

Site Specific Advisory Board Chairs Meeting

Marriott Courtyard Hotel, Paducah, Kentucky

September 26–27, 2003

MEETING SUMMARY

The Environmental Management (EM) Site Specific Advisory Board (SSAB) Chairs met on Friday and Saturday, September 26 and 27, 2003, at the Marriott Courtyard Hotel in Paducah, Kentucky. The meeting was hosted by the Paducah Citizens Advisory Board (CAB). Meeting participants included Chairs, Vice Chairs, Co-Chairs, and other SSAB members, and DOE-Headquarters (DOE-HQ) and field staff. Other attendees included site coordinators, SSAB administrators, facilitators, and support staff. The meeting was facilitated by Steve Kay, facilitator for the Paducah CAB, with assistance from Doug Sarno and Mike Schoener, facilitators for the Fernald and Savannah River Site (SRS) CABs, respectively. 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.

(Note: Some of the meeting attendees participated in a tour of the Paducah Gaseous Diffusion Plant and a reception at the Yeiser Arts Center on September 25, 2003. The tour and reception are not addressed in this document.)

Topics for discussion at the meeting were selected based on the results of discussions by the SSAB Chairs and DOE-HQ representatives. Discussion input was then used to develop round robin discussion topics, and a template was prepared as a guideline for each SSAB to use when developing its presentations.

Participants

- Fernald CAB: Lisa Crawford, Co-Chair; Pam Dunn, Member
- Hanford Advisory Board (HAB): Todd Martin, Chair
- Idaho National Engineering and Environmental Laboratory (INEEL) CAB: David Kipping, Member
- Community Advisory Board for the Nevada Test Site (NTS): Charles Phillips, Member
- Northern New Mexico (NNM) CAB: James Brannon, Chair; Katherine Guidry, Vice Chair
- Oak Ridge SSAB: Dave Mosby, Chair; Norman Mulvenon, Vice Chair
- Paducah CAB: Bill Tanner, Chair; Linda Long, Vice Chair
- Rocky Flats CAB: Victor Holm, Chair
- SRS CAB: Wade Waters, Chair; Jean Mestres Sulc, Vice Chair
- DOE-HQ: Sandra Waisley, Designated Federal Officer, Office of Intergovernmental and Public Accountability; Betty Nolan, Office of the Assistant Secretary, Congressional and Intergovernmental Affairs.

Friday, September 26, 2003

The meeting opened with welcoming statements by Bill Tanner, Chair of the Paducah CAB, and Bill Paxton, Mayor of Paducah, Kentucky, followed by introductions and a review of the agenda by Steve Kay.

Meeting Expectations

Steve Kay asked each participant to state their expectations for this meeting.

Wade Waters: The end state vision varies by site, so we should pay more attention to it, as well as the future of SSABs. We need to come to an understanding of things that are of mutual importance.

Victor Holm: DOE is sending mixed signals on public involvement, so the boards need clarification of their role.

Bill Tanner: The boards need an opportunity to clear the air and discuss common opportunities to reach the same type of goals regarding cleanup rather than spending time on administrative matters.

Dave Mosby: It's important to be aware of issues at each site and common goals.

Katherine Guidry - Understanding common goals is important, as is holding meaningful dialog.

Jim Brannon: We need common terms of agreement on CAB support and measures of effectiveness.

Charles Phillips: We need to develop transparent relationships with DOE.

David Kipping: The end state vision is key to INEEL. We also need to discuss the value of intersite meetings.

Todd Martin: A better understanding of DOE administrative expectations is needed. More decisions that affect CABs are being made at DOE-HQ, so we should hold our next meeting there.

Lisa Crawford: My question is: what has DOE done to help us lately?

Sandra Waisley: I need to understand what the boards are about, their contributions, and their effectiveness over the past nine years. Follow-up on what happens to CAB recommendations is key but has not been done at DOE-HQ. The Federal Advisory Committee Act (FACA) says that DOE should communicate to CABs how their recommendations have been implemented and seek continual input from the CABs on their effectiveness.

Betty Nolan: I hope to discuss the future of the boards and how they have evolved to meet their mission over the years.

Roundtable Presentations on Board Contributions

A participant from each SSAB was allowed five minutes to describe their board's contribution to their DOE site, focusing on direct effect on cleanup projects, recommendations to DOE, and overall value. A copy of all roundtable presentations is included as Attachment 3.

Fernald

Lisa Crawford presented four examples of the Fernald CAB's contributions to the Fernald site:

- Recommendation to take a balanced approach and to accelerate cleanup
- Recommendation to promote use of rail and inter-modal methods for waste transportation
- Recommendation to appoint and use an independent review team for the silos project
- Calls for robust stewardship, record-keeping, and a future vision for the site

Hanford

Todd Martin presented an example of the HAB's contributions to the Hanford site. Each year DOE sends the HAB a list of topics they would like the board to work on. Mr. Martin amends this list during the year as topics are addressed by the board. This year, all recommendations focused on accelerated cleanup. In addition, the HAB gave DOE guidance on what public involvement products it should produce. An important aspect of the HAB's value is to coordinate public involvement so that DOE doesn't have to engage a wider community.

INEEL

David Kipping presented four examples of the INEEL CAB's contributions to the INEEL site:

- Recommendation addressing deactivation, decommissioning, and dismantlement of the CPP-603 Basin Project
- Letter comparing alternative technologies to incineration according to criteria developed to represent likely public concerns
- Recommendation addressing disposition of the V-Tank contents
- Letter addressing the public involvement plan to support the sodium-bearing waste technology selection process

NTS

Charles Phillips presented three examples of the NTS CAB's contributions to the NTS site:

- Underground Test Area peer review
- Support for waste management activities
- Annual budget prioritization

NNM

Jim Brannon presented four examples of the NNM CAB's contributions to Los Alamos National Laboratory (LANL):

- Negotiation/facilitation of a common-sense cleanup standard between DOE/LANL/New Mexico Environmental Department for the Acid Canyon cleanup
- Evaluation of contaminants at potential release sites
- Recommendation to test the feasibility of using seismic studies to position test wells
- Recommendation to include ecological risk evaluations in all Resource Conservation and Recovery Act facility investigations, feasibility studies, and corrective measures study cleanup documents

In addition to these examples, Mr. Brannon said that the value of NNM CAB can also be assessed in terms of the members' time spent on evaluating DOE cleanup activities. He estimates the value of the CAB members' time at \$350,000. The total value of the free public involvement that DOE gets through the SSABs nationwide is incalculable. One important example of the NNM CAB's public involvement value that the LANL ER Program is finally publishing its first public involvement plan (PIP) because the CAB kept insisting on it.

Oak Ridge

Dave Mosby presented four examples of Oak Ridge SSAB contributions to the Oak Ridge site:

- Recommendation concerning the onsite Comprehensive Environmental Response, Conservation, and Liability Act (CERCLA) Waste Management Facility
- Oak Ridge SSAB Stewardship Committee input to the DOE Remediation Effectiveness Report
- Evaluation of the closure of the Oak Ridge Toxic Substances Control Act Incinerator
- Publication of the Oak Ridge SSAB Educational Resource Guide

Paducah

Before discussing the Paducah CAB's contributions, Bill Tanner presented an overview of Paducah CAB concerns about public involvement at Paducah:

- In the last 18 months, the CAB has only been allowed to discuss four projects with DOE
- The Accelerated Cleanup Plan has been held up in negotiations until last month
- The Site Management Plan is in dispute
- Recommendations have not been answered because of the ongoing negotiations
- CAB requests for information have been denied
- DOE personnel were at one point not allowed to attend CAB task force meetings

Mr. Tanner then presented three examples of the Paducah CAB's contributions to the Paducah site:

- Selection of Site 3A seismic study for the CERCLA onsite disposal facility
- Proposed landowner compensation due to offsite groundwater contamination
- Document review comments and recommendations

Rocky Flats

Victor Holm presented five examples of the Rocky Flats CAB's contributions to the Rocky Flats site:

- Community involvement in Rocky Flats cleanup plans
- Funding and priorities for cleanup at Rocky Flats
- Independent review of soil action levels
- Independent review of environmental monitoring
- Comments and recommendations related to actinide migration evaluation

SRS

Wade Waters presented four examples of the SRS CAB's contributions to the SRS site:

- Industrial/residential land use guidelines for CERCLA near-term decisions
- Groundwater cleanup
- Transuranic waste program
- Spent nuclear fuel public education

In addition to these examples, Mr. Waters said that the SRS CAB's Waste Management Committee had recommended that DOE accelerate characterization of transuranic waste shipments to the Waste Isolation Pilot Plant (WIPP) by eliminating headspace sampling, using visual examination as a control check, and implementing other cost-saving measures. He subsequently received a call from Senator Pete Domenici, who had introduced a bill in the Senate to accomplish what the CAB had recommended. Implementing these measures should save many hundreds of thousands of dollars and reduce risk to site workers.

Roundtable Presentations on Assessment of EM SSAB Chairs Meeting

The Chairs from each site were allowed five minutes each to describe their perception of the value of the SSAB Chairs Meetings.

Fernald

Lisa Crawford said that the meetings provide:

- A forum to share ideas and concerns among sites
- A forum to learn about and ask questions about policy direction at DOE
- An ongoing connection among boards
- A forum to identify and work on common issues

Ms. Crawford said that the meetings also allowed various SSABs to assume leadership roles on the issues that were most important to their sites while recognizing that other issues were being addressed by other boards.

Hanford

Todd Martin presented a pictorial expression (no handout was available) of how cleanup has morphed from what Hanford citizens initially expected to something that he termed "unrecognizable today because of the wicked witch of time and change." This is frustrating to the CAB because changes are being made that the board has no influence over. An important aspect of the Chairs Meetings, then, is to bring the boards together to discuss these changes.

INEEL

David Kipping said that the INEEL CAB perceives the purpose of the meetings to be the opportunity for the Chairs to share challenges, successes, and lessons learned. Meetings since 2000 have been the most useful because the Chairs assumed responsibility for agenda setting, and meeting facilitation by professionals became the norm.

NTS

Charles Phillips said that the meetings provide an opportunity for board representatives to exchange information, learn about issues around the complex, understand the connection between sites, and share information with DOE-HQ representatives. Initial meetings were helpful to provide basic understanding of other sites, but as the EM program and the board have matured, the meetings have become repetitive and less helpful to the NTS CAB. One issue that has come from the meetings is that a disparity exists in how the SSABs are funded.

NNM

Jim Brannon said that the meetings allowed the Chairs to:

- Gather first-hand feedback from DOE-HQ and information on lessons learned at other sites
- Foster mutual support and improved relations among the SSABs
- Provide training opportunities and a "big picture" view of national issues
- Allow an opportunity for the host SSAB to showcase its site
- Provide common focus and consensus-driven opportunities to deal with crosscutting national issues
- Demonstrate a real, national-level commitment to public involvement
- Give Jessie Roberson two chances each year to see the leadership of the people working for her

Oak Ridge

Norman Mulvenon said (no overhead was available) that public involvement is important, but the SSABs are feeling that their value has slipped away recently. The Chairs Meetings allow boards to share some of the things that are happening at the sites in regard to public involvement.

Paducah

Linda Long said that sharing information and experiences (which are diverse across the DOE complex) provides an opportunity to learn from other CABs how they're handling their problems.

Rocky Flats

Victor Holm said that the Rocky Flats Site Manager had recently informed the CAB that cuts in the site budget should be mirrored in the CAB's funding. This seemed to be true across the DOE complex. The Chairs Meetings, then, provide the SSABs with an opportunity to learn about similar experiences at other sites and allow the SSABs to join together to become a powerful voice.

SRS

Wade Waters said that he liked to meet with the other CABs because everyone is passionate about the cleanup mission. That passion has been translated into a desire to learn and take back information to the individual boards. The SSABs were formed in the first place because DOE had a very bad reputation; the boards helped change that. The Chairs Meetings help the SSABs do DOE's job better.

Chairs Summary of Self-Assessment at Local and National Level

Lisa Crawford estimated that the SSABs have saved DOE close to \$3 billion. That says a lot about the value of the boards and argues against cuts in SSAB budgets at a time that's crucial in the cleanup program.

Jean Sulc said that the future of the SSABs will be difficult to assess until the fractured steps on the way to the future are cemented. Until DOE resolves its mixed signals to the SSABs, the future will be unclear. Technical alternatives offered by the CABs have been a great value to DOE.

Victor Holm said that the CABs act as a focus for input and that the public trusts the CABs to watch out for the public's interests. It's important for the boards to save money for DOE, but that's not their primary goal, so they shouldn't be judged on that criterion.

Jim Brannon said that the boards supply a forum for open discussion. What kind of progress would DOE have made if the SSABs weren't here? Low attendance at public meetings can be a testament to the trust the public has that the CABs are watching out for the public's interests. The CABs, as institutions, provide DOE credibility. The continued building of a good rapport with the community is crucial.

Charles Phillips said that the NTS CAB has an excellent relationship with the community, and this seems to be missing from some boards.

Norman Mulvenon said that dialog with DOE is affected by demographics at the site. Getting the public to meetings is difficult, but the SSAB's contributions are important. Stewardship is a key topic right now, and the boards must stand firm in pushing the issue with DOE.

David Kipping said that the emphasis on CABs saving DOE money is not what the CABs were set up for. DOE spends billions per year on contractors to make decisions; it's naïve to think that CAB members can outguess DOE on a technical basis. The purpose of the CABs is to foster public participation; the boards should keep track of that goal rather than getting sidetracked by how to save DOE money.

Todd Martin said that measuring effectiveness implies knowledge of expectations. The HAB knows what DOE's and the other agencies' expectations are, and it manages its activities directly to them. This solves two problems: (1) drifting without focus and (2) not giving agencies what they want. Each year the HAB manages to expectations, and where the board seems most useful to the agencies is through dialog; the HAB has never been asked for dollar savings. It's fine, then, for DOE to ask for effectiveness, but the results should be gauged on well-communicated expectations. In 1994 the HAB made a recommendation that a specific facility not be built, which saved DOE money. DOE, however, responded that this was not the type of recommendation it wished to receive from the HAB. It preferred that the board focus on high-level policy, not the specifics of saving money.

Jim Brannon said that the CABs need information from DOE on what current expectations are, why they have been established, and how they will affect the boards.

Wade Waters said that each site is unique, and each CAB is organized and functions uniquely but with the same goals. The problems the boards are having seem to stem from DOE not recognizing those site differences.

Potential Criteria for SSAB Evaluation

Steve Kay led discussion on determining appropriate criteria for measuring the extent of SSAB effectiveness.

Dave Mosby said that looking at the EM SSAB mission statement should guide board actions. Providing informed advice to DOE EM is the main mission.

Lisa Crawford said that consensus or agreement much be reached on all advice to DOE.

Sandra Waisley said that she wanted to know about each board's structure, results of recommendations, and general level of public involvement. To that end, she is compiling a briefing book of information about the SSABs. Jim Brannon asked Ms. Waisley for a copy of the book to preview before its publication. Ms. Waisley offered to supply it. Norman Mulvenon said it was a "disconnect" that DOE was pulling together this notebook, but did not tell the boards. Ms. Waisley explained that it was being compiled simply for her information.

Betty Nolan said that the value of the boards to DOE is best expressed at the site level because that is where the managers are making decisions and where authority and responsibility lie. Rather than thinking of the SSABs as a national group, it might be better to think of ways for the SSAB to work within existing structures, such as the EM Advisory Board. Todd Martin said that the HAB's perception is that authority is being pulled back from the field offices to DOE-HQ, so finding ways to provide input on DOE-HQ decision-making is important.

Sandra Waisley said that DOE is preparing to hold a pilot combined group meeting with intergovernmental groups. Included will be the State and Tribal Government Working Group, the National Association of Attorney Generals, the Environmental Council of States, and others.

FY 2004 EM Budget

Sandra Waisley prefaced her presentation on the budget by announcing that the ten EM long-range corporate project team reports will be ready soon. She will inform the boards when the reports are available. They will probably be published on the EM web site. Betty Nolan added that teams will report verbally to Jessie Roberson on September 30. Published reports will be issued sometime after that.

Ms. Waisley provided an overview of the FY 2004 budget (Attachment 4), which is the first that fully reflects EM's Accelerated Cleanup Program vision. The FY 2004 request is \$7.2 billion, which is about five percent higher than FY 2003. The budget reflects

DOE's desire to reduce cleanup program costs by \$50 billion over the life of the program and accelerate the cleanup timeframe from 2070 to 2035. The budget shows a huge decrease in technology development and deployment and a substantial increase in safeguards and security. The structure of the budget places appropriations into two categories: defense and non-defense. In addition, this is the first time the sixteen new DOE corporate performance measures are reflected in the budget documents. Project baseline summaries have been reduced from over 340 to 164 in a effort to streamline the budget structure.

Katherine Guidry asked for a copy of Ms. Waisley's introductory overheads and the new EM organization chart, which were not included in the published presentation. Ms. Waisley supplied them in the meeting.

Pam Dunn asked Ms. Waisley if a crosswalk between the FY 2003 and 2004 budgets existed. Ms. Waisley replied that a crosswalk is supplied to Congress, and she offered to supply it to the boards.

Dave Mosby asked if there is a way to track the totality of EM funding through its various congressional sources. David Geiser volunteered that all EM activities are included in the figures presented except for the Office of Legacy Management. This is because of a late decision to fund the office in FY 2004 rather than in FY 2005, as originally planned. When the Secretary of Energy made the decision to fund the office in FY 2004 it was already in the FY 2005 request. The funding is therefore showing up differently in the Senate and House budgets because of this anomaly.

Guidance for Site Development of End-State Vision Documents and EM Corporate Strategy

David Geiser, DOE-HQ Office of Long-Term Stewardship, presented an overview of the end-state vision documents and the EM Corporate Strategy (Attachment 5). The Corporate Strategy is now called the DOE Policy 455.1, "Risk-Based End State Implementation Plan." Jessie Roberson established the project out of a desire to raise the level of understanding of the end-state vision for EM sites. The draft implementation plan was issued for comment in August, and fifty pages of comments were received. The plan is now being revised and will be presented to Jessie Roberson on September 30. Guidance on implementing the plan went through several iterations and was approved by Ms. Roberson on September 22. Drafts of site end states are due on October 31; finals are due by January 30, 2004. Variance reports will be attached to the end-state vision documents to show the difference between the current vision of a site's cleanup plan and the proposed end state.

Jim Brannon asked if LANL had completed its end-state vision document. Mr. Geiser replied that it had not.

David Kipping asked if the variance report will be included in end-state guidance. Mr. Geiser replied that it will be an attachment.

Todd Martin asked what will happen if data gaps in the current cleanup approach prevent a site from determining an end state. Mr. Geiser said that defining a good end-state picture may be an iterative process. Some sites' end-state visions will be less well focused than others. Mr. Martin asked what will happen if records of decision do not match up with scenarios: will DOE-HQ really take reality into account? Mr. Geiser replied that this will be addressed in the variance reports.

Norman Mulvenon wondered if a site would be required to redo an end state vision if it had already prepared one in the past. Mr. Geiser replied that Ms. Roberson had made a site-by-site evaluation of which sites would be required to do or redo the visions.

Jean Sulc asked if sites will be required to renegotiate the Performance Management Plans, and she asked Mr. Geiser to explain the process for changing a plan. Mr. Geiser replied that eight to ten factors will determine action on changing Performance Management Plans. These include the type of contract, size, duration, penalties, regulatory constraints, etc.

Pam Dunn asked when Mr. Geiser will transition to the Office of Legacy Management. Mr. Geiser said that he will move October 1, so responsibility for the end-state vision project will be assumed by someone else.

Ms. Dunn asked if there is any sort of transition plan for sites that will soon fall under Office of Legacy Management purview. Mr. Geiser said he will lead the effort responsible for transitioning sites.

David Kipping asked how DOE will resolve court orders related to some sites' cleanup plans. Mr. Geiser said that DOE will comply with the law unless some legal relief is applied.

Response to Recent EM SSAB Recommendations

Sandra Waisley noted that DOE responses to EM SSAB recommendations on disposition planning and transuranic waste were distributed in the meeting packet.

Norman Mulvenon remarked that the Oak Ridge SSAB had not received a response to the SSABs' October 16, 2002, letter to Jessie Roberson inquiring how the SSABs can help address common, complex-wide issues. Ms. Waisley was certain that a response had been transmitted to the boards, and she offered to supply details.

Public Comment Period

Ruby English of Paducah, Kentucky, explained that as a neighbor of DOE's Paducah Gaseous Diffusion Plant her home is downwind of the plant and directly over the contaminant plume that has migrated offsite. Many cancers, tumors, and other diseases are showing up in her area. Ms. English said that DOE credibility in her neighborhood is zero. Credibility was high in the past, but then the public learned about contaminants

emanating from the site. Ms. English said that the Paducah CAB has made a good effort, but their hands are tied by DOE.

Vicky Jurka, a resident of Golconda, Illinois, challenged the SSABs to:

- Determine the root causes of disinterest and find remedies for it
- Access and review innovative technologies for remediation rather than disposal
- Acquire documents to determine background radiation at the individual DOE site for cross-site comparison
- Share on a regular basis the positive and negative aspects of cleanup activities
- Discuss documents pertaining to the foundation of SSABs
- Cultivate associations with technical experts to help educate CAB members on EM issues
- Encourage the Environmental Working Group to establish a web site
- Figure costs of contamination-related illnesses to individual members of the community when figuring remediation costs
- Ask for a CAB seat in tri-party conferences and adequate information to participate in the process
- Motivate inactive CAB members to become more engaged

Norman Mulvenon read a statement on behalf of Luther Gibson, a former Oak Ridge SSAB Chair (Attachment 6). Mr. Gibson expressed disappointment that so much of this Chairs Meeting agenda was focused on assessment of the SSABs' value, rather than substantive cleanup issues. He urged the group to persist in seeking information needed to provide informed advice to DOE and not allow "anyone not convinced of your value to cause you yourself to doubt the value of what you're doing."

Bob Tabor, a Fernald CAB member, asked the group to take a careful look at common issues so as to remind everyone that there is strength in numbers. He proposed that the SSABs think about ways to leave a legacy at their site for the public, such as an educational center or museum.

Friday Wrap-Up

Jim Brannon said that it is irresponsible of DOE to attempt to set up the boards as non-profit organizations, requiring them to compete with other organizations in order to do DOE's business. He asked Victor Holm to explain how the Rocky Flats CAB operates as a non-profit organization. Mr. Holm explained that their board has to make all business decisions related to operating the board and that their budget was cut this year, requiring them to spend twenty percent of their time on administrative work, rather than reviewing DOE cleanup activities. The board just signed a two-year office lease that they will now have to walk away from. They are also looking at having to raise employees' insurance premiums.

Bill Tanner, Charles Phillips, David Kipping, and Linda Long spoke against the use of board members' time for administrative functions when they should be focusing on cleanup.

Wade Waters said that his (and an attorney friend of his) interpretation of FACA is that DOE cannot require any board to become a non-profit organization.

Jim Brannon said that the NNM CAB had helped DOE engage an 8-A company to provide technical assistance to the CAB. This arrangement helps DOE meet its need to hire more 8-A companies. Mr. Brannon offered to supply guidance to other SSABs that wish to pursue this mechanism for procuring assistance. His CAB, however, does not have funding to give its employees raises. In response, Sandra Waisley said that the CAB's Deputy Designated Federal Officer (DDFO) had told her funding for the board was adequate. She added that DOE does not intend to increase funding for any board unless justification is provided.

Pam Dunn expressed concern about the thirty-five percent cut this year and fifty percent cut proposed next year in the Fernald CAB's funding. She asked how DOE intends to provide for public participation with such little funding. Ms. Waisley replied that all programs have been asked to examine funding and cut budgets where possible. Funding requests come from the site offices; DOE-HQ does not set CAB budgets. Gary Stegner, Fernald CAB DDFO, remarked that he believes that funding for the CAB, because it is at a closure site, should be consistent with other closure sites (i.e., Rocky Flats).

Todd Martin asked Ms. Waisley to give her opinion on changing the boards' funding to require that they incorporate as non-profit organizations. Ms. Waisley replied that DOE cannot force boards to incorporate, but Jessie Roberson wants board relationships with prime contractors to end so that the boards have a more direct relationship with DOE, not the cleanup contractor. The preferred method will be to have the federal coordinator administer the board, with facilitator and administrative staff hired through a DOE-direct contract. Implementation of this plan will be a two-step process. Boards will be given an interim period of a year to change their support from the prime contractor (if applicable) to a small business or DOE related contract. Additional guidance on this topic is in development and will be issued to the boards soon. Ms. Waisley and Roger Butler will call all the DDFOs together to discuss the guidance in the near future.

Betty Nolan assured the group that public involvement will continue in the future on EM program issues. Sandra Waisley agreed with Ms. Nolan and pledged EM support for the boards.

Jim Brannon said that justifying CAB costs site by site wasn't workable because costs (rent, for example) differ widely, especially in an expensive market like Santa Fe.

David Kipping said the INEEL CAB has an independent contractor that provides facilitation and support. He does not think a federal employee should administrate CABs.

Dave Mosby asked the group to take special note of the two main points made by Ms. Waisley: (1) the SSABs will not be forced to become nonprofit organizations and (2) DOE-HQ expects to implement a two-step process to move all SSABs toward a structure where federal coordinators manage the SSABs with support from DOE-direct contractors.

Saturday, September 27, 2003

Assessment of Workshops

Doug Sarno led discussion evaluating the intended purpose, intended audience, and actual value of the various EM SSAB workshops that had been held around the DOE complex since 1998.

Jean Sulc discussed the groundwater workshop hosted by the SRS CAB in January 2002. The intended purpose was to improve stakeholder understanding of groundwater cleanup and technology issues, foster dialog among SSABs about common groundwater issues and concerns, and provide joint recommendations toward resolution of those concerns. To SRS, the value of the workshop was increased stakeholder awareness, consolidated stakeholder concerns, and improved SSAB recommendations on groundwater that considered complex-wide issues. Bill Tanner expressed disappointment that DOE site representatives did not seem to focus on inter-site exchange of technology information. Others said that an important aspect of the workshop was the working relationships that were formed during the meeting.

Dave Mosby discussed the stewardship workshop hosted by the Oak Ridge SSAB in October 1999. The purpose was to begin a dialog among the SSABs, DOE, and state and federal regulators on long-term stewardship issues. Norman Mulvenon stressed that changes to decision documents at the federal level were implemented following the workshop. A lack of progress recently on stewardship issues, however, has led the Oak Ridge SSAB to write a follow-up letter to DOE expressing the board's concerns. Victor Holm and Bill Tanner said that their CABs had formed stewardship committees following the workshop. Jim Brannon said that DOE had made progress at the federal level following the second SSAB workshop on stewardship. Jean Sulc noted that SRS had recently published a document called *Remediation to Stewardship—Accelerated Strategic Plan for Accelerated Closure of SRS Inactive Waste Units*. Lisa Crawford asked Ms. Sulc for a copy.

Victor Holm discussed the second stewardship workshop hosted by the Rocky Flats CAB in October 2000. The purpose of the workshop was to report back to DOE-HQ on the "Next Steps for Stewardship" that were developed at the first stewardship workshop, discuss DOE's response to the Next Steps, review current events regarding stewardship, and develop recommendations on five key areas of stewardship. David Kipping said that his CAB had made recommendations to INEEL following the workshop, and the recommendations were given more value because they were based on work done by the SSABs at the two stewardship workshops. Todd Martin said that the workshops

empowered DOE-HQ personnel working on stewardship to use the weight of public input to press the stewardship agenda.

Charles Phillips discussed the low-level waste workshop hosted by the NTS CAB in August 1998. The purpose of the workshop was to enhance communication, exchange information, and promote discussion among the SSABs regarding disposition of low-level waste. Lisa Crawford said that it was valuable for CABs to understand how wastes are dispositioned around the complex. It was enlightening to see firsthand how potentially dangerous it could be to ship wastes across the Hoover Dam. Norman Mulvenon said that equity discussions among CABs were an important aspect of SSAB workshops.

Jim Brannon discussed the transuranic waste workshop hosted by the NNM CAB in January 2003. The purpose of the workshop was to educate SSABs across the system about the complexities regarding the regulatory environment at WIPP. The workshop audience was SSABs, regulators, and WIPP staff. The value of the workshop, according to Mr. Brannon, was the recommendations that came out of the workshop plus the Congressional action that has followed the workshop geared toward easing the regulatory logjam that has limited WIPP disposals. David Kipping remarked that his board learned about shipments to INEEL that were previously unknown to the CAB. Several others noted that interdependencies between the sites were made more apparent through this and other workshops.

Lisa Crawford discussed the transportation workshop hosted by the Fernald CAB in May 2003. The purpose of the workshop was to provide an overall understanding of radioactive waste transportation processes and issues, share site-specific transportation issues and concerns, and identify common concerns and information needs.

Next SSAB Chairs Meeting/Workshop

Doug Sarno led discussion of the next SSAB Chairs Meeting and workshop.

Dave Mosby said that the SSABs should continue to sponsor workshops. Linda Long suggested that Chairs Meetings be held on one day, followed by a workshop on the next. David Kipping said that social interaction between Chairs is important for fostering dialog on inter-site concerns. Charles Phillips said that his CAB would prefer one Chairs Meeting per year, with a workshop included in the event. Jim Brannon said the communication tool represented by the Chairs Meeting is too important to relegate to once a year. Also, a combined Chairs Meeting/workshop may be prohibitively time consuming and costly. Victor Holm said that DOE must pay the full cost of workshops. Jean Sulc spoke in support of twice-yearly Chairs Meetings, particularly for interaction with DOE-HQ. Meetings could be held every eight months instead of every six. Norman Mulvenon concurred with Ms. Sulc. Lisa Crawford said that holding two Chairs Meetings per year was her preference and that DOE should pay for workshops. Katherine Guidry said one per year was inadequate. David Kipping said his CAB had discussed holding Chairs Meetings with workshops and decided it was a bad idea, mostly because

participants for the workshops are often not interested in attending the Chairs Meeting and vice versa. Linda Long said that it was important to include CAB members in workshops, not just Chairs. Charles Phillips recommended using videoconferencing more; it allows all CAB members to participate. Jim Brannon said that holding a meeting only once a year would mean that local CAB members would only have a chance every nine years to attend a Chairs Meeting while it's being held at their site. Norman Mulvenon endorsed use of videoconferencing on the condition that DOE-HQ ensure the efficacy of the process. David Kipping said the cost of videoconferencing for his CAB may be significant, since members are spread out across Idaho.

Doug Sarno summarized discussion:

- Getting together is critical
- Once a year is not frequent enough, although every six months isn't crucial
- Moving around the complex is a good idea
- Extra funding for Chairs Meetings and workshops is needed

Sandra Waisley said that DOE is willing to provide extra funding to boards for Chairs Meetings and workshops but not travel.

Todd Martin recommended that another Chairs Meeting be held in six months. Norman Mulvenon and Lisa Crawford concurred. Ms. Crawford recommended it be held in Washington, D.C., at the DOE Forrestal Building. The group concurred, and April was agreed upon as the month for the meeting. Betty Nolan said that the meeting would have to be held on Thursday and Friday, rather than Friday and Saturday, because of security requirements and logistical restrictions. Mr. Martin said the HAB would sponsor the meeting if Washington didn't work for some reason.

Lisa Crawford recommended that the next SSAB workshop topic be legacy management/stewardship. Todd Martin suggested risk-based end states. Victor Holm and David Kipping agreed. Betty Nolan recommended that the next Chairs Meeting agenda focus on assessing the SSABs' role in risk-based end states; the outcome of the Chairs Meeting should then determine if and when a workshop will be held. The group agreed that the topic and timing of the next SSAB workshop would be determined at the next Chairs Meeting.

Lisa Crawford spoke in favor of including a discussion of stewardship at the next Chairs Meeting agenda. Jim Brannon and Pam Dunn recommended adding discussion of transitioning CABs to other public involvement structures at sites moving to the Office of Legacy Management. General agreement was reached on adding these topics for the next Chairs Meeting agenda, along with the main topic of risk-based end states.

Jim Brannon said that having watched Sandia National Laboratory dissolve its SSAB, he thinks DOE should look at its policies and procedures for transitioning CABs like Rocky Flats and Fernald so that plans will be put into place allowing the "applecart of public participation" to not be upset. Victor Holm said that the Rocky Flats site cleanup

documents have mostly been completed, and the remaining are pro forma. No records of decisions have been signed, however, so he does not see the work of the CAB declining. If the CAB goes out of business without some other public involvement vehicle in place, it will be a "free-for-all." Mr. Holm said that CAB funding through record of decision signing in 2006 should remain more stable— not decline dramatically as the site manager has proposed. Dave Mosby urged the group to consider writing a letter to DOE asking the agency to continue public involvement at closure sites through some mechanism. It was agreed that Oak Ridge, Fernald, and Rocky Flats boards will work on a letter, which will be issued to all Chairs for concurrence. Lisa Crawford said that the Fernald CAB has a letter that could be used as a template. Mr. Brannon closed discussion by saying that the National Nuclear Security Administration (NNSA) will need help understanding public involvement at sites which transfer to its purview as EM activities end. He suggested that this concept be included in the letter.

Public Comment Period

Jim Brannon spoke as a member of the public. He said that a lack of records at DOE-HQ establishing the value of the CABs may be the fault of the site offices and the fractured way they communicate with one another. Discussions about funding the SSABs undermine the public trust that DOE is meeting its obligations under FACA and EM SSAB guidelines. He cited as an example of DOE's continuing lack of public involvement, the seven years it has taken the University of California/LANL to publish a public involvement plan. He urged DOE to lay the groundwork for public acceptance by aggressively fixing administrative procedures at DOE-HQ; publishing and using an integrated public involvement plan that includes all sites, including NNSA and Office of Legacy Management; and publishing orders regarding how the boards interact with the site managers and DDFOs, and assisting those managers and DDFOs in understanding their expected responsibilities so as to provide a better model for working with the boards.

Closing Remarks

Bill Tanner thanked everyone for attending the meeting. He made a commitment to DOE to do what he can to express the Paducah CAB's value to DOE. He needs assistance from DOE, however, in demonstrating DOE's value to the community.

Members expressed appreciation to the Paducah CAB for hosting the meeting, and several remarked that they had found the meeting to be a valuable experience.