

Site Specific Advisory Board Chairs Meeting

October 7 – 8, 2004
Richland, WA

The Environmental Management (EM) Site Specific Advisory Board (SSAB) Chairs met October 7-8, 2004, at the Red Lion Hanford House Hotel in Richland, WA. The Hanford Advisory Board hosted the meeting. Meeting participants included Chairs, Vice Chairs, Co-Chairs, other SSAB members, DOE-Headquarters (DOE-HQ) and field staff, site coordinators, SSAB administrators, facilitators, and support staff. The meeting was facilitated by Penny Mabie and Lynn Lefkoff of EnviroIssues and Wendy Green Lowe of Jason Associates. A large majority of the meeting attendees also participated in a tour of the Hanford site on October 6.

Participants

- Fernald Citizens Advisory Board (CAB): Katie Brown, Graham Mitchell
- Hanford Advisory Board: Todd Martin; Shelley Cimon
- Idaho National Engineering and Environmental Laboratory (INEEL) CAB: David Kipping, Lawrence Knight
- Nevada Test Site (NTS) Community Advisory Board: Charles Phillips, John Pawlak
- Northern New Mexico Citizens Advisory Board (NNMCAB): Tim DeLong; Jim Brannon
- Oak Ridge Site Specific Advisory Board (SSAB): Kerry Trammell, Norman Mulvenon
- Paducah CAB: Bill Tanner, Doug Raper, Chad Kerley
- Rocky Flats CAB: Jerry Depoorter, Phil Tomlinson
- Savannah River Site (SRS) CAB: Jean Sulc, Mel Galin
- Department of Energy (DOE): Sandra Waisley; Jay Vivari
- Coordinators/Administrators/Support Staff: Erik Olds, Shannon Brennan, Carla Sanda, Ted Taylor, Menice Manzanares, Dave Adler, Pete Osborne, Dave Dollins, Kendra Payne, Ken Korkia, Karen Lutz, Gerri Fleming, Dawn Haygood, Stacey Howery

Top Three Issues for Each SSAB

Each board was given an opportunity to highlight current issues facing the boards and the sites.

Fernald

There are technical and semi-political issues affecting the site and site closure. The FCAB is focusing on issues they can impact.

- Maintaining public awareness after site closure – possibility of on-site educational facility.
- Public participation in post-closure site management – not just elected officials.
- Institutional controls and monitoring plan.
- FCAB final report.

Hanford

All of Hanford's key issues center around the Tri Party Agreement (TPA), the site's cleanup agreement.

- Strategic approaches to Central Plateau cleanup:
 - Canyon facilities
 - Buried waste – remove or cap?
- Final decision in the River Corridor - who should cleanup protect?
- Contracting impacts - TPA changes need to drive contract incentives.

INEEL

- End States – INEEL CAB conducted an independent effort to define guiding principles for determining end states.
- Tank closure – tank cleanup is underway and decisions are being made regarding final closure of the tanks; technology selection for liquid waste processing has begun.
- Buried waste – disposition of excavated waste and final end states of the burial grounds.

Nevada Test Site (NTS)

- Underground test area – concern that contamination will migrate to nearby offsite water sources.
- Transuranic waste shipments – DOE working to maintain initially approved shipping route, schedule and characterization vendors.
- RCRA Part B Permit – site applying to State of Nevada for permit to dispose of offsite-generated mixed low-level waste (MLLW).

Northern New Mexico

- Cleanup of legacy waste, New Mexico Environment Department (NMED) order on consent – reviewing all aspects and monitoring timely implementation of the Order.
- Groundwater / surface water issues – development and implementation of the Los Alamos National Lab (LANL) Hydrogeologic Work Plan.
- Related key issues
 - Material Disposal Areas (MDA) – following the MDA H pilot project through to the choice of a final remedy.
 - Long term environmental stewardship - LANL is preparing a site-specific plan.
 - Remedy selection / implementation / review – regarding sites proposed for no further action.
 - Budget tracking – on-going annual review of the budget with DOE.
 - Redefinition of radioactive waste – accurate definitions based on radioactivity versus source.
 - Risk-based end states.
 - Ready for Reuse/Environmental Covenants Bill – New Mexico State permitting process that allows waste sites slated for industrial use and located outside the laboratory boundaries to not be cleaned to residential standards.

Oak Ridge (OR)

- East Tennessee Technology Park Zone 2 Record of Decision (ROD) – area to be reindustrialized, but leaves a classified burial ground in place.
- Onsite waste transportation and safety – recent safety issues have arisen that are characteristic of the Board's concerns about accelerated cleanup.
- Stewardship – DOE will be using the Board's "Annotated Outline for a Long-Term Stewardship Implementation Plan."

Paducah

- Risk-based end states – concern that the RBES initiative will reduce the final level of cleanup.
- Transportation of waste / waste disposition – suspended shipments are having impacts on waste disposition projects across the site; shipments will not resume until corrective actions are complete.
- Recent accomplishments
 - Began construction of Depleted Uranium Hexafluoride Conversion Facility;
 - Completed restoration of Sections 1 and 2 of the North-South Diversion Ditch;
 - Completed shipments of HF tanks to NTS and fluorine cells to ToxCo;
 - Working on ROD to address groundwater issues at the C-400 building.

Rocky Flats

- Board funding – concern that 2005 DOE funding is insufficient to keep the Board operational for the entire year.
- Public involvement during and after Rocky Flats transition to Legacy Management – important for DOE to support a broadly represented stakeholder group post-closure.

- Independent validation and verification of Rocky Flats cleanup – DOE is proposing to use the Oak Ridge Institute for Science and Education to conduct the independent validation. The Board would like to see the public involved in the validation and verification process.

Savannah River Site

- High level waste program – if the amendment to the national Defense Authorization Act for FY 2005 is approved, tank closure activities can resume and will support sludge vitrification at DWPF.
- Plutonium disposition strategy – documented disposal option with a definite timeline and that this is available and communicated clearly to the public.
- Deactivation and decommissioning – D&D activities should focus on risk reduction rather than on reducing site “footprint.”

The chairs also discussed a recent sodium fire at Oak Ridge and the Type B investigation into the incident. Sandra Waisley explained that this incident is of great concern to DOE because of the safety performance of sub-contractors who are not well-versed in safety practices. People on the tour were impressed by what they heard about safety at Hanford; it was suggested that all the sites should learn about best practices conducted at EM complex sites.

It was suggested that the CABs undergoing transition to Legacy Management provide documentation on how to bring the public into decisionmaking. The Chairs again expressed concern that when DOE-EM transfers the sites, the future of the CABs will be uncertain.

Site Specific Advisory Boards’ Organizational Challenges

Participants were asked to discuss the most pressing internal and organizational issues facing their boards.

Fernald

- Funding issues and illness are taking their toll on the Board.
- May invite ex-officio members to help with the transition to Legacy Management.
- The board is committed to staying focused on what they can affect and to keep communication within the Board open and productive.

Hanford

- Recent issues regarding DOE and facilitator support have been ironed out.
- Richland administration office encouraging board independence.
- Moving more consideration and deliberation into Board meetings to stir up complacent members.
- Looking to reduce requirements on leadership and increase participation in leadership.
- Utilizing Committee of the Whole more frequently to get a broader perspective and greater focus on specific issues.

INEEL

- Currently receiving good feedback from DOE, but have problems with lead time and approval times from headquarters.
- Some concern regarding DOE’s policy on public involvement.

Nevada Test Site

- Funding Concerns:
 - Decreases in funding have necessitated many changes for the Board, including a reduction in the number of meetings and board members as well as eliminating the Board’s facilitator.
 - Some changes were positive, helping the board focus more on the stakeholder level.
 - Further budget cuts will hamper the Board’s ability to provide feedback and stakeholder involvement
- Possible transfer to the National Nuclear Security Administration (NNSA).

Northern New Mexico

- Possible move to NNSA:
 - The Board is chartered through EM. There is concern for the future of the Board.
 - Recommendations have been made to NNSA to keep the Board for public involvement purposes.

Oak Ridge

- Transition to 8(a) support:
 - Increased Board expenses by 30%, preventing the Board from being able to use a facilitator and from serving the community as effectively as in the past.
 - Necessitated formation of Finance Committee, reducing time spent on review of cleanup activities.
 - Created a gap between Board and prime contractor causing inefficiency in board operations.
- Delays in getting new Board member approved by DOE headquarters.

Paducah

- New bylaws and operating procedures
 - Chair and new chair-elect positions to give a sense of continuity
 - Attendance in jeopardy on sub-committee meetings
- Shift to 8(a) support.
- Signed Ed Holmes on September 30th.
- Requested continuity with the current support staff, but that is still pending.

Rocky Flats

- Reduction in funding placing serious constraints on board functions:
 - Funding will not keep the Board operational through the end of 2005.
 - Board office moved to DOE property where it cannot be accessed in the evening.
 - Staff reductions make it difficult for staff to attend all meetings.
 - Insufficient funds to do desired independent technical reviews.

Savannah River

No current challenges. The prime contractor's contract will expire in 2006, so the current structure will stay in place. Time will be set-aside in 2005 to look at administration issues.

Sandra mentioned that, for the sites in transition to Legacy Management, the SSABs need to provide success stories that can make the case for continuing the Boards. The Legacy Management staff need to be shown why and how the Boards are of value. Jim Brannon added that finding ways to demonstrate that value publicly, so that people in the community can see it as well, will be very important.

The Federal Coordinators at the meeting were asked if they would like to identify any organizational challenges they are facing. Shannon Brennan mentioned that accelerated cleanup poses a unique challenge: if there is fast decision making taking place, it may not coincide with Board meetings, so DOE and stakeholders may not be in sync with each other as all try to achieve common objectives. All of the chairs praised their coordinators and support staff and acknowledged the myriad contributions they make to the Boards' successes.

Hanford's Role in the DOE Complex and How Stakeholders Influence that Role

Todd Martin, Hanford Advisory Board (HAB) Chair, presented information illustrating Hanford's role in the DOE complex as evidenced by Hanford's anticipated waste import, export and storage volumes. The HAB has developed principles on waste importation at Hanford. The HAB's concerns with waste importation include DOE's assumptions about waste's ultimate disposition, and current and future legal challenges. The Board is also concerned that some cleanup activities currently happening at Hanford are not covered in the TPA.

Todd said it is unclear what would happen if the Initiative 297 passes and survives the inevitable legal challenges. The HAB has not taken a position on the initiative because, as an advisory board, the HAB is not allowed to lobby. In addition, there is no consensus on the Board about the initiative. I-297, among other things, adds new provisions concerning mixed radioactive and non-radioactive waste, requires clean up before additional waste is added, and provides for public participation and enforcement through citizen suits. Many of the participants expressed concern about the potential impact of Initiative 297 on other sites around the DOE complex.

Current Developments Related to Interdependencies Among DOE Sites for Waste Disposition

Sites were asked to provide input as to what cleanup activities at their site rely on other sites for completion.

Fernald

- Silos material
- Mixed liquid wastes
- Low-level waste

Hanford

- Solid Waste EIS Record of Decision: LLW, MLLW and TRU waste shipments to Hanford
- TRU waste in Hanford's High Level waste tanks
- Orphan waste streams

INEEL

- Fast Flux Test Facility (FFTF) waste from Hanford to INEEL
- Waste from INEEL to Hanford and Nevada Test Site
- High-level waste from INEEL to Yucca Mountain
- Transuranic waste from INEEL to WIPP

Nevada Test Site

- Increased inbound shipments could impact other site's cleanup and closure
- Increased inbound shipments would likely result in tremendous stakeholder concerns

Northern New Mexico

- Transuranic Waste – competing with other sites for transporting waste
- Mixed low-level waste – need approval to utilize mixed waste trenches at Hanford
- Low-level waste – disposal areas need to be expanded

Oak Ridge

- Depleted UF₆ cylinder disposition
- Transuranic waste going to WIPP
- Transuranic waste from Paducah for treatment
- Commercial processing of DOE waste streams on the Oak Ridge Reservation

Paducah

- Outgoing shipments to
 - Nevada Test Site
 - Oak Ridge's Toxic Substances Control Act incinerator
- No Incoming shipments

Rocky Flats

- Orphan Wastes – sludges and slurry currently treated and stored at Waste Control Specialists in Texas

- Other Orphan Waste requiring specialized treatment
- Other waste disposal proceeding on schedule
 - TRU waste to WIPP
 - LLW to NTS
 - MLLW to Envirocare in Utah
 - Sanitary wastes to local commercial landfills

Savannah River

- High-level waste
- Transuranic waste
 - Modular Repackaging Facility needed to meet expected throughput
 - TRUPACT-II and TRUPACT-III container approvals needed

Hanford Panel – Perspectives on Shipping and Receiving Waste at Hanford

Four members of the HAB, representing four stakeholder groups, spoke to the Chairs about concerns for Hanford cleanup.

Pam Larsen represented the local government perspective. She stated that safety and emergency responses are what are most important. Emergency response drills are important to gauge responsiveness of personnel in the event of an emergency. Also, Pam said local government would like to see DOE conduct a cumulative analysis of the impacts of all waste currently at Hanford before importing more waste; it was promised in the Solid Waste EIS but the analysis wasn't done.

Gerry Pollet represented the regional environmental perspective. He stated it is important that DOE not send waste to sites where it will contribute to or exacerbate an existing problem or cause that site to be out of compliance with its cleanup agreement. If Hanford has excess capacity, those wastes can be processed here, but Hanford should not have to keep it. Gerry also pointed out that transportation to Hanford does not currently have the same protections as transfers to WIPP.

John Stanfill represented the Nez Perce Tribe perspective, but emphasized that he is not a tribal member. The tribe is concerned about additional waste coming onto the Hanford site because they do not see the appropriate preparations being made to store the waste and off-site repositories do not seem to be prepared to accept the waste, either. The tribe would be willing to accept waste onsite if DOE could prove that it will never cause health problems for humans or wildlife, but they are concerned Hanford will wind up with not only the Hanford waste, but other wastes, too.

Rick Jansons represented the non-union, non-management worker perspective. Workers are looking for a national perspective and want to understand the impacts of all of DOE's plans. Workers would like to know there is an alternative if the material cannot be shipped off-site as originally anticipated.

The Chairs and panel members discussed details of proposed plans at Hanford. Many of the participants noted similarities in the dilemmas faced with cleanup at various sites. All of the panel members supported the Chairs' emphasis on a national dialogue to discuss complex-wide waste disposition issues.

Vulnerabilities of the Current Waste Disposition Plan and Ramifications for all Inter-site Transfers

The Chairs were asked to consider the vulnerabilities of the current system, beyond their own sites. The following items were identified as vulnerabilities:

- Loss of capacity to treat waste for which disposition is not yet defined.

- Possible “gridlock” of the system, especially with I-297 in Washington – could be 50-75 years before things get moved around.
- “Shadow” waste – secretly shipped, either to another site or to a private contractor, without anyone knowing about it.
- Safety of the transportation system.
- Capacity – will WIPP and Yucca Mountain be able to contain all the waste.
- Need for storage for HLW and SNF if Yucca Mountain does not open on time.
- Need to develop a budget process that allows longer-term budgeting so there is more stable funding for long-term projects.
- With no systemwide picture, it seems it is every site for itself.
- What are national plans if the current plans don't happen?
- Accelerated cleanup is outpacing solutions and creating problems.

Mel Galin emphasized that a systems approach to address vulnerabilities is critical in finding solutions. Sandra clarified that DOE does look at the whole system, although the SSABs might not be aware of that approach. She did acknowledge that contingency planning is not being done on the scale the Chairs have been asking about.

DOE-HQ Organizational Changes, Fiscal Year 2005 Budget and the Outlook for Fiscal Year 2006

Sandra Waisley reviewed the presentation she gave to the Chairs in April 2004. She outlined a number of staff changes and discussed the recently-established Consolidated Business Center (CBC). CBC’s purpose is to focus on small sites and the human resources, information technology, contracting and procurement for those sites.

The budget structure was revised last year and the project baseline summaries (PBS) reduced from over 300 to 164 in 13 categories, covering about 88% of the projects in EM. DOE is trying to have all the baselines approved by January of 2005.

EM is also currently working on implementing project management principles, including configuration control, to keep projects within approved scope and budget. There are 16 performance measures outlined in each site’s Performance Management Plan. Sites report numbers and variances monthly.

The Appropriation Account Summary shows that funding is increasing. For FY 2005, there is an increase of 6.1%, to \$7.4 billion. FY 2005 will be the peak year, however, and funding will decrease until FY 2008 and then flatten out. Among those sites with funding increases are Carlsbad, Chicago, Oak Ridge, Richland, Los Alamos, Nevada, and Lawrence Livermore. Rocky Flats, Ohio, Idaho, Savannah River, Portsmouth and Paducah field offices will have decreases.

Sandra discussed program transfers from EM to other programs, such as moving the offsite Source Recovery Program to NNSA and the Foreign Research Reactor Spent Fuel Program to the Office of Civilian Radioactive Waste Management. These transfers are planned so EM can focus more narrowly on cleanup.

Finally, Sandra reminded the chairs that DOE is on a Continuing Resolution (CR) until at least mid-November. The CR gives the sites more flexibility in terms of shifting funding around, but if the CR goes on into the next year, DOE will have to modify activities because FY 2004 funding levels are lower than FY 2005. (The EM request was \$7.43 billion and the House mark was \$7.37 billion.) For the FY 2006 budget calendar, DOE is on schedule with requests and allocations.

Ongoing Transition from EM to LM at Rocky Flats and Fernald

Representatives from the two closure sites discussed ongoing transition activities and challenges.

Fernald

- Revisiting community expectations
 - Past processes and commitments have limited relevance
 - Building relationship with designated Legacy Management Team
 - Reviewing past efforts for Legacy Management
- Transition documents
 - Comprehensive Legacy Management and Institutional Controls Plan
 - Legacy Management Transition Plan
- Phase out of Fernald CAB
- Remaining Issues
 - What remains at the site?
 - Site stewards
 - Public involvement
 - Post-closure education and outreach

Rocky Flats

- Legacy Management representative sitting on the Board as an ex-officio member
- Environmental Management, Legacy Management and Grand Junction working group has been established
- Phase out of the Rocky Flats CAB
 - CAB is needed through the transition to provide continuity
 - LM will need a broad-based community group; current congressional language limits participation to elected officials.
- Rocky Flats will be a national wildlife refuge with the exception of a small area

Request for National Forum on DOE System-wide Waste Disposition

The Chairs drafted a letter to Paul Golan recommending that “DOE sponsor a national forum by the end of Calendar Year 2005 to produce technically sound, fiscally responsible, politically acceptable, sustainable, and comprehensive solutions to DOE’s system-wide waste and material disposition challenges.” Those Chairs who require their Board’s approval to sign the letter committed to putting the letter before their Boards for acceptance as soon as possible and in time for the December Chairs conference call.

Potential National Workshop

The Chairs brainstormed ideas for a possible national workshop. They decided to postpone further discussions about a national workshop until the next Chairs meeting, pending response from DOE regarding the request for a national forum on waste disposition.

Potential workshop topics:

- Accelerated Cleanup
 - Safety status
 - Milestones & performance
 - Funding profile
 - DOE view of transitions
- Sustainability of the System
 - Looking beyond one’s local site
 - Site interdependence as related to transportation of materials and waste
- Long Term Stewardship / Legacy Management

- Risk-Bases End States (RBES)
- Public Participation (PP)
Separate breakouts on:
 - PP in program transitions (EM to LM, EM to NNSA, etc.)
 - PP in accelerated cleanup and RBES planning
 - PP in current activities and for the future
 - CABs' process for involving the broader public

Public Comments

Susan Leckband is Co-Vice Chair for the HAB. She stated that she is opposed to I-297 because it is divisive and inappropriately timed. If passed, the law could be damaging to the entire DOE complex. She was also interested in the waste disposition dialog and encouraged the sites and DOE to take a look at the bigger cleanup picture, before there are "gridlock" or injuries.

Next Steps

The next Chairs call will be in mid-December, date TBA. The April 2005 Chairs meeting will be hosted by the Savannah River CAB in Aiken, S.C.