

**Environmental Management  
Advisory Board  
to the U.S. Department of Energy  
Public Meeting Minutes  
James E. Forrestal Building - Washington, D.C.  
November 20-21, 2002  
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## **Environmental Management Advisory Board**

November 20 - 21, 2002

Summary Meeting Minutes

### Committee Chair

- Mr. James A. Ajello, Reliant Energy Solutions

### **Committee Members**

- Dr. Raymond Loehr, University of Texas at Austin
- Mr. John B. Moran, Private Consultant
- Mr. John Quarles, Morgan, Lewis, and Bockius LLP
- Ms. Jennifer A. Salisbury, Western Governors' Association and Western Interstate Energy Board
- Mr. Thomas A. Winston, Ohio Environmental Protection Agency

### **EMAB Executive Director**

- Mr. James T. Melillo

### **Participants and Observers**

- Richard Begley, Consultant
- Jim Bridgman, Alliance for Nuclear Accountability (ANA)
- Ralph Bruner, Coleman Research Corporation
- Patty Bubar, DOE Associate Deputy Assistant Secretary for EM Office of Integration and Disposition
- Richard Burrow, DOE Secretary of Energy Advisory Board (SEAB)
- Cliff Carpenter, DOE National Environmental Technology Laboratory
- Joel Case, DOE EM Corporate Project Manager
- Jon Carter, Envirocare
- Vincent Ceci, Consultant
- Martha Crosland, DOE Office of Intergovernmental and Public Accountability
- Woody Cunningham, Consultant to Environmental Management
- Craig Deremer, Strategic Connections, LLC
- Amy Findlay, DOE Office of the Assistant Secretary for Environmental Management
- David Geiser, DOE EM Office of Long-term Stewardship
- Christine Gelles, DOE EM Corporate Project Manager
- Paul Golan, DOE EM Chief Operating Officer
- M.R. Griben, Consultant
- Mary Jenison, DOE
- Colin Jones, BNFL Inc.
- Stephen Kuney, LANC
- Reinhard Knerr, DOE EM Corporate Project Manager
- Mac Lankford, DOE EM Office of Technology Development and Demonstration
- David Levenstein, Environmental Protection Agency
- Beth Moore, DOE

- William Murphy, DOE Portsmouth Gaseous Diffusion Plant
- Betty Nolan, DOE Office of Congressional and Intergovernmental Affairs
- Joe Nolter, Consultant to Environmental Management
- Donna Ocampo, BNFL Inc.
- Jim Owendoff, DOE Deputy Assistant Secretary of the EM Office of Science and Technology
- Kathryn Reis, Wildlife Management Institute
- Troy Regis, DOE EM Office of Science and Technology
- Edward Rizkalla, DOE EM Office of Science and Technology
- Jessie Hill Roberson, DOE Assistant Secretary for Environmental Management
- Ron Staubly, DOE National Environmental Technology Laboratory
- Rachel Samuel, DOE Office of the Executive Secretariat
- Vicky Soberinsky, DOE Office of the Assistant Secretary for Environmental Management
- Kim Stewart, Versar
- Gloria Sulton, DOE Office of General Counsel
- Shawn Terry, Inside Energy
- Mary Toler, Battelle

#### EMAB Staff

- Ms. Peggie Burke, Coleman Research Corporation
- Mr. Greg Evans, The Retec Group Inc.
- Ms. Mary Kimbrough, DOE
- Ms. Michelle Lynar, Coleman Research Corporation
- Mr. Michael Pfister, Coleman Research Corporation

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#### **Additional Materials**

Available Upon Request

(202) 586-4400

#### Alternative Technologies to Incineration Committee (ATIC)

- Letter Report to EMAB
- *Briefing: Activities and Recommendations* (provided by Mr. Richard Begley)

#### EMAB Orientation Materials

- Ethics and Conflict of Interest Guidance (provided by Ms. Gloria Sulton)
- *Briefing: Federal Advisory Committee Management* (provided by Ms. Rachel Samuel)
- Travel Procedures for EMAB Members (provided by Mr. James Melillo)

#### Environmental Management Overview

- EM Top-to-Bottom Report
- List of EM-1 Key Focus Areas
- EM Corporate Projects Summary
- *Briefing: Top-to-Bottom Review* (provided by Mr. Joe Nolter)
- *Briefing: EM Corporate Processes* (provided by Mr. Paul Golan)

Roundtable Materials

- *Briefing:* Managing Waste to Reduce Risk – Other Than SNF and HLW (provided by Mr. Reinhard Knerr)
- *Briefing:* The Role of the EM Office of Integration and Disposition (provided by Ms. Patty Bubar)
- *Briefing:* Getting More Performance from Performance-Based Contracting (provided by Mr. Cunningham on behalf of Mr. Charlie Dan)
- *Handout:* A Cleanup Program Driven by Risk-Based End States (provided by Mr. Dave Geiser)
- *Briefing:* Integrated/Risk Driven Disposition of SNF (provided by Ms. Christine Gelles)

EMAB Members

- List of Members and Affiliations

Materials from the Public

- 10/29/02 Letter to EMAB from Mr. William Simmons, President of Energy Metals Corporation
- Briefing Kit from the Alliance for Nuclear Accountability (ANA)

**LIST OF ACRONYMS**

ANA	Alliance for Nuclear Accountability	R&D	Research and Development
ATIC	Alternative Technologies to Incineration Committee	RDD&D	Research, Development, Demonstration and Deployment
CD	Critical Decision	RFP	Request for Proposal
COO	Chief Operating Officer	ROD	Record of Decision
CRESP	Consortium for Risk Evaluation with Stakeholder Participation	RF	Rocky Flats
D&D	Decontamination & Decommissioning	RW	Office of Civilian Radioactive Waste Management
DAS	Deputy Assistant Secretary	SEAB	Secretary of Energy Advisory Board
DFO	Designated Federal Officer	SNF	Spent Nuclear Fuel

DOE	Department of Energy	SRS	Savannah River Site
EH	Office of Environment, Safety and Health	TRU	Transuranic Waste
EM-1	Assistant Secretary for the Office of Environmental Management	WIPP	Waste Isolation Pilot Plant
EM	Office of Environmental Management		
EMAB	Environmental Management Advisory Board		
EMCAP	EM Consolidated Analysis Program		
EPA	Environmental Protection Agency		
FACA	Federal Advisory Committee Act		
FY	Fiscal Year		
GPRA	Government Performance Results Act		
GSA	General Services Administration		
HLW	High-Level Waste		
HQ	Headquarters		
INEEL	Idaho National Engineering and Environmental Laboratory		
IRRAP	Immediate Risk Reduction Action Plan		
ISM	Integrated Safety Management		

ISMS	Integrated Safety Management System		
ITRC	Interstate Technology Regulatory Council		
LLW	Low-Level Waste		
LTS	Long-Term Stewardship		
MLLW	Mixed Low-Level Waste		
NAS	National Academy of Sciences		
NE	Office of Nuclear Energy		
NEPA	National Environmental Policy Act		
NNSA	National Nuclear Security Administration		
NRC	Nuclear Regulatory Commission		
PCB	Poly-chlorinated biphenyl		
PMP	Performance Management Plan		

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**Meeting Minutes: November 20, 2002**

**Opening Remarks**

Mr. James Ajello, Chair of the U.S. Department of Energy's (DOE) Environmental Management Advisory Board (EMAB) called the meeting to order at 1:05 p.m. in Room 1E-245 of the DOE Forrestal Building in Washington, DC. After welcoming the group, Mr. Ajello encouraged each member to introduce themselves and share a brief synopsis of their professional background. Mr. Ajello also introduced Mr. James Melillo, Executive Director of the EMAB, who in turn, welcomed the group and thanked them for their participation at the meeting.

Mr. Ajello explained the primary goals of the meeting were to clarify the Board's mission, orient members to the EM program, and establish a working environment of open and active participation. He then introduced Ms. Jessie Hill Roberson, the Assistant Secretary for Environmental Management (EM-1).

**Remarks by Assistant Secretary Roberson (EM-1)**

Assistant Secretary Roberson began her remarks by thanking the members for serving on her advisory board and lending their time and expertise to the EM program. She noted that her decision to reconstitute the EMAB originated from the Department's ability to receive counsel from several outside advisory bodies representing its very diverse stakeholder base. Ms. Roberson described how the new EMAB charter supports a more specialized perspective that will allow her to receive advice on EM corporate issues in a flexible operating manner and assist her in analyzing general program management concerns. She added that she looks forward to maintaining a close working relationship with each member, as she addresses difficult issues in the EM program.

Ms. Roberson stated that environmental cleanup work requirements and demands have not been taken seriously in the past, and, as a result, environmental risks and hazards have become more difficult to remedy. In 1999, the Environmental Management program committed to closing 41 sites by 2006. In 2002, only three years later, the commitment was reduced to 25 sites, and the cost estimate between 2000-2001 had grown by \$13 billion. Finding that the human safety and financial costs of maintaining the status quo were unacceptable, Ms. Roberson noted her commitment to simultaneously accelerate the Department's cleanup schedule and eliminate environmental and public risks. She described this change as necessary to meet EM's regulatory commitments, and its obligations to the states and communities that had hosted the nuclear weapons complex operations during the Cold War.

With these statistics and obligations in mind, Ms. Roberson outlined her goals for the EM program as follows:

- Complete site cleanup 35 years sooner than currently scheduled.
- Complete the high-risk work by 2012.
- Accomplish the work while saving at least \$50 billion off of previously estimated costs.
- Reduce or eliminate risk to workers, the public and the environment by 2030.
- Reduce or eliminate security threats at the environmental cleanup sites.
- Provide environmental benefits to taxpayers.

The foundation for supporting these goals was established through last year's Top-to-Bottom management review of the entire EM program, which provided EM with a roadmap of actions required for a stronger cleanup program.

Ms. Roberson reported that EM has executed Letters of Intent with the governors and regulators in states containing EM cleanup sites, which contain performance management plans (PMPs) that reflect site conditions and incorporate any strategic initiatives required to accelerate risk reduction activities. She added that since the release of the Top-to-Bottom Report, EM has updated cleanup agreement milestones, negotiated a flexible FY '03 budget with Congress to provide incentives for accelerating risk reduction activities, and repositioned senior personnel to reduce organizational layers in DOE Headquarters.

Lastly and perhaps most importantly, Ms. Roberson announced the launch of ten Project Reform Teams, reporting directly to her to implement the Top to Bottom Review's recommendations for reform of EM's business and decision-making practices. She indicated that the first of these teams would complete their work by the end of this year and all the teams' work would be finished by 2004.

Ms. Roberson's objective is for the ten project teams to bring creativity and performance-based results to all who have a role in the EM program. She asked the EMAB to provide her with independent counsel to help carry out her program goals. With regard to the work of the Project Reform Teams, Ms. Roberson wants to ensure that the reforms currently being instituted will remain following her tenure as Assistant Secretary.

Ms. Roberson noted that to successfully implement a risk-reduction strategy, metrics must be developed and used to measure environmental benefits. She invited the EMAB to conduct a review and offer recommendations on the adequacy of DOE's proposed and existing metrics.

The Assistant Secretary also informed EMAB about the organization of an internal Contract Management Review Board tasked with evaluating the performance and design of every contract in the EM program to ensure that the lessons learned, both good and bad, are institutionalized into EM contracts and business practices. Ms. Roberson explained that the review, currently being conducted by Federal employees from DOE and other sources, stresses accelerated risk reduction and cleanup of DOE sites. To revise and improve EM contract performance plans, Ms. Roberson invited EMAB to evaluate the findings of the Contract Management Review Board against the best management practices employed by industry.

After inviting the EMAB to approach her with other issue areas where they felt they could offer assistance, Ms. Roberson thanked the members for their dedication to accelerating environmental cleanup and said she was glad the EMAB could now get started on its work.

Mr. Ajello thanked the Assistant Secretary for her remarks, and noted that EMAB has a lot of work ahead in carrying out its mission. After referring members to their copies of the Board's mission statement, Mr. Ajello explained that it is EMAB's job to provide the Assistant Secretary with information and advice on corporate issues. This assistance may include providing the Assistant Secretary with advice on key strategies, reports and recommendations, and options for handling challenging issues such as public and worker health and safety issues, contracting practices, waste disposition, regulatory requirements, EM program performance, risk management, cost-benefit analyses, and technology applications. Mr. Ajello expressed that the Board's first challenge may be determining a handful of key issues to focus on that will help the Assistant Secretary in meeting her challenges. He added that, as described on the agenda, the EMAB would discuss their mission in greater detail on the following day.

### **FACA Briefing**

At approximately 1:20 p.m. Mr. Ajello invited Ms. Rachel Samuel, the Deputy Advisory Committee Management Officer from the DOE Office of the Executive Secretariat, to brief the EMAB on the Federal Advisory Committee Act (FACA).

The FACA, Public Law Number 92-463, was first enacted in 1972 and amended as recently as 1997. It is managed by the General Services Administration (GSA), which amended a Final Rule in 2001 for managing all federal advisory committees, under Title 41 CFR Part 102-3. Pursuant to the legal requirements of FACA, Ms. Samuel informed the members that Mr. James Solit of the Office of Executive Secretariat has been the DOE Committee Management Officer since 1997, and Mr. James T. Melillo, the Executive Director of EMAB, is the Designated Federal Officer (DFO) of this specific advisory committee. As the DFO, Mr. Melillo's responsibilities include overseeing EMAB, approving all meeting agendas, attending all meetings, and running each meeting on behalf of public interest.

Ms. Samuel described the purpose of DOE Advisory Committees as solely advisory entities that openly conduct business as they provide advice on the development, implementation, and evaluation of policies and programs in a defined DOE subject area. She specified that advisory committees, such as EMAB, are prohibited from assuming authority or responsibility for DOE functions and are prohibited from lobbying Congress, the Executive Branch, or the public.

Ms. Samuel explained that the scope and objective for each advisory committee Charter is determined by the Department. Furthermore, a balanced membership is also determined by the Department depending on what points of view should be represented and the functions the

Committee is expected to perform. She added that each EMAB member was selected to serve because of their knowledge and experience. Finally, Ms. Samuel explained that the FACA sets forth 4 specific expectations of advisory committees:

1. A commitment to its mission.
2. An atmosphere of frankness and open discussion.
3. An avoidance of conflict of interest.
4. Achieved success in its mission.

At the conclusion of the briefing, Mr. Ajello invited members to ask for clarification on any of FACA's rules. Upon hearing none, he thanked Ms. Samuel and moved to the next item on the agenda: Mr. Melillo's administrative briefing on travel procedures.

### **Briefing on EMAB Travel Procedures**

Mr. Melillo referred members to the pamphlet *DOE Travel Guide for DOE Advisory Board Members* for information on airline ticket reservations, frequent traveler benefits, rental cars, per diem, and other reimbursable expenses. Mr. Melillo assured the members that any EMAB-related travel issues would be resolved if brought to the attention of the EMAB staff. He added that he would like to be the first person notified of any travel problems and could field and direct questions from the Board to the appropriate places in the Department.

### **Discussion of Board Membership**

At the conclusion of Mr. Melillo's briefing, Mr. Tom Winston, EMAB member, suggested a review of the Board membership to make sure that Board has the right mix of expertise for the issues it chooses to explore. Mr. Ajello stated that he expects some expansion of the Board as it finds areas where it needs additional input, and added that the underlying question is how to expand and to what degree. After identifying the challenge in expansion as maintaining a tight group that feels productive and contributes a great deal, Mr. Ajello invited other members to share their perspectives on the issue.

From his experience of serving on other governmental and non-governmental boards, EMAB member Mr. John Quarles believes that the productivity and effectiveness of a Board is often inversely related to the its size. He suggested that the case needs to be made as to why additions to the Board are really necessary, especially considering that the Board is open to the public and can hear from outside interests.

Mr. Ajello explained that because the EM program is so geographically expansive and diversified in its interests, the challenge for EMAB is to establish a working-size board that is not unproductively large. Mr. Winston suggested that as the Board becomes established and conducts its work, it should keep the public informed of its activities, either through a newsletter or an updated website. He said sometimes when there is a lack of information, people may assume negative things about a positive entity like EMAB.

Dr. Raymond Loehr, EMAB member, shared his assumption that if the Board wishes to have input from the public or private sector, the DOE can encourage their participation. Mr. Ajello agreed and reiterated that EMAB will remain open to people with different interests or perspectives on the EM program.

### **General Counsel Briefing on Conflict of Interest**

Ms. Gloria Sulton from the DOE Office of General Counsel informed the Board that as members

on an advisory committee, they should not participate in matters that would have a direct and predictable effect on their personal financial interest. Other imputable matters would include employment in an organization, or acting as an officer or Chairperson of a committee of an organization, where such connections would be considered in their financial interest.

Ms. Sulton advised members to contact their DFO, Mr. Melillo, if they think that there might be a conflict in their participation on certain matters. As the DFO, Mr. Melillo will bring any matters needing further attention to the Department's Designated Agency Ethics Official in the Office of the Assistant General Counsel for General Law (GC-80).

Ms. Sulton referred members to the document, "Ethics and Conflict of Interest Guidance for DOE Advisory Committee Members," for more detailed information on ethics and conflict of interest, and brought their attention to the four general conflict of interest requirements:

1. A member shall refrain from any use of his or her membership which is, or gives the appearance of being, motivated by the desire for private gain.
2. A member shall not use, either directly or indirectly for private gain, any inside information obtained as a result of committee service.
3. A member shall not use his or her position in any way to coerce, or give the appearance of coercing, another person to provide a financial benefit to the member or any person with whom he or she has family, business, or financial ties.
4. A member should seek immediate guidance if he or she is offered anything of value as a gift, gratuity, loan, or favor in connection with committee service.

Recognizing that EMAB members are serving as representative members brought in from various associations outside of the Department, Ms. Sulton advised members that any Board recommendations must be kept separate from the personal affiliations of Board members. She further reminded the Board that any comments made on recommendations are entered into the public record and the Board must decide whether members should vote or not vote on questionable recommendations.

At the conclusion of her presentation, Mr. Ajello asked Ms. Sulton about the appropriateness of Board members contacting her directly for advice on conflicts of interest. Ms. Sulton welcomed such calls, and said that even if she was unavailable, there would be someone on telephone duty to offer assistance on such issues. In response to Mr. Ajello's final inquiry about the impact of the members' private interests on Board activities, Ms. Sulton specified that a member's private interests would conflict only with particular matters that the Board is working on, as opposed to conflicting with any issues pertaining to the entire Department or the EM program.

### **Environmental Management Overview: The *Top-to-Bottom Review***

After thanking Ms. Sulton for her briefing, Mr. Ajello introduced Mr. Joe Nolter and Mr. Woody Cunningham, independent consultants to the EM program. As part of the Board's orientation to the EM program, Mr. Nolter and Mr. Cunningham were invited to summarize the findings of the *Top-to-Bottom Review*, and provide details on EM's six key focus areas and seven corporate project teams. Both Mr. Nolter and Mr. Cunningham were heavily involved in the review's process and implementation. Mr. Ajello informed the members that Mr. Paul Golan, EM's Chief Operating Officer, would be joining the briefing soon.

Mr. Nolter began by explaining that the Charter for the *Top-to-Bottom Review* was to conduct a programmatic review of the current EM program and its management systems, with the intended goal of quickly and markedly improving performance. In other words, the Top-to-Bottom Review Team, assembled by Assistant Secretary Roberson, was looking for

opportunities to run the EM program like a business. Mr. Nolter reported that as the team visited the EM complex, they asked EM personnel three simple questions, which brought key issues to the surface very quickly:

- What do you do?
- How do you do it?
- Are you successful?

Mr. Nolter said an analysis of EM's budget history revealed a steady and increasing allocation from Congress, suggesting that EM was doing the right thing programmatically. He added that more than 90% of EM's milestones, or externally defined achievements, were reached. Mr. Nolter said that from a Congressional point-of-view, EM was getting more money, accomplishing more milestones, with its contractors earning more than 90% of their fees. Overall, these statistics lent support to the common belief that EM was doing a good job at safely and effectively cleaning up its sites.

In contrast to the Congressional perspective of the EM program, Mr. Nolter presented EMAB with a DOE corporate view of the EM Program, highlighting three sets of issues:

1. Schedule Issues:
  - 1999 Commitment: Close 41 DOE sites by 2006.
  - 2002 Commitment: Close 25 DOE sites by 2006.
2. Cost Estimate Issues (in constant year dollars):
  - 1998-1999 cost estimate increased \$24.2 billion
  - 1999-2000 cost estimate increased \$2.5 billion
  - 2000-2001 cost estimate increased \$13.2 billion
3. Workscope Issues:
  - Surplus nuclear fuel remains unconsolidated across the country.
  - Spent nuclear fuel remains in wet storage less than a quarter of a mile from the Columbia River.
  - High level waste inventory has increased, not decreased.

In reference to a chart provided for the briefing "Schedule Slippage with Active EM Cleanup Sites" Mr. Nolter pointed out that there's been a dominant shift in closure dates to the right (future) side of the timeline.

On the next chart "EM Cleanup Plan Cost Growth Between 2001 and 2002 Plans," Mr. Nolter observed that in one year, lifecycle costs grew by \$14.7 billion dollars. He noted that EM had not paid attention to what was happening to lifecycle costs or how long it would take to get cleanup done. According to Mr. Nolter, the Top-to-Bottom Review Team found that the EM program was focused on a year-to-year approach, especially in terms of budget, instead of focusing on the overall program. Moreover, minimal progress was being made at reducing real risk, because EM was managing risk instead of removing it.

In response to these findings, the Assistant Secretary issued the following Call to Action for the EM program:

- Get more performance from performance-based contracts.
- Restructure EM's internal processes to accelerate risk reduction.
- Use breakthrough business processes to accelerate risk reduction.
- Implement the NEPA process to better support EM decision making.
- Develop an integrated program to accelerate cleanup of small sites.
- Improve package and transportation to support accelerated risk reduction.
- Implement an effective human capital strategy that extends beyond one year.

- Move to an accelerated risk-based cleanup strategy.
- Manage waste to reduce risk.
- Develop a programmatic strategy for accelerating site closure.
- Improve agreements to allow program success.
- Safeguard and security: Reduce the threat at EM sites.
- Focus long-term stewardship for protection of public health and the environment.
- Shed scope and programs not aligned or supporting accelerated risk reduction.
- Focus EM program resources on cleanup.
- Refocus science and technology program.

Before taking action on these issues, the Assistant Secretary realized it was necessary to develop a common vision for accelerated risk reduction between EM and stakeholders, communities, regulators, elected officials, and Congressional members. Mr. Nolter referred to this task of reaching consensus on what the EM Program should do as one of its first challenges.

After giving the *Top-to-Bottom Review* report to each involved organization, the team began a sequenced series of workshops to find out if each organization agreed that slipping closure rates were unacceptable and required change. In order, from first to last, the discussion topics for each workshop were:

1. The *Top-to-Bottom Review*: Detailed discussion of observations, recommendations, and "Call to Action".
2. Review past risk reduction progress at individual sites.
3. Develop vision for accelerated risk reduction at the site.
4. Sequence/prioritize activities, identify end states, define metrics that achieve accelerated risk reduction.
5. Integrate site activities within the EM complex wide strategy.
6. Formalize the vision for accelerated risk reduction (i.e., contracts, regulatory agreements, etc.).
7. Determine allocation of funding to support accelerated risk reduction (\$800 million).

Mr. Nolter concluded his presentation with an observation that the activities initiated by the Assistant Secretary are now marching to a faster and more focused drumbeat. He specified that EM's path forward includes working with the appropriate members of Congress to implement that new "Expanded Cleanup Account" proposed in the President's budget and immediately beginning the process of instituting any internal reforms necessary to remove EM's self-imposed barriers to success.

### **Running EM As a Corporate Project**

After Mr. Nolter's presentation, Mr. Ajello introduced Mr. Paul Golan, Chief Operating Officer for the EM program.

Mr. Golan said his presentation would include information about EM's activities in the past twelve months, including some of the corporate processes that are being put in place, or are already in place, to manage and operate the EM program as a project.

Mr. Golan defined a project as having specific objectives to be completed within certain specifications, defined start and end dates, funding limitations, and the ability to consume both human and non-human resources (such as money, people, and equipment). By treating the EM program like a project, Mr. Golan said the program would benefit from:

- Achieving objectives that are accepted by the customer (i.e., regulators, taxpayers,

- stakeholders, communities, etc).
- Achieving objectives within cost and schedule.
  - The ability to measure progress and accomplishments against a plan.
  - Identifying functional responsibilities to ensure all activities are accounted for.
  - Identifying problems early, so that corrective actions could be taken at the lowest possible level with the lowest possible impact.
  - Utilization of assigned resources efficiently and effectively, to return on taxpayers' investments.

Mr. Golan added that by managing cleanup activities as a project, EM has a better chance at achieving its objectives within the projected cost and projected schedule. It also allows EM to be more predictable, allowing the program to deliver what it promises to its customers.

Referring back to Mr. Nolter's previous statement about EM's schedule slippage over the past year, Mr. Golan said that every dollar Congress has invested in the program has resulted in a two-dollar liability. He further suggested that if EM was a company in the 1990's, it would have gone bankrupt with "a dollar invested and two-dollar liability" kind of work process.

According to Mr. Golan, one of the first questions considered by the Assistant Secretary after the release of the *Top-to-Bottom Review* was, "How do you translate the calls to action and the need to accelerate cleanup work to something that's more meaningful?"

In answering this question, the EM program is implementing Performance Management Plans (PMPs) at every site. These strategic documents specify EM's approach toward accelerating risk reduction at each specific site and are currently in place at 95% of EM's sites. Once in place, the PMPs generate Project Management Plans, containing baselines to plan and manage work by.

Mr. Golan reported that before the implementation of the PMPs, the EM program was scheduled to continue until 2070. The new PMPs have taken approximately 35 years off of EM's total project schedule by accelerating closure schedules to 2035. Mr. Golan said he hopes to further accelerate closure schedules to 2030.

After acknowledging that EM may not know all of the answers because it hasn't asked the right questions, Mr. Golan asked the Board to offer assistance in determining the right kind of questions to ask to get the answers necessary for accelerating risk reduction.

Mr. Quarles asked if Mr. Golan could provide more information about what changes had already been made at EM to accelerate risk reduction. Mr. Golan prefaced his response by explaining that every site has taken a different approach and work sequence to risk reduction. He offered Hanford's adoption of a different method than vitrification for the disposition of cesium and strontium capsules, as an example of a change resulting in accelerated risk reduction. Assistant Secretary Roberson added that the change in method at Hanford wasn't scheduled to happen until 2020, but after evaluating the PMP, EM saw the situation as a priority requiring a responsive reaction. Mr. Golan mentioned that in addition to looking at different processing paths, EM is considering resequencing work to handle the higher risk situations more quickly, resulting in the creation of a safer environment sooner.

Mr. Golan estimated that at the best sites, EM spends 75 cents out of every dollar for safety and security infrastructure. He reasoned that by making the sites safer, EM could invest the operating capital currently being spent on non-risk reduction activities on accelerating actual risk reduction work. Assistant Secretary Roberson expressed her belief that in the past EM was not focused on work activities aimed at lowering the environmental profile of its sites. She said that work was done, but not the right kind of work.

Dr. Loehr asked Mr. Golan for a confirmation of the Assistant Secretary's three goals for the EM Program:

1. Complete the high-risk activities by 2012.
2. Provide visible, positive, and measurable accelerated risk reduction.
3. Save \$50 billion.

Mr. Golan agreed that these were the Assistant Secretary's goals and clarified that EM wants to get the high risk activities done first, make visible progress in achieving its goals, and reduce about \$50 billion from the total project cost. He said much of the day's discussion would focus on how to make the Assistant Secretary's vision become reality.

As he continued his presentation, Mr. Golan mentioned that a year ago, EM had an increasing volume of high level waste in storage near the Columbia River, even though the last reactor had been shut down a decade ago. He commented that having plutonium, uranium, and special nuclear material spread across the country after the events of September 11, 2001, didn't make a lot of sense. Furthermore, he noted that EM did not have a production mission.

Mr. Golan stated that PMPs attempt to express how, from the site perspective, they can strategically align their activities to meet the goals set by Secretary of Energy Spencer Abraham, Assistant Secretary Roberson, and the Bush administration. He reminded the Board that PMPs are only strategic documents and that sites must develop project management plans to actually plan the work, manage the work, allocate resources, and guide the decision-making process. Although EM has estimated that it may take several years for the larger sites to create project management plans, Mr. Golan said that in the meantime EM will continue to develop its long range plan for capital investments into its highest-risk work activities.

The PMPs are configuration-controlled documents from Headquarters, which means that site strategies cannot change or be executed at the site level without the Assistant Secretary's approval. Mr. Golan described configuration control as one of EM's new corporate systems.

EM will rely on 13 critical performance metrics as scoping and management tools to measure its progress in risk-reduction. Like the PMPs, the critical performance metrics are configuration controlled.

Mr. Golan presented the Board with a slide titled, "Performance Measures for the Site" which was not available as a handout. He identified EM's first task as quantifying lifecycles at each site and determining a single definition of what "completion" is for plutonium, metal, and oxide from the six different definitions already in use around the EM complex. Mr. Golan said that the final definition for measuring progress on stabilizing and packaging plutonium, metal and oxide was "the number of Standard 3013 containers packaged." He explained that when plutonium, metal, or oxide enters a 3013 package designed to safely store material for at least 50 years, it's only one step away from being placed in an overpack and sent to a receiver site for final disposition.

In addition to determining cost lifecycles at each site, Mr. Golan reported that EM has established standardized reporting methodology criteria across its complex to simplify quantifying the amount of waste disposed of at each site. In the past, sites reported waste quantities by cubic yard, cubic meter, or cubic foot. Now, the standardized reporting methodology calls for quantifying the waste disposed in cubic meters.

Mr. Golan explained that EM is in the process of collecting information about source term quantities from each site. After EM receives this information, the sites will report through their PMPs how much time (years) it will take for the complete disposition of the waste. Additionally,

EM will track what quantity each site has committed to disposing annually, and compare this against the next year's figures to determine variance. According to Golan, variance measures a site's departure from their PMP and is measured in positive (good) and negative (bad) results. If the sites accomplished more than they said they would, EM would consider it as positive variance. Likewise, if EM sites did not complete as much as they said they would, it would be reported as negative variance.

Mr. Quarles questioned if this configuration control system was integrated into the Government Performance and Results Act (GPRA) reporting process. Mr. Golan reported that it is integrated, and acts as a fine-tuned management and scoping tool that is displayed in the Gold Chart, a standard performance measures chart. According to Mr. Golan, the Gold Chart insures that EM is controlling the configuration of what's inside the program and what's outside of the program. He added that next year, EM will be able to report on lifecycles and report to the Assistant Secretary whether the source term quantities have gone up or down and with an explanation of why.

Recognizing the gap between the policy-makers at DOE headquarters and the field offices, Dr. Loehr asked if the field was involved in the development of the performance matrices. Mr. Golan described how Headquarters discussed the performance matrices with staff from the field offices for about two months, with a lot of give and take. Mr. Golan said that he expects each field manager to provide weekly updates on the waste quantities and their lifecycle plans for the year. He said if the field managers can't provide this information, they're probably not focusing on the right activities.

Mr. Winston asked Mr. Golan if he was confident that the highest risk activities or risks facing the Department had been identified and included on EM's priority list. He also asked if the list would be refined over time as new information was acquired or if EM was highly confident in pursuing its current approach to risk reduction activities.

Mr. Golan deferred the question to Mr. Cunningham, but estimated that EM is about 95% confident about its approach and hopes that EM will be able to determine from the sites' PMPs if risks are over-estimated or underestimated as it moves forward. Mr. Winston agreed that situational assessments would be necessary to compare answers.

Mr. Golan believes that EM's risk reduction activities should be held constant and be accountable to stakeholders, regardless of the fiscal year ending or beginning. Specifically, to add more accountability to EM's projects, Mr. Golan explained that activities should be measured against the lifecycle baseline costs instead of starting fresh at the end of every fiscal year.

Ms. Jennifer Salisbury, EMAB member, asked if the PMPs would take years to complete for some sites. According to Mr. Golan, the project management plans, not the PMPs, would take several years to develop and might look at five years (plus or minus) worth of work. He explained that planning work is expensive and includes detailed directions for the project all the way down to specifying tasks for hourly employees.

In response, Ms. Salisbury expressed an interest in understanding the integration involved with such planning, considering that more schedule slippages will require further coordination with states. In response, Mr. Golan said that the same level of integration leading to the construction of the weapons complex will be required to take it apart. He added that this deepened integration with field offices has forced EM Headquarters to take on more accountability.

Mr. John Moran, EMAB member, asked if EM's risk rating criteria was documented. Mr. Golan

replied by describing EM's approach as being more qualitative than quantitative in terms of determining which projects had higher risk ratings.

Continuing on, Mr. Golan described the cleanup reform account as a configuration controlled new budget structure to align EM's budget with how and where EM provides reports on accelerated risk reduction. He reported that EM is working with staff from Congress and the Office of Management and Budget to ensure that the new budget structure for fiscal year 2004 will report in terms of the critical performance matrix. This will allow critical performance measures and budget objectives to be reported to the Assistant Secretary and Congress in the same language. Mr. Golan noted that the cleanup was not a separate account, but rather an account for the funds that EM thinks are necessary to complete its work. He estimated that there would be \$1,100,000,000 in the account for accelerated cleanup in fiscal year 2003.

In terms of safety at the sites, Mr. Golan declared that safety is an entrance requirement at all sites for contractors and federal workers and that as an entry requirement, contractors will no longer benefit from incentives (i.e. get bonuses) for working safely. He mentioned that the public depends on EM to safely conduct cleanup activities, and if its sites are not cleaned up safely, they will be shut down.

Mr. Moran asked Mr. Golan to describe how EM demonstrates safety at its sites. Mr. Golan explained that EM looks at the accident rates (injury or reportable case rate) to analyze all of the things that did or did not happen. Mr. Golan also mentioned leading indicators, such as not contaminating anybody, not having a spill, and not having a fatality. However, he believes that the current safety metrics are not good enough to stand alone in EM's new approach.

Mr. Moran informed Mr. Golan that the previous EMAB had conducted research on developing leading indicators to head off rising hazards and had issued recommendations for pre-bid qualifications by contract and for an integrated safety management system (ISMS) across the complex. Mr. Moran specified that not all contractors were required to have an ISMS and asked if EM planned on changing the criteria as it changed its safety entrance requirement.

In response, Mr. Golan explained that EM is trying to change safety from a cumbersome business practice into a positive business attribute. Mr. Golan expects contractors to want to have an ISM in place, not because it's a requirement, but because it's a good business practice that prevents accidents and work interruptions.

Mr. Moran suggested that ISM principles be included in the sites' requests for proposals (RFPs) and asked Mr. Golan if the EM-1 Safety and Health Policy for new technology applications, which emerged in 2000, was still part of the contract reform and acquisition packages.

Mr. Golan was unsure of the status of the safety and health policy, but noted that EM's contracts articulate expectations of safety and make it a performance issue for contractors. Mr. Moran asked Mr. Golan if the risk to workers who are engaged in cleanup activities and the risk to the public have been considered in EM's risk criteria.

Mr. Golan believed that they had been institutionalized into the process and suggested the issue as an agenda topic at EMAB's next meeting.

In his final points, Mr. Golan explained three ways for EM to measure progress:

1. Variance: Negative and positive variance puts quantities into context.
2. Earned value: Allows critical assessment of the entire project by making apples-to-apples comparisons.

3. Critical path: Activities on the critical path must be completed to finish the project on schedule.

Mr. Golan described the critical path as the shortest distance from here to the end of the project. He said that if a project activity slips by one day, then by definition the project would slip by a day. Mr. Golan reported that EM is currently developing the critical paths that will enable EM to know whether it is making progress towards closure.

Mr. Winston asked Mr. Golan to assess how well aligned EM's risk reduction activities are to regulatory drivers and the regulatory milestones EM has committed to. Mr. Golan explained that the alignment varies across the complex and that in some places, there are very good alignments with the regulatory agreements focusing on the right milestones, and in other places, the regulators may not be regulating the right things in terms of public risk.

Mr. Winston noted that sometimes regulators expect results in non-risk areas and there is a need for alignment between internal and external regulatory drivers. Mr. Golan agreed and said that when there is not a good alignment between the two systems, the Department is left in a difficult situation. After Mr. Golan mentioned that he was not aware of a single EM activity without regulation from an external agency, Mr. Moran interjected that EM is self-regulating with respect to occupational safety and health.

Mr. Golan continued with a description of the Assistant Secretary's Configuration Control Board, chaired by Roger Butler, EM's Chief Financial Officer. He reported that between fiscal years 2000 and 2001, the cost of the EM program grew by an unexplained \$14 billion. According to Mr. Golan, a number of EM's performance metrics are now under configuration control, but it might take a fiscal quarter to get the configuration controls operational.

Mr. Golan also mentioned the Contract Management Advisory Council, which was chartered by the Assistant Secretary in June 2002. In response to the first finding in the *Top-to-Bottom Review Report*, the Council will view EM's contracts in terms of executing EM's vision and take control of the acquisition process at the Critical Decision 0 (CD-0) level.

In conclusion, Mr. Golan explained that the eight project teams chartered by the Assistant Secretary aim to:

- Increase EM's focus on accelerating risk reduction
- Drive corporate solutions
- Improve internal business practices
- Focus on elements critical to the success of the program
- Identify and implement change while still conducting day-to-day business
- Develop the next generation of DOE managers.

Mr. Golan highlighted the fact that half of the DOE federal work force is expected to retire in the next five years and explained that EM does not yet have a new cadre of capable workers in place to fill in as the Department moves forward. He noted that one of the benefits from the Assistant Secretary's project teams is the creation of a resource to develop the next generation of EM workers who can someday take over and become Deputy Assistant Secretaries and Managers at the DOE sites. He added that this is one approach to finding a long-term management solution.

The Assistant Secretary has asked each of the eight project managers and their cross-corporate teams (with members from DOE Environmental Health program, the EPA, and the Air Force) to manage their tasks as a project and move through levels CD-0 to CD-4 from mission need to mission completion. The eight corporate projects consist of:

1. Getting More Performance From Performance Based Contracts
2. Managing Waste to Reduce Risk – Other than Spent Nuclear Fuel and High Level Waste
3. Integrated/Risk-Driven Disposal of Spent Nuclear Fuel
4. Managing waste to Reduce Risk – High Level Waste
5. Focusing EM Resources on Cleanup
6. Safeguards and Security/Nuclear Material Consolidation
7. A Cleanup Program Driven By Risk-Based End States
8. Accelerating Small Site Cleanup

Mr. Golan said each project is configuration controlled with established end points and end dates. He reported that the Assistant Secretary recently approved each team's mission need statement (CD-0), which included a summary challenge statement, a potential solution summary, an outline of major deliverables, and a mission justification. He added that the teams are now preparing CD-1 documents, which contain a project plan with a defined schedule and deliverables. The CD-1 and CD-2 systems requirements documents for each project are due to the Assistant Secretary by March 15, 2003. Mr. Golan mentioned that more project teams may be added as needed, and that upon completion, the products from these eight project teams will be turned over to mainstream EM and become the fabric of the organization.

In closing, Mr. Golan reminded the Board that the *Top-to-Bottom Review* was published nine months ago and his presentation highlighted the steps that EM has taken to implement and execute the vision of the Secretary, the Under Secretary, and the Assistant Secretary in the current operational EM organization.

Mr. Ajello asked Mr. Golan to clarify how much of the \$14 billion increase between fiscal years 2000-2001 was associated with the loss of the time value of money. He also asked how much of the \$14 billion figure could be attributed to changes of scope in the EM program.

Mr. Nolter responded on behalf of Mr. Golan and explained that the \$14 billion figure was in constant dollars and that EM doesn't know whether increased scope, increased cleanup requirements, or a poorly detailed first estimate caused the loss, because lifecycle costs were not considered by EM at that time.

Mr. Ajello followed up his previous questions by asking Mr. Golan how comfortable he was with EM's cost estimates going forward, considering that EM still cannot account for its \$14 billion loss a year ago. Mr. Golan answered that barring any major unforeseen decisions, such as WIPP no longer accepting waste, EM has probably hit its high-water mark in terms of the cost estimate to cleanup and close the work of the EM program. Mr. Golan specifically mentioned that the recent acceleration in work has already resulted in dropping cost estimates for the program.

At approximately 3:05 p.m., Mr. Ajello thanked Mr. Golan for his informative presentation and invited Mr. Cunningham to finish the three-part Environmental Management Overview briefing.

### **EM's Corporate Accelerated Risk Reduction Strategy**

Mr. Cunningham began his briefing with a reference to the Top-to-Bottom Review Team's finding that EM was managing its waste and risk, instead of reducing it and creating a safer workplace and environment. Mr. Cunningham reported that safety is better at DOE than in the industrial sector, but noted that EM must now shift its focus from ensuring safe conditions around radioactive waste to ensuring safe conditions in the industrial workplace. After citing several near misses during industrial non-nuclear cleanup activities at sites (due to unforeseen electrical problems), he noted that EM has not had any terrible radioactive related accidents.

Mr. Cunningham explained how out of all of the sophisticated systems to evaluate and prioritize risk, the Top-to-Bottom Report recommended starting with engineering judgement to reduce risk to workers, the public, and the project. He began to outline EM's approach to risk reduction, with the first step being quick stabilization of the material, from a gas to a liquid and from a liquid to a solid. Mr. Cunningham noted that liquids likely pose a greater hazard to groundwater and to human health than other forms of waste.

Mr. Cunningham showed the Board a list of EM's highest risk categories and provided comments on each category, as follows:

1. High curie long-lived isotope liquid waste
  - Potentially EM's highest risk material.
  - Leaky tanks may lead to groundwater contamination.
2. Special nuclear materials (highly enriched uranium and plutonium)
  - Scattered across the EM complex.
  - High safety and security risks.
  - High cost for EM to provide extra security and controls over the material.
  - Materials have no programmatic use in the EM program.
  - EM would like to consolidate the materials into one or two locations with adequate security and protection.
3. Liquid transuranic waste
  - Could potentially leak into groundwater.
4. Liquid sodium bearing waste
  - May or may not have RCRA constituents.
  - EM's objective is to get it into solid form for transport to WIPP.
5. Defective spent nuclear fuel
  - Located in leaky or poor water chemistry basins.
  - Could be moved into high integrity water basins at Idaho or Savannah River.
  - EM's objective is to move it into dry storage.
6. High transuranic content (above 500 nanocuries per gram)
  - High concentration of nanocuries not acceptable at WIPP.
7. Transuranic waste stored on surface
  - Highly flammable waste puts the public at risk.
  - Objective is to schedule regular shipments to WIPP.
8. Remote-handled transuranic waste
  - EM lacks WIPP permit to accept this material.
9. Decommissioning and demolition (D&D) of highly contaminated facilities
  - A greater risk to workers than to the public.
  - Necessary to reduce the size of DOE sites.

Mr. Cunningham concluded his presentation with his recommendation that EM's first step should be to stabilize its waste so that risk and/or the quantity of waste is decreased, while final disposal solutions are developed.

Mr. Ajello thanked Mr. Cunningham for his briefing on risk, and called for a short break before beginning the next briefing from Mr. Nolter on the Assistant Secretary's six key focus areas.

### **EM's Six Key Focus Areas**

At approximately 3:50 p.m., Mr. Nolter presented the Board with a list of Assistant Secretary Roberson's six key focus areas and offered some brief comments and descriptions, as follows:

1. Significantly improve management of performance based contracts.
  - The issue has a dedicated project team.

2. Move EM into an accelerated risk-based cleanup strategy.
  - The performance management plans (PMPs) had the Assistant Secretary's close attention.
  - The strategies laid out in the PMPs are based on discussions that occurred between Headquarters and site staff and the regulators and the field organizations.
3. Restructure EM's internal processes to focus on the accomplishment of measurable cleanup and closure.
  - It is a challenge to identify an end state and operate projects.
4. Shed scope and programs not aligned or supporting accelerated risk reduction.
  - Has a dedicated project team.
5. Implement an effective human capital strategy that extends beyond the next year.
  - One of EM's challenges is to build an infrastructure of individuals that can speak the EM language and operate in the EM world.
  - The project managers and team members who succeed will find increased career prospects and personal growth opportunities.
6. Restructure the science and technology program to focus on critical path and our highest priorities and most urgent risks.
  - There should be an applied technology program directly related to projects that will fill each project's needs over the next 5-10 years.
  - The new applied technology program will reduce costs, save time, and offer real improvements to the EM program.

In reference to Focus Area 1, Mr. Cunningham pointed out that despite its efforts, EM has not been successful at driving its contractors to put forth their best people and best ideas, and he asked the Board to provide some advice. Ms. Salisbury asked Mr. Cunningham why he thought this was the case. In response, Mr. Cunningham speculated that because DOE continues to incentivize non-risk reducing activities and allows contractors to earn their fees, the contractors have no reason to try anything different or to bring their best people to the contract. Mr. Quarles observed weakness in the front and back end of the contracting process and asked Mr. Cunningham how EM could structure the performance incentives and monitor the actual performance. Mr. Cunningham noted that DOE oversight capabilities are inadequate and require reform and restructuring. He mentioned that historically, under an M&O structure, DOE could ask contractors to modify their performance or do something differently and they would comply with a change of mission or work modifications. Mr. Cunningham explained that because the resulting operating structure was as much DOE's fault as the contractors fault, it has been difficult to get contractors to come forward with good ideas, good approaches, and good innovations for getting the cleanup and closure mission completed.

Mr. Winston suggested attributing contracting problems solely to DOE, because it should know that contractors respond to changes in a natural marketplace manner. After Mr. Cunningham agreed, Mr. Winston noted that another problem may stem from DOE's tendency to follow the safest route of the status quo, to avoid having to get approval from regulators or stakeholders. In Mr. Winston's opinion, the Assistant Secretary has tried to get the program aligned to a consistent message for accelerating cleanup, despite hurdles and barriers in the EM bureaucracy.

Mr. Ajello asked if there were other successful business models, programs, or projects from inside or outside of the government that could be used as an analogue to identify the flaws and benefits of the EM program. According to Mr. Cunningham, EM has looked outside to a limited extent by talking with each of its contractors about successful projects they have had elsewhere, what made these projects successful, and why it has been hard to use the same approach in the government. Mr. Moran mentioned that DOE hosted interactive meetings on contract reform about 4 years ago, that generated a lot of the new approaches now in place. Mr. Cunningham told the Board to keep a lookout for the awarding of the Department's first

contract developed using the new principles and incentives that will be awarded for Mound in December 2002. He mentioned that the contract will take advantage of the contractor's capabilities.

Mr. Quarles commented that in the Superfund program at the Environmental Protection Agency (EPA) about 30% of cleanup activities are managed by the government and the remaining 70% are managed by people from the private sector who are responsible at individual sites. Although, in his opinion, the EPA has not attempted to find out why private companies have been able to manage the cleanups more effectively, Mr. Quarles suggested that EM look towards the EPA's body of knowledge and expertise.

Returning to the six key focus areas, Mr. Nolter said that identifying individuals to lead the corporate project teams was one of EM's first challenges resulting from the release of the Top-to-Bottom report. The project managers were recruited by the Assistant Secretary through the distribution of an advertisement to every site in the complex and Headquarters, calling for project managers regardless of current position or grade. The Assistant Secretary personally selected each of the eight project managers from about 100 applications. Mr. Nolter explained that the 8 project managers were chosen for the level of energy, commitment, and ambition they demonstrated towards their chosen project. He also noted that the project teams were composed of individuals from across the complex.

According to Mr. Nolter, the first objective of the teams was to get the work done as a project. After the projects have been accomplished, the second objective will be to have 120 people who have gained a better understanding of what project management means through hands-on experience. Mr. Nolter reminded the Board that each project manager has been detached from their formal job duties to work full time on the project directly for the Assistant Secretary. Mr. Ajello asked if the Assistant Secretary had additional staff support for receiving each project report. Mr. Nolter answered that the Assistant Secretary is training her staff to provide a distilled assessment of each project report, which will raise the proficiency level for project management across EM. Mr. Cunningham added that when the project managers come in for a meeting with the Assistant Secretary, there are no bureaucratic holdups and every person walks out of the room with a clear understanding of the actual work being accomplished and what she expects from them.

Mr. Winston asked if the remaining four issues from the Top-to-Bottom report, specifically long-term stewardship, would be addressed by future corporate project teams. Mr. Cunningham explained that many aspects of the long-term stewardship program are long term and not part of the EM mission since EM is not a land management organization. However, he noted that EM does have responsibility to devise an exit strategy for the land to be turned over for release or monitoring to a land management organization.

Dr. Loehr asked Mr. Cunningham to elaborate on the EM program's definition of cleanup and closure. In response, Mr. Cunningham categorized the three types of sites EM is dealing with:

1. Sites for which there is no future EM or DOE mission use.
2. Sites with a continuing DOE mission (such as Oak Ridge).
3. Sites that will never be released and remain under the control of DOE indefinitely (Hanford).

In response to a comment from Dr. Loehr's about the relationship between risk reduction, accelerated cleanup, and site closure, Mr. Cunningham reiterated that EM's most important phase in the cleanup process is to stabilize material and then dispose of it. Mr. Quarles asked if it was really possible for DOE to walk away from a site and allow it to be opened for general use, including residential use, given the radioactivity of the soils and groundwater. In response,

Dr. Loehr explained that DOE does not have very many areas that could be clean enough for residential use, but that it did have agreements at Rocky Flats for cleanup that would allow for recreational use after the land is turned over to the National Park Service or the Department of Natural Resources. Mr. Winston added that while some areas of the Mound site are being transferred to the Miamisburg Mound Community Improvement Corporation for industrial redevelopment with industrial controls, there are other areas on the site that will continue to require industrial controls. Mr. Moran agreed and mentioned that the same process was underway at the East Tennessee Development Park at Oak Ridge.

Mr. Quarles noted that the EPA is having the same experience, because the solutions that are technically feasible are not politically acceptable, and the solutions that are politically acceptable are not technically feasible. He questioned if EM was free of that dilemma.

Mr. Cunningham explained that EM is experiencing problems with the closure of two types of sites:

1. Most small sites because of the difficulty of removing volatile organic compounds and polychlorinated biphenyls (PCBs).
2. Closure of sites in communities that are overly anxious to get their hands on buildings for economic redevelopment, resulting in a hampered cleanup process.

Mr. Winston noted that, at unique sites like Mound, intensive community interest can be a double-edged sword because while it helps with long-term problems, it can make it more difficult to carry out a safe land use transition. He added that DOE has tried to look closely at each site for these issues, because there is not a one-size-fits-all solution.

Ms. Salisbury asked if there were additional areas under the accelerated risk-based cleanup strategy in which the Board could offer its advice. Mr. Cunningham recommended that the Board look at performance-based contracts and offer its suggestions on how EM can transition more efficiently into an accelerated risk-based cleanup strategy. In response to Ms. Salisbury's request for more concrete project-based tasks, Mr. Cunningham suggested that the Board look into an exit strategy for EM, in terms of what should be acceptable to the public when closing a site down. Mr. Nolter revealed that it has been difficult for EM to discuss end states in a risk-based scheme, because of an overload of analyses. He asked the Board to provide him with guidance or its perspective on the issue. Mr. Winston and Ms. Salisbury suggested that the Board consider whether EM's approach is likely to succeed. Mr. Ajello recommended that the Board take time to review a Request for Proposal (RFP) to make sure that incentives were structured in.

At the end of the discussion, Mr. Quarles announced that he would be unable to attend the second day of the meeting and offered his thoughts on the day's briefings. Although he found much of the day's information to be abstract, he shared three frameworks in which to frame EM's cleanup issues:

1. EM must do a better job of hiring contractors who can complete cleanup jobs on time and cheaper than in the past.
2. Technical substantive change, or coming to a conclusion that it is time to move on from one project to the next.
3. A high level policy framework to find out what the public is really asking for, or in other words, "How clean is clean?"

Mr. Quarles added that it would be helpful to the Board if DOE would identify points in its process where it could use EMAB's advice to save time and money while moving the project forward. He also asked the Board to try to amplify what it had learned at the day's meeting

with some practicality of what could be done differently in the EM program.

In response, Mr. Cunningham said that he could provide the Board with much greater detail about how EMAB could best offer its advice, and offered two examples from Idaho and Hanford about changing project baselines and reclassifying waste for quick storage.

Mr. Quarles suggested that if EM wants to accomplish a culture change in the organization, it should provide specific examples of how it wants the end result of projects to change. He added that doing so would add some incentive to change and a lot of clarity about the changes required to achieve that objective.

Mr. Winston mentioned that it might be worth revisiting some past decision-making processes leading to change in the EM program. He asked if there had been some discussion at the sites planned for closure in 2006 about how these last-minute initiatives for accelerating cleanup would apply.

Mr. Cunningham explained that if the corporate project leaders come up with new solutions or ideas for the sites, they will be implemented immediately by the Assistant Secretary, regardless of whether a formal team report has yet been submitted. Furthermore, ongoing issues in the EM program, not currently being addressed by the project teams, are still being worked on. He offered an example of people actively pursuing options for orphaned waste at the Rocky Flats site.

Mr. Winston suggested that EM pursue parallel activities that complement each other. Mr. Nolter explained that the end point of the EM project is to come up with new initiatives packaged in the context of value added to the baseline. In other words, the project has to produce something that will demonstrate that if an action is taken, there will be a positive effect on EM's scope, schedule, and cost. According to Mr. Nolter, if a new approach does not translate into savings in terms of scope, schedule, or cost, it will not be implemented.

Mr. Winston asked if there would be a filter for such new initiatives. Mr. Nolter answered yes and explained that EM has identified some "targets of opportunity" that aren't necessarily included in the current projects, but are anecdotal tasks that must be completed and addressed. Mr. Nolter pointed out that Mr. Roger Butler is the individual in EM who manages anecdotal tasks, whether it's through matrices or contracting and performance incentives.

At the conclusion of the discussion on EM corporate risk reduction strategy, Mr. Ajello invited any members of the public to share their thoughts during the public comment period.

### **Public Comment Period**

Mr. Mic Griben, a consultant in private practice who has consulted DOE for about 10 years, asked how EM planned to measure and quantify risk reduction considering that some waste is contained and some continues to threaten the public with soil and groundwater contamination.

Mr. Griben pointed out that M&O and M&I contracts have a lot of socioeconomic aspects, leading to a potential for escalating costs due to long-standing regional or locality interests in continuing an area's economic vitality.

Finally, Mr. Griben asked for clarification on Mr. Golan's remark about hitting the high watermark for EM cleanup costs. He asked if the number was \$250 million, \$250 billion, or \$150 billion.

Mr. Ajello summarized Mr. Griben's questions, as follows:

1. How does one measure risk reduction?;
2. What is the actual or maximum cost of the program, given the changes that have occurred?; and
3. Is EM a site closure program or does it have some other socioeconomic objects that will clearly cost more money?

Following Mr. Griben's comments, Mr. Jim Bridgman of the Alliance for Nuclear Accountability (ANA) informed the Board that the ANA is 15 year-old organization of over 30 watchdog groups from around the weapons complex. He reported that ANA has felt locked out of the *Top-to-Bottom Review* process and has subsequently submitted a Freedom of Information Act (FOIA) request for some of the discussions occurring under the review. In terms of the PMPs, Mr. Bridgman reported that some sites had less than a week to submit comments back to Headquarters, which he called a substantial process concern. Mr. Bridgman also shared several anecdotal examples of safety incidents at EM sites, before informing the Board that the Union has acknowledged feeling that EM considers speed a higher priority than safety.

Mr. Bridgman mentioned that he would provide the Board with a folder of information from the ANA on a host of other concerns. He specified that more information could be found on the ANA website at: <http://www.ananuclear.org/>

### **Adjournment**

At the end of the public comment period, Mr. Ajello provided the Board with a preview of the next day's meeting activities and mentioned that he anticipated more of a dialogue between the Board and presenters. After identifying the Board's first challenge as prioritizing all of the things that they had heard in the day's briefings, Ms. Salisbury asked Mr. Ajello if he anticipated having some defined tasks for the Board by the conclusion of the meeting. Mr. Ajello suggested that the members discuss various priorities on the following day and sketch out a strawman list for circulation and further input. Mr. Winston proposed assessing the areas in which the Board was most energized about and looking pragmatically at the resources available to produce a quality product in a timely way. Mr. Ajello agreed and noted that the Board must find new ways to circulate information and get comments outside of meetings, if it is to accomplish anything.

At the end of the discussion, Mr. Ajello adjourned the meeting at approximately 5:15 p.m.

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Meeting Minutes: November 21, 2002

### **Opening Remarks**

Mr. Ajello opened the meeting at 9:00 a.m. and provided a quick overview of the day's agenda. Before welcoming Mr. Nolter to kick off the first of six briefings on selected EM Corporate Projects, Mr. Ajello reminded the Board that Board member Mr. Quarles would not attend the day's meeting.

### **Getting More Performance from Performance-Based Contracts**

Mr. Nolter announced that he was filling in for Mr. Charlie Dan, the assigned project team leader for the EM corporate project, "Getting More Performance from Performance-Based

Contracts." He offered to provide his perspective on the key elements of the project, as contained in the CD-0 package.

Mr. Nolter pointed out that in the contracting project arena, EM's work falls under Hazardous Waste. According to Mr. Nolter, an analysis of the May 2001 *Engineering News Record* revealed that Hazardous Waste is a highly competitive contracting area. Therefore, he suggested for EM to accept that it works in a competitive marketplace and understand that it must compete to recruit the "best in class" contractors. He also suggested that EM make performance-based contracting a core competency, with people at the Headquarters level who can take an idea and translate it into a contract, so that the selected contractor will perform to EM's standards.

According to Mr. Nolter, another paradigm shift in EM is instilling a quality assurance process and recognizing the contractor as the prime customer. After mentioning that EM has been unsuccessful in its attempts to recruit the best contractors, Mr. Nolter asked the Board for assistance with finding out, first, *if* EM is competitive, and second, *how* EM can become competitive in the contracting marketplace.

At Mr. Nolter's invitation, Mr. Cunningham added that EM is searching for a way to get the CEO's of the best contracting companies to send their best people to EM sites, where they can offer ideas and suggestions that will be profitable to the contractor itself and the Department.

Dr. Loehr clarified that the focus of the morning's discussion so far was on the contracting side of performance contracting. He asked Mr. Cunningham if looking for ways to improve performance goals was part of the same issue, or if he was strictly referring to the contracting side.

Mr. Cunningham responded by explaining that EM has failed in the area of contracting because, in the past, it has not included a well-defined scope of work in its contracts. He noted that without a well-defined scope of work, contractors do not know what EM expects of them, and EM does not know what it can hold contractors responsible for.

Mr. Nolter referred to a chart illustrating the components of the three stages of the general contract acquisition process. A major part of the process was writing the statement of work in a performance-based cost reimbursement contract as if it were a fixed price contract. Mr. Nolter reported that each contract contains what EM knows and what EM wants. He specified that EM moves issues clouded in uncertainty into a "risk" category. According to Mr. Nolter, EM will ask contractors for their proposals on how to manage and treat the issues included in the risk category. He offered an example of how after non-nuclear certified contractors were given the opportunity to clean up non-contaminated buildings at the Rocky Flats site, EM learned some lessons and got the job done cheaper and quicker.

In terms of government oversight of contractors, Mr. Nolter reported that the *Top-to-Bottom Review* revealed that a full spectrum of oversight, from none to oppressive. He noted that there was some uncertainty among DOE workers as to whether they could supervise incentivized fixed-price contract work without intimidating the contractors. Mr. Nolter said that EM must figure out its definition of oversight, and then determine how to provide that kind of oversight.

Mr. Nolter suggested that EM's entire contracting process is in need of a corporate history, so that lessons can be learned from each contract. He reasoned this might help EM escape from its culture of hitting the reset button and reinventing the wheel for each contract Source Evaluation Board. In addition to recommending the development of performance standards for the Source Evaluation Board's staffing, he raised a few questions that EM should consider:

- What are the traditional competencies that are needed on a Source Evaluation Board?

- Are there any?
- Before the Source Evaluation Board is put together, what should the prerequisites be?
- What are EM's standards? Does EM have any standards?
- Are the proposals performance-based and not just process oriented?
- What earned value will be achieved? On what dates?

In response to Mr. Moran's inquiry about whether the Source Evaluation Board was a Headquarters function, Mr. Nolter confirmed that it was. He added that he was familiar with a few of the Board's staffing standards, such as representation from Headquarters (to provide standards and approach) and the field (to provide technical knowledge about pulling it all together). Mr. Nolter mentioned that Mr. Golan was actively doing work on contract administration and oversight at the other end of the contracting process.

In terms of EM's ability to compete in the Hazardous Waste sector, Mr. Ajello asked if there was any indication of whether EM was comparable in terms of fee structures, contract administration, and establishing performance fees. Mr. Nolter explained that while EM does not yet know the answer to that question, it has received some feedback from contractors indicating that it is not competitive. However, he cautioned that EM has had a difficult time getting an objective answer from contractors and is still searching for the right approach to get an objective assessment about its competitiveness in the marketplace. In response, Mr. Ajello suggested that the Board offer its assistance on this topic to EM.

Although EM is actively trying to attract small businesses for its work, Mr. Cunningham mentioned that EM is aware of how expensive and difficult it is for a contractor to respond to an RFP. On this point, Mr. Nolter added that EM is sensitive to the disconnect of how much money it costs for a large company to put together a credible, respectable, and competitive proposal and how much money it costs for a small company to do the same. He added that delays in the contract award date add to this disconnect by placing staffing burdens on small businesses and discouraging them from competing for EM's contracts.

Mr. Nolter noted that the corporate project team was looking at the following questions:

- What is the best way to get performance-based contracting as a core competency for EM?
- Are the fees in line with the work?
- Are the fees in line with the rest of the work environment?
- Are the fees in line with the marketplace where EM exists?

Mr. Ajello asked if incentives for completing a program's objective sooner were factored into performance fees. Mr. Nolter replied yes and explained that in contracts and proposals that have already been issued, EM can show incentives for contractors to get the work done more quickly and cheaply. Mr. Cunningham added that in some contracts, EM has incentivized the wrong things and is now working to modify the contracts.

In reference to a chart provided in the briefing handout, Mr. Nolter provided an overview of how issues from the *Top-to-Bottom Review* were incorporated into the Mound RFP. In response, Mr. Ajello asked Mr. Nolter to describe the reaction of the contracting community to this particular procurement, considering that EM had departed from past practices to create a new model. Mr. Nolter said that anecdotal evidence suggests contractors who had competed on it called it was the best RFP they've ever seen, because it laid out exactly what the government wanted.

Dr. Loehr asked how quickly changes could be made to a contract if an unanticipated problem arises or if someone has a better way to do something. Mr. Nolter said that depending on the

site, baseline change proposals could take anywhere from the corporate standard of three-to-four days to weeks. In the Mound RFP there is a contractual limit of seven calendar days for questions.

Ms. Salisbury asked Mr. Nolter to first describe what it was like for the Department to make all of the changes considering the amount of work that went into developing the RFP, and then to describe the reaction of DOE employees to the new RFP. Mr. Nolter said that it was a "painful" change, especially with the task of uncovering the details required for the RFP's statement of work. Another challenge was that the momentum of the system was not yet set up to support the new changes. Mr. Cunningham attributed some resistance to change because EM was asking people to do more than the requirements of the federal acquisition regulations.

Ms. Salisbury wondered if EM has implemented a formal lessons-learned process based on this experience. Mr. Nolter said that Mr. Frank Sheppard, of the Selection Committee, could provide details on the lessons-learned. In response to Ms. Salisbury's request for this information, Mr. Ajello stated that this would be one of EMAB's follow-up tasks.

### **Integrated/Risk-Driven Disposal of Spent Nuclear Fuel**

After Mr. Nolter's presentation, Mr. Ajello welcomed Ms. Christine Gelles, EM Corporate Project Manager of "Integrated/Risk-Driven Disposal of Spent Nuclear Fuel."

Ms. Gelles informed the Board that Spent Nuclear Fuel (SNF) disposition will cost the Department about \$12 billion over the next 35 years. After attributing between \$8 billion and \$11 billion of the \$12 billion total to EM's mortgage, she noted that EM is probably the most incentivized program to change the way it's doing business. Mr. Ajello requested an explanation of the mortgage concept and asked if the billion dollar figures were the fixed cost of the program to be paid no matter the outcome of the program. Ms. Gelles explained that it takes a significant amount of funding to place the current inventory of SNF in interim storage and that there is not a significant amount of waste continually generated. She said that basically EM has to manage the SNF and provide safe, stable, and dry storage of the inventory that exists.

Ms. Gelles stated that because the disposition of SNF involves four program offices, six major DOE sites, various facilities, and a diverse collection of incentivized and non-incentivized contracts, the values driving the performance of the overall SNF disposition project are not consistent among program offices, field offices, and contractors. Despite the inconsistency, Ms. Gelles pointed out a lot of interdependency between sites and internal and external programs, and noted that the project has an impact on international and commercial interests. She said the program is driven by political forces, regulatory agreements, and statutory drivers, including the Nuclear Waste Policy Act. These drivers not only shape how EM manages and ships SNF, but also defines how the Office of Civilian Radioactive Waste Management (RW) proceeds with its plans for a SNF repository.

Since every aspect of the SNF project has been analyzed at least three times, Ms. Gelles specified that her project team would not be coming up with any groundbreaking technological advances or unheard of management approaches. Instead, her project team is focused on disciplined project management and integration.

After Mr. Ajello asked if SNF waste reduction was possible, Ms. Gelles explained that while waste reduction opportunities are not directly linked to SNF, there are questions of how effectively it can be shipped and how it can be stored that could accelerate the schedule and reduce the overall cost. She added that there are some programmatic decisions to be made by EM in regards to treatment options for specific waste streams, including whether or not it is better to dispose of the waste as SNF or high-level waste.

Ms. Gelles provided a summary of the project team's mission need statement and referred to the program as a collection of individual site strategies for the disposition of SNF waste. She acknowledged that the development of the sites' accelerated cleanup plans in isolation and with unconstrained assumptions has resulted in programs that are not compatible with each other or with RW's baseline planning for the conceptual design of the repository. She said her team is now struggling to find opportunities to bridge the gaps, align the programs, and determine mechanisms to further accelerate the EM SNF program. Overall, she specified that the Department needs an integrated corporate strategy for SNF disposition that defines common collective values to drive cleanup activities across EM and RW.

After providing the Board with an overview of the project team's solution statement, its key deliverables, and its end state, Ms. Gelles said that if her team finds that there are tasks related to SNF that are not related to EM's focus of accelerating cleanup and risk-reduction, the team may recommend realignment of SNF management responsibilities to another program in the Department, such as RW or the Office of Nuclear Energy, Science and Technology (NE). Ms. Gelles said that the end state of the project will be achieved when an integrated corporate strategy for SNF disposition is delivered to and accepted by the Assistant Secretary; when baseline changes to SNF are developed and approved by EM's sites; and when an integrated project schedule is developed and used to guide and integrate SNF activities across the Department's program offices. Ultimately, Ms. Gelles said the project team would provide a strategic plan for realigning all of the Department's SNF management responsibilities to the Secretary of Energy.

To wrap up her briefing, Ms. Gelles mentioned that she had broken down the project team's activities into a number of sub projects or issues. She provided a list of the sub project areas to the Board and offered to answer any specific questions. In reference to the last item on the list, the National Environmental Policy Act (NEPA), Mr. Winston asked Ms. Gelles to identify the NEPA issues. Ms. Gelles explained that she had Mr. Eric Cohen from the NEPA office within the DOE Office of Environment, Safety, and Health on the project team. She commented that in addition to reviewing the NEPA documentation at each site, there may be some near-term aligning to implement the decisions or recommendations included in the PMPs.

In response to Mr. Winston's inquiry about whether NEPA coverage pertained to the project team's decisions, Ms. Gelles said that she was very confident that the range of analysis that has been completed thus far covers near every possible option to be evaluated. She added that as the project team developed and refines its corporate strategy, it would fulfill the need for additional NEPA documentation as necessary.

Mr. Winston asked Ms. Gelles if she had identified anything in her project that could use assistance from the EMAB. Ms. Gelles said that she did not know of any areas needing help, but that there may be opportunities for EMAB's involvement in the future. She said that the project team is still about two months away from knowing if they will need help, because they are still in the process of defining core values for the project and aligning themselves to respond to impacts in schedule or cost to the other programs.

Ms. Salisbury observed that to be successful, EM's SNF disposition project must achieve integration with the four other DOE programs. She asked for reassurance from Ms. Gelles that there will be sufficient buy-in across the Department to achieve integration, even though EM is driving the project. Ms. Gelles agreed that achieving integration was one of the project's biggest challenges, and acknowledged that the biggest obstacle was getting the program moving in the other organizations. She added that the project team is objectively evaluating changes and defining values to ensure that the final objective is not only good for EM, but also good for the Department.

Ms. Salisbury pointed out that the public does not see the project spread out across four separate entities, but instead sees the project under one department, the DOE. She said that when the Department's activities are uncoordinated, the government ends up looking stupid without a good reason. In response, Ms. Gelles said that the project was really an exercise in project management and may be able to help change the public's perception of the DOE. Mr. Cunningham added that it appears that Ms. Gelles' project is making progress, because for the first time, it seems that the Department is beginning to understand that the SNF is not EM material, but DOE material.

### **Role of the EM Office of Integration and Disposition**

Ms. Patty Bubar, Associate Deputy Assistant Secretary for the EM Office of Integration and Disposition, was the next speaker. Her office is responsible for ensuring that all of the waste and materials at EM sites get safely transported to their final resting place. Other responsibilities include ensuring that the appropriate programmatic NEPA documents (including Records of Decision (RODs)) exist, or are getting amended or supplemented.

Ms. Bubar said she spends much of her time interfacing with other agencies and organizations, including state groups and tribal governments. She also acts as EM's primary liaison to the Nuclear Regulatory Commission (NRC) and the Environmental Protection Agency (EPA), which means that any policy issues associated with EM move through her office.

Ms. Bubar said her work with the NRC involves discussions over decontamination and decommissioning (D&D) standards and the certification of packages for the shipment of nuclear materials. She mentioned that she hopes the NRC will become EM's certifier, so that EM can get out of the business of certifying packages. She added that EM is awaiting a policy decision from NRC on whether it can recycle contaminated materials.

Ms. Bubar regularly works with the EPA on new standards and practices that they are considering or that EM would like them to consider. She added that site-level interactions indicate the status of EM's relationship with the EPA on a regional level.

In addition to working with the NRC and the EPA, Ms. Bubar mentioned her activities as a liaison to the National Academy of Science (NAS) and with the Consortium for Risk Evaluation with Stakeholder Participation (CRESP). She said that it has been a challenge to identify substantive work areas for these groups that will assist EM in making informed policy decisions that are grounded in science and conscious of risk.

Ms. Bubar also discussed EM's work to break down technological barriers and reduce the costs associated with technologies with regulators on the Interstate Technology Regulatory Council (ITRC). She said that the ITRC not only helps EM to understand when technologies are helpful, but it also provides advice on exit strategies when technologies are no longer useful to EM. She added that the regulators on the ITRC are generally the same people who work out RODs at the site level, allowing for state regulators and DOE to see eye-to-eye. Through national groups, such as the ITRC, EM is able to find out how it can do better at the site level and at the national level.

Ms. Bubar said in the time that she has spent with EM's corporate project teams, she has witnessed their process of rethinking how to do things better, more efficiently, and in a more integrated fashion. As the formal liaison for day-to-day issues involving other Department programs (such as RW), she expects to continue to act as the coordination point for the various projects, as EM continues to build on the expertise already present within the organization.

In addition to interfacing with other internal and external organizations and agencies, Ms.

Bubar is charged with ensuring that the assets in which the Department has invested in, such as WIPP, the Advanced Mixed Waste Treatment Facility in Idaho and the Nevada Test Site, are used as wisely as is necessary. She also noted handling inter-site shipment issues, which can be politically charged by state interests.

At Ms. Bubar's request, Mr. Winston offered his thoughts on the political conflicts over waste shipments and offered to provide his fellow EMAB members with updates on the activities of the National Governors' Association. After asking for more clarification on the small sites' initiative and risk-based end states, Mr. Winston advised that if waste shipments and inter-site transfers are to be successful, EM will require an integrated complex-wide approach that is well-articulated and agreed upon. Mr. Winston believes that viewing these issues from a big picture viewpoint would be more successful than working at the site level.

Ms. Bubar commented that having to explain the big picture of EM's corporate strategy has reinforced the Department's obligation to be accountable to taxpayers. Ms. Bubar said the states have indicated that it is time to step back and look at EM corporately. She mentioned that each site has a transuranic baseline, but EM's logic for prioritizing sites on that baseline is still not clear. Moreover, she said that the process of how changes will be factored into the baselines have not yet been made clear.

Mr. Ajello asked Mr. Winston to offer any suggestions of how EMAB could be helpful in this area. Mr. Winston said that the challenge lies in blending scientific, regulatory, and political areas in a way that makes sense given fiscal implications. After mentioning that a lot of information is available from previous studies of these issue areas, Mr. Winston suggested that EMAB find a way to blend all of the competing or parallel interests together in a way that makes sense from a corporate standpoint and provides broad-based value to the decision-making process.

Ms. Bubar noted that EM's past actions on regulatory commitments have created expectations at some sites that EM is going to do things that are either technically or financially impossible. She acknowledged that even after pulling together all of the information that is out there in various studies and reports, EM has been unable to come up with any new or innovative ways to do things. Additionally, Ms. Bubar mentioned that it has been difficult to convince EM's constituents that the program is attempting to use dollars more efficiently to accelerate cleanup and get out of the business, and that changes will be necessary to get turned in the right direction. She asked the EMAB to think about how EM could efficiently blend the pieces of information acquired from experts, NEPA documents, and the personal relationships built with regulators through ongoing dialogue.

In response to Ms. Bubar's comments, Ms. Salisbury suggested that EM take the simplest approach by biting the political bullet and no longer telling corporate lies. She added that at some point EM will have to fess up and tell its stakeholders that it will not be closing specific sites in the way that everybody expects, and that they will just have to deal with it. On Ms. Bubar's other point about working with state regulators, Ms. Salisbury recommended that EM adopt a more disciplined approach to integration, by adhering to its schedule without changes.

### **A Cleanup Program Driven by Risk-Based End States**

Mr. Ajello thanked Ms. Bubar and welcomed Mr. Dave Geiser, EM Corporate Project Manager of "A Cleanup Program Driven by Risk-Based End States." Mr. Geiser provided the Board with a brief summary of his professional background, including his current role as the Director of the EM Office of Long-term Stewardship (LTS).

Overall, Mr. Geiser described the project as very ambitious and something that should have

been done in 1989 at the start of the EM program, but couldn't have been completed as recently as five years ago.

Mr. Geiser said that the EM program has been working on a definition of a final goal for the past 12 years, by making decisions about cleanup without any knowledge of what the final end state looked like. In some cases the decisions made along the cleanup path resulted in backtracking and in other cases some sites were not cleaned up enough to achieve closure status. Mr. Geiser attributed cost increases and schedule slips in the program to these inefficiencies along the cleanup path.

Mr. Geiser identified EM's current problem as amorphous end states for sites, that prevent an optimum cleanup path from being developed and the final end state from ever being reached. After identifying the project's initial goal of determining an as well-defined end state as possible, Mr. Geiser asked the Board if it could help describe what a risk-based end state looked like, recognizing that there were performance requirements for EM to meet and that it would continue to meet until the site reaches unrestricted use.

In order to accomplish the project's objectives, Mr. Geiser outlined four necessary components:

1. A corporate policy.
2. A site-based end state vision.
3. Tools for risk evaluation and stakeholder participation.
4. A corporate strategy.

Mr. Geiser concluded saying that with a defined site-based end state vision, the right tools, and a corporate strategy, EM will be able to derive a new baseline that is more effective and more efficient than what currently exists. He told the Board that he expects a project end date of September 2003.

Mr. Winston asked where external factors such as regulatory drivers and treaty obligations fit into the end state model. Mr. Geiser said they fit into several places and that through the help of his team members (who specialize on working with stakeholders, national intergovernmental groups, state regulators, and tribes) the team will try to get agreement on what the end state looks like and any regulatory issues will be worked out in the process. After an end state is agreed upon, the same group will get together to determine what changes need to be made to the baseline to achieve cleanup in a faster, more efficient manner.

Mr. Ajello asked if it is possible to have a consistent LTS policy for all sites, or if each site truly requires its own LTS plan. In response, Mr. Geiser said that generally sites fall into different categories with similar plans. He offered Grand Junction as an example of a site that has had a successful stewardship program by locating a steward who meets three basic criteria: local, interested, and capable. Such land stewards could be a local government, a tribe, a utility, or an individual landowner. Mr. Geiser said that EM has all those cases today and that the Department continues to provide oversight of the steward on the federal, private, or other type of land. He added that a stewardship plan simply identifies activities that must be done to ensure protectiveness of the remedy.

In response to Ms. Salisbury's inquiry about how many sites currently have well-defined end states, Mr. Geiser explained that while there is broad variability in how well end states are defined, the sites closest to that definition are Weldon Springs, Fernald, Mound, and Rocky Flats. Mr. Winston added that sites must consider the stewards that are available and build that into the LTS process as well.

Dr. Loehr asked Mr. Geiser to provide more details on what he meant by a risk-based end state

vision, when much of the previous discussion was focused on developing a land-use decision framework. Mr. Geiser offered three core questions leading to the project's team definition of a risk-based end state vision:

1. What is the anticipated land use?
2. What are the remaining hazards?
3. Who are the receptors?

Mr. Ajello thanked Mr. Geiser for his briefing.

### **Managing Waste to Reduce Risk - Other Than SNF and HLW**

Mr. Cunningham invited Mr. Reinhard Knerr, EM Corporate Project Manager, to introduce himself and begin his presentation on "Managing Waste to Reduce Risk- Other Than SNF and HLW."

Mr. Knerr defined his project objective as looking at the practices of the field and commercial facilities to identify opportunities for streamlining EM's opportunities with regard to low-level waste, mixed low-level wastes, and TRU waste. He expects to provide a CD-1-A package and an integrated disposal plan to the Assistant Secretary by January 1, 2003. His project will define practices for EM to implement in the near future to streamline the program's activities and maximize the utilization of its assets.

Mr. Knerr reported that his project team has already identified six practices for implementation at the sites. So far, the Assistant Secretary has approved and issued one of the six practices to the sites; the other five are still pending approval and awaiting some details to be worked out. Mr. Knerr referred to his project's six deliverables as Immediate Risk Reduction Action Plans (IRRAPS).

The first IRRAP recommended for implementation across the DOE complex was a waste minimization activity at the Savannah River Site (SRS), called "Green is Clean." Mr. Knerr described the activity as using a risk-based approach to determine which materials in radioactive material areas could be classified as low-level waste, and which materials could be processed as clean waste.

The second IRRAP approved for distribution to the complex recommended the use of dedicated containers for handling radioactive material during transport from sites to treatment or disposal facilities. Mr. Knerr said this activity would save money by eliminating the decontamination activities associated with the container when it is returned to the site.

The third IRRAP aims at streamlining the EM Consolidated Analysis Program (EMCAP) to perform all audits of the analytical labs and disposal facilities.

Mr. Winston asked if the project team had included commercial facilities, such as Utah's Envirocare facility, in its scope to manage waste and reduce risk, and what they planned to do in that arena. Mr. Knerr explained that as the team visited commercial facilities, they looked at practices for application to EM activities. At Envirocare, the team reviewed the facility's operations and developed a list of recommendations that could be applied across the DOE complex.

Mr. Winston asked if the project team was looking at the benefits of utilizing on and off-site commercial facilities to achieve waste management goals. Mr. Knerr said the team was looking at the use of commercial facilities to determine cost effectiveness. After the team has

completed a review of the costs associated with characterization, transportation, and disposal of the waste, it may recommend staggered milestones across the complex to take better advantage of various waste treatment facilities.

After characterizing the IRRAPS as short-term low hanging fruit for the Assistant Secretary, Mr. Winston requested information about the remaining three IRRAPS from Mr. Knerr. Mr. Winston also asked Mr. Knerr to describe his methodology for integrating EM's low-level, mixed low-level, and TRU waste management activities throughout the EM field sites.

Mr. Knerr said that his team has already created a database for all of the practices and notes acquired from the team's site visits and interviews, and is now developing some conceptual strategies applicable to low-level, mixed low-level, and TRU wastes. He added that the team has also identified between 80 and 90 recommendations for the low-level waste package and has begun pulling out the best practices applicable to low-level waste for insertion into the conceptual design report.

Mr. Winston asked if there were any information, technical, or policy gaps that the Board could assist the team with. Mr. Knerr said his team was looking at additional ways to integrate and streamline activities between the Nevada Test Site and Hanford, and might find the Board's assistance helpful.

Mr. Winston asked if the project team was looking at the three waste types simultaneously. Mr. Knerr replied that the team was focusing on the least controversial waste type first, low-level waste, and would follow with analyses of mixed low-level waste, and TRU waste. He expects to have the TRU waste CD-1-C package completed by March 1, 2003.

### **Managing Waste to Reduce Risk - High Level Waste**

Mr. Knerr's presentation was followed by a presentation from Mr. Joel Case, EM Corporate Project Manger for "Managing Waste to Reduce Risk- High Level Waste."

Historically, the Department's high level waste has been managed according to its origin and not its risk. This approach has resulted in costly waste management and closure strategies that have placed human health and the environment at risk. Mr. Case the high-level waste programs at Hanford, SRS, INEEL, and the West Valley Demonstration Project as the focus of his project. He added that his project team is also looking at tank closure issues at Hanford, INEEL, and SRS.

The main problem identified in the CD-0 package is that the Department's high-level waste program has a \$70 billion cost stretching to the year 2070. He noted that even though EM's accelerated closure approach has reduced the estimated cost of the program to about \$35 billion with a closing date of 2032, high-level waste is still a very large program. Mr. Case said part of his project's charter is to keep the pressure on sites to look at the high level waste issue through a corporate strategy, use the PMPs as existing baselines, and look for additional ideas to reduce risk and cost.

Mr. Case noted that the definition of high level waste is source-based and not based upon risk or activity. He explained that another part of the project's charter is to develop a better definition of what waste needs to go to repositories versus alternative disposition pathways.

Mr. Case said that the Department has close to 250 tanks in the complex that could be characterized as an urgent risk, because of leaks. He reported that his team is looking at current and new processing approaches for tank waste disposition within the current regulatory

framework, and will submit a collection of different approaches to the Assistant Secretary for her review.

Mr. Case acknowledged that EM is spending a lot of money to meet glass requirements at Yucca Mountain without validating the rationale for the glass specifications. His team is now looking at characterization and qualification requirements that make technical sense from a performance standpoint.

Mr. Case stated that there is still a lot of work to do with high level waste risk reduction and cost savings in the accelerated closure program. He called it one of the most controversial programs because of its various stakeholders and existing regulatory agreements, which are now being reexamined from a risk-based standpoint. The project team has been working with the NRC to define high level waste, and with Margaret Chu of RW to look at changes in program requirements that make sense. Mr. Case also mentioned working with WIPP to work out some decisions about a potentially large amount of remote-handled TRU waste that would be sent to the plant.

Mr. Case said that the team's CD-1 and CD-2 reports would be delivered to the Assistant Secretary sometime in January and that action plans are in place to implement any approved recommendations at the site level and in the EM program. He said that he hopes to wrap up the project by June 2003.

Mr. Winston asked if the sites' PMPs would have to be negotiated and changed as the program and its deliverables were transitioned to the appropriate entities. Mr. Case said that if the project team's recommendations are approved, any site-specific PMP changes would be directed to the Assistant Secretary for negotiations with Mr. Golan.

Ms. Salisbury asked Mr. Case what EMAB could do to be helpful. Mr. Case said that depending on the approval of the team's recommendations, during the next phase of the project there may be changes made to the tri-party agreement, identification of political challenges, and increased involvement of stakeholders.

In response to Mr. Ajello's inquiry about why the team's objectives were based on cutting the high level waste budget in half, Mr. Case said that the cutback was based on what activities the sites' did before the formation of the corporate project teams, and what, if any, baselines they had in place. Mr. Case added that there was a lot of uncertainty about the current budget figures, but that his team's recommendations would attempt to add more certainty to the program's overall budget.

Mr. Cunningham added that regardless of whether everyone agrees on the validity of the numbers, EM is going in the right direction for reducing, as evidenced by the questioning of constructing more vitrification plants at Hanford to vitrify low-level wastes, which are specified in the current Hanford baseline. Mr. Case explained that his team is trying to explore better, cheaper options for stabilizing the low activity fraction of high level waste.

In response to a question from Mr. Winston about renegotiating the tri-party agreement, Mr. Case explained that his team will attempt take the technical high level waste program and overlay it with the regulatory or court-ordered settlement agreements. The project team will then leave it to the Assistant Secretary to determine what options are best.

### **Safeguards and Security / Nuclear Material Consolidation**

At the conclusion of Mr. Case's briefing, Mr. Cunningham presented an overview of "Safeguards

and Security / Nuclear Material Consolidation" on behalf of Corporate Project Manager Mr. Matt McCormick.

Mr. Cunningham explained that when DOE facilities, such as Rocky Flats and Hanford, were declared as no longer required for the Defense Program, the sites were left with large quantities of plutonium and, in some cases, enriched uranium. Even though EM is not in the special nuclear materials storage business, it has been given custody of these materials as part of its responsibility for dealing with legacy waste and is required to close down material accountability areas (MAA's) and eliminate the need for security requirements.

The first objective is to consolidate all of the special nuclear materials currently scattered across the EM complex. Mr. Cunningham specified that all plutonium materials will go to SRS and all enriched uranium materials will go into the National Repository at the Oak Ridge site.

He said that the plan is complicated. The special nuclear materials will be shipped in Standard 3013 containers, which rely upon an expensive process for stabilizing the waste, and welding and sealing double cans. He estimated that more than 1000 cans will be produced at Rocky Flats alone, and shipped to SRS for storage.

Mr. Cunningham identified another objective of the project as maximizing the disposal of special nuclear materials at currently operating and authorized facilities. He said some of the materials containing less than 20% plutonium could be packaged and shipped to WIPP for disposal. Other waste materials could be properly packaged and stored for future disposal at Yucca Mountain. Overall, Mr. Cunningham said that materials that could be disposed of directly at WIPP place EM in a better position to rapidly and permanently dispose of the material and eliminate storage costs.

Mr. Cunningham said that the project team is also looking into how EM can establish storage or disposal options for accountable quantities of special nuclear materials, as determined by the **National Nuclear Security Administration (NNSA)**.

Mr. Cunningham summarized the overall objective of the program as getting EM out of the special nuclear materials business. He stated that there is no programmatic need or use of the materials by the EM program and there is no reason for EM to continue acting as the middleman. He envisioned future activities such as the transfer of materials to storage facilities managed and owned by people with programmatic interests in the material or a transfer of the storage facilities currently maintained by EM.

In conclusion, Mr. Cunningham explained that EM selected Oak Ridge and SRS as the sites to receive special nuclear materials, because they are the two programmatic sites in the EM complex with production missions. He added that the Department has a reciprocal agreement with the Russians to process 30 metric tons of plutonium under the non-proliferation program.

Mr. Ajello asked Mr. Cunningham how much of the EM program is associated with the Russian Government. Mr. Cunningham replied that EM is not directly involved with that since the non-proliferation program operates out of the NNSA.

Mr. Winston observed that this specific project team had a very descriptive list of deliverables, as compared to the other teams. He added that it seems that EM has traditionally been a dumping ground for activities transferred from other programs and predicted that the new EM program will no longer be accepting of programs that do not clearly fit into its mission.

After Mr. Cunningham's presentation, Mr. Ajello called for a short break before returning to a

working lunch.

### **Working Lunch**

During the working lunch, the Board discussed resource areas to look into before its next meeting. Those areas include:

- Obtaining a full list of EMAB's previous reports.
- Looking into trade association journals for information about the hazardous waste marketplace.
- What types of contracts or mechanisms Exxon and Mobil are using for their remediation activities.
- Obtaining copies of the Mound RFP.
- Obtaining EM's list of lessons-learned from the Mound RFP.
- Obtaining information about EM's most notable contracts.
- How transportation issues fit into EM's accelerated closure strategy.
- A review of all CD-1 packages for safety and health considerations.

At the end of the Board's discussion, Mr. Ajello listed five topic areas that the Board could look into and consider as they reviewed EMAB's previous reports:

1. End State Exit Strategy LTS (project team)
2. Contracting Practices (project team)
3. Program Metrics (overarching)
4. Accelerated Closure Strategies (overarching, broad perspective)
5. Transportation

### **Alternative Technologies to Incineration Committee Report and Recommendations**

At 1 p.m., Mr. Dick Begley, Co-Chair of the Alternative Technologies to Incineration Committee (ATIC), presented his committee's report. His Co-Chair Vicki Tschinkel was unable to attend the meeting.

After providing the Board with a brief overview of the Committee's creation and structure, Mr. Begley said that the Committee focused on alternative treatment options for PCB-contaminated TRU waste at INEEL and how similar waste streams in the complex could benefit from a technology evaluation process. He summarized their mission statement as looking at the available alternative technologies and helping DOE to understand the range of interests and options that other technical people and stakeholders might have in evaluating alternative technologies to incineration. He added that DOE was in the process of identifying such technologies through its RDD&D plan and had plans to evaluate the technologies through surrogate and real waste testing.

Mr. Begley reported that recent programmatic changes in EM have resulted in de-emphasizing EM's R&D program for alternative technologies to incineration, in favor of pursuing changes in regulatory procedures to move the PCB-contaminated TRU waste from INEEL to WIPP with minimal treatment. Mr. Begley pointed out that these programmatic changes made it impossible for the Committee to proceed with its originally intended mission.

After summarizing the Department's new three-pronged strategy for removing PCB-contaminated waste at INEEL, Mr. Begley explained that some members of the Committee had concerns about the ultimate probable success of the regulatory relief strategy and that they felt the Department should have continued the alternative technologies to incineration program in

parallel with the attempt to achieve regulatory relief. The Committee also found a need for further coordination between the Department and stakeholders. Mr. Begley said that a corporate focus could be useful to optimize the results of such an effort across the entire EM complex and not limit the benefits to just one specific site. The Committee also reached consensus on proposing the creation of a more formalized mechanism to bring the interests and concerns of stakeholders to the senior management levels of the Department.

In addition to these findings, Mr. Begley reported that the Committee had endorsed the concept of a criteria evaluation document to transparently illustrate the benefits and tradeoffs of various technologies during the technology selection process.

In conclusion, Mr. Begley offered the following recommendations to the Board on behalf of the ATIC:

1. EMAB recommend that DOE dissolve the Alternative Technologies to Incineration Committee, as currently structured.
2. EMAB and DOE consider establishment of a formalized mechanism to provide national stakeholder input to issues related to waste treatment and disposal.

Mr. Ajello thanked Mr. Begley and suggested that the Board prepare itself for movement of the Committee's recommendations.

Mr. Ajello entertained a motion that the ATIC had completed its assigned charge and could be brought to closure. He further proposed that the EMAB endorse the Committee's findings and proposed that the recommendations be forwarded to the Assistant Secretary for consideration and action. The motion was seconded and discussion followed.

Ms. Salisbury asked Mr. Begley to elaborate on the Committee's concerns over the regulatory approach and why they felt there should be a parallel approach. In response, Mr. Begley explained that some members of the Committee were skeptical that the appropriate regulatory buy-in could be obtained in a timely fashion.

In response to an inquiry from Mr. Ajello, Mr. Begley stated that in the best of all worlds, the Committee wanted to see the continued development of alternative technologies to incineration within the Department. However, he noted that some technology development is still occurring in the private sector.

After further discussion about the effects of EM's programmatic changes on the Committee's original mission, Mr. Winston indicated his support for the closure of the Committee's activities by noting that the Committee had achieved as much as it could given EM's change in direction.

In reference to the Committee's second recommendation, Mr. Winston said it is important for EM to realize that when site-specific discussions occur in a vacuum, there are no complex-wide benefits. He opined that although the Committee's recommendation was not very specific in terms of specifying what it wants the Department to do, he was comfortable with sending the message that program integration must be accomplished with internal and external players. He added that the Assistant Secretary's current policy of giving site managers the responsibility of interacting with stakeholders makes stakeholder issues strictly site-specific.

Mr. Ajello agreed with Mr. Winston's comments and asked Mr. Begley if the Committee had included any ideas or suggestions for a "formalized mechanism" in its report. Mr. Begley replied that the Committee did not have a specific mechanism in mind and that the issue should be explored in greater detail.

Mr. Melillo added that the Assistant Secretary had already prepared a formal memo forwarding the Evaluation Criteria Document to the Deputy Assistant Secretary for Science and Technology, Mr. Jim Owendoff. The memo contained language suggesting that the criteria be given consideration in EM's future planning activities.

Ms. Salisbury suggested that the Board keep the development of a formalized mechanism for stakeholder input in mind as it looked at EM other program issues, such as site end states.

At the conclusion of the Board's discussion, Mr. Ajello called for any public comments on the Committee's recommendations. Hearing none, he called for approval of the motion and received a unanimous vote.

### **Board Business**

At approximately 1:25 p.m., Mr. Ajello summarized the Board's list of five priorities and work areas, as discussed during the working lunch:

1. End State Exit Strategy LTS
2. Contracting Practices
3. Program Metrics
4. Accelerated Closure Strategies
5. Transportation

He added that transportation could be retained as its own category or captured under the topic of accelerated closure strategies.

Mr. Ajello asked the Board if he had effectively captured its priorities. Mr. Winston suggested a narrower focus for the work area "Accelerated Closure Strategies." In response, Dr. Loehr reasoned that the list was only a beginning point for subsequent focus and discussion, rather than an endpoint. He suspected that there would be considerable modification to the list as the Board gained a sharper focus of the issues in coming months. Mr. Ajello added that he thought the list would be critiqued and expanded once the Assistant Secretary and others had reviewed it.

Mr. Ajello suggested that one approach to providing input and recommendations to the Assistant Secretary, would be for the Board to provide a critique and a recommendation for the work that comes out of the corporate project teams. Ms. Salisbury agreed with the idea and suggested that the Board find out if that kind of work would be valuable to the Assistant Secretary before walking down the wrong path.

Mr. Ajello proposed circulating the list among the Board members for their comments and then submitting it to the Assistant Secretary for her comments, before beginning the actual work. He then invited opinions from the audience.

At Mr. Ajello's invitation, Ms. Betty Nolan of the DOE Office of Congressional and Intergovernmental Affairs, suggested that the Board refrain from critiquing the results of the individual corporate projects, and focus on its list of priorities instead. She noted that the Department could use the most help with contracting issues and with defining end states, exit strategies, and long-term stewardship plans for its sites. She asked the Board to think about where long-term stewardship belongs in the Department and how it can be institutionalized. Ms. Nolan concluded by reminding the Board that the areas on its priority list could be addressed at the Departmental level by giving consideration to how it conducts its business according to its two primary supporters: stakeholders and taxpayers.

Mr. Griben, a consultant, asked the Board to think about EM's near term goals and how the Department could increase its credibility. He identified the bottom line as the closure of sites in 2006 and suggested the Board do a triage on the eight corporate projects, by looking at the series of CD packages for high level waste. Lastly, Mr. Griben encouraged the Board to think about very definite objective and quantifiable performance metrics that could demonstrate some kind of forward progress every year.

In response to Mr. Griben's final suggestion, Mr. Ajello explained that when he mentioned program metrics, he meant the whole program and not just metrics for individual sites. He asked Mr. Griben for his thoughts on how the Board could approach such a technical and detailed task.

Mr. Griben referred to Mr. Golan's Gold Chart as a way to measure progress for the whole program, but raised questions concerning whether EM needs to be in the waste management business and whether other entities in the Federal Government could do it better. Mr. Griben said that for the Department to maintain its environmental management activity it must show significant progress to Congress. Mr. Ajello thanked Mr. Griben.

Mr. Winston suggested that the Board should pay attention to the deliverables that come out of the project teams in the June timeframe. Mr. Ajello added that the Board should allow the items with the largest financial costs to guide their priorities, and to see how the money is spent.

Mr. Winston pointed out that EM has been so focused on aligning its vision, that it has not been on the lookout for any blind spots from external entities in its accelerated closure plans. Mr. Ajello agreed and suggested that the Board consider potential fatal flaws to accelerated cleanup, by pointing out things that could become big issues.

Mr. Bridgman of the ANA asked the Board to carefully evaluate the meaning of long-term stewardship. He offered the migration of groundwater contaminants at Hanford as one topic the Board could look into as it considered various end state visions and brought up the issue of how the continual creation of contaminants may affect long-term cleanup goals.

In reference to the previous day's discussion of contractor oversight mechanisms, Mr. Bridgman pointed out that there were no longer incentives for safety in EM's contracts, leaving many ongoing health and safety concerns that must be addressed on behalf of the sites' and the public. Finally, Mr. Bridgman urged the Board to consider recommending a mechanism for the input of regional stakeholders.

Mr. Winston agreed with Mr. Bridgman's concern over the continued generation of waste and said that the National Governors Association was beginning to pull together a valid inventory of waste with the help of a consulting firm.

Mr. Ajello then turned the discussion to the Board's draft mission statement, which he read aloud:

"To provide the Assistant Secretary of Environmental Management (EM) with information and advice on corporate issues by advising on key strategies; issuing reports and recommendations; and, recommending options to the Assistant Secretary to resolve difficult issues on various matters including, but not limited to public and worker health and safety, contracting practices, disposition of waste, regulatory agreements, EM Program performance, risk assessment and cost/benefit analyses, and technology applications."

The Board members agreed that the mission statement covered the right territory and allowed them to move in the right direction.

Mr. Winston asked the Board to consider if it had the appropriate membership or if other mechanisms were available to involve people who were not formal members. He also mentioned hearing some criticism from people about not receiving any information about the new Board. In response, Mr. Ajello explained that while the meeting had been announced in the Federal Register notice on October 28<sup>th</sup>, it might be a good idea to put out a website notice as well. Mr. Melillo agreed to quickly update the EMAB website.

Mr. Ajello asked if EMAB had a master mailing list and suggested that it be used for any meeting announcements. Mr. Melillo confirmed the existence of the list and said that it would be used for future notifications.

Mr. Ajello proposed meeting in alternate locations to get outside views from non-DOE people on issues. Mr. Winston said that the previous EMAB had held meetings outside of Washington and it had raised expectations of what it could do compared with its official mission. He suggested that the Board come up with another mechanism to get that kind of non-DOE input. Ms. Salisbury suggested that the EMAB hold off choosing its meeting location until it knows what it is working on. In response, Mr. Ajello agreed that EMAB should establish its priorities and then ask for opinions. He said that he hopes to hear a lot of input on contracting practices from the contractors themselves and from a lot of other people familiar with the topic. Mr. Winston said that although the Board will benefit from wide discussion, he does not want EMAB to become a stakeholder interaction forum. Mr. Ajello agreed by stating that the Board's job is to advise the Assistant Secretary on key strategies and not to be the sounding board for the EM program.

Mr. Ajello asked the members to begin thinking about a date for the next EMAB meeting. He suggested scheduling one in the March or April timeframe. Dr. Loehr suggested a meeting in that timeframe to sit down and develop a work plan based on the Board's priorities. Mr. Ajello agreed and Ms. Salisbury suggested that the next meeting be held before the next Presidential election in 2004, which would allow time for the Board to deliver recommendations to the Assistant Secretary in mid-year 2004. Mr. Greg Evans of The Retec Group Inc., reminded the Board that their two-year Charter ran through 2003 and into early 2004. Mr. Griben added that EM would likely see its Fiscal Year 2003 budget in February.

### **Public Comment Period and Adjournment**

After the Board's discussion of business topics, Mr. Ajello called for any final public comments. Mr. Bridgman distributed folders of ANA materials to the Board and provided an overview of its contents.

After hearing no further comments, Mr. Ajello adjourned the meeting at approximately 2:30 p.m.

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**Approval: November 20-21, 2002 EMAB Meeting Minutes**

/Signed/

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Mr. James A. Ajello

Chair

Environmental Management Advisory Board

/Signed/

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Mr. James T. Melillo

Executive Director and Designated Federal Official

Environmental Management Advisory Board

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***Appendix A: EMAB Meeting Agendas for November 20-21, 2002***

**ENVIRONMENTAL MANAGEMENT ADVISORY BOARD**

U.S. Department of Energy

Forrestal Building, Room 1E-245

November 20 – 21, 2002

**Wednesday, November 20, 2002**

1:00 p.m. Public Meeting Opens James Ajello,

- Welcome Remarks *EMAB Chair*
- Meeting Objective
- Opening Remarks Jessie Hill Roberson

*Assistant Secretary for Environmental Management*

1:30 p.m. Orientation

- Conflict of Interest Gloria Sulter,  
*DOE Office of General Counsel*
- FACA Rachel Samuel-Murphy,

## ***DOE Federal Advisory Committee Management***

- EMAB Administrative Process James T. Melillo,  
*EMAB Executive Director*

2:00 p.m. Environmental Management Overview Paul Golan, *EM Chief Operating Officer*

- Top-to-Bottom Review Joe Nolter, *Consultant*  
  
Woody Cunningham, *Consultant*

3:00 p.m. Break

3:15 p.m. Environmental Management Overview Paul Golan,  
*EM Chief Operating Officer*

- EM's Six Key Focus Areas/Special Projects Joe Nolter,  
*Consultant*

Woody  
Cunningham  
, *Consultant*

4:45 p.m. Corporate Accelerated Risk Reduction Strategy Roger Butler,

*Deputy Assistant Secretary for  
EM Office of Policy,*

*Planning, & Budget*

5:00 p.m. Public Comment Period and Adjournment

## **Thursday, November 21, 2002**

9:00 a.m. Opening Remarks James Ajello,

*EMAB  
Chair*

9:15 a.m. Roundtable Discussion with EMAB

- EM Top-to-Bottom Review

Panel Members:

- Paul Golan, *EM Chief Operating Officer*
- Joe Nolter, *Consultant*
- Patti Bubar, *Associate Deputy Assist. Secretary for EM Office  
of Integration & Disposition*

- David Geiser, *Corporate Project Manager*
- Christine Gelles, *Corporate Project Manager*
- Charlie Dan, *Corporate Project Manager*
- Reinhard Knerr, *Corporate Project Manager*
- Matt McCormick, *Corporate Project Manager*
- Joel Case, *Corporate Project Manager*

10:45 a.m. Break

11:00 a.m. Board Work Session (EMAB Questions) James Ajello,

- Approach the Board Should Take to Carry Out Its Mission  
*EMAB Chair*
- Prioritizing Key Issues

12:00 p.m. Working Lunch

1:00 p.m. Alternative Technologies to Incineration Committee (ATIC) Richard Begley,

- Letter Report *ATIC Co-Chair*

1:30 p.m. Board Work Session Continues James Ajello,

- Next Steps *EMAB Chair*
- Calendars
- Next Meeting

3:00 p.m. Public Comment Period and Adjournment

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***Appendix B: EMAB Charter***

## **Department of Energy Charter for the Environmental Management Advisory Board**

1. Official Designation:

Environmental Management Advisory Board.

2. Objective, Scope of Activity, and Duties:

The Environmental Management Advisory Board will provide the Assistant Secretary for Environmental Management with information and advice on corporate issues. The Board will be informed of the progress on the Environmental Management projects at regular intervals to be determined by the Assistant Secretary.

The Board will perform the following duties:

- a. Advise the Department of Energy on Environmental Management strategies;
  - b. Issue reports and recommendations;
  - c. Recommend options to resolve difficult issues faced in the Environmental Management program including; public and worker health and safety, integration and disposition of waste, regulatory agreements, roles and authorities, risk assessment and cost-benefit analyses, program performance and functionality, and science requirements and applications.
3. Time Period Necessary for the Board to Carry Out Its Purpose:

Since the task of the Board is to advise agency officials on a series of Environmental Management strategies and strategic advice on corporate issues, the time period required to carry out its purpose is continuing in nature.

4. Official to Whom this Board Reports:

This Board will report to the Assistant Secretary for Environmental Management.

5. Agency Responsible for Providing Necessary Support for the Board:

United States Department of Energy.

6. Description of Duties for Which the Board is Responsible:

The duties of the Board are solely advisory and are stated in paragraph 2, above.

7. Estimated Annual Operating in Dollars and Person-Years:

The Department of Energy will provide resources sufficient to conduct its business as well as travel and subsistence (per diem) expenses for eligible members. The estimated costs are \$650,000 and approximately 6 permanent staff members.

8. Estimated Number and Frequency of Board Meetings:

The Board will meet semi-annually or as deemed appropriate by the Assistant Secretary for Environmental Management. Specialized committees of the Board will meet as deemed appropriate by the Assistant Secretary for Environmental Management.

9. Termination Date (if less than 2 years from the date of establishment or renewal):

Not applicable.

10. Members:

Members of the Board shall be appointed by the Secretary of Energy for 2 years to achieve continuity in membership and to make use of the acquired knowledge and experience with Environmental Management projects. Members may be reappointed for additional terms of 1 or 2 years.

11. Organization and Subcommittees:

The Board shall report to the Assistant Secretary for Environmental Management or other officers of the Department designated by the Secretary of Energy.

The Board is authorized to constitute such specialized committees to carry out its responsibilities as the Assistant Secretary for Environmental Management finds necessary. Each committee will be chaired by an individual appointed by the Assistant Secretary or the Board's Executive Director. Committees will report through the Board.

Individuals with specialized skills who are not members of the Board may be consulted by the Board or specialized committees, as appropriate.

12. Chair:

The Assistant Secretary for Environmental Management appoints the Chair of the Board from the Board membership.

Date: January 17, 2002

/S/ James N. Solit

James N. Solit

Advisory Committee Management Officer

Date Filed: January 17, 2002