the Savannah River Site CAB:

- Summary of the RBES Process
- Issues and Recommendations
 - 1995 land use recommendation from the CAB

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- congressional authority to ensure perpetual federal ownership and long-term stewardship responsibility for SRS
- no residential land use
- SRS not a closure site
- Barriers to RBES Vision Success
 - HLW classification
 - HLW incidental amounts reclassified for near surface disposal?
 - final decision for nuclear material consolidation strategy and disposition paths
 - alternative disposal for Pu-238 contaminated wastes
 - regulatory acceptance of methodology and protocols for area cleanup approach
 - waste acceptance criteria for HLW federal repository
 - approval for shipping and direct disposal of spent fuel
 - planning assumptions; domino effect
- Issues & Comments Raised During Public Workshop
 - risk needs to be more clearly defined
 - public education needed regarding risk perceptions
 - DOE needs to better describe why this end state
 - need a fallback plan re: WIR resolution
 - need evaluation if in-situ disposal is appropriate end state
 - Pu-238 shipments doable?
 - reasonable levels of remediation should be sought
 - facilities proposed for D&D are needed as leverage for new missions
 - new missions for SRS
 - SRS RBES does not look like five other RBESs in complex

EM Presentation on Risk-Based End States Update

John Lehr presented the HQ view of the RBES process (*Attachment 5*). He acknowledged that many of the criticisms from the CABs are valid. He also promised to share the CAB comments with site reviewers of the RBES documents.

Why RBES?

- Focuses on Risk Reduction
- Supports Informed Decision-Making
- Ensures Consideration of Appropriate Risk Scenarios and Future Land Use-Based Risk Scenarios and Drivers for Remedial Cleanup Choices
- Responds to the Top-to-Bottom Review Criticism of DOE Cleanup Program

Mr. Lehr stated that the RBES is a vision document. It will contribute to decision-making, but it is not a decision document. It is a vehicle to document State-wide information on: protective and sustainable site conditions; standardized future land use plans; site maps; conceptual site models; hazard area descriptions; and current cleanup plans and potential variances. It does not change the intent of DOE to comply with all applicable Federal, State, community and treaty laws, regulations and agreements.

Mr. Lehr spoke about RBES cornerstones. The first cornerstone he mentioned was public involvement and dialogue. He noted that there are broad risk considerations such as worker safety, transportation, citizens, end states, and ecology. Mr. Lehr said that the quantitative ‘burden of proof’ will always be on

DOE and DOE will have to have a quantitative foundation for defensible variances. DOE must also have a protective and sustainable end-state aligned with planned land uses and consequent exposure scenarios.

Critical elements for decision-making and site cleanup decisions will involve: public involvement; protection of human health and the environment; future land use plans; risk consideration; existing regulations; agreements and schedules; and long-term stewardship. The primary focus will be sustainability. Mr. Lehr stated that models and hazard area maps help programs, stakeholders, and regulators across the board.

Mr. Lehr spoke about the implementation of the RBES in three phases: establish a framework; identify changes; and implement changes. Mr. Lehr provided a timeline for each phase, with the first phase (Phase I) occurring between FY03-04, the second phase (Phase II) from FY03-05 and the third phase (Phase III) from mid FY04-05. Mr. Lehr stated that in Phase II workshops should be held at sites to identify variances. During Phase II, sites will submit a draft RBES Vision Document and DOE will identify and target sites that capture potentially viable variances in the draft document. During this phase, DOE also wants to identify defensible quantitative variances, continue stakeholder interaction and evaluate next steps. Mr. Lehr reiterated that the sites should provide the latest comments to their CAB.

Mr. Lehr summarized the status of the RBES exercise. He stated that 28 vision documents had been received out of 28 expected. Sixteen documents identified one or more variances. Eleven documents identified no variances and ten sites are not required to submit a final Vision Document to EM.

Mr. Lehr offered access to the RBES documents through the EM website at www.em.doe.gov. As for next steps, Mr. Lehr stated that the sites should continue to seek public involvement in the RBES process. DOE will complete the draft RBES Vision Document reviews and send comments to the sites. The sites are then expected to develop a schedule for a final vision document submission to HQ. The due date for that deliverable is either September or December depending on the site.

Mr. Lehr closed his remarks by restating that DOE wants the public, especially the CABs, to participate in the RBES process. EM sees this participation as critical to the success of this exercise.

Open Discussion of the Risk-Based End Stated Process

Mr. Knight commented that the ability of the public to evaluate relative risk was somewhat poor. He asked if DOE had assembled teaching material to better visualize risk.

Mr. Lehr responded that he did not think so, but conceptual site models are in the document.

Mr. Mulvenon stated that early on in this process little thought was given to allow proper time for public involvement.

Mr. Lehr admitted that time for proper public comment was underestimated. Mr. Mulvenon commented that he was confused and asked if there was any thought given to sponsoring a training session for the public to understand what DOE means by 'sustainable.' The training might also help the public understand what level of resources the Department will be able to support over time to maintain or care for these sites.

Mr. Tanner stated that each year Congress requests if any legislative changes are needed to accomplish site cleanup and closure. Phase III of the RBES shows the time when EM might renegotiate agreements.

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Mr. Lehr was not aware of any proposed legislative changes.

Mr. Martin stated the RBES is based on variances which have no risk data. He recommended that Richland conduct 'real' risk assessments that consider environmental risks. He noted that new regulatory actions require new NEPA analysis as well. Mr. Martin asked, "What kind of NEPA coverage do we have?"

Mr. Lehr said Mr. Martin raised a good point. Mr. Lehr stated DOE may need more NEPA analysis to prove a hypothesis for an alternative end state and a December deadline may not be enough time to get the necessary environmental information.

Ms. Crawford found it confusing to say the RBES is not a decision-making document, but it is a document that will assist in making final decisions. She felt that DOE was leaving itself room to renegotiate some of its agreements.

Mr. Lehr closed by stating the RBES document should lead to a decision by the Secretary.

EM FY05 Budget Request to Congress, Including High-Level Waste Funding Issues

Ms. Waisley introduced Barbara Heffernan, Acting Deputy Assistant Secretary for Business Operations in EM, who gave a presentation on the EM Budget (*Attachment 6*).

Ms. Heffernan began with an outline of her presentation: vision, management reforms, the FY04/FY05 budgets, and the FY06 budget formulation.

Ms. Heffernan stated the EM vision is focused on risk reduction vs. risk management, to eliminate significant environmental, health and safety risks as soon as possible. EM implemented a new budget structure in FY04 to look at the program through its projects with a control board, acquisition strategy and human capital. EM is now measuring its progress through end states and complying with the President's Management Agenda for accountability and use of resources.

Ms. Heffernan reviewed the budget structure and process for defense and non-defense site appropriations. She noted that to understand the budget one needs to view it over a three-year period. EM is now executing the FY04 budget. It is justifying its FY05 budget and formulating the FY06 budget, based on the execution and justification of the two previous budget years.

The EM FY06 budget will be sent internally to the Chief Financial Officer in July/August; and the Office of Management and Budget should receive the budget in September. Ms. Heffernan also stated that the FY05 budget is the peak year of funding for the EM program. Ms. Heffernan noted that transfers are built into the budget statements. She explained how site managers are asked to develop their site requests and present them at HQ. These requests include the site budget request for the CAB.

Ms. Heffernan provided detailed slides for: the EM appropriations account summary; funding by Project Baseline Summary (PBS) category; funding by operations/field office; FY05 program transfers and the FY06 budget calendar. She ended her remarks by providing the EM website for more details on the budget, www.em.doe.gov.

Open Discussion of the EM Budget Process

Mr. Mulvenon inquired about the status of the FY05 budget. Ms. Heffernan said that EM has been producing a good product and has a good history with Congress. She felt that the hearings, in which Assistant Secretary Roberson testified, went well and was optimistic that the job EM is doing will speak for itself.

Ms. Crawford stated that she would like to see the CAB at Fernald have more input into the Fernald budget formulation.

Mr. Phillips said that the NTS CAB has had a good record of involvement in the budget process for the site. The NTS CAB listed its priorities for cleanup and presented it to the Site Manager. He asked what savings Ms. Heffernan saw when the transfer to NNSA is completed.

Ms. Heffernan replied that was a question for NNSA, and it depends on any changes NNSA might make in the execution of the program.

Mr. Martin wanted to know what happens if a contractor missed a Corporate Performance Measure. Dennis Hosaflook, who works on performance measures for EM, stated that Assistant Secretary Roberson would have to answer this question. There are targets in place and contractors are judged on their performance. Ms. Waisley offered that the EM program, with its new management reforms, is working very hard to make sure such instances are very few and far between.

Mr. Phillips asked what “Aggressive Acquisition Strategy” means. Ms. Heffernan said that it is designed to award teams that are innovative and produce results for the EM program.

Mr. Holm commented that there appeared to be no standard for risk assessments. He observed that EPA and DOE have different approaches, which can present problems in reconciling risk and regulatory agreements.

Ms. Brown was uncomfortable with the possible idea that EM may eventually prioritize its end states and that a list of priorities may translate to a funding priority or hierarchy. In the past, DOE has stated that would never happen.

Ms. Peterson asked if there is or will be a master list of projects to accelerate cleanup that is driven by regulations.

Ms. Heffernan closed by stating that since the Top-to-Bottom Review, corporate projects have been reduced from eleven to six projects. Progress is being made and measured. This helps when making the case to the Department and to Congress for the budget request.

Wednesday Wrap-Up

Mr. Schoener recapped the day’s discussions. He noted a request for guidance from EM/HQ on the context in which the CABs may make recommendations. CAB representatives requested a copy of the budget template that is being used to formulate the FY06 Budget, as well as a list of things to be done to advance accelerated cleanup.

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As a result of what she heard during the budget discussion, Ms. Waisley suggested a briefing on the philosophy behind acquisition management. She suggested a presentation by Frank Sheppard, Director of the Office of Acquisition Management, on contracts at the sites and the configuration of control management at the next SSAB Chairs meeting.

Mr. Schoener opened the meeting for public comment.

Public Comment Period

Jim Bridgman from ANA commented that excess funding from completed cleanup sites should go to other sites. Currently, this is not the policy. He noted that although the EM budget separates cleanup, cleanup and waste management are mixed. He stated ANA does not see the value of the RBES exercise and believes it should have been done at the beginning of the cleanup process instead of the middle. He questioned how it is folded into the project management plans. He stressed that DOE must continue to be mindful of environmental monitoring.

Thursday, April 22, 2004

Morning Session

Welcome

The meeting began at approximately 8:15am. Mr. Schoener reviewed the agenda and welcomed everyone.

Responsibility for Long-Term Stewardship (LTS) at Closure Sites vs. Responsibility for LTS at Sites with On-Going Missions

Dave Geiser, Director of Policy and Site Transition, Office of Legacy Management (LM) and Tony Carter, Acting Director of Stakeholder Relations, LM, were introduced.

Mr. Geiser discussed the status of LM; the LM site transition schedule; the process to transition sites; public involvement during site transition; and post-closure public involvement. Mr. Carter reported on the status of the LM Draft Strategic Plan (*Attachment 7*).

Mr. Geiser stated LM has been in place officially since December 2003 and it is still in the process of staffing and developing policies and procedures. He outlined the process by which DOE/EM will transition sites. To formulate plans for site transition, EM is complying with DOE Order 430.1B and DOE Order 413.3. LM is also using a site transition framework and transition plan. Internal paperwork involved in the process includes CD-4 documentation, a Program Budget Decision document and Long-Term Surveillance and Maintenance Plan (LTS&M Plan).

Mr. Geiser strongly endorsed the importance of Public Involvement during site transition. He stated Site Transition Coordinators will be hired and each will participate in CAB meetings on a quarterly basis. LM will also hire local staff for selected sites to provide timely public interaction. He said that LM would solicit input on what approaches to public involvement are needed, and public comment during the development of the LTS&M Plan.

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For post-closure public involvement, LM plans to establish an approach that is appropriate for the level of decision-making needed. The LTS&M Plan will include the approach to public involvement at the site. The Geospatial Environmental Mapping (GEM) system will be used for environmental data. It is a computer-based system with current data. Also, LM has a Hummingbird Records Management System for its records that is computer accessible. LM plans to maintain an annual inspection cycle and to conduct a public meeting in conjunction with its inspection.

Mr. Carter spoke about the status of the LM Draft Strategic Plan. Mr. Carter stated comments received to date have been positive. LM has received comments from approximately 100 organizations/individuals. LM plans to issue a final Strategic Plan this summer. Mr. Carter reported that the Strategic Plan will be a living document and revised from time to time.

Mr. Mulvenon stated he was still interested in commenting on the LM Draft Strategic Plan. Mr. Carter encouraged all those who did not have an opportunity to comment to please do so.

Ms. Peterson asked if a third party member of the public would be welcomed during the annual inspection. Mr. Geiser stated it might be possible depending upon the risk presented to those conducting the inspection and protection that would be required. He stated there are specific checklists, including monitoring data that are used during the inspection. Such checklists are tailored to the specific site under inspection. Part of the LTS&M Plan is to make sure the inspection is public record and to invite regulators for a joint review.

Mr. Mulvernon said the Oak Ridge Reservation is within the city limits of Oak Ridge, TN and the city would like to have a role in the annual review. He asked for verification that there would be an annual review to the public as well as a five-year CERCLA review. Mr. Geiser confirmed that both will happen.

Mr. Geiser stated that the challenge for LM would be how to maximize additional use of property while protecting the future health and safety of the public and the environment.

Mr. Knight encouraged LM to involve the public as much as possible in the process.

Ms. Cimon inquired about who accepts liability when there is a transfer of land from EM to LM. Mr. Geiser replied that the land is federal property, so DOE would have responsibility unless the land is sold. LM will work to develop the best use of the property.

Mr. Galin noted the Savannah River Site still plans to negotiate agreements on historical preservation, with or without LM involvement. He requested a copy of the LM Draft Strategic Plan. Mr. Geiser said LM was interested in Savannah River but has no program responsibility at this time.

Mr. Holm inquired about the status of the LM National Stakeholder Conference. Mr. Geiser reported the conference has been canceled, but local meetings will be held with unions, retired workers, regulators, local and concerned citizens, and other organizations such as the CABs and the National Governors Association.

Ms. Crawford stated the Fernald CAB hopes LM will hire someone quickly and asked if a LM representative would attend a May 10th CAB meeting. She also asked if there is going to be a Comment resolution document with the final LM Strategic Plan. Mr. Carter said all comments would be considered, some would be incorporated into the plan, and a comment resolution document is a consideration.

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Mr. Downey asked for a comment on the mineral rights problem at Rocky Flats. Mr. Geiser said he didn't know how that would be resolved.

Mr. Wilson asked if NE would be taking over INEEL. Mr. Geiser closed by saying that the landlord will take responsibility, with two exceptions, the ETTP at OR and ITC at Kirkland AFB. As NE has landlord authority at INEEL, he believed it would be NE.

Due to the meeting running ahead of schedule, Mr. Schoener asked Ms. Waisley to make her presentation earlier than originally slated on the agenda.

Presentation on EM Headquarters Reorganization

Ms. Waisley reviewed the new EM Headquarters Organization Chart (*Attachment 8 and located at <http://web.em.doe.gov/orgchart.html>*). Ms. Waisley stated Ms. Roberson wanted to move people within the EM organization to challenge individuals and make EM a matrix organization. She stated many positions are currently vacant, but expect to be filled shortly.

Presentation on TRU Waste and WIPP

Lynne Smith, Office of Federal Disposition Options, reviewed the National TRU Waste Program and the status of WIPP. As of April 19, WIPP had received 2,500 truck shipments, primarily from Rocky Flats Environmental Technology Site, INEEL, Hanford, SRS and LANL. Ms. Smith said there are aggressive goals in place to accelerate cleanup and closure of EM sites. Efforts to obtain approvals for changes to site characterization requirements and transportation packaging will make the system more efficient and less costly. She emphasized that the continued support from the EMSSAB will help accelerate cleanup and reduce risks (*Attachment 9*).

Mr. Wilson inquired if the mobile systems had to be re-audited, and Ms. Smith replied that they do at each individual site. Ms. Sulc asked what the effect would be if the NMED permit modification passed. Ms. Smith replied that the NMED had issued its own modification, which had a public comment period, and is now going to a hearing. Ines Triay, Deputy Chief Operating Officer for EM, added that the NMED was not sure some of the waste going to WIPP was TRU, so DOE was working with New Mexico to come up with a resolution.

Mr. Wilson commented he understood the TRU waste would exceed WIPP capabilities. He reported that after a trucking accident, the TRUPACT was returned to the original site and asked if that is still the procedure. Ms. Smith said that was still true, but EM was looking into other possibilities should that occur again. Ms. Triay added that the WIPP should have the capability to handle all of the waste since repackaging will save space, but if certain court rulings are not overturned in appeal, there could be a shortage of space in the WIPP to handle all the TRU waste.

Mr. Galin asked why it is taking so long to get acceptance for the TRUPACT-III. Ms. Smith replied the regulatory process through the Nuclear Regulatory Commission (NRC) takes time, but the DOE relationship with NRC is good and hopefully the TRUPACT-III will be accepted soon. Mr. Galin commented there appears to be a limit, by curies, for WIPP storage, and he hopes the 5,775 cubic meters at the Savannah River Site would be moved off-site. Ms. Smith responded that estimates change, and with improvements such as in packaging, WIPP should be large enough to hold the waste.

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Ms. Guidry asked if there are any plans to enlarge WIPP. Ms. Smith said that it would have to be justified and approved by Congress before that could happen. Currently, there is no factual basis to request an enlargement.

Mr. Martin commented that eight tanks at Hanford had been packaged and shipped to WIPP. He stated the process used to make sense, but more and more barriers are beginning to show up and he wondered if DOE would decide not to continue its shipments. Ms. Smith answered that from a process standpoint the procedures of packaging, auditing and shipping waste to WIPP is working. As to the question of whether DOE will continue its shipments, Ms. Smith stated it is a policy question and she could not answer it.

Mr. Phillips noted TRU waste is the number one project of his CAB and questioned if the State of California will deny access to trucks carrying the waste, as it previously did. Ms. Smith replied that California has agreed to the route through the State.

Next EMSSAB Chairs Meeting and EMSSAB Workshop

The question and answer period ended and a discussion began to determine when and where the next Chairs meeting would be held. Hanford agreed to host the meeting in September or October, with a site tour on Thursday and meetings on Friday and Saturday.

Several suggestions were made for the next SSAB workshop topic. Most agreed on public involvement as a topic, tying in legacy management and long-term stewardship. Mr. Mulvenon suggested the Chairs go back to their CABs and discuss the necessity of a workshop. Mr. Schoener asked that the Chairs also discuss possible ideas for subtopics as well as any interest in sponsoring the workshop. Each Chair committed to provide the results of these discussions on the next conference call, to be tentatively held the third week of May.

Mr. Schoener opened the meeting for public comment.

Public Comment Period

Betty Nolan, DOE Office of Congressional and Intergovernmental Affairs, reminded the group that Congress has to approve all site transfers. She noted generally DOE requests are approved; however, such decisions must be reviewed and approved by Congress. DOE does not make the final decision.

Meeting Evaluation and Closing Remarks

Several of the Chairs made positive comments on the meeting and thanked DOE for hosting it. Ms. Waisley thanked everyone for their attendance and reminded everyone that she would do her best to help find the answers to their questions.

The meeting was adjourned at 11:35 a.m.

ATTACHMENTS

Attachment No. 1: The Agenda

**EM Site Specific Advisory Board Chairs Meeting
April 21 - 22, 2004
Room 1E-245, Forrestal Building
Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585**

AGENDA

Wednesday, April 21

- 8:00 a.m.** Arrive at Forrestal Building; Process through Security
- 8:15 a.m.** Welcome; Introductions; Meeting Expectations (*Sandra Waisley, Associate Deputy Assistant Secretary for Business Operations, EM; Michael Schoener, Facilitator*)
- 8:45 a.m.** Round Robin on Sites' Key Issues, e.g. Risk-Based End States; Structure of CABs; Future of CABs at Closure Sites, etc. (Preparation for Assistant Secretary Roberson Meeting)
- 9:45 a.m.** Break
- 10:00 a.m.** Discussion with *Assistant Secretary for Environmental Management Jessie Roberson* (45 minutes); includes two minutes for expression of concerns from each site
- 10:45 a.m.** Board's Discussion following Roberson Dialogue
- 11:45 a.m.** Public Comment Period
- Noon** Lunch: Forrestal Building Cafeteria
- 1:00 p.m.** Presentation on Risk-Based End States (RBES): Status at Headquarters; Reports on RBES from each site; Discussion on Public Participation in RBES; Paths Forward (*John Lehr, Office of Core Technical Group, EM*)
- 2:30 p.m.** Break
- 2:45 p.m.** Resume and complete discussion on RBES
- 3:15 p.m.** Presentation on EM's FY '05 Budget Request to Congress, Including High Level Waste Funding Issues; Discussion (*Barbara Heffernan, Acting Deputy Assistant Secretary for Business Operations, EM*)
- 4:15 p.m.** Discussion on Possible End-of-Meeting Work Product
- 4:45 p.m.** Public Comment Period

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5:00 p.m. Wrap Up and Conclusion to Day One

5:15 p.m. Adjourn

Thursday, April 22

8:00 a.m. Arrive and Clear Security

8:15 a.m. Welcome; Day One Recap; Day Two Expectations

8:30 a.m. Presentation on Responsibility for Long Term Stewardship (LTS) at Closure Sites vs. Responsibility for LTS at Sites with On-Going Missions; Discussion (*Dave Geiser, Director of Policy and Site Transition, and Tony Carter, Acting Director of Stakeholder Relations, LM*)

9:45 a.m. Break

10:00 a.m. Presentation on TRU Waste and WIPP by EM; Discussion (*Lynne Smith, Office of Federal Disposition Options, EM*)

10:45 a.m. Presentation on EM Headquarters Reorganization; Discussion (*Sandra Waisley*)

11:00 a.m. Discussion of Possible SSAB Workshop Topics, Dates, Locations; Initial Planning for Next Meeting

11:45 a.m. Public Comment Period

Noon Meeting Evaluation

12:15 p.m. Adjourn

Attachment No. 2: List of Meeting Participants

**Environmental Management Site-Specific Advisory Board
Chairs Meeting**

**U.S. Department of Energy
James E. Forrestal Building, Washington, D.C.**

April 21-22, 2004

Participants By Board

Fernald Citizens' Advisory Board

Lisa Crawford, Vice-Chair

Katie M. Brown, Member

Gary Stegner
Deputy Designated Federal Officer and
Federal Coordinator

Doug Sarno
The Perspectives Group, Inc.

Hanford Advisory Board

Todd Martin, Chair

Shelley Cimon, Co-Chair

Erik Olds, Federal Coordinator

INEEL Citizens' Advisory Board

Monte Wilson, Chair

Lawrence Knight, Member

Bill Leake, Representative for Deputy
Designated Federal Officer

Shannon A. Brennan, Federal Coordinator

**Community Advisory Board for the
Nevada Test Site Programs**

Charles A. Phillips, Chair

Kathleen Peterson, Member

Kelly Kozeliski, Federal Coordinator

Carla Sanda, Administrator

**Northern New Mexico Citizens' Advisory
Board**

Katherine Guidry, Acting Chair

Abad Sandoval, Member

Ted Taylor, Deputy Designated
Federal Officer

Menice S. Manzanares, Administrator

**Oak Ridge Site-Specific
Advisory Board**

Norman Mulvenon, Vice-Chair

David Adler, DOE Ex-Officio

Pete Osborne, Administrator

**Paducah Gaseous Diffusion Plant
Citizens Advisory Board**

**Site Specific Advisory Board Chairs Meeting
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Bill Tanner, Chair

Linda Long, Vice-Chair

Doug Raper, Member

David Dollins, Federal Coordinator

Kendra Payne, Support Staff

Rocky Flats Citizens' Advisory Board

Victor Holm, Chair

Joe Downey, Vice-Chair

Ken Korkia, Administrator

Dotti Whitt, Rocky Flats Field Office

Department of Energy-Headquarters

Sandra Waisley
Designated Federal Official
Office of Environmental Management

Jay Vivari
Office of Environmental Management

Frederick Dowd
Office of Environmental Management

Savannah River Site Citizens' Advisory Board

Jean L. Sulc , Chair

Melvyn P. Galin, Vice-Chair

Alice Doswell, Ex-Officio Member and
Deputy Designated Federal Officer

Charlie Anderson, Ex-Officio Member and
Deputy Designated Federal Officer

Gerri Flemming, Federal Coordinator

Dawn Haygood, Administrator

Facilitator

Michael Schoener
MAS Consultants, Inc.

**Support Staff - Center for EM
Information (CEMI)**

Judy L. Collins
Tracy Shipman-Piper
Michelle R. Hudson
Kay Wagner
Bill Murphy

Additional Participants:

Jim Bridgman
Alliance of Nuclear Accountability

Tony Carter
U.S. Department of Energy
Office of Legacy Management

Doug Frost
U.S. Department of Energy
Office of Environmental Management

David Geiser
U.S. Department of Energy
Office of Legacy Management

Robert Goldsmith
U.S. Department of Energy
Office of Environmental Management

Barbara Heffernan
U.S. Department of Energy
Office of Environmental Management

Dennis Hosaflook
U.S. Department of Energy
Office of Environmental Management

Anita Iacaruso
U.S. Department of Energy
Office of Environmental Management

Robert L. Johnson
Nuclear Regulatory Commission

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Terri Lamb
U.S. Department of Energy
Office of Environmental Management

Karen Wnukowski
U.S. Department of Energy
Office of Environmental Management

Stephen Langel
Inside Washington

John Lehr
U.S. Department of Energy
Office of Environmental Management

Bill Loveless
Inside Energy

Dan Melamed
U.S. Department of Energy
Office of Environmental Management

Betty Nolan
U.S. Department of Energy
Office of Congressional Affairs and
Intergovernmental Affairs

Sharon Reuhl (retired)
U.S. Department of Energy
Office of Environmental Management

Jessie Hill Roberson
Assistant Secretary
U.S. Department of Energy
Office of Environmental Management

Rachel M. Samuel
U.S. Department of Energy
Office of Management, Budget and
Evaluation

Martin Schneider
Weapons Complex Monitor

Lynne Smith
U.S. Department of Energy
Office of Environmental Management

Ines Triay
U.S. Department of Energy
Office of Environmental Management

Attachment No. 3: Key Issues - Site Presentations

Fernald Citizens Advisory Board

1) Planning for Stewardship

- a. As a site slated for closure in 2006, planning for the post-remediation management of Fernald remains a key issue at the site and in the community. The FCAB will continue to provide input on stewardship planning documents and the transition of the site from Environmental Management to Legacy Management.
- b. The FCAB continues to seek a broader definition of long-term stewardship, which goes beyond DOE's focus on long-term surveillance and maintenance (LTSM). The FCAB has used the term "Community-Based Stewardship" to describe a management system that recognizes the community's integral role in stewardship and provides the community outreach and public involvement opportunities that are necessary to foster that role. The community has long focused on education as the primary future use for the Fernald site, and the FCAB continues to seek DOE and local support to fulfill the community vision.

2) Silos Projects

- a. The three concrete silos located on the western side of the Fernald site have long been a key concern to the Fernald public. Silos 1 and 2, known as the K-65 silos, hold 8,900 cubic yards of low-level, radium-bearing waste that was generated during the refining of uranium ore at the site. Silo 3 contains 5,100 cubic yards of cold metal oxides, a byproduct of the site's uranium processing operations.
- b. In 1997, a plan to vitrify the waste into glass was abandoned when technical problems plagued a pilot vitrification facility. Since that time, the FCAB has closely monitored and provided comments on the design and construction of treatment and packaging facilities for the waste. Now, as the scheduled May 2004 start date for waste retrieval approaches, major conflicts have arisen over the final disposition of this waste. Over the past year, efforts to transport the waste by train to Envirocare were abandoned due to political obstacles in Utah. On April 13, the Attorney General of Nevada strongly opposed shipping the waste by truck to NTS in a letter sent to DOE Assistant Secretary Roberson.

3) Groundwater Treatment

- a. For nearly 10 years, contractors at the Fernald site have successfully implemented the pump-and-treat groundwater remediation strategy mandated in a signed Record of Decision, which has resulted in a substantial reduction in the size and concentration of the uranium plume in the Great Miami Aquifer. In 2003, DOE advocated a change to this strategy, which would have increased the uranium concentration in discharges to the Great Miami River.

- b. After sharp public outcry and a lack of support by state and federal regulators, DOE entered a process that sought to educate the FCAB and other members of the public on groundwater issues and engaged the public in the evaluation of several amended groundwater treatment alternatives. Recently, the FCAB provided conditional support for a solution that appears to serve the needs of DOE, its regulators, and the community and does not involve a change in cleanup standards or discharge limits. The FCAB will monitor the implementation of this strategy, which involves a scaling down of the current treatment facility, and provide input as appropriate.

Hanford Advisory Board

- 1) Risk Based End States
- 2) Credible Cleanup Contracts and Contractors
- 3) Board “Ownership”

Idaho National Engineering and Environmental Laboratory

1) Scope of the INEEL CAB, part 1

- a. The INEEL CAB has recently been told to narrow its focus to the Environmental Management Program – even though other programs have environmental impacts and/or projects that involve cleanup. This means the CAB is not supposed to look at:
- b. Cleanup projects that are funded by programs other than the Environmental Management program.
- c. Environmental impacts of projects that are conducted by programs other than EM.
- d. We continue to see our role as representing the public in Idaho – and this narrow focus is not consistent with public concerns about the site.

2) Scope of the INEEL CAB, part 2

- e. The INEEL CAB has recently been told to cease providing advice to any agencies or entities other than DOE-EM.
- f. This direction is inconsistent with the INEEL CAB’s Mission and Procedures – and erodes CAB independence.
- g. We feel it is essential for the CAB to provide advice to agencies/entities that directly affect the cleanup program at INEEL. Examples of such agencies include: EPA, Idaho Department of Environmental Quality, and the DOE Carlsbad office (WIPP).
- h. The effectiveness and credibility of the CAB depends on the public perception of its independence. Not being able to advise regulatory agencies and other entities gives the perception of control by DOE

3) Budget holdback for pending resolution of Waste Incidental to Reprocessing (WIR) litigation

- i. Fiscal Year 2005 INEEL budget for EM includes a \$97M holdback pending resolution of DOE's appeal of the court's WIR decision.
- j. We are concerned that this money will be permanently lost if it is not used in Fiscal Year 2005 for other EM projects.
- k. In case the legal situation is not resolved in a timely manner, we would prefer to see the money reprogrammed for other urgent cleanup projects at INEEL..

4) *The six themes in our pending Annual Work Plan:*

- l. Cleanup and closure of the Idaho Nuclear Technology and Engineering Center – which is where INEEL has its high-level radioactive waste, spent nuclear fuel, and calcine.
- m. Cleanup and closure of the Radioactive Waste Management Complex – which is where INEEL has its buried and above-ground transuranic waste.
- n. The Risk-based End State Vision for the INEEL.
- o. The rest of our cleanup program.
- p. The Environmental Management Budget.
- q. The potential impacts of other INEEL missions on our cleanup program.

Nevada Test Site Community Advisory Board

1) *Transfer of DOE/NSO EM Program to NNSA*

- a. Nevada is a National Nuclear Security Administration (NNSA) facility. Therefore, environmental restoration and waste management activities will be transferred to NNSA by FY 2006.
- b. Regardless of where the EM work is placed, there will remain a need for stakeholder involvement. It is essential that up-front planning take place to ensure that the CAB will continue to be a viable voice for the community, in the following EM projects: Low-Level Waste, Mixed Low-Level Waste, Transuranic/Mixed Transuranic Waste, Industrial Sites, Underground Test Area, Offsites, and Soils.
- c. Bottom Line: Because of efficiencies and sacrifices implemented by the CAB, the operating budget has been reduced to \$173,000. It is extremely critical that no further reductions occur, and that DOE prepares to augment the funding due to increased and emerging stakeholder concerns, particularly related to the Underground Test Area project.

2) *Underground Test Area*

- d. Ongoing CAB activities are pivotal in the rapidly emerging interest from both stakeholders and the media in this project
- e. It is further essential that DOE remain cognizant that additional funding may be required to address current elevated interest as well as upcoming issues
 - i. Media focus on groundwater contamination
 - ii. Environmental group focus and publication of report critical of project initiatives

- iii. Data acquisition and analysis has matured to the point where additional focus on monitoring / sentinel well placement and early detection of contaminant migration will be more clearly defined and discussed with stakeholders
- f. After years of diligent study and analysis, the CAB is nearly ready to respond to the request of the DOE NSO Assistant Manager for Environmental Management for recommendation of additional sentinel/monitoring well(s) locations
- g. CAB is developing a public information strategy related to his initiative

Northern New Mexico Citizens' Advisory Board

1) Key Issue 1

- a. Continuation of NNM CAB with transition of EM responsibilities to NNSA in FY2006; no authority exists for an NNSA-funded SSAB

2) Key Issue 2

- a. Funding of full scope of EM activities at LANL. Planned funding is insufficient to meet Environmental Restoration requirements under Administrative Order on Consent and to meet Decontamination and Decommissioning requirements at LANL – Strong concerns of sufficient NMED staffing to keep this project in a timely fashion.

3) Key Issue 3

- a. New Mexico's Environment Department's allegation of groundwater contamination by LANL NMED's DOE Oversight Bureau found very low levels of contaminants in water from springs adjacent to Rio Grande. Non peer reviewed document suggests the existence of a pathway connecting LANL and groundwater near Rio Grande.

Oak Ridge Site Specific Advisory Board

1) Key Issue 1: Funding Shortfalls

- a. What are the impacts of the \$23 million (FY 2003) and \$21.5 million (FY 2004) Oak Ridge budget shortfalls in relation to the accelerated closure letter of intent signed by Jessie Roberson?

2) Key Issue 2: Stewardship

- a. What is the policy and guidance for ongoing mission sites when cleanup is finished? What, if any, parts of a multi-mission site like Oak Ridge will transition to the Office of Legacy Management? A lack of involvement and planning exists in this aspect of long-term stewardship.

3) Key Issue 3: Transuranic Waste Issues

- a. What needs to be done to get remote-handled transuranic wastes out of Oak Ridge?

4) Key Issue 4: Future of SSABs

- a. What are plans for SSABs and public involvement following remediation? What is the significance of Headquarters' direction to change the SSABs'

support mechanisms, and what will the short-term and long-term impacts be to the SSABs?

5) *Key Issue 5: Newly Generated Waste*

- a. A lack of public participation exists in oversight of newly generated waste because it is being separated from the EM Waste Management organization (NNSA is a good example). Can SSABs be involved, or will regulator oversight be sufficient? How do we initiate change in the public participation process? What is the status of EM's effort to transition waste disposition to generators?

Paducah Gaseous Diffusion Plant Citizens Advisory Board

1) *DOE's consideration of CAB recommendations*

- a. DOE Project Management Support
- b. The distance of the Portsmouth/Paducah Project Office (PPPO) from the Paducah Site has affected the lines of communication between the Board and DOE.
- c. Key DOE Project Managers are not available to provide technical support during the recommendation development process. Support is provided after recommendations have been submitted, requiring recommendations to be revised.
- d. The Board is having to make recommendations asking for information in order to make informed recommendations.
- e. Since the last Chairs Meeting, the Board has aggressively attempted to increase its value to DOE; however, we have encountered many challenges in working with the PPPO that have impacted our progress.

2) *Risk-Based End State document becoming a decision document*

- a. As a decision document, the Risk-Based End State strategy will reduce the final level of cleanup.

3) *Support staff transition and funding*

- a. Role of Support Staff –Will they support DOE, the CAB, or both?
- b. Level of Support –What quantity and quality of support will the Board receive?

Rocky Flats Citizens Advisory Board

1) *Key Issue 1: Board Funding*

- a. The Board was informed in 2003 that its funding through 2005 was to decrease incrementally each year because DOE perceived that the Board's workload was decreasing. The Board is just as busy as ever and expects to continue so through site closure. Meanwhile, the Board has reduced its operating costs in 2003 and 2004 through office relocation, staff reductions, and other measures.
- b. DOE's proposed funding level of \$100K in 2005 would likely mean the elimination of our support staff. This is not acceptable for the Board as it

continues to monitor the safety and effectiveness of the remaining cleanup activities, prepares to understand and provide input on the regulatory closure process, and continues its involvement and interest in long-term stewardship planning for the site.

2) Key Issue 2: Future Public Involvement

- a. The Board believes its continued involvement through the regulatory cleanup phase (i.e., the Comprehensive Risk Assessment, Corrective Action Decision / Record of Decision, and the final post-closure regulatory agreement), as well as the transition phase between the Offices of Environmental Management and Legacy Management, is necessary to sustain an effective level of public participation in the time period when the contractor finishes its cleanup work and the site is ultimately delisted from Superfund. We thus anticipate our participation will be necessary and continue through 2006 or possibly shortly beyond.
- b. Because of the need for long-term stewardship at the site, long after closure, the Board believes that some form of organized public participation will be necessary as well. How public participation should take shape during the post-closure period is of keen interest to the Board, and we believe that discussions among all local stakeholders should begin as soon as possible to define future public involvement. We must also begin to understand and help shape DOE's plans for transitioning public participation from Environmental Management to Legacy Management.

3) Key Issue 3: Worker and Community Health and Safety Through Site Closure

- a. In 2003, and continuing through the beginning of this year, there has been an increase in the number of safety incidents and major events such as fires that have occurred at the site. The Defense Nuclear Facilities Safety Board has expressed numerous concerns related to these incidents. DOE has levied fines against the contractor totaling over \$500,000 in the past year.
- b. While the Rocky Flats CAB recognizes that the site is breaking new territory each day as it attempts this one-of-a-kind cleanup of a former nuclear weapons production facility, the members are still concerned about a rising trend in incidents over the past year. These incidents affect not only health and safety, but work stoppages associated with them can impact the closure schedule as well. The Board appreciates the comprehensive updates it has received regarding some of these incidents as part of its monthly meetings. Monitoring the safety and effectiveness of the continuing cleanup is just one activity among many the Board must undertake through closure of the site. Relating to our Key Issue Number One described previously, our work, our concern and our vigilance through closure of the site is not decreasing, and neither should our support from DOE.

Savannah River Site Citizens Advisory Board

1) High Level Waste Program

- a. President Bush's FY 2005 Budget includes funds to continue high level waste operations but sets aside a \$350 million High Level Waste Proposal. These monies would fund activities that DOE believes will be impacted by the WIR lawsuit and will be requested only if the "legal uncertainties are satisfactorily resolved"
- b. If Congress approves the President's budget as proposed, the withholding of set aside funds will seriously impact the HLW disposition schedule at SRS. The SRS portion of the funds DOE does not plan to ask Congress for is \$188 million. Of this amount, \$85 million is to continue design and construction of the Salt Waste Processing Facility (SWPF). The remaining \$103 million was to modify building 241-96-H for use as additional Actinide Removal Process capacity; construct a Caustic Side Solvent Extraction (CSSX) pilot facility to demonstrate the cesium removal process; and remove and pretreat the salt waste from HLW tanks.
- c. The SRS CAB believes that there are certain aspects of the HLW program that can move forward regardless of the WIR lawsuit resolution, which will most likely not be resolved before 2005. The withholding of funds will jeopardize the momentum of the program and increase its final cost.
- d. The CAB continues to be concerned about equity within the DOE complex. Although the Hanford HLW program is also affected by the outcome of the WIR lawsuit, funding to continue construction of Hanford HLW projects was not withheld.

2) Plutonium Disposition Strategy

- a. There are indications that the surplus plutonium in the DOE complex will eventually be transported to SRS for storage and disposition.
- b. The CAB would like more definitive information and details on where the Department is in the decision process for plutonium disposition and consolidation. The CAB believes that any plan should include public participation through the NEPA process.

3) WIPP Permit Modification

- a. If the New Mexico Environment Department proposed permit modification for the Waste Isolation Pilot Plant is approved as drafted, the change would prohibit SRS from sending TRU Waste that was not included in a 1995 Baseline Inventory Report (BIR), and orphan at least a third of the TRU waste SRS had planned to send to WIPP.
- b. Under the proposed Permit, only the inventory that was identified when the Permit was originally issued will be allowed to be disposed at WIPP. Assumptions of TRU waste quantities at SRS have changed dramatically since the 1995 BIR was issued. The modification would not allow SRS to ship TRU waste generated from 1995 to 2003. Given that planned new missions such as the Mixed-Oxide (MOX) Fuel Facility will also generate

TRU waste, stakeholders fear that this decision would leave SRS with a serious waste management problem.

Attachment No. 4: Risk Based End States Site Presentations

Fernald Citizens Advisory Board

Overall Concern 1) One-Size Does not Fit All

Although the RBES policy recognizes that it might not apply to all sites, it was implemented in a way that did not properly acknowledge that decisions at some sites were already based on risk-based end states. Implementation of the policy also did not consider that the evaluation and implementation of variances at some sites would be completely unrealistic, based on deadlines for site closure.

Overall Concern 2) Dilution of the Focus on Cleanup

The Fernald Citizens Advisory Board is concerned that implementation of the RBES policy has been a significant distraction to the Fernald site and has sapped critical focus from environmental cleanup activities. Throughout the Complex, substantial time and financial resources were channeled into developing RBES documents, with little understanding of the potential benefits of the policy to the site or to the communities in which they reside. The significant outcry from communities, state regulators, and municipalities across the nation seem to indicate that few, if any, of the variances identified through the RBES process have generated much support.

Summary of RBES Process

The Fernald Closure Project has submitted its final RBES document to Environmental Management. The FCAB commented on the RBES process on 12/3/2003 but not the specific recommendations. The FCAB has made a conscious decision not to focus additional attention on the RBES documentation, but will address any proposed changes to Records of Decision through the established regulatory process.

Issue and Recommendation 1) Fernald Cleanup Decisions are Already Based on Risk and Anticipated End-States

At the Fernald site, cleanup decisions have been established in signed Records of Decision. Those RODs were developed through a risk-based approach, which assumed an end state of the Fernald site as an undeveloped park and to protect the Great Miami Aquifer. Therefore, the FCAB believes that the intent of the RBES policy is not applicable to Fernald and has asked Assistant Secretary Roberson to relieve Fernald of any further obligations to continue with RBES activities.

Issue and Recommendation 2) Implementing Variances is Unrealistic per the Current Baseline

Fernald is slated for closure by December 2006. Because the cleanup at Fernald is operating under signed Records of Decisions, implementation of variances identified under the RBES process would require a regulatory process to amend these RODs. This process has been done previously and takes at least 18 months to complete. Given this tight cleanup deadline and the lack of support for RBES variances that has been demonstrated by the public and the regulators, it would not be prudent to pursue

changes at the Fernald site. Doing so would only add pressure to the cleanup schedule and divert human and financial resources away from completing a safe and effective cleanup. Any changes would likely come too late to be implemented. Therefore, the FCAB has asked Assistant Secretary Roberson to relieve Fernald of any further obligations to continue with RBES activities.

Hanford Advisory Board

- 1) Process
- 2) Process
- 3) Process
- 4) Groundwater

Idaho National Engineering and Environmental Laboratory

Overall Concerns

The rationale for the document was never clear

The normal process of making decisions under the Comprehensive Environmental Response, Compensation, and Liability Act is already risk-based. The CAB has been told this is not a decision document. However, the CAB is concerned about the potential use of the document in a manner that would foreclose public involvement in future cleanup decisions.

Unrealistically aggressive timeline

DOE-Headquarters did not modify the original timeline despite comments from the INEEL CAB, other SSABs, and the public. This resulted in multiple, late-stage changes in the timelines when field personnel could not support the schedule.

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Unrealistically aggressive timeline DOE-Headquarters did not modify the original timeline despite comments from the INEEL CAB, other SSABs, and the public. This resulted in multiple, late-stage changes in the timelines when field personnel could not support the schedule.

Public participation

The aggressive timeline and shifting deadlines hampered public participation and caused confusion, inconvenience, frustration, and unnecessary expense at the sites and among stakeholders. The CAB questions if DOE-Headquarters is factoring public values and concerns into the Risk-based End State process.

Risk-based End State vision process has untapped potential

The information presented in the various Vision Documents could support sharing among sites related to technologies and land management approaches.

Cleanup Scenarios (continued)

The CAB recommended that DOE fulfill its obligation to clean lightly contaminated areas to residential scenarios. The goals of the currently approved Records of Decision should not be compromised.

Industrial scenarios should be the exception, not the rule.

Future use should allow possible recreational use, wildlife refuge, and/or resumption of use by Shoshone-Bannock Tribes, consistent with treaty rights.

DOE should develop enduring documentation of contamination information to support sound future decisions in any restricted areas (cleaned to industrial scenarios).

Butte County is very interested in the RBES process

Most of the site lies in Butte County. Butte County would like to see the land returned to the tax rolls so that it could generate revenue for the county.

Nevada Test Site Community Advisory Board

Overall Concerns

- 1) Document Review Time
 - a. Project Shoal and Central Nevada Test Area – located within the state of Nevada, but outside the NTS boundary, both sites are quite small and situated in remote locations. Given the CAB's knowledge of the cleanup approach and applicable regulations, these documents posed no issues with review / response schedules.
 - b. Nevada Test Site – Conversely, because of the number of issues and the expanse of the area of concern, the review time provided for this document was inadequate.

Site-Specific Issues and Recommendations

Summary of RBES Process

- 1) The NTS CAB served as the primary stakeholder involvement group for the RBES process. Additionally, the DOE provided copies of all RBES documents to two other Nye County, Nevada citizen groups for their review and comments. The CAB is the only group to have provided formal recommendations.
- 2) The CAB emphasizes that the NTS RBES documents not be considered final until they communicate: 1) the purpose for the risk-based end state, 2) rationale for ongoing and future monitoring, and 3) degrees of uncertainty deemed acceptable for each case.

The following issues and recommendations provide additional clarification:

Initial RBES Reviews

Issue: Documents lacked key elements of a risk-based end state; e.g.:

- 1) What could go wrong?
- 2) What is the likelihood?
- 3) What are the consequences?

Recommendation:

Final documents must contain an environmental media pathway transmission analysis to define all aspects of risk, including the following: contaminant identity, toxicity/radiological exposure, mode of transmission (airborne, groundwater), risks within the planned corrective action, and risks associated with the residues allowed to remain on site (recognized standards and/or consensus documents that address what must be achieved for safe closure)

Readability

Issue: References provided little or no detail as to why it was relevant

Recommendation: Relevant information from source documents should be iterated within the RBES document to ensure that stakeholders have the information at hand and are not required to travel to the DOE Reading Room

Visualization

Issue: Pertinent, graphical information that would have enhanced stakeholder understanding of issues was not included

Recommendation: Final document should incorporate all related graphic materials, such as maps and strategic detail, to provide greater understanding of the full picture.

Data Gaps

Issue: Documents refer to existing data and/or information gaps, but do not explain how this gap affects the degree of uncertainty.

Recommendation: Clarification of uncertainty is required; i.e., what uncertainty is acceptable vs. unacceptable.

Northern New Mexico Citizens' Advisory Board

Overall Concern 1

Inadequate provision for public involvement

- Public Involvement Plan published on the day of the public meeting
- Level of involvement only to “inform”
- Public involvement – one public meeting!

Summary of RBES Process

Draft published; one public meeting; comments received by DOE; dates for subsequent revisions suspended; DOE-LASO to publish new schedule

Issue and Recommendation #1

Document not required, due to (a) historic use of risk-based approach at LANL, and (b) continuing NNSA mission beyond Fiscal Year 2006, and (c) transition of EM responsibilities to NNSA in Fiscal Year 2006.

Oak Ridge Site Specific Advisory Board

Summary of RBES Process

DOE-Oak Ridge provided the Oak Ridge SSAB with a draft document in December 2003 and a D1 version in February 2004. The SSAB requested to see HQ comments on the draft, but the request was denied. The SSAB supplied comments on the D1 in March 2004.

Issue 1: Variances

- 1) Capping of the K- 1070- B/C/D Burial Grounds
- 2) Alternative technologies for remediation of Seepage Trenches 5 and 7
- 3) Use of dose- based criteria for building surface contamination
- 4) While the Oak Ridge SSAB endorses the RBES concept, it cannot support these variances without first understanding their short-term and long- term impacts to budgets, schedules, stewardship, reindustrialization, and the socioeconomic needs of the communities surrounding the Oak Ridge Reservation.

Issue 2: Economic Burden

The far-reaching effects of leaving radioactive and toxic wastes buried on the Oak Ridge Reservation must not be taken lightly. Anything less than total cleanup results in an economic burden on the community. Therefore, economic impacts must be considered when end-state visions are being determined.

Issue 3: Public Input

A lack of public involvement in development of the RBES guidance was a problem. We believe that DOE should not consider use of RBES models as license to seek changes to CERCLA actions or selection of applicable or relevant and appropriate requirements without well-defined, publicly supported rationale.

Issue 4: Intent

What will DOE-Headquarters do with the RBES visions when they're completed?

Paducah Gaseous Diffusion Plant Citizens Advisory Board

Overall Concern:

1. Risk-Based End State document may become a decision document rather than a strategy document
2. Elimination of cleanup through institutional controls and CERCLA waivers without considering needs of the community

Specific Concerns:

1. Burial Grounds – Current plan is to excavate; RBES alternative is to cap.
2. Groundwater source removal
3. Construction of on-site CERCLA cell
4. Suitability of site future use – End state should benefit the community.

Site-Specific Issues and Recommendations

Summary of RBES Process

Not enough time to review due to complexity of the document

Public Participation – DOE held 3 public meetings

Board Opposition of the RBES Strategy

The CAB opposes the RBES Strategy

The strategy will reduce the level of cleanup. As a result, the cleanup of the site will not be sufficient for the community's future needs.

Rocky Flats Citizens Advisory Board

RBES Was Used to Establish the Rocky Flats Cleanup Agreement

The Risk Based End State (RBES) process currently being discussed at the other DOE sites is not a new cleanup strategy for Rocky Flats. The initial concepts for a cleanup based on a risk based end state were incorporated in the Rocky Flats Cleanup Agreement signed by DOE and the regulators in 1996, and most recently modified in 2003.

The 2003 modifications came as a result of an extensive public involvement process centered primarily on development of cleanup levels for plutonium soil contamination. DOE's first attempt to define the cleanup levels in 1996 met with strong resistance from local stakeholders, resulting in an independent assessment by an outside expert that was overseen by a panel of community members. This assessment was followed by a two-year evaluation by DOE and the regulators of a revised cleanup approach for Rocky Flats that further refined the risk based end state cleanup. The current regulatory cleanup agreement is based on the end state being a wildlife refuge, and the risk level driving cleanup designed to protect a future wildlife refuge worker.

RBES Was Used to Establish the Rocky Flats Cleanup Agreement (cont'd)

A key provision in the revised agreement was more extensive remediation of surface soil contamination than previously planned, with a trade-off being less aggressive subsurface soil remediation, particularly levels below six feet in depth. The reason for the trade-off was to keep the overall project within already prescribed budget levels.

Our observations on the current RBES process:

The Rocky Flats site has prepared a risk based end state document based on the decisions already incorporated into the Rocky Flats Cleanup Agreement. Because of its previous involvement, and because the current site risk based end state document does not raise any new issues, the Rocky Flats Citizens Advisory Board as whole has not provided further review or comment.

Still, the Board would like to offer the following observations:

Development of the risk based end state for Rocky Flats occurred over several years and incorporated various means for public participation that included an independent assessment overseen by local community members, focus groups, documents reviews, and public meetings.

The trade-off allowing for more extensive surface soil remediation at the expense of less subsurface remediation was very contentious within the community. It appears, however, that the extent of subsurface contamination may not be as great as first thought. This may result in an even greater benefit to the community than what would have been achieved with the original cleanup proposal, which was based on a uniform cleanup standard for both surface and subsurface soil contamination.

Rocky Flats has gone about the cleanup process “backwards.” Most of the cleanup actions have been interim response actions and the final Corrective Action Decision / Record of Decision (CAD/ROD) will not come until the end of the cleanup process. The CAD/ROD will be used to verify that the collection of interim response actions has indeed resulted in cleanup at the site, and that no further action (other than long-term stewardship) will be necessary.

This approach has allowed for the areas of greatest risk to be addressed first. Thus, the site was able to address the dangerous plutonium solutions and other unsafe conditions in the former production buildings as a first priority, resulting in the greatest risk reduction occurring during the early stages of the cleanup process.

Rocky Flats does not have groundwater contamination as extensive as that which occurs at other DOE sites. Those sites with greater groundwater contamination issues may have more difficulty in reaching agreement on a RBES cleanup approach.

Savannah River Site Citizens Advisory Board

Summary of RBES Process

The SRS RBES Vision was issued on March 30, 2004.

A public workshop was held April 13, 2004.

Public comments are requested by May 21, 2004.

The SRS CAB is currently reviewing RBES Vision document

Issues and Recommendations

SRS CAB has made future land use recommendations that support RBES Vision

Congressional authorization to ensure perpetual federal ownership and long term stewardship responsibility for SRS fixed boundaries is desired and necessary

No residential land use; current discussions with regulators to establish and apply more appropriate exposure scenarios for selected areas of site not planned to support any future mission.

SRS is NOT a closure site. Enduring mission will require infrastructure, etc...

Barriers to RBES Vision Success

1. High Level Waste Classification
2. "Can incidental amounts of HLW be reclassified for near surface disposal?"
3. Final decision for nuclear material consolidation strategy and disposition paths
4. Alternative disposal for Pu-238 contaminated wastes (approval of onsite disposal)
5. Regulatory acceptance of methodology and protocols for area cleanup approach
6. Waste Acceptance Criteria for high level waste federal repository
7. Need approval for shipping and direct disposal of spent fuel and early initiation of SNF drying and packaging facility to meet shipping date.
8. Many planning assumptions; domino effect

Issues & Comments Raised during Public Workshop

1. Risk needs to be more clearly defined; description needed in final document
2. Public education needed regarding risk perceptions
3. DOE needs to better describe why this end state is what we want
4. DOE needs a fall back plan regarding WIR resolution; doubt that resolution will occur by January 05
5. Need evaluation early on if in-situ disposal is an appropriate end state
6. Pu238 shipments do not seem doable; makes more sense to leave where it is if it's a higher risk to handle
7. Reasonable levels of remediation should be sought
8. Facilities proposed for D&D are needed as leverage for new missions
9. DOE needs to deal with alternate uses of SR –new missions
10. The SRS RBES doesn't look like at least five other RBESs in complex

Attachment 5- Risk-Based End State (RBES) Update

John Lehr, EM-20
Office of Environmental Management (EM)
April 21, 2004

Why RBES?

- Focuses on risk reduction
- Supports informed decision making
- Ensures consideration of appropriate risk scenarios and future land use-based risk scenarios as drivers for remedial cleanup choices
- Responds to the Top-to-Bottom Review criticism of DOE's cleanup program

What is the RBES Vision Document?

- A vehicle to document site-wide info on:
 - protective and sustainable site conditions
 - standardized future land use plans, site maps, conceptual site models, hazard area descriptions, etc.
 - current cleanup plans and potential variances
- Pursuant to DOE Policy 455.1, Use of Risk-based End States
- NOT a change in DOE's intent to comply with all applicable Federal, State, community and treaty laws, regulations, and agreements
- NOT a decision document
- NOT driven by cost considerations

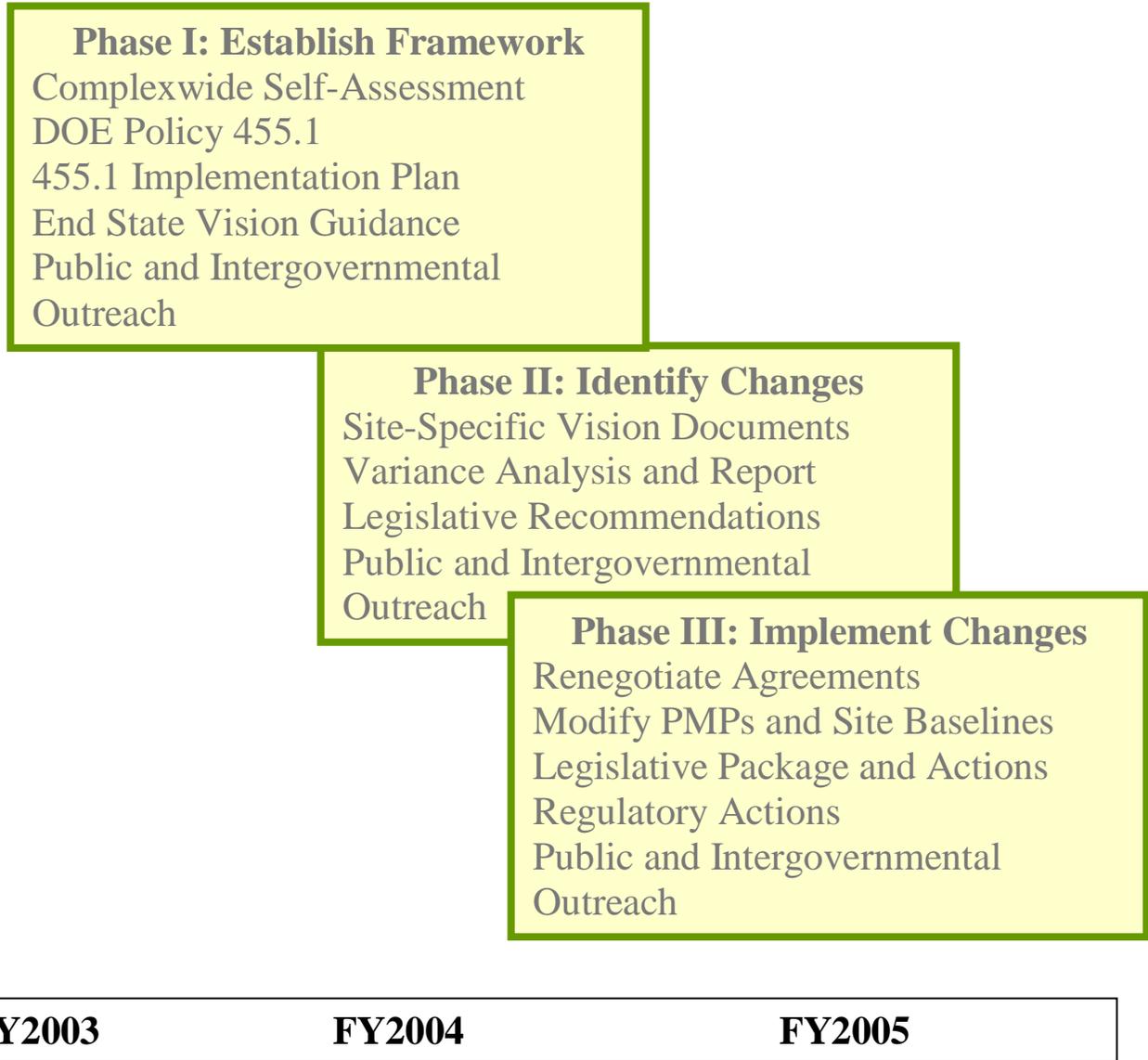
RBES Cornerstones

- Public involvement and dialogue
- Broad risk consideration
 - workers, transportation, citizens, end states, ecology, etc.
- Quantitative foundation for defensible variances
- Protective and sustainable end state aligned with planned land uses and consequent exposure scenarios

RBES and Decision making

- Critical elements for site cleanup decisions
 - Public involvement
 - Protection of human health and the environment
 - Future land use plans
 - Risk consideration
 - Existing regulations, agreements and schedules
 - Long-Term Stewardship

RBES Implementation: Three Phases



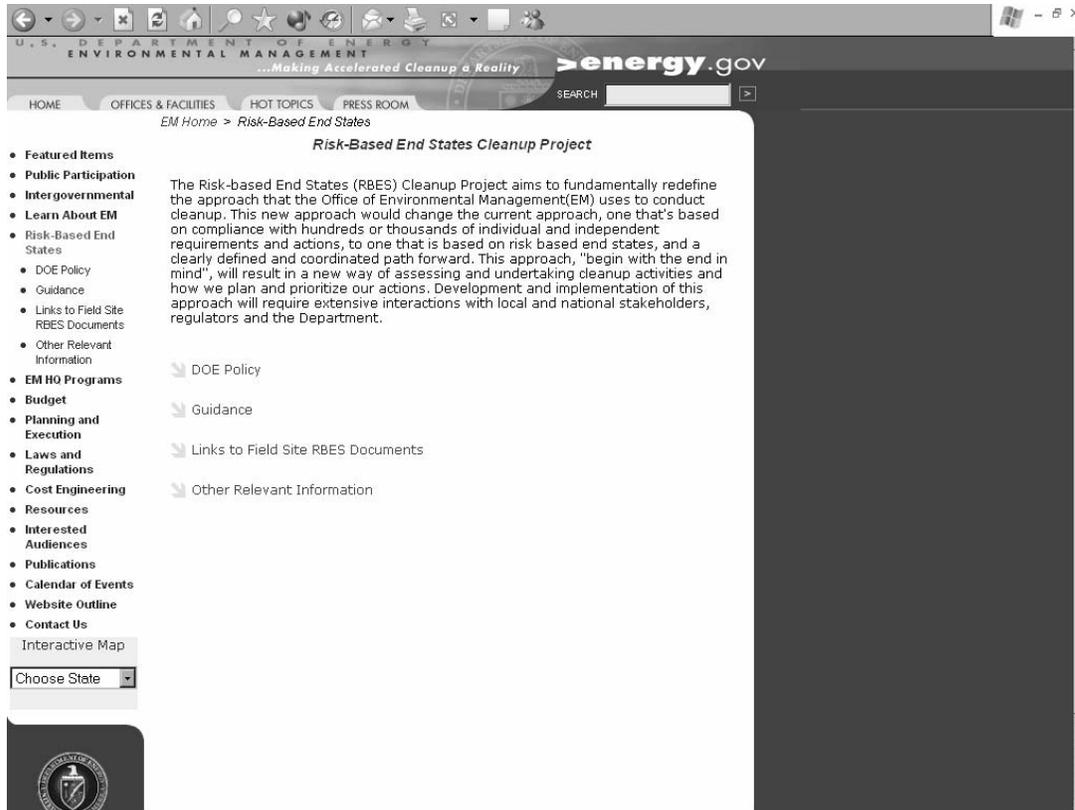
RBES Phase II: Identify Changes

1. Sites submit draft RBES Vision documents
2. Identify and target sites that identified potentially viable variances in their draft RBES Vision documents
3. Identify defensible quantitative variances
4. Continue stakeholder interaction
5. Evaluate next steps

RBES Summary Status

1. 28 Vision documents received (28 expected)
2. 16 Vision documents identified 1 or more variances
3. 11 Vision documents identified no variances
4. 10 sites not required to submit final RBES Vision to EM-1

RBES on the Web



WWW.em.doe.gov

RBES Next Steps

1. Sites continue public involvement in RBES process
2. DOE completes draft RBES Vision document reviews and sends review comments to sites
3. Sites to develop schedule for final Vision document submission (Sept '04, Dec '04)

RBES Public Involvement

1. We want you to participate in the RBES process.
2. Your participation is critical to our success.

Attachment 6 - Environmental Management (EM) Budget

*Environmental Management
Site Specific Advisory Board Conference*

Barbara Heffernan
Acting Deputy Assistant Secretary for
Business Operations
April 21, 2004

- Vision*
- Management Reforms*
- FY04/FY05 Budgets*
- FY06 Budget Formulation*

Eliminate significant environmental, health and safety risks as soon as possible allowing use of resources for other national priorities

Accelerating environmental improvements and clean up by 35 years saving the taxpayer in excess of \$50 billion

Management Reforms

Budget and Project Baseline Summary Structure Revision

to focus on completion and what we value

Aggressive Configuration Management Process

to hold the program accountable to its commitments

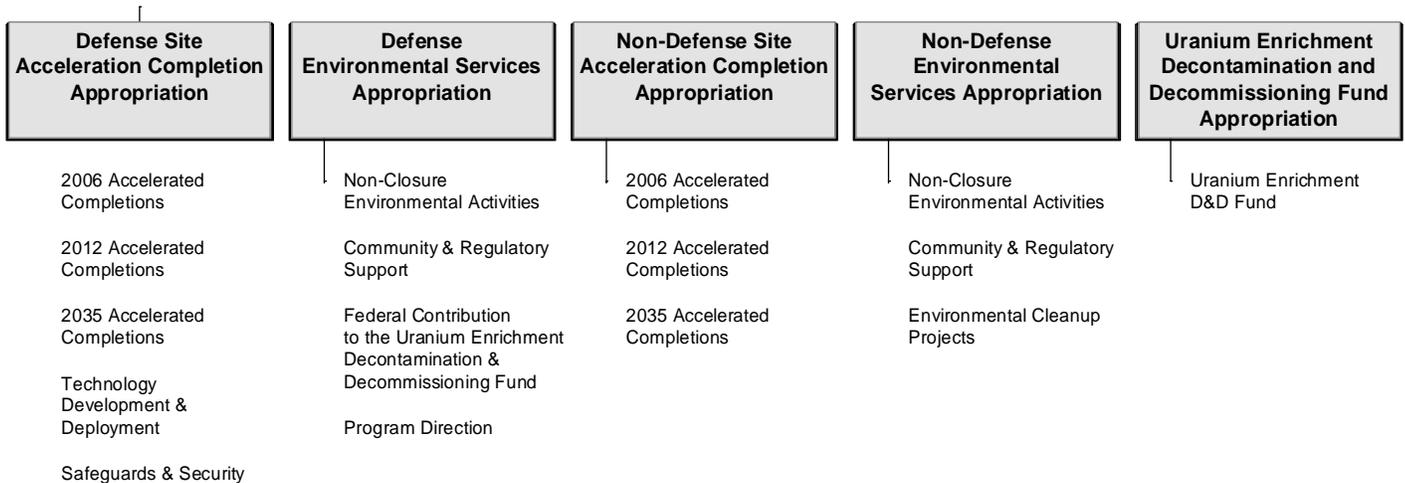
Revitalized Human Capital Strategy:

to get the most efficient use of our resources

Our Key Objectives

- Focus on Completion
 - Emphasizes accelerated risk reduction
- Accountability
 - Bounds end states
- Visibility
 - Clearly delineates how resources are utilized
- Institutionalization of Program Goals
 - Communicates what we value
- Integration of Performance and Budget
 - Fulfills the President’s management agenda

EM Budget Structure



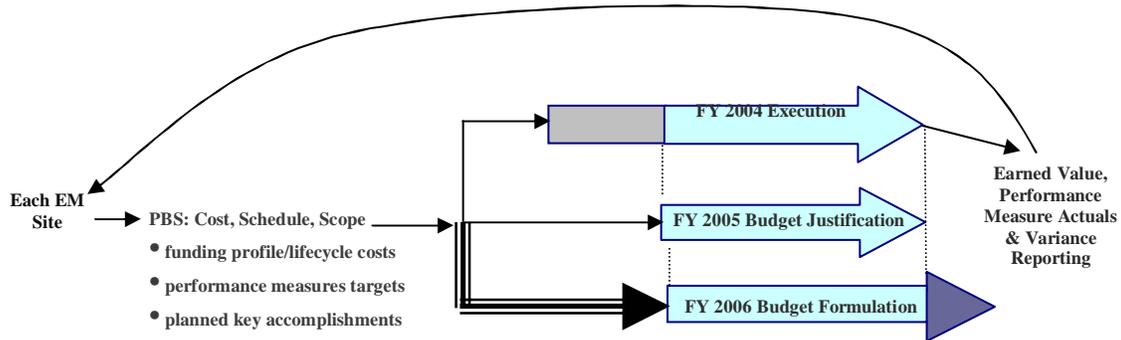
EM PBS Structure

PBS Categories
Nuclear Material Stabilization and Disposition
Spent Nuclear Fuel Stabilization and Disposition
Solid Waste Stabilization and Disposition
Radioactive Liquid Waste Tank Stabilization and Disposition
Safeguards and Security
Soil and Water Remediation
Nuclear Facility D&D
Non-Nuclear Facility D&D
Operate Waste Disposal Facility
Transportation – WIPP
Community Regulatory Support
Pre-2004 Completions
All Other

Corporate Performance Measures

Performance Measure	Unit	Targets 2004											
		Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Pu packaged for long-term disposition	# Cont.	235	235	235	235	135	35	35	35	35	35	35	35
eU packaged for disposition	# Cont.	51	51	51	51	51	51	51	51	51	51	51	364
Pu/U residues packaged for disposition	kg Bulk					176							78
DU & U packaged for disposition	MT												
Liquid Waste eliminated	gallons (1000s)	110	110	110	110	110	110	110	110	110	110	110	90
Liquid Waste Tanks closed	# Tanks							1			1		7
HLW packaged for disposition	# Cont.	21	21	21	21	21	21	21	21	21	21	21	19
SNF packaged for disposition	MTHM	34.699	74.305	80.105	27.105	74.105	80.105	27.105	74.105	80.105	81.105	0.105	0.105
TRU disposed	m3	855	875	1,063	935	910	1,021	1,185	1,186	1,298	1,206	1,172	1,246
LL/LLMW disposed	m3	6,268	6,264	6,362	8,025	6,838	7,329	7,501	8,444	7,684	8,356	7,444	9,300
MAAs eliminated	# MAA's			1									
Nuclear Facility Completions	# Facs.									1			4
Radioactive Facility Completions	# Facs.	6		1	1	2	3		2	3	2	6	19
Industrial Facility Completions	# Facs.	9	3	3	3	8	7	5	7	5	6	5	49
Geographic Sites Eliminated	Sites												
Remediation Complete	# Rel. Sites	6	5	9	27	6	13	3	3	22	4	9	96

Bottoms-Up Approach



EM Appropriations Account Summary

(dollars in thousands)					
	FY 2003 Comparable Appropriation	FY 2004 Comparable Appropriation	FY 2005 Request to Congress	FY 2004 vs. FY 2005	
Defense Site					
Acceleration					
Completion*	\$5,516,639	\$5,713,971	\$5,970,980	\$257,009	+4.5%
Defense					
Environmental					
Services	1,107,598	1,033,621	982,470	(51,151)	-4.9%
Non-Defense Site					
Acceleration					
Completion	167,584	172,411	151,850	(20,561)	-11.9%
Non-Defense					
Environmental					
Services	161,852	316,439	291,296	(25,143)	-7.9%
Uranium					
Enrichment D&D					
Fund	320,563	414,027	500,200	86,173	+20.8%
Subtotal,					
Environmental					
Management	\$7,274,236	\$7,650,469	\$7,896,796	\$246,327	+3.2%
Uranium					
Enrichment D&D					
Fund Contribution	(432,731)	(449,333)	(463,000)	(13,667)	+3.0%
Use of Prior Year					
Balances	(33,383)	(178,101)	0	178,101	-100.0%
Privatization Prior					
Year Rescission	0	(15,329)	0	15,329	-100.0%
Security Charge					
for Reimbursable					
Work	(122)	(121)	(143)	(22)	+18.2%
Total,					
Environmental					
Management	\$6,808,000	\$7,007,585	\$7,433,653	\$426,068	+6.1%

**Site Specific Advisory Board Chairs Meeting
U.S. Department of Energy, Washington, DC
April 21–22, 2004**

Total, Department of Energy.	\$22,215,311	\$23,280,028	\$23,570,403	\$290,375	+1.2%
EM as a Percent of Total Department of Energy	30.6%	30.1%	31.5%		
* Includes \$350M for WIR-related activities					

Funding by PBS Category

(dollars in thousands)

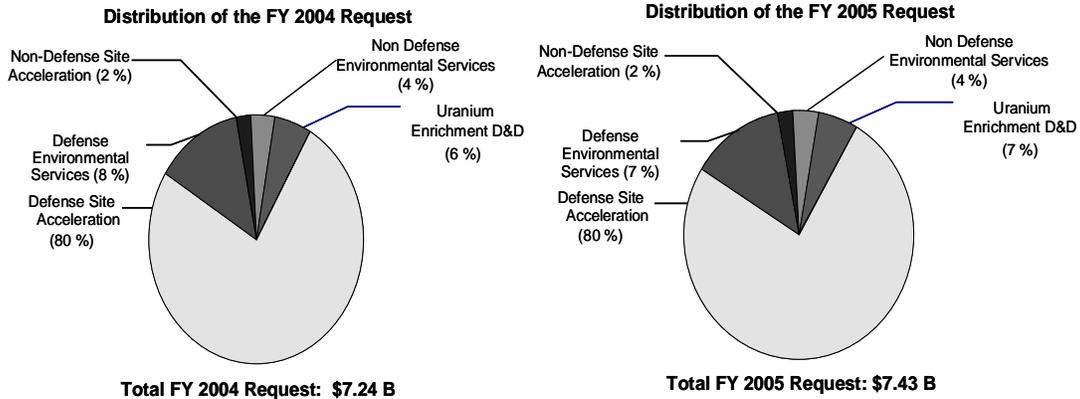
	FY 2003 Comparable Appropriation	FY 2004 Comparable Appropriation	FY 2005 Request
Nuclear Material Stabilization and Disposition	579,663	713,337	725,004
Spent Nuclear Fuel Stabilization and Disposition	402,307	358,176	244,681
Solid Waste Stabilization and Disposition	968,350	1,078,195	1,065,887
Radioactive Liquid Waste Stabilization and Disposition	1,002,371	1,049,629	1,261,084
Radioactive Liquid Waste Stabilization and Disposition - Major Construction	690,000	686,036	690,000
Safeguards and Security	254,747	291,124	265,059
Soil and Water Remediation	782,475	807,501	987,154
Nuclear Facility Decontamination and Decommissioning	1,167,695	1,257,843	1,206,800
Non-Nuclear Facility Decontamination and Decommissioning	21,085	55,025	47,183
Operate Waste Disposal Facility	176,663	153,577	174,637
Waste and Material Transportation	13,631	43,994	40,751
Technology Development	113,679	66,116	60,142
Community and Regulatory Support	38,589	41,217	39,854
All Other (Net incl. offsets)	596,745	405,815	625,417
Total, EM	6,808,000	7,007,585	7,433,653

	FY 2003 Comparable to FY 2004	FY 2004 Congressional Request	FY 2004 Appropriation	Request vs. Appropriation
EM Total	\$6,804,451	\$7,238,934	\$7,047,518	-\$191,416

FY 2004 Funding by Operations/Field Office

Operations/Field Office ^A	FY2004 EM Final Appropriation (\$ in Thousands) ^B
Carlsbad	215,809
Chicago	43,817
Idaho	584,710
Oak Ridge	514,643
Paducah	192,402
Portsmouth	294,657
Ohio	576,369
Richland	983,726
Office of River Protection	1,082,700
Rocky Flats	668,746
Savannah River	1,390,659
Various Locations	
Los Alamos Site Office	104,063
Nevada Site Office	92,341
Livermore Site Office	48,317

EM's Five Appropriation Accounts- FY04 Versus FY05



<i>Operations/Field Office</i>	<i>FY2005 EM Budget Request (\$ Millions)^A</i>
Carlsbad	239,410
Chicago	48,965
Idaho	437,898
Oak Ridge	548,518
Paducah	164,639
Portsmouth	289,122
Ohio	539,211
Richland	1,070,837
Office of River Protection	1,065,864
Rocky Flats	665,214
Savannah River	1,313,298
Various Locations	
Los Alamos Site Office	121,645
Nevada Site Office	98,210
Livermore Site Office	54,758

FY 2005 Budget Request¹

¹ A Includes all applicable allocations except Technology Development and Deployment

FY 2005 Program Transfers

ACCELERATING CLEAN UP AND CLOSURE

1. Pacific Northwest National Laboratory to Office of Science
2. Support for desktop, email, and related network Extended Common Integrated Environmental services to Office of Chief Information Officer
3. Information Officer
4. Off-Site Source Recovery Program to National Nuclear Security Administration.
5. Maintenance and operations of Idaho National Laboratory Chemical Processing Plant-666 Facility and non-legacy
6. interim stored spent nuclear fuel to Office of Civilian Radioactive Waste Management
7. Fort St. Vrain Independent Fuel Storage Installation and Three-Mile Island Independent Spent Fuel Storage Installation
8. to Office of Civilian Radioactive Waste Management
9. Foreign Research Reactor Spent Nuclear Fuel Program to Office of Civilian Radioactive Waste Management
10. National Spent Nuclear Fuel Program to Office of Civilian Radioactive Waste Management.
11. Record and management support for Formerly Utilized Sites Remedial Action Program Considered Sites to Office of Legacy Management.
12. Cost and liability recovery review to Office of Legacy Management
13. Environmental Justice activities and Massie Chairs of Excellence Program to Office of Legacy Management.

FY 2006 Budget Calendar

- ✓ DOE Planning Guidance..... February 20, 2004
- ✓ EM Planning Guidance to Sites..... March 15, 2004
- ✓ Field Budget Submittal to EM.....April 21, 2004
- Field Managers Meet with EM-1.....May 3-7, 2004
- EM Submission of Corporate Review Budget to CFO....June 5, 2004
- CFO Review of Corporate Review Budget.....June 5-July, 2004
- OMB Budget Submission.....September 6, 2004
- OMB Passback.....November 2004
- Congressional Submission.....February 3, 2005

Additional Information: For more details, refer to the Office of Environmental Management (EM) website: <http://www.em.doe.gov>

Summary

- Management Reforms initiated in FY 04 are in all place/paying dividends.
- Accomplishing Real Savings/Risk Reduction
- FY 2005 Budget – Continues emphasis on accelerated risk reduction/cleanup completion
- Still have many challenges to overcome

Bottom Line: Not resting on our laurels

Backup Information

Funding by Installation

	(\$ in thousands)		
	FY 2003 Comparable Appropriation	FY 2004 Comparable Appropriation	FY 2005 Request
<i>Carlsbad Field Office</i>			
Carlsbad Field Office	39,818	33,188	35,243
Waste Isolation Pilot Plant	178,164	183,020	204,167
Total, Carlsbad Field Office	217,982	216,208	239,410
<i>Chicago</i>			
Argonne National Laboratory- East	3,384	1,864	801
Argonne National Laboratory- West	386	0	0
Brookhaven National Laboratory	35,890	39,368	43,254
Chicago Operations Office	8,801	4,741	4,910
Princeton Plasma Physics Laboratory	0	124	0
Total, Chicago Operations Office	48,461	46,097	48,965

Site Specific Advisory Board Chairs Meeting
U.S. Department of Energy, Washington, DC
April 21–22, 2004

<u>Washington Headquarters</u>			
Headquarters	193,548	183,691	240,087
HLW Proposal	0	0	350,000
Atlas Site	3,856	4,440	7,773
Grand Junction	1,269	1,235	478
Total, Washington Headquarters	198,673	189,366	598,338
<u>Idaho Operations Office</u>			
Idaho National Engineering and Environmental Laboratory	539,755	567,660	429,207
Idaho Operations Office	17,370	8,860	8,691
Total, Idaho Operations Office	557,125	576,520	437,898
<u>Oak Ridge Operations Office</u>			
East Tennessee Technology Park	155,882	178,771	228,248
Oak Ridge National Laboratory	66,445	47,291	38,406
Oak Ridge Operations Office	17,517	17,295	15,033
Oak Ridge Reservation	189,305	227,564	218,431
Y-12 Plant	52,858	49,644	48,400
Total, Oak Ridge Operations Office	482,007	520,565	548,518
<u>Paducah Gaseous Diffusion Plant</u>			
Paducah Gaseous Diffusion Plant	115,321	196,589	164,639
<u>Portsmouth Gaseous Diffusion Plant</u>			
Portsmouth Gaseous Diffusion Plant	187,590	294,660	289,122
<u>Ohio Field Office</u>			
Ashtabula	13,896	15,747	15,879
Columbus	18,963	22,735	19,849
Fernald	322,078	326,769	321,563
Miamisburg	103,379	98,289	99,258
Ohio Field Office	20,817	21,623	6,993
West Valley Demonstration Project	96,412	101,715	75,669
Total, Ohio Field Office	575,545	586,878	539,211
<u>Richland Operations Office</u>			
Hanford Site	799,972	915,143	1,014,755
Richland Operations Office	64,494	62,223	56,082
Total, Richland Operations	864,466	977,366	1,070,837

Site Specific Advisory Board Chairs Meeting
U.S. Department of Energy, Washington, DC
April 21–22, 2004

Office			
Office of River Protection	1,140,555	1,107,211	1,056,864
<i>Rocky Flats Field Office</i>			
Rocky Flats Environmental Technology Site	669,490	623,361	635,675
Rocky Flats Field Office	26,363	53,637	29,539
Total, Rocky Flats Field Office	695,853	676,998	665,214
<i>Savannah River Operations Office</i>			
Savannah River Operations Office	69,045	69,422	60,044
Savannah River Site	1,220,721	1,324,466	1,253,254
Total, Savannah River Operations Office	1,289,766	1,393,888	1,313,298
<i>All Other Sites</i>			
Energy Technology Engineering Center	16,436	18,217	19,000
General Atomics	1,575	0	0
Inhalation Toxicology Laboratory	1,065	476	491
Kansas City Plant	2,257	2,066	3,506
Laboratory for Energy-Related Health Research	4,049	3,273	500
Lawrence Berkeley National Laboratory	3,134	3,228	4,070
Lawrence Livermore National Laboratory	50,281	48,317	54,758
Los Alamos National Laboratory	100,802	114,100	121,645
Nevada Offsites	5,215	8,439	6,783
Nevada Test Site	75,510	70,850	80,378
Nevada Site Office	14,099	15,345	11,049
NNSA Service Center	36,896	17,631	15,562
Pantex Plant	14,991	21,133	24,521
Sandia National Laboratories	23,918	21,804	20,246
South Valley	933	0	0
Separations Process Research Unit	716	5,411	5,708
Stanford Linear Accelerator Center	2,605	2,384	2,500

Site Specific Advisory Board Chairs Meeting
U.S. Department of Energy, Washington, DC
April 21–22, 2004

Total, All Other Sites	354,482	352,674	370,717
Technology Development	113,679	66,116	60,142
Consolidated Business Center	0	0	30,623
D&D Fund Deposit	432,731	449,333	463,000
Subtotal, Environmental Management	7,274,236	7,650,469	7,896,796
Use of Prior Year Balances (Defense)	-21,928	-158,101	0
Reimbursable Work (Defense)	-122	-121	-143
UE D&D Fund Deposit (Offset)	-432,731	-449,333	-463,000
Privatization Rescission (Defense)	0	-15,329	0
Use of Prior Year Balances (Non-Defense)	-11,455	-20,000	0
Total, Environmental Management	6,808,000	7,007,585	7,433,653

Attachment 7 - Legacy Management and Public Involvement

Tony Carter and Dave Geiser
LM-5/40

Status of LM Standup

1. Up and running in December 2003
2. Organization in place: merging multiple cultures and office locations.
3. Planning in progress: Strategic, Program, and Human Capital (Workforce) Plans
4. Building internal policies and procedures
5. Critical hires in progress: COO, records management staff, benefits analyst, and certified realty specialist
6. President's Budget fully funds staff developed requirements
7. Working closely with EM on priority sites and issues.
8. Site Transition Coordinators selected, teams built, and site visits in progress.

LM Site Transition Schedule

1. UMTRCA Title II sites (FY05->)
2. FUSRAP sites (FY05->)
3. Selected Oakland and Albuquerque Sites (FY05/06)
4. Nevada Off sites (FY06)
5. Ohio Sites (FY07)
6. Rocky Flats (FY07)
7. OR/ETTP (FY09) - Proposed

Process to transition sites

1. DOE Order 430.1B and DOE Order 413.3
2. Site Transition Coordinator and LM Team
3. Site Transition Framework
4. Transition Plan
5. CD-4 documentation
6. Program Budget Decision document
7. LTS&M Plan

Public Involvement during Site Transition

1. STCs will participate in CAB meetings on a quarterly basis
2. LM will hire local staff for selected sites to provide timely interaction
3. LM will solicit input on what approaches to public involvement are needed
4. LM will solicit public comment during the development of the LTS&M Plan

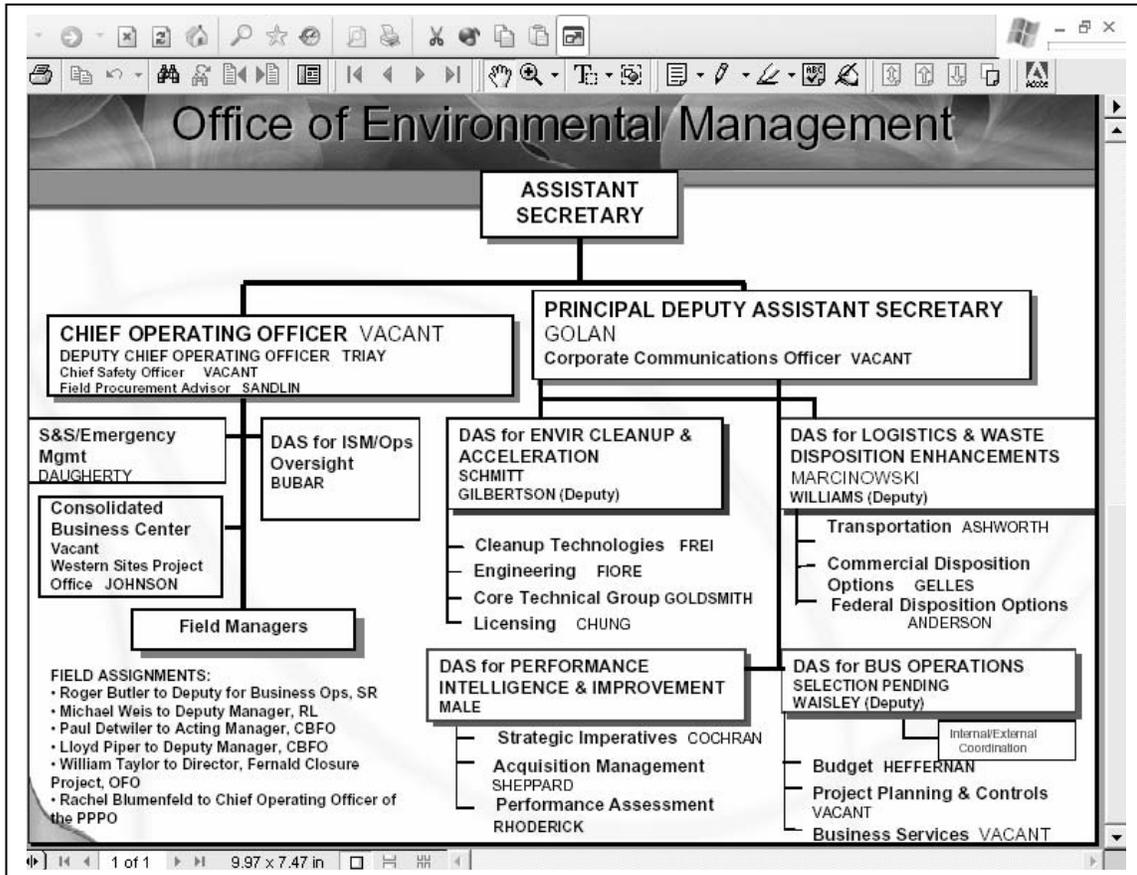
Post-closure Public Involvement

1. Establish approach that is appropriate for the level of decision-making
2. The LTS&M Plan will include the approach to public involvement at the site.
3. Geospatial Environmental Mapping System for environmental data
4. Hummingbird Records Management System
5. Local, accessible copy of Administrative Record
6. Annual Inspection and Public Meeting

LM Strategic Plan Status

1. Comments Received from ~100 organizations or individuals
2. Overall Feedback was positive
3. Working through comments
4. Plan to Issue Draft Final Plan this Summer

Attachment 8 - EM Reorganization Chart



Attachment 9 - The National TRU Waste Program

Lynne Smith
Office of Federal Disposition Options
Office of Environmental Management

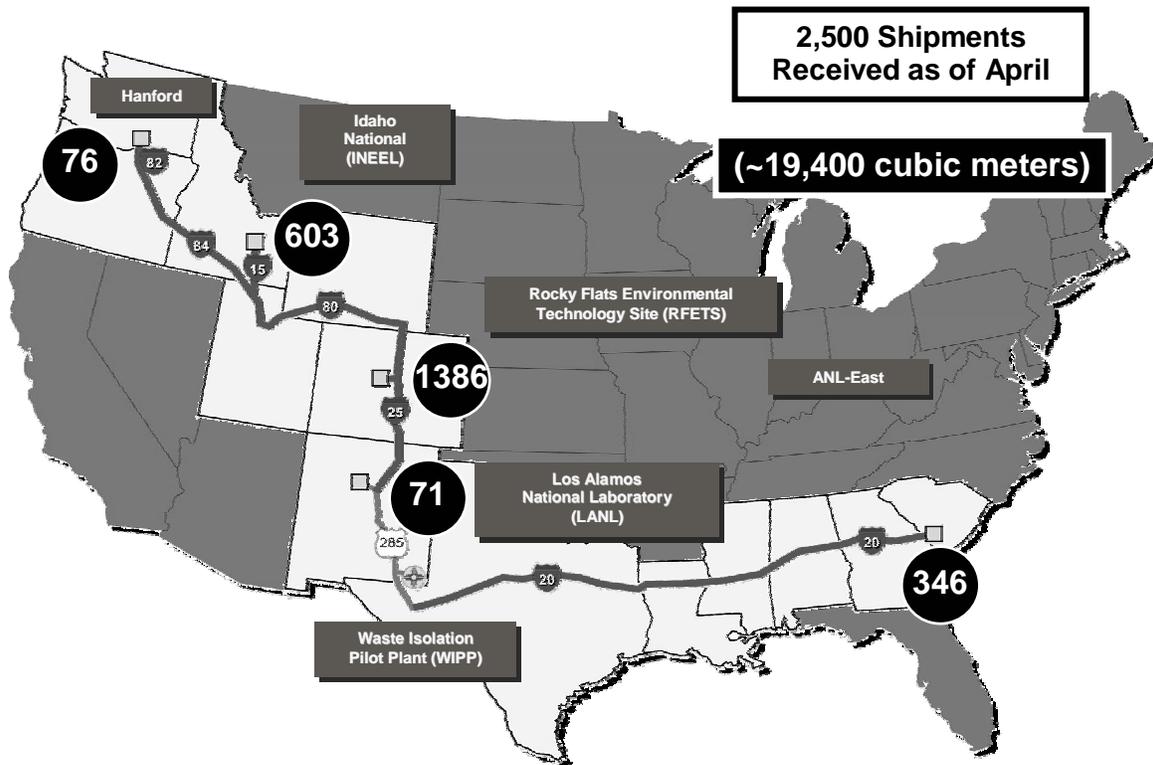
Discussion Topics

- National Transuranic (TRU) Waste Program
 - Shipping Status
 - Regulatory Status
 - Transportation Program Status

Shipping Update

1. Since March 1999, over 19,400 m³ of contact-handled TRU waste shipped and disposed at WIPP.
2. Over 2,500 truck shipments from 7 sites to WIPP.
3. First 7 shipments from NTS completed in January 2004. Remaining shipments scheduled to begin this summer and complete by December 2004.
4. AMWTP at INEEL began shipments in March 2004.
5. Panel I filled in March 2003 with 39,414 waste containers (10,496 m³). Panel 2 is 48% filled and mining in Panel 3 in ongoing.

TRU Shipment Status



Modular/Mobile Waste Characterization

- Mobile systems developed to perform waste characterization at sites that lack equipment and to supplement sites with fixed systems.
- Systems currently deployed at Savannah River Site, Nevada Test Site, Lawrence Livermore National Laboratory, and Los Alamos National Laboratory.
- The system currently characterizing 180 waste packages per week.
- These systems eliminate the need to build costly fixed sites, saving taxpayers millions.
- Systems are cost effective; currently per-package characterization cost is \$2,750.

Accelerated Site Cleanup and Closure

- **Transuranic Waste Performance Management Plan**
 - Reduce risk by accelerating cleanup at TRU waste sites
 - Goal is to complete disposal of legacy TRU waste about 20 years early.
 - Continue disposal of newly generated TRU waste at WIPP until closure

- **EM-1 Configuration Control**
 - Performance Management Plans
 - Shipping Baseline
 - Configuration Control Board led by Principal Deputy Assistant Secretary for Environmental Management.

Site Specific Advisory Board Chairs Meeting
 U.S. Department of Energy, Washington, DC
 April 21-22, 2004

WIPP TRU Shipping Schedule (Rev 3) Planned Vs. Actual

Date: 4/13/04	RFETS		SRS		Mound		ID		LANL		Hanford		BCL (RH)		ANL-E		LLNL		LBNL		NTS		ORNL		Actual Ship			
	R3	Act	R3	Act	R3	Act	R3	Act	R3	Act	R3	Act	R3	Act	R3	Act	R3	Act	R3	Act	R3	Act	R3	Act	R3	Act		
F Y04	44	49	24	24	0	0	0	0	0	0	6	4	0	0	2	2	0	0	0	0	0	0	0	0	0	76	79	
Oct-03	33	36	18	18	0	0	0	0	0	0	6	2	0	0	4	0	0	0	0	0	0	0	0	0	0	61	56	
Nov-03	22	30	12	12	0	0	0	0	0	0	6	6	0	0	0	0	0	0	0	0	0	0	0	0	0	40	48	
Dec-03	44	44	24	22	0	0	0	0	0	0	4	5	0	0	0	0	0	0	0	0	0	0	0	0	0	105	78	
Jan-04	44	27	24	24	0	15	0	16	0	9	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	108	53	
Feb-04	44	49	24	24	0	15	3	16	0	9	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	120	85	
Mar-04	44	44	24	24	0	20	0	16	0	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	125	0	
Apr-04	44	44	24	24	0	40	0	16	0	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	145	0	
May-04	44	44	24	24	0	40	0	16	0	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	145	0	
Jun-04	44	44	24	24	0	45	0	32	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	165	0	
Jul-04	44	44	24	24	0	41	0	32	0	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	162	0	
Aug-04	44	44	24	24	0	45	0	32	0	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	165	0	
Sep-04	44	44	24	24	0	271	0	192	0	109	0	0	0	0	6	12	0	0	0	0	0	0	0	0	0	0	165	0
F Y04 Total Ship	495	495	270	270	0	271	0	192	0	109	0	0	0	0	6	12	0	0	0	0	0	0	0	0	0	0	1417	0
F Y05	R3	R3	R3	R3	R3	R3	R3	R3	R3	R3	R3	R3	R3	R3	R3	R3	R3	R3	R3	R3	R3	R3	R3	R3	R3	R3	R3	
Oct-04	44	44	24	24	0	49	0	32	0	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	169	0
Nov-04	33	33	18	18	0	38	0	18	0	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	122	0
Dec-04	22	22	12	12	0	26	0	12	0	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	91	0
Jan-05	44	44	24	24	0	50	0	32	0	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	166	0
Feb-05	0	0	24	24	0	52	0	32	0	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	124	0
Mar-05	0	0	24	24	0	55	0	32	0	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	127	0
Apr-05	0	0	24	24	0	50	0	32	0	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	122	0
May-05	0	0	24	24	0	50	0	32	0	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	122	0
Jun-05	0	0	24	24	0	60	0	32	0	16	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	133	0
Jul-05	0	0	24	24	0	64	0	32	0	16	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	130	0
Aug-05	0	0	24	24	0	52	0	32	0	16	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	128	0
Sep-05	0	0	24	24	0	52	0	32	0	16	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	128	0
F Y05 Total Ship	143	143	270	270	0	588	0	360	0	180	0	13	0	0	0	8	0	0	0	0	0	0	0	0	0	0	1662	0

Actuals are in red print

Yellow Box indicates interstate shipments (ie., Mound to SRS, BCL to Hanford, LBNL to LLNL)

WIPP will not receive any shipments one week in November (Thanks giving week) and two weeks in December (Christmas week and the week after) to allow for necessary annual maintenance at WIPP that cannot be performed during waste receipt and disposal operations.

Regulatory Status

- Key Regulatory Drivers
 - WIPP Land Withdrawal Act (P.L. 102-579, as amended)
 - Repository certification to radioactive waste disposal standards issued by Environmental Protection Agency (EPA); recertification every 5 years. DOE submitted recertification application to EPA on March 26, 2004
 - Hazardous Waste Facility Permit issued by the State of New Mexico's Environment Department; re-permit every 10 years.
 - Certificate of Compliance for transportation shipping containers issued by Nuclear Regulatory Commission
 - State & DOE site agreements (e.g., Idaho Settlement Agreement)

Disposal of Remote-Handled TRU Waste

- | | |
|--|--|
| <ul style="list-style-type: none">■ EPA approval received on March 26 on DOE's RH TRU Waste Characterization Program.■ DOE generator sites are required to obtain EPA approval of site characterization, and EPA will also conduct on-site operations to assure compliance with approved plans. | <ul style="list-style-type: none">■ NMED approval of a modification to the WIPP Hazardous Waste Facility Permit is needed.■ DOE submitted a permit modification request to NMED in June 2002.■ NMED issued a Notice of Deficiency (NOD) in March 2003. DOE responded to NOD in May 2003. Awaiting NMED response. |
|--|--|

Section 311 Permit Modification

- Congress required DOE to submit to NMED a permit modification which would streamline the confirmation methods used to ensure that waste shipped to WIPP is acceptable.
- DOE submitted this permit modification to NMED in January 2004.
- Awaiting NMED response.

WIPP Safety Record

- 0 releases to environment
- 0 contaminated personnel
- 0 unplanned WIPP worker radiation exposure
- 2.5 million loaded miles logged (5M r/t miles without serious injury)
- WIPP Operating Contractor has received #1 DOE-Voluntary Protection Program (VPP) Star Site recertification & VPP “Superior Star” Award
- 16 Consecutive years WIPP Operating Contractor has been recognized as “Mine Operator of the Year” in the State of New Mexico

Transportation Program Status

- Over 23,000 emergency responders trained.
- Shipments tracked with TRANSCOM
- Two transportation carrier contractors with dedicated fleet
 - Tri-State Motor Transport
 - CAST Transportation, Inc.
- Shipping Container Fleet
 - 81 TRUPACT-IIs
 - 15 HalfPACTs
 - 12 RH-72B Casks
 - 1 CNS10-160B Cask
- TRUPACT-III
 - Application submitted to NRC by Packaging Technology, Inc. (PacTec) of Tacoma, Washington, on March 15, 2004.
 - Eliminate repackaging of large waste boxes and avoids unnecessary radiation exposure to workers
 - Reduce the overall number of shipments to WIPP by approximately 2,900.
 - NRC approval is expected to take approximately one year.
 - Additional approvals needed from NMED and EPA for large boxes.

Conclusion

- Excellent progress on moving waste to WIPP for disposal, focusing on both large and small sites
- Aggressive goals are in place to accelerate cleanup and closure of EM sites
- Significant efforts to obtain approvals for changes to site characterization requirements and transportation packaging to make the system more efficient and less costly
- Need continued Advisory Board support to meet EM’s accelerate cleanup and risk reduction goals