



## FCAB UPDATE

*Week of April 22, 2003*  
(Last update was March 31, 2003)

### MEETING SCHEDULE

#### NRD Roundtable

Thursday, May 8, 2003 6:30 p.m. – 9:00 p.m.

Crosby Senior Center

#### FCAB Meeting

Saturday, May 10, 2003 8:30 a.m. – 12:00 p.m.

Crosby Senior Center

### ATTACHMENTS

- 4/12/03 Draft FCAB Meeting minutes
- 4/10/03 Stewardship Committee Meeting Summary
- 5/8/03 NRD Roundtable Draft Agenda
- 5/10/03 FCAB Meeting Draft Agenda
- Response from Jessie Hill Roberson regarding OLM
- Draft Letter to Steve McCracken regarding DOE Budget (*please note that we will discuss and approve this letter on May 10*)
- Letter to DOE regarding the LTS Roadmap
- CAT Report #34
- Congressional testimony of Jessie Hill Roberson and Mike Owen
- Letter to Jessie Hill Roberson from Rocky Flats Citizens Advisory Board
- Articles & News Clippings

### FOR FURTHER INFORMATION

Please contact Doug Sarno or David Bidwell at The Perspectives Group  
 Phone: 513-648-6478 or 703-837-9269 Fax: 513-648-4141 or 703-837-9662  
 E-Mail: [djsarno@theperspectivesgroup.com](mailto:djsarno@theperspectivesgroup.com) or [dbidwell@theperspectivesgroup.com](mailto:dbidwell@theperspectivesgroup.com)  
[www.fernaldcab.org](http://www.fernaldcab.org)



**FULL BOARD MEETING  
Crosby Township Senior Center**

**Saturday, April 12, 2003**

**DRAFT MINUTES**

The Fernald Citizens Advisory board met from 8:30 a.m. to 9:30 a.m. on Saturday, April 12, 2003, at Fernald Closure Site. This abbreviated meeting was followed by a site tour for the FCAB members.

**Members Present:**

- Kathryn Brown
- Sandy Butterfield
- Marvin Clawson
- Lisa Crawford
- Pam Dunn
- Jane Harper
- Steve McCracken
- Graham Mitchell
- Gene Willeke

**Members Absent:**

- French Bell
- Jim Bierer
- Lisa Blair
- Blain Burton
- Steve DePoe
- Lou Doll
- Gene Jablonowski
- Robert Tabor
- Tom Wagner

**Designated Federal Official:**

Steve McCracken

**The Perspectives Group Staff:**

Douglas Sarno  
David Bidwell

**Fluor Fernald Staff:**

Sue Walpole

Approximately ten spectators also attended the meeting, including members of the public and representatives from the Department of Energy and Fluor Fernald.

**Designation of Silos Waste as 11e.(2)**

Lisa Crawford called the meeting to order at 8:35 a.m. Doug Sarno reviewed the agenda.

Doug explained that Fluor Fernald recently asked the FCAB to submit a letter of support for the designation of Silos waste as 11e.(2) to the Nuclear Regulatory Commission (NRC). Dennis Carr explained that this designation would allow Fluor Fernald to dispose of silos waste at a licensed commercial facility, such as Envirocare. DOE has already designated the materials currently stored in the silos as meeting the conditions of section 11e.(2) of the Atomic Energy Act, but would like NRC concurrence with this designation. Because the definition of 11e.(2) materials was written in 1978, NRC does not consider waste generated prior to 1978 as 11e.(2). DOE's pursuit of NRC concurrence became legally complicated, so DOE has abandoned its efforts on this initiative. Dennis stated that Fluor is trying to get NRC to concur with this designation in a way that would not set a precedent for other sites. He noted that Fluor has hired a legal firm and lobbyist to work on this issue and is trying to garner support from the State of Utah, the State of Ohio, and U.S. Representative Hobson of Ohio, who sits on the NRC appropriations committee. Dennis also explained that Fluor would meet with technical staff from NRC, as well as its Commissioners. Bob Warthur (DOE-Ohio) explained that DOE-Ohio would submit a letter of support for this designation, since DOE would remain the long-term custodian of these wastes. He noted that NRC has indicated to him that no technical reasons would preclude this waste from the 11e.(2) designation; the obstacles are purely legal.

In response to a question from an FCAB member, Dennis stated that decision documents for Fernald have always portrayed the silos materials as 11e.(2). He explained that, as mine tailings, this material has been excluded from RCRA's leachability treatment requirements. He further explained that at the time the Record of Decision (ROD) was developed for the silos, the Nevada Test Site (NTS) was the only disposal option and NTS did not recognize the RCRA exclusion for 11e.(2) materials. That is why treatment for RCRA metals was included in the original ROD. Since that time, however, NTS has changed its Waste Acceptance Criteria to conform to this RCRA exclusion. Dennis stated that this designation is only relevant to disposal of the wastes, not transportation.

The FCAB then discussed sending a draft letter of support for the request to NRC to change its designation. Doug Sarno noted that the focus of the letter was to reinforce the FCAB's endorsement of rail transport as safer and more cost-effective than truck, and does not raise any new issues for the Board. The draft letter only discussed materials from Silos 1 and 2, although the concurrence of NRC on the 11e.(2) designation could pertain to the materials in all three silos. The Board agreed to submit the letter to NRC, but stated that the letter should ask for concurrence on the designation of all silos materials as 11e.(2).

**Follow-up on March CAT Report**

At the March FCAB meeting, the Critical Analysis Team (CAT) reported several concerns regarding the Silos Project. Many of the CAT members' concerns were related to communication between the CAT and the Silos Project Team. Doug reported that he had followed-up with Todd Martin of the CAT, and that Todd indicated that two improvements to communication have been instituted: 1) the Silos Team and CAT will conduct a conference call every two weeks, and 2) documents that will be or have been reviewed by the CAT will be tracked in a more formal manner.

**Full Board Meeting**

April 12, 2003

Doug also presented to the FCAB a response from the site regarding the CAT's concerns. This memo also explained the steps that would be taken to improve communications between the CAT and Silos Project Team. Steve McCracken stated that he is confident that these process changes will improve communications. Doug noted that the memo stated that, due to the accelerated schedule at the site, the CAT might not see all documents related to the Silos Project. Dennis Carr explained that the CAT would receive all documents related to the baseline schedule for the Silos Project, but would not see all of the documentation produced during construction. FCAB members agreed with Dennis that it is important that the CAT remains focused on higher level, conceptual issues.

FCAB members stressed the importance of communications between the CAT and the FCAB, and asked that CAT members attend FCAB meetings more frequently. Pam Dunn suggested that the CAT could meet informally with FCAB members when they visit the site, if their visit does not coincide with a FCAB meeting.

**Other Issues**

Pam Dunn reported that she and Tom Wagner attended the SSAB Chairs meeting in Denver. She explained that all SSABs are concerned that the FY04 DOE budget request reduces funding for the SSABs and other public participation. Pam stated that the Designated Federal Official for SSABs, Sandra Waisley, mentioned DOE headquarters assessments of SSABs, but no effort has been made to discuss these matters with members of the public. David Bidwell noted that a conference call for site staff would be held on Friday, April 18, to discuss the management of SSABs. Pam noted that the next Chairs meeting is tentatively scheduled for September in Paducah, Kentucky.

Doug, who also attended the Chairs meeting, stated that SSAB members throughout the DOE Complex are concerned that DOE is rolling back its commitment to public participation and is relying too heavily on formal comment periods for decision documents. He further noted that the budget submitted for FY04 would make it difficult for sites to host or attend inter-site SSAB meetings and workshops. The SSAB agreed to submit a letter to DOE, requesting funding for FY04 that would allow it to maintain its regular meeting schedule and other activities. Gary Stegner suggested that the Executive Board of the SSAB meet to discuss budget issues and set priorities for funding.

Pam reported that Mike Owen, the interim manager for the Office of Legacy Management (LM), spoke at the April 10 Stewardship Committee meeting. She stated that LM is still being formed, and few details were available about the organization. Pam also stated that Dan Collette (Grand Junction Office contractor) had provided a good presentation on the Internet-based database being used by Grand Junction to provide access to closure site information. David noted that Mike Owen stated at the meeting that LM would not develop its own specific public participation program, but would use existing DOE public involvement structures. Gary stated that DOE is working on a response to the FCAB's letter regarding the role of SSABs in LM. He indicated that LM might partner on the SSAB charter with the Office of Environmental Management.

Doug suggested that the SSAB discuss budget issues its May meeting. Topics should include the SSAB budget, the site budget for FY04 and FY05, and the recently signed, renegotiated Fluor contract.

**Full Board Meeting**

April 12, 2003

David reported that the U.S. Fish and Wildlife Service and DOE-Ohio confirmed their attendance at the May 8 roundtable for the Natural Resource Damages Settlement. Graham Mitchell reported that he would attend for the State of Ohio and that he expects a member of the Attorney General's Office will also attend.

Pam asked about the status of funding for the Rocky Flats Wildlife Museum. Steve McCracken stated that he would get more information regarding this project and any funding that has been requested or allocated for it.

The meeting adjourned at 9:30 a.m. so that the FCAB could tour the site.

**Next Meeting**

The next full Board meeting will be held from 8:30 a.m. to 12:00 noon on Saturday, May 10, 2003, at the Crosby Township Senior Center.

All FCAB members are encouraged to attend the Natural Resource Damages Settlement roundtable discussion, which will be held at the Crosby Township Senior Center from 6:30 p.m. to 8:30 p.m. on Thursday, May 8, 2003.



# MEETING SUMMARY

**Date:** April 10, 2003

4858

**Topics:**

- DOE Office of Legacy Management
- Grand Junction Office's Closure Site Records Database

**Attendees:**

**Fernald Citizens Advisory Board**

Marvin Clawson  
Lisa Crawford  
Lou Doll  
Pam Dunn  
Bob Tabor

**FRESH**

Edwa Yocum  
Carol Schroer

**The Perspectives Group**

David Bidwell

**U.S. Department of Energy**

Dave Geiser  
Steve McCracken  
Mike Owen  
Ed Skitnik  
Gary Stegner  
Anne Wickham

**Ohio Environmental Protection Agency**

Donna Bohannon  
Graham Mitchell  
Brian Nichols

**Fluor Fernald**

Luther Brown  
Joe Shomaker  
Jeff Wagner  
Sue Walpole  
Eric Woods

**Others**

Clyde Colbert  
Jim Innis  
Dan Collette

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**General Updates**

David welcomed the committee members and guests to the meeting. Meeting attendees introduced themselves.

David announced that DOE-Ohio and U.S. Fish and Wildlife Service have responded to the invitation for the May 8 roundtable on the Natural Resources Injury lawsuit settlement. Each will send a representative to the event. Graham Mitchell indicated that the appropriate contact from the Ohio Attorney General Office likely would attend. The roundtable will be held at the Crosby Township Senior Center, beginning at 6:30 p.m.

David explained that the feasibility study report, *Telling the Story of Fernald*, has been widely distributed within the DOE Complex. He noted that he had received informal comments from Marilyn Tolbert-Smith of the DOE Office of Long-Term Stewardship and that her comments were fairly negative. David responded to her comments in order to clarify several points, because she had indicated that she would be crafting the official response from the Office of Long-Term Stewardship. Dave Geiser (DOE Office of Long-Term Stewardship) explained that a draft of the official response had been completed. This draft has received concurrence from Mike Owen and Steve McCracken and is awaiting signature by Jessie Roberson. Dave indicated that the Office of Long-Term Stewardship generally supports the recommendations in the report, but believes that one or two of the recommendations cannot be implemented under Federal law. Committee members expressed concern and disappointment regarding the tone of Tolbert-Smith's initial response.

At past meetings, the Stewardship Committee expressed an interest in coordinating with community members from other DOE closure sites. Pam Dunn reported that the SSAB Chairs meeting in Denver had focused on budgets and funding for public participation, so she did not have an opportunity to gauge the interest of other closure sites in meeting to discuss long-term stewardship issues. David suggested that the Stewardship Committee address this topic at a future meeting and develop a course of action.

David explained that a letter had been sent requesting an extension to the comment period for the Long-Term Stewardship Science and Technology Roadmap, produced by DOE-Idaho for the Office of Long-Term Stewardship. Dave Geiser stated that the comment period would be extended to May 14. David will provide the Committee with a summary of the roadmap.

At the March meeting, the Committee had requested more information regarding the new draft EPA guidance on Institutional Controls and how it compared to prior guidance. David announced that Gene Jablonowski had sent him an email indicating that the prior guidance was directed at EPA staff, whereas the new draft guidance was geared towards a wider audience and had been developed with broader input. Gene also stated that additional EPA documents on Institutional Controls would be developed this year, including guidance on public involvement.

**DOE Office of Legacy Management**

Mike Owen (DOE Office of Community and Worker Transition) spoke to the group about the new DOE Office of Legacy Management, which will be officially established in October 2003. Mike has been assigned to manage the formation of the new organization. Mike explained that the Office of Legacy Management would oversee the management of closure sites, as well as benefits of past contractors at those sites. He explained that he is still working with Jessie Roberson of the Office of Environmental Management to determine how sites transition to Legacy Management will occur. Mike stressed that the existing Office of Long-Term Stewardship will be a major building block for Legacy Management, because surveillance and monitoring will be a significant piece of the new organization's mission. Mike noted that the FY04 budget request includes a sixteen percent increase in funding for long-term stewardship activities. He stressed that being independent from Environmental Management would elevate the attention legacy management receives from DOE.

Mike explained that he was involved in establishing the Base Realignment and Closure (BRAC) program for the Department of Defense. He noted that because the BRAC program had been dealing with many of the same issues, the Office of Legacy Management would review the lessons learned by BRAC.

Mike stressed that records management would be an important responsibility for Legacy Management and noted that the Grand Junction Office has experience with that issue. He also stated that public input would be very important to accomplishing the goals of Legacy Management. Mike also answered questions from the meeting participants; key points are noted below:

- Lisa Crawford urged Mike Owen and Jessie Roberson to incorporate community participation into planning for the transition of sites from Environmental Management to Legacy Management. Mike responded that he wants to take advantage of existing mechanisms for public input and openness, but there are no specific plans in place for an extensive public participation program specific to Legacy Management. He also noted that SSABs are chartered to the Office of Environmental Management.
- Edwa Yocum expressed concern regarding the appearance of the site after closure and stressed the importance of the site becoming a community asset, rather than an obstacle to economic growth. Mike stated that Environmental Management would be responsible for reaching the desired end state for the site, and Legacy Management would be responsible for monitoring and maintenance of that end state. He stated that Environmental Management and Legacy Management would coordinate on planning for end states and controls.
- Mike explained that the frequency of monitoring and presence of DOE at the site would likely start out high and decrease over time.
- Pam Dunn suggested that the Office of Legacy Management should be involved in policymaking activities currently being pursued by the Office of Long-Term Stewardship. Dave Geiser stated that, although Legacy Management does not officially exist until October 2003, Jessie Roberson would not sign any new stewardship policies without Mike Owen's buy-in.
- Pam expressed concern regarding uncertainty surrounding some aspects of long-term stewardship that are desired by the community, such as Native American reinterment and construction of an education facility. Steve McCracken stated that DOE is still committed to making land available for these purposes. Mike acknowledged that there are many issues that need to be addressed by the Office of Legacy Management. Dave Geiser stated that it is positive that Legacy Management will be up and running two years prior to Fernald's transition to stewardship. Committee members stressed the importance of being able to build partnerships now.

Steve McCracken stated that the Comprehensive Stewardship Plan, Institutional Controls Plan, Long-Term Surveillance and Maintenance Plan, and the implementation plans for these documents will be keys to determining how Legacy Management will manage the Fernald site in the future. He also stressed the importance of determining the process for how those plans can be revised in the future. Mike Owen stated that these documents will be legally binding documents and would be available for public comment.

#### **Grand Junction Office's Closure Site Records Database**

Dan Collette (contractor for the DOE Grand Junction Office) demonstrated an Internet-based closure site database, managed by the Grand Junction Office. Grand Junction's Long-Term Surveillance and Monitoring (LTSM) program currently manages thirty former remediation sites. Dan used the recently closed Weldon Spring site as an example. There are two components to the database: the long-term stewardship records search system and the Geospatial Environmental Mapping System (GEMS). The public can be accessed both via the LTSM web site.

For the long-term stewardship records search system, documents in the Administrative Record are scanned into the system. These records are searchable by a number of criteria, including author, date, and words in the document title. Most documents are viewable in a portable data file (PDF) format. Documents that are not viewable via the database can be requested in electronic or hard copy formats. Dan stated that he did not

know how long it took to receive requested documents, but said he would find out. He noted that this system actually decreases the amount of requests for documents that are received by Grand Junction, because people are able to access critical documents on their own. Setting up this system for a site is labor-intensive, because many of the documents must be scanned into an electronic format.

GEMS uses map-based systems to display monitoring data. Database users can choose from several options that display different kinds of data on a map. By clicking on different icons, users can link to historical and current monitoring and other environmental data. For some areas of the Weldon Spring site, current photos are also posted in the GEMS database. Dan noted that this system makes it possible to communicate monitoring data to the public more quickly than in the past.

Committee members expressed concern regarding the use of Internet-based databases to provide access to information, since some members of the public do not have access to computers or do not understand how to use them. Dan stated that these databases should be viewed as one tool to access information, but they should not be considered a replacement to other means of accessing site information. Members stated that a comprehensive database of site records must be maintained by DOE, so people are able to identify all of the records that have been archived.

Dan stressed that public input would be important in shaping the database to meet community needs. Committee members suggested that Grand Junction begin loading Fernald information into the database now, so there are fewer records to load upon closure. They also suggested that GEMS could be used to document progress of the ecological restoration projects of the site. Committee members stated that computer stations should be made available in the community so the public could more easily access this database.

The meeting adjourned at 8:15 p.m.

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# NATURAL RESOURCES DAMAGE INJURY LAWSUIT ROUNDTABLE

Crosby Township Senior Center, 8910 Willey Road  
Thursday, May 8, 2003

## DRAFT AGENDA

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- |                  |   |
|------------------|---|
| 6:00 – 6:30 p.m. | Dinner  |
| 6:30 – 6:35 p.m. | Introductions and General Announcements   |
| 6:35 – 6:50 p.m. | Background on the NRD Injury Lawsuit<br>(Eric Woods)  |
| 6:50 – 7:15 p.m. | Goals for Settlement (State of Ohio, DOE, FWS,<br>Community) <ul style="list-style-type: none"><li>• At Closure</li><li>• Long-Term</li></ul> |
| 7:15 – 7:45 p.m. | Map for Reaching Settlement <ul style="list-style-type: none"><li>• Major Obstacles to Settlement</li><li>• Next Steps</li></ul>              |
| 7:45 – 8:00 p.m. | Identify Remaining Questions and Outstanding<br>Issues  |
| 8:00             | Adjourn   |



## FCAB REGULAR MEETING

Crosby Township Senior Center, 8910 Willey Road

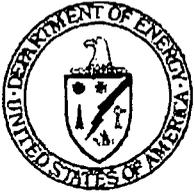
Saturday, May 10, 2003

## DRAFT AGENDA

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|--------------------|---|
| 8:30 a.m.          | Call to Order                                 |
| 8:30 – 8:45 a.m.   | Chair's Remarks and Ex Officio Announcements  |
| 8:45 – 9:30 a.m.   | Project Updates, including new Fluor contract |
| 9:30 – 10:00 a.m.  | 2004 Budget Presentation                      |
| 10:00 – 10:30 a.m. | FCAB Budget and Membership                    |
| 10:30 – 10:45 a.m. | Break   |
| 10:45 – 11:15 a.m. | Follow-up Action From NRD Roundtable          |
| 11:15 – 11:45 p.m. | Silos Proposed Plan                           |
| 11:45 – 12:00 p.m. | Public Comment                                |
| 12:00 p.m.         | Adjourn                                       |

4858

**Department of Energy**

Washington, DC 20585

April 11, 2003

Mr. James C. Bierer  
Chair  
Fernald Citizens Advisory Board  
M.S. 76, P.O. Box 538704  
Cincinnati, OH 45253-8704

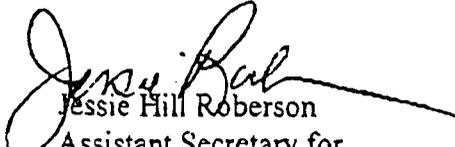
Dear Mr. Bierer:

This is in response to your February 26, 2003, letter regarding the proposed Office of Legacy Management (LM). Specifically, you requested a clarification of how LM plans to incorporate input from the Environmental Management (EM) Site-Specific Advisory Board (SSAB) into its activities.

SSABs will continue to support the EM mission at EM sites until remediation is complete. As Fernald transitions to the LM organization, LM will assess and determine the scope of public participation and outreach activities. LM has already begun to open a dialogue with stakeholders. Recently, Mr. Michael Owen, who is responsible for the standup of the LM organization, spoke at the semi-annual SSAB Chairs meeting and clarified that the LM organization will support the Department of Energy's commitment to stakeholder participation. In fact, Mr. Owen will be attending the mid-April meeting of the Fernald Citizens Advisory Board and will have the opportunity at that time to receive input from your organization's members.

If you have any further questions, please call me at (202) 586-7709 or Mr. Michael Owen, Office of Worker and Community Transition, at (202)586-7550.

Sincerely,

  
Jessie Hill Roberson  
Assistant Secretary for  
Environmental Management

000012



[FCAB Letterhead]

Mr. Steve McCracken  
[Address]

April 22, 2003

Dear Mr. McCracken:

The Department of Energy budget request submitted for fiscal year 2004 would significantly reduce the funds dedicated to support of the Fernald Citizens Advisory Board (FCAB). At the March 15 FCAB meeting, Gary Stegner stated that the reduction in requested funding was based on an anticipated decrease in the frequency of FCAB meetings.

Members of the FCAB have long understood that funding for the board would decrease as remediation projects approach completion and the scope of work being undertaken at the site narrows. However, the recent acceleration of the cleanup schedule at Fernald has resulted in a greater level of activity at the site. This has resulted in more work for the CAB, not less. Critical decision points are arising at an unprecedented pace at the site, particularly for the Silos project and for long-term stewardship planning. As such, we believe that the active involvement of the FCAB and communication with a broad spectrum of stakeholders has never been more important.

The FCAB recommends that its activities in fiscal year 2004 be funded at a level similar to previous years, which would allow the Board to maintain its annual schedule of nine regular meetings and one retreat. The FCAB further recommends that its Annual Retreat, held in September at the beginning of each fiscal year, be used to debate an appropriate meeting schedule for subsequent years. We also suggest that, if necessary, DOE should work with the FCAB in order to find means to reduce the total costs of operating the Board without compromising the quality of the Board's work.

Please contact me if you have any questions. We look forward to playing a meaningful, collaborative role as the site continues to move towards completion.

Sincerely:

Jim Bierer  
Chair



March 25, 2003

Brooks Weingartner  
 U.S. Department of Energy  
 Idaho Operations Office  
 850 Energy Drive  
 Mail Stop 1235  
 Idaho Falls, ID 83401-1563

*Chair*

James C. Bierer

*Vice Chair*

Thomas E. Wagner

*Members*

Lisa Blair  
 M. Kathryn Brown  
 Blain Burton  
 Sandy Butterfield  
 Marvin W. Clawson  
 Lisa Crawford  
 Stephen P. Depoe  
 Louis Doll  
 Pamela Dunn  
 Jane Harper  
 Robert G. Tabor  
 Gene E. Willeke

*Ex Officio Members*

L. French Bell  
 Gene Jablonowski  
 Stephen H. McCracken  
 Graham Mitchell

*Support Staff*

The Perspectives  
 Group, Inc.

Dear Mr. Weingartner:

The Fernald Citizens Advisory Committee recently became aware of the draft Science and Technology Roadmap, produced for the Office of Long-Term Stewardship by the Idaho National Engineering and Environmental Laboratory. This document addresses issues that are critical to our community, and we would like to provide well-considered comments on it. However, the current deadline for comments, April 14, would not permit our Board to properly review and discuss the draft. As such, we request that the comment period be extended to May 16, 2003. Please let us know as to the feasibility of this request, so that we are better able to plan for our upcoming meetings.

We also request that future DOE documents concerning stewardship issues be distributed directly to the DOE Environmental Management Site Specific Advisory Boards, with adequate time for review. The input of community members, particularly at closure sites, is an important component to stewardship planning at both the national and local levels. Also, if there are draft documents on which comments are desired in the future, providing advance notice of these upcoming review periods would allow SSABs to incorporate them into work plans and meeting agendas. Thank you for your attention to this matter.

If you have any questions, please do not hesitate to contact me.

Sincerely:

Jim Bierer  
 Chair

## Critical Analysis Team Report #34

5 April 2003

In March, the Critical Analysis Team (CAT) reviewed several Silos 1 and 2 documents, received overall Silos project updates and attended the Fernald Citizens Advisory Board meeting.

### Silos 1 and 2

The CAT's disappointment in receiving Silos 1 and 2 documents for review much later than expected is documented below. In conjunction with Fluor Fernald and DOE, the CAT has developed a remedy to prevent future occurrences. The CAT, Fluor Fernald and DOE Fernald will hold conference calls twice monthly to status the CAT's schedule and the availability of silos project information.

This simple action is designed to meet three goals: (1) ensure ongoing communication between the CAT and Fernald as project plans and documents evolve; (2) ensure the CAT has sufficient access to project documentation and personnel to complete its mission; and, (3) ensure that CAT recommendations are being understood and taken into account within the silos decision-making process.

The CAT was disappointed in the timing of the Silos 1 and 2 review documentation. The CAT had expected the documentation several months earlier, but didn't receive it until March 12<sup>th</sup>, 2003. Further, the documents were essentially finished when the CAT received them—(Rev 0 copies released for fabrication and construction drawings were issued for construction 10 February 2003; Container Transfer Car specification was approved August 2002; and the Gantry Manipulator and Fill Chute specifications were approved in December 2002). The CAT's specific comments on the documents are attached.

Receiving these documents at such a late date limits the opportunity for the CAT's comments to be incorporated (or considered) into the design. In responding to these comments, the CAT expects the Silos 1 and 2 project to take this timing issue into account. For example, the CAT does not intend to create unnecessary design change notices or impose an increased scope of work for the project. DOE and Fluor Fernald should review these comments with a focus toward incorporating only those comments DOE and Fluor Fernald determine are prudent to incorporate at this stage of the project.

The CAT is encouraged by Silos 1 and 2 priority on mock-up and testing of equipment and systems in its facility. These tests are important in determining viability of the equipment and systems as well as providing data to support optimizing the facility's capabilities.

### Silos Project Design Review Process

The CAT's design comments attached to this report focus on the Silos 1 and 2 project. However, the design review efforts across the silos projects are critically important in ensuring an adequate project design basis and, ultimately, an operable and maintainable facility. Without a structured and thorough review process focused on constructability, operability, maintainability and reliability, the risks of encountering significant difficulties during construction, installation, startup and operations are increased.

Three of the CAT's findings indicate thorough design reviews are not occurring in the silos project: (1) the Accelerated Waste Retrieval (AWR) project is issuing many design change notices and change notices during construction; (2) the tracking and closing/resolving of design comments does not appear to be occurring in a systematic or timely fashion; and (3) design documents contain many errors, indicating inadequate intersquad and intrasquad checking.

To mitigate these risks, the project should implement a more structured and thorough review process, focused particularly on constructability, operability, maintainability, and reliability; and perform extensive mock-up testing of appropriate process systems and equipment. Attempting to regain project schedule via abbreviated design review processes will ultimately result in negative project impacts.

### **Silo 3**

The CAT has previously commented on the need for a clearer understanding of Silo 3 waste characteristics. Of primary concern was particle size distribution and the possibility of water absorption leading to equipment plugging. In response, the Silo 3 project produced a white paper (Rhodus and Luken, March 2, 2003, M:SP:2003-0020) addressing this issue: this report is one of the highest quality technical documents the CAT has reviewed at Fernald and commends the authors.

### **Accelerated Waste Retrieval**

This project continues to struggle to complete the Radon Control System construction (Design Change Notices and punch list findings), evaluate the recent RCS hot test, and prepare the RCS for an extended hot operation. As a result of these continuing efforts, the project is experiencing significant cost and schedule overruns. The CAT received a copy of the RCS start up lessons learned report. The report identifies the root causes of the problems being experienced as precisely those identified by the CAT over the past two to three years: inadequate design reviews, insufficient document control, inadequate change control, overly aggressive schedules and inadequate staffing.

The CAT received a copy of the RCS start-up lessons learned report which addresses several root cause issues. These lessons learned should now be uniformly implemented across the silos project.

## Future CAT Activities

The past several months the CAT has been focusing its efforts on reviewing design documents. The CAT anticipates future activities will place less emphasis on design reviews and more emphasis on testing, mock-ups, start-up preparation and project change control activities. This change in emphasis reflects the silos project transition from design to procurement, construction, testing and turnover activities.

To support this focus, the CAT will be witnessing and evaluating mock-up and testing activities and reviewing monthly lists of Document Change Notices and Change Notices/Proposals to identify issues that could impact the projects. The CAT will then flag, identify and define these issues and recommend and track corrective actions. Several near-term activities include:

- Review the design and mock-up testing plan of the Silo 3 product packaging station (to be submitted to the CAT by the end of March 2003).
- Review Silo 3 vacuum wand vendor design, mock-up plan and observe testing (TBD)
- Review/status Silo 3 safety basis documentation (NHASP and related appendices) (May, 2003).
- Reviews and evaluations of monthly listings of Design Change Notice and Change Notice/Proposals for identification of issues of interest.
- Attendance at the Silos 1 and 2 Integrated fill room test (week of July 22<sup>nd</sup>, 2003; originally scheduled for April 17<sup>th</sup> through May 21<sup>st</sup>).
- RCS test plan and results of two week test (May).
- Rev 0 Riser design review (by the end of March).
- Results of Silo 4 entry test.

**Statement of Jessie H. Roberson  
Assistant Secretary for Environmental Management  
U. S. Department of Energy  
before the  
Subcommittee on Strategic Forces  
Committee on Armed Services  
U.S. Senate  
April 2, 2003**

Mr. Chairman and Members of the Subcommittee, I am pleased to be here today to discuss the reform of the Department of Energy's Environmental Management (EM) program, our progress in implementing cleanup reform, and the importance of sustaining the momentum for the benefit of the many generations to come. I appreciate the opportunity to sit before you and share our actions of this past year and the opportunities that lie before us.

In 1996, Congress took a bold step that fundamentally altered the course of the cleanup program in the Department of Energy when it supported the accelerated closure of Rocky Flats. This was at a time when there was little reason and no demonstrated track record to believe that the Department could deliver on a challenge of this magnitude. Congress took further steps in 1999 when it created the Defense Facilities Closure Projects account and challenged the Department of Energy to close three of its nuclear sites by 2006. While it has taken significant effort and dedication, today all three of those sites, Rocky Flats, Mound, and Fernald, will close on or ahead of schedule. The vision and support that Congress provided planted the seeds of success in the cleanup program and we have already begun harvesting those fruits.

Nonetheless, success at other sites in the EM program remained elusive. Year after year, it continued to take longer and cost more to complete the cleanup and we slowly devolved into a program that promised little and delivered even less. By the end of fiscal year 2001, the environmental cleanup program stood as one of the largest liabilities of the Federal government.

Last year, as ordered by Secretary Abraham, the Department completed a Top-to-Bottom Review of its cleanup program and concluded that significant change was required in how the Department attacked risk reduction and cleanup for the rest of its sites. Two years ago, as costs continued to increase, we estimated that it could take over \$300 billion and nearly 70 more years to complete cleanup -- 20 years longer than the actual operations of our oldest facilities and 25 times longer than the actual construction of our most complex facilities. We concluded that a fundamental change to how we approached, managed, and performed the entire cleanup program was required. Last year I started the effort to reform this massive program, and while our most daunting challenges still lie in front of us, we are now focused, moving in the right direction. The accelerated cleanup program has started to build momentum.

Today the EM program is still very much a defense liability, responsible for many tons of special nuclear material in the form of plutonium and enriched uranium, which would make it one of the world's largest nuclear super-powers. In addition, the EM program is responsible for safely

disposing of 88 million gallons of radioactive liquid waste, 2,500 metric tons of spent nuclear fuel, 135,000 cubic meters of transuranic waste, and well over 1 million cubic meters of low level waste. I ask the Committee to stay with us as we continue our quest to eliminate risks posed by these materials at a pace few of us could have ever imagined.

Since the completion of Secretary Abraham's Review, the estimated cost to complete the cleanup program has decreased by over \$30 billion and the time to complete will be shortened by 35 years. This means that the risks to our workers, our communities, and the environment will be eliminated a generation earlier than the previous plan. But I am not satisfied and neither should you. My goal is to accelerate risk reduction and cleanup and shorten this program even further while decreasing costs by more than \$50 billion.

In fiscal year 2004, President Bush is requesting a record \$7.24 billion for the accelerated cleanup program. The Administration's funding request continues the great progress we made last year with our regulators and communities. The Administration believes that this investment, which we expect to peak in fiscal year 2005, is crucial to the success of accelerated risk reduction and cleanup completion. We anticipate funding will then decline significantly to about \$5 billion in 2008.

The EM portion of the fiscal year 2004 Congressional budget contains some creative and innovative changes that are greatly needed to support our accelerated risk reduction and closure initiative. The first of these is a new budget and project baseline summary structure that focuses on completion, accountability, and visibility; institutionalizes our values; and integrates performance and budget. Requested funding can clearly be associated with direct cleanup activities versus other indirect EM activities. Second, where appropriate, we have limited the inclusion of line-item construction projects as activities for separate authorization and funding controls to facilitate timely and sensible tradeoff decisions that otherwise may not be possible. We solicit your support for this flexibility as we implement our accelerated cleanup strategies, with the understanding that improving project management remains a significant challenge for the Department. Third, this budget reflects the transfer of multiple activities that are not core to the accelerated cleanup mission to other Department elements. They include the transfer of INEEL landlord responsibilities to the Office of Nuclear Energy, Science and Technology, transfer of the long-term stewardship program to the new Office of Legacy Management, and several others.

The Administration considers this program vitally important. We stand at an important crossroads in the cleanup program today -- success is clearly within our reach, but so is failure. I believe the cleanup of the former nuclear weapons complex is far too important a matter to be left to chance. With your past assistance, we laid a solid foundation that is already showing signs of early success. Moving forward, we need your continued support to achieve success.

## A YEAR OF TRANSFORMATION

Last year at this time, the Top-to-Bottom Review had been recently released, citing recommendations to quickly improve performance. I wish to take a moment to recap the recommendations and update you on our progress in remedying these weaknesses.

Improve DOE's Acquisition Strategy and Contract Management. A key conclusion of the Top-to-Bottom Review was EM's contracting approach was not focused on accelerating risk reduction and applying innovative cleanup approaches. Processes for contract acquisition, establishment of performance goals, funding allocation, and government oversight were managed as separate, informally related activities rather than as an integrated corporate business process. Contracting strategies and practices made poor use of performance-based contracts to carry out EM's cleanup mission. The Top-to-Bottom Review Team recommended that all current performance-based contracting activities be reviewed and, where necessary, restructured to provide for focused, streamlined, and unambiguous pursuit of risk reduction.

Move EM to an Accelerated, Risk-Based Cleanup Strategy. EM's cleanup strategy was not based on comprehensive, coherent, technically supported risk prioritization--another important observation cited by the Review team. The program was implementing waste management practices and disposition strategies costing millions without providing a proportional reduction in risk to human health and the environment. Cleanup work was not prioritized to achieve the greatest risk reduction at an accelerated rate. Interpretation of DOE Orders and requirements, environmental laws, regulations, and agreements had created obstacles to achieving real cleanup benefiting neither human health nor the environment. Resources were diverted to lower-risk activities. Process, not risk reduction, had become the driving force. The Review recommended that DOE initiate an effort to review DOE Orders and requirements as well as regulatory agreements, and commence discussions with states and other regulators with the goal of accelerating risk reduction.

Align DOE's Internal Processes to Support an Accelerated, Risk-Based Cleanup Approach. The Review found DOE's own internal processes inconsistent with a risk-based cleanup approach. The hazards at the DOE sites and the liability associated with them did not appear to dictate the need for urgency in the cleanup decisions. The Review team emphasized that the EM mission cannot be accomplished by continuing business as usual. Immediate actions in all elements of the EM program would need to be taken to transform DOE's processes and operations to reflect the new accelerated risk-based cleanup paradigm.

Realign the EM program so its scope is consistent with an accelerated, risk-based cleanup and closure mission. The Review team underscored the necessity that EM should redirect, streamline, or cease activities not appropriate for accelerated cleanup and closure. A laser-like focus on the core mission was needed to realize the cleanup of the Cold War legacy in our lifetime. Though many of these non-core activities may be worthy of DOE or federal government support, a reassessment of the relevance of non-related or supporting missions was warranted to focus the EM program. The financial and administrative resources required for EM implementation and oversight of these activities represent a major commitment for EM.

In response to the Review's recommendations we have:

Developed and are implementing a new acquisition strategy. In the area of acquisition strategy and contract management, we have not been idle. We are aggressively using and managing the acquisition process as one tool to drive contract performance. We are evaluating both the performance and design of every contract in this program and as opportunities become clear we are making corrective action. One example of our progress is the December 2002 award of a new contract for the cleanup and closure of the Mound site. The whole process, which required changes in DOE's internal business practices, was accomplished in just 6 months from time of the issuance of the Request for Proposals (RFP) to the awarding of the contract. Another example is at Oak Ridge, where we are transforming the cleanup contract into a closure contract with a one-year demonstration period to further our overall cleanup goals. Changing this contract arrangement will accelerate cleanup work by 5 years and save \$1 billion over the life of the program at the site.

But that is just the tip of the iceberg. I envision a broader overhaul of EM's entire acquisition process, including our methodology for formulating acquisition strategy, developing RFPs, identifying performance-based incentives, and providing oversight of contractor performance. We are pursuing a path to both increase competition by enlarging the pool of potential contractors competing for our work and increase the accountability of our contractors to deliver real, meaningful cleanup. Our acquisition strategy focuses on five areas. First, we are "unbundling" work into smaller packages where it makes sense. Second, we are driving innovation and improved cost performance through the use of small and smaller businesses, complementing the unbundling strategy. Third, we are actively promoting innovation in our cleanup work through the competitive process where improved performance is required. Fourth, we are extending or modifying contracts where excellent performance has been clearly demonstrated. Fifth, we are modifying and changing our acquisition processes to support these strategies in order to allow them to be successfully implemented.

To complement these steps, we have launched a Contract Management Review Board to review our contracts from a more corporate perspective. Our goal is to ensure that the lessons learned, both good and bad, from all our endeavors are institutionalized into our contracts and business practices and that we suspend those contract philosophies that do not support accelerated risk reduction and cleanup of our sites.

Established 10 special project teams to carve new innovative paths for accelerated cleanup and risk reduction. The Top-to-Bottom Review identified unfocused and inconsistent work planning processes as the principal contributors to EM's uncontrolled cost and schedule growth. To address this failing, I formed ten special corporate projects, each assigned a specific strategic objective. Each team is formulating corporate level initiatives to accelerate risk reduction in a much improved, more cost-effective manner. Objectives include contracting, high-level waste, and consolidation of Special Nuclear Material. Each of the special projects has a dedicated project manager, supported by an integrated project team, to identify, plan, and execute needed changes in the EM program. These project teams, using project management principles, are key

to correcting our work planning processes and instilling rigor into our internal management decisions.

Meaningful, lasting reform must be the result of leadership and commitment but it must find its way into the very core of the organization to be sustained. Building a high-performing culture requires attracting and retaining talented people who deliver excellence in performance. Improving management efficiencies requires that organizations challenge, hold accountable, and reward top-performing employees. This corporate initiative does just that. These ten teams will herald a new standard of performance, innovation, and greater results for the EM program. Our goal is not just to establish performance-based contracts but to solidify a performance-based program for all who choose to have a role.

Implemented a strict configuration management system. Another reform we have implemented is a strict configuration management system that baselines a number of key, critical program elements. Examples of some of the key elements include the Performance Management Plans, EM corporate performance metrics, contract performance measures/incentives, and life-cycle costs. Strict change control and monitoring of these key elements will facilitate a high confidence level that the goals and direction of the accelerated cleanup initiative are being met.

In October 2002, EM established several new corporate performance measures for the program. EM will continue to track corporate measures such as the number of geographic sites completed, the amount of transuranic waste disposed, and the number of plutonium metal/oxides packaged. However, new corporate measures such as the volume of liquid waste in inventory eliminated, number of liquid waste tanks closed, number of enriched uranium containers packaged, and amount of depleted and other uranium packaged are a key part to the successful execution of EM's accelerated cleanup strategies. In addition, EM is establishing site resource-loaded baselines that will enable the program to comprehensively track progress against its accelerated risk reduction, cost, and schedule objectives. The establishment of these new performance measures and a rigorous configuration management system are resulting in clear lines of accountability for what is expected. With this critical tool, EM is now able to make crucial corporate decisions that will keep the program on track, control cost increases, and minimize schedule growth.

Identified work activities that directly support accelerated cleanup from those that do not.

A key finding of the Top to Bottom Review was that EM was supporting and managing several types of activities that may not be appropriate for an accelerated risk-reduction and cleanup program. In that light, I took a hard look at those activities and, while they may be of importance to the Department and the federal government, they may not be best aligned in the EM program. Based on that assessment, for FY 2004, the following identified program elements were not included in the EM budget but, because of their importance to the Department, have been transferred to other DOE organizations with which they are more appropriately aligned. They represent activities that are not part of the core accelerated risk reduction and closure mission.

- Environmental Management staff at the National Energy Technology Laboratory transferred to the new Office of Legacy Management.

- The Analytical Services Program transferred to the Office of Environment, Safety and Health.
- The Radiological and Environmental Sciences Laboratory transferred to the Office of Environment, Safety and Health.
- Pre-existing liabilities and long-term contractor liabilities transferred to the Office of Legacy Management.
- The Long-term Stewardship Program transferred to the Office of Legacy Management.

In addition, landlord responsibilities for the Idaho National Engineering and Environmental Laboratory were transferred to the Office of Nuclear Energy, Science and Technology to reflect the site's major mission realignment.

Revitalized our human capital strategy. Another key management reform is the human capital revitalization that strongly supports the President's Management Agenda. This reform focuses on building a high-performing culture that attracts and retains talented managers and staff to deliver sustained performance excellence. We have built a more robust performance accountability system that holds each manager and employee accountable for actions and results and rewards them accordingly. Individual performance management is being fully integrated into EM organizational goals; executives are being held accountable for achieving strategic program objectives, fostering innovation, and supporting continuous improvement.

We are implementing an executive mentoring program with our senior executives with the objective of having a cadre of executives who are well-rounded and are prepared to effectively lead irrespective of the position to which they might accrue. We are becoming a flatter and more effective organization with a goal to have an organizational structure that is clearly aligned to deliver on our accelerated risk reduction and closure initiative.

Aligned tangible, consequential results to resources with this budget request structure. Given all these changes and advances, the budget request before you is one of the most crucial. This budget request structure is the foundation for budget planning and execution of the accelerated risk reduction and closure initiative. This new structure clearly identifies scope and resources that directly support the core accelerated cleanup and risk reduction mission from those that do not. The new structure consolidates risk reduction and completion activities into only two appropriations (defense and non-defense) in addition to the existing Uranium Enrichment Decontamination and Decommissioning Fund. This structure removes barriers to facilitate better resource utilization and segments accelerated completion into three distinct accounts to highlight accountability.

In addition, implementation of this new structure will complement other management reform initiatives by focusing on completion or endpoint, clearly delineating how resources will be utilized (i.e., for direct cleanup activities or for other activities in the program that only indirectly relate to on-the-ground cleanup activities), and communicating the goals and objectives that we value. Last, but not any less important, this new structure will support integration of performance and budget for the EM program.

## THE FY 2004 BUDGET REQUEST

The FY 2003 budget was a transitional budget in which management reforms were developed and significant efforts were put forth to improve performance, accelerate cleanup, and reduce risk. The strategic groundwork has been laid, and the EM program is moving forward with its risk reduction and cleanup strategies. The investment we have requested in our FY 2004 budget will keep EM's new accelerated risk reduction and cleanup strategies on track.

The EM FY 2004 budget request has been tailored to meeting our mission of accelerated risk reduction and completion. This budget fully reflects each site's new accelerated risk reduction and cleanup strategies. The FY 2004 budget request is a major step toward aligning performance with the resources needed to expedite risk reduction and cleanup.

The 2004 budget request for EM activities totals \$7.24 billion to accelerate risk reduction and closure. The request includes five appropriations, three of which fund on-the-ground, core mission work, and two of which serve as support. The five appropriations and associated requested funding are:

- Defense Site Acceleration Completion (\$ 5.8 billion)
- Defense Environmental Services (\$ 995 million)
- Non-Defense Site Acceleration (\$ 171 million)
- Non-Defense Environmental Services (\$ 292 million)
- Uranium Enrichment Decontamination and Decommissioning Fund (\$ 418 million)

Through the implementation of accelerated cleanup strategies, the EM program anticipates that cleanup will be completed by 2035, at least 35 years earlier than originally anticipated, with the potential of life-cycle savings of greater than \$50 billion.

In building the request, the Department applied the following principles and priorities:

*Protect workers, public, and the environment:* The budget request continues to place the highest priority on protecting workers, the public, and the environment. The implementation of new cleanup strategies will allow for an overall improvement in safety and reduction in risk because cleanup will be completed sooner, reducing the extent to which workers, the public, and the environment have the potential to be exposed.

*Ensure the appropriate levels of safeguards and security:* Due to heightened security levels throughout the nation, it is crucial that we maintain vigilance in our domestic security to protect our citizens. The EM program is responsible for many tons of surplus nuclear material. This budget request reflects our increased safeguards and security needs. In particular, the sites with the largest funding needs are Savannah River and Hanford. Savannah River's increase in funding supports protective force staffing for the HB Line Category 1 Process and plutonium stabilization activities, perimeter improvements, maintenance on security systems, vulnerability assessments, and Capital and General Plant Project upgrades. Hanford's increase in funding

supports updates to the Critical Facility Vulnerability Assessment, additional security employees for Waste Treatment and Immobilization Plant construction, security clearance processing, drug testing, and accelerated movement of special nuclear material to Savannah River and/or the Grout Facility.

*Reduce risk methodically:* Accelerated risk reduction requires a pragmatic approach to cleanup based on real risk reduction. Risk reduction occurs in various stages, which involve the elimination, prevention, or mitigation of risk. Because safe disposal of many materials will take a number of years to complete, our major focus of risk reduction is stabilization of high-risk materials.

The following categories of materials are considered to pose the highest risk:

- High-curie, long-lived isotope liquid waste
- Special nuclear materials
- Liquid transuranic (TRU) waste in tanks
- Sodium bearing liquid waste in high-level waste tanks
- Defective spent nuclear fuel in water basins
- Spent nuclear fuel in leaky or poor water chemistry basins
- High TRU waste content (greater than 100 nanocuries/gram)
- TRU waste stored on the surface
- Remote-handled (RH) TRU waste
- Decontamination & Decommissioning of highly contaminated facilities

Although all of these items are to be considered when setting priorities, their relative ranking may vary from site to site. For example, the following sites have planned activities/milestones for FY 2004 that correspond to their site-specific risk categories.

#### Hanford

- Close 6 single-shell tanks; the first tanks closed at the site.
- Complete interim stabilization of Hanford single-shell tanks, which completes removing all pumpable liquids from single-shell tanks.
- Complete 30 percent of the Hanford Waste Treatment and Immobilization Plant.
- Complete stabilization of plutonium metals, oxides, and residues.
- Complete removal of all spent fuel from the K Basins and place in dry storage in the Canister Storage Building.

#### Idaho

- Complete the transfer of spent nuclear fuel in the Power Burst Facility canal from wet storage to dry storage at the Idaho Nuclear Technology and Engineering Center.
- Ship off-site a total of 1,819 kg total uranium (leaving a remainder of 825 kg).
- Begin the transfer of EBR-II spent nuclear fuel from the Chemical Processing Plant to the Argonne National Laboratory-West for treatment and disposition as an interim step to removing all EM spent nuclear fuel from wet storage.

- Support treatment of sodium-bearing waste: complete conceptual design activities for the sodium bearing waste treatment project, initiate preliminary design on primary technology, and complete Sodium Bearing Waste Treatment Facility Critical Decision 1 documentation; and complete characterization of remaining liquids and solids in the 11 underground tanks.

#### Rocky Flats

- Remove and ship remaining plutonium metals, oxides, and residue.
- Begin stabilization and hazard removal in two TRU waste buildings.

#### Savannah River

- Permanently close tanks 18 and 19, completing the closure of the first tank grouping.
- De-inventory spent nuclear fuel from the Receiving Basin for Off-site Fuels.
- Complete treatment of the aqueous portion of the plutonium-uranium extraction (PUREX) waste at the Saltstone Facility.
- Produce 250 canisters of vitrified high-level waste.

Accelerate cleanup results: To accelerate cleanup, 18 sites have developed Performance Management Plans (PMPs), which identify strategies, end states, end dates, key milestones, and commitments that facilitate accelerated cleanup and site closure. These PMPs were developed in collaboration with our state and federal regulators.

For FY 2004, several examples of sites' milestones for accelerated cleanup are:

#### Brookhaven National Laboratory

- Submit Brookhaven Graphite Research Reactor Draft Record of Decision to our regulators to determine the final end-state for Brookhaven Graphite Research Reactor.
- Complete construction of the Airport/Long Island Power Authority Groundwater Treatment System.

#### Hanford

- Complete cocooning of the H Reactor.
- Complete excavation/removal of 100 B/C Process Effluent Pipeline.
- Dispose of 500,000 tons of remediation waste from waste sites and burial remediations in the Environmental Restoration Disposal Facility.

#### Idaho

- Begin shipment of RH TRU waste offsite (6-year acceleration) supporting completion of shipments by 2012.
- Complete cleaning and grouting of second pillar and panel vaulted tank, supporting acceleration of tank farm facility closure by 4 years to 2012.

Lawrence Livermore National Laboratory-Livermore Site

- Construct, install, and operate a new treatment system to address groundwater contamination.

Los Alamos National Laboratory

- Permanently dispose of over 600 cubic meters of legacy TRU waste through an integrated strategy of segregating, decontaminating, and shipping to the Waste Isolation Pilot Plant (WIPP).
- Complete shipment of 2,000 drums and initiate retrieval of legacy TRU waste stored below grade.

Nevada Test Site

- Complete remediation of 55 release sites.
- Continue to dispose of low-level waste from complex-wide generators in support of closure of other EM sites.
- Continue characterization and shipments of TRU waste to WIPP.

Oak Ridge

- Complete East Tennessee Technology Park K 29/31/33 decommissioning for re-use (one-year acceleration), supporting closure of the site 8 years earlier than planned.
- Complete Molten Salt Reactor Experiment flush salt removal, and complete fuel salt removal from the first of two drain tanks.

Pantex

- Continue pump and treatment of the perched groundwater and evaluation of more efficient cleanup technologies to mitigate the contaminated plume.
- Complete demolition of Zone 10 ruins and initiate actions for the demolition of Building 12-24 Complex.

Savannah River

- Eliminate low-level waste legacy inventory.
- Complete major remediation projects in the testing and experimental areas.

WIPP

- Increase carrier capacity from 25 to 34 shipments of TRU waste per week.
- Procure 11 RH trailers for a total of 14.
- Complete TRUPACT-II (a transportation container to safely transport either TRU waste or standard waste boxes) fabrication to obtain fleet of 84 TRUPACTs.

Maintain closure schedules: Three major sites, Rocky Flats, Fernald, and Mound, have accelerated closure schedules. In addition, two smaller sites, Ashtabula and Battelle-Columbus are scheduled to close in 2006. Funding in the FY 2004 budget will allow these sites to remain on track toward project completion and site closure.

At Rocky Flats, FY 2004 funding provides for:

- Disposing of more than 109,000 cubic meters of low and mixed low level waste.
- Disposing of more than 8,600 cubic meters of TRU waste (70 percent complete).
- Completing the decontamination and decommissioning of 72 work sets in Buildings 371, 717, 771, and 776.
- Cleaning 194 environmental release sites (81 percent complete).

At Fernald, FY 2004 funding provides for:

- Treatment and shipment offsite of 150,000 tons of waste pit material, which cumulatively represents approximately 80 percent of the total.
- Construction completion of Silos 1, 2, and 3 retrieval facilities.
- Completion of D&D of Plant 1 Complex Phase II, Liquid Storage Complex Phase II, and Pilot Plant Complex.

At Mound, FY 2004 funding provides for:

- Continued removal of high concentrations of tritium from Tritium Effluent Reduction Facility to allow for early shutdown.
- Completion of soil excavation phase of Potential Release Site 66 and completion of the total remediation of Potential Release Sites 68 and 267. These three Potential Release Sites represent 38 percent of the total soil remediation remaining.

At Ashtabula, FY 2004 funding provides for:

- Complete disposal of 100 percent of building remediation debris generated in FY 2003.
- Initiation of excavation and shipment of remaining estimated known scope (i.e., 38,000 tons) of contaminated soil to a licensed disposal site.

At Battelle-Columbus, FY 2004 funding provides for:

- Demolition of buildings JN-2 and JN-3.

*Integrate technology development and deployment:* An integrated technology development and deployment program is an essential element for successful completion of the EM cleanup effort and for fulfilling post-closure requirements. The EM Technology Development and Deployment (TDD) program provides technical solutions and alternative technologies to assist with accelerated cleanup of the DOE complex.

Through the FY 2004 budget, EM technology development and deployment investments are focused on high-payoff site closure and remediation problems through a two pronged approach: Closure Projects and Alternative Projects.

Closure Projects: Principal near term closure sites (such as Rocky Flats, Fernald, and Mound) will be provided with technical support and quick response, highly focused technology development and deployment projects. The goal is to ensure that accelerated site closure schedules are achieved.

- At Rocky Flats and the Ohio closure sites, technical assistance teams will assess critical technical issues and provide technology alternatives including the treatment and disposition of orphaned waste streams.
- At Mound, innovative technologies will be developed to determine and enable treatment of radioactive contaminated soil beneath buildings.
- At Fernald, the vacuum thermal desorption demonstration will be completed to provide a technical solution for an orphaned waste stream.

Alternative Projects: Alternative approaches and step improvements to current high-risk/high cost baseline remediation projects are our second focus. The goal is to enable cleanup to be accomplished safely, at less cost, and on an accelerated schedule. EM is focusing funds for FY 2004 on:

- Alternatives For Tank Waste Immobilization;
- Alternatives for Carbon Tetrachloride Source Term Location;
- Alternatives for Remediation of Leaked High-Level Waste below Tanks
- Alternatives for Disposition of High-Level Salt Waste;
- Alternatives for Immobilization of High-Level Sludge Waste;
- Alternatives for Remediation of Chlorinated Ethenes using Monitored Natural Attenuation;
- Alternatives for Deposit Removal at Gaseous Diffusion Plants;
- Alternatives for Cleanup of Trichloroethylene under Buildings (Paducah); and
- Alternatives for Expedited Processing of Scrap Metal/Equipment.

## CONCLUSION

We planted the seedlings of transformation one year ago. We have fostered and guided the reforms. New ideas and breakthroughs have grown from looking beyond the paradigm of risk management to the new focus of accelerated risk reduction and cleanup. New strategies and plans are thriving.

We are experiencing the realization that for the first time, the goal of completing EM's mission is within our grasp. We have set into motion a reformed cleanup program -- one designed and managed to achieve risk reduction not just risk management; to shift focus from process to product; and to instill the kind of urgency necessary to clean up and close down the nuclear legacy of the Cold War and to protect human health and the environment.

We are at a turning point for this program. We must not lessen our resolve. I ask for your support to continue this important work. We must avoid passing this intolerable inheritance to our children. Accelerating cleanup by at least 35 years and saving over \$50 billion is a wise investment for our children's future.

I look forward to working with Congress and others to achieve this goal. I will be happy to answer questions.

STATEMENT OF  
MICHAEL W. OWEN  
DIRECTOR, WORKER AND COMMUNITY TRANSITION  
DEPARTMENT OF ENERGY

BEFORE THE

SUBCOMMITTEE ON STRATEGIC FORCES  
COMMITTEE ON ARMED SERVICES  
UNITED STATES SENATE

APRIL 2, 2003

Good Morning Mr. Chairman, and distinguished Members of the Committee. My name is Michael Owen and I am the Director of the Office of Worker and Community Transition at the Department of Energy. I have also been directed by the Secretary to lead the planning and stand-up of the new Office of Legacy Management.

The Department is making significant progress in addressing the consequences of our science, nuclear energy and national security missions. This is an important moment, and an opportunity to focus DOE programs and personnel on achieving the diverse missions of the Department. As you have heard (or will hear) from Assistant Secretary Roberson, the successful completion of the Office of Environmental Management's responsibilities requires a re-focusing of that program's efforts and a Department-wide approach to securing the continued protection of the environment and communities. To ensure our success the Department must complete preparation for the orderly transition of long-term surveillance and maintenance activities and retirement benefits administration to the Office of Legacy Management that will be required after the completion of cleanup and closeout activities at Rocky Flats, Mound, and Fernald.

The Department, in the FY04 budget request, is proposing to establish an Office of Legacy Management to be funded at approximately \$48 million. The environmental surveillance and maintenance efforts require approximately \$26 million, slightly more than half of the total. Of the balance, about \$12 million would be used to meet the requirements for pension and other benefits for former contractor personnel at four sites. The remaining approximately \$10 million would be for program direction expenses of the personnel at Washington, DC, Grand Junction, Colorado, and at the National Energy Technology Laboratory in Morgantown, West Virginia, and Pittsburgh, Pennsylvania.

*CONTINUED COMMITMENT TO THE ENVIRONMENT, AND OUR COMMUNITIES  
AND WORKERS*

The new office will be responsible for ensuring that the Department's post closure responsibility including the administration of long-term pension and medical benefits for former contractor personnel and environmental surveillance and maintenance are fulfilled. The Secretary, with his budget, proposes creating the new Office of Legacy Management to focus on the environmental surveillance and maintenance of sites whose missions have ended and the continuity of worker benefits after site closure. Because these functions have historically been included among the activities of the Office of Environmental Management (EM), the net budgetary effect of establishing the new office is neutral. As proposed in the Department's budget, the Office of Legacy Management would be a stand-alone program secretarial office with a separate, discrete, free-standing budget and reporting directly to the Under Secretary of Energy.

Placing these functions in a new office will allow EM to better focus its efforts on remediation, as well as permit the Office of Legacy Management to achieve significant efficiencies by consolidating programs of a similar nature and concentrating the long-term functions in one office dedicated to legacy issues.

*PROTECTING THE NATION'S INVESTMENT IN CLEANUP THROUGH EFFECTIVE  
LONG-TERM SURVEILLANCE AND MAINTENANCE*

The Department's environmental legacy responsibilities stem primarily from the activities of the department and predecessor agencies, particularly during World War II and the Cold War. These activities left behind a variety of radioactive chemical waste, environmental contamination, and hazardous materials at over 100 sites across the country, including such large sites as Rocky Flats in Colorado and the Mound and Fernald sites in Ohio which are scheduled to close.

While the remediation activities conducted by EM will continue, the Administration's focus on accelerating cleanup in order to achieve risk reduction and closure will mean that the EM mission will be completed at many sites earlier than previously predicted. However, certain aspects of the Department's environmental responsibility remain. These environmental surveillance and maintenance requirements differ according to the nature of the individual site, but generally include: groundwater monitoring and treatment, record keeping, radiological surveys, repairs to waste disposal caps and covers, erosion control and periodic inspections and the preparation and submission of post-closure regulatory documentation.

Upon standup, the Office of Legacy Management will be responsible for such activities at more than 60 sites where active environmental remediation has been completed. The majority of these sites are Uranium Mill Tailings Radiation Control Act (UMTRCA) sites, and also include sites associated with the Formerly Utilized Sites Remedial Action Program (FUSRAP), the Weldon Spring Site in St. Charles County, Missouri, the Monticello site in Utah, and the Young-Rainey Science, Technology, and Research (STAR) Center in Largo, Florida (Pinellas Plant).

Over the next five years the number of sites to be managed by the office is projected to grow to approximately 80.

*ENSURING THE EFFECTIVE MANAGEMENT OF CONTRACTOR PERSONNEL  
MEDICAL BENEFITS AND PENSIONS*

The completion of the Department's missions also has an impact on the former contractor personnel at the respective sites. When the site contractor's cleanup functions are complete, pensions and other long-term benefits due to former contractor personnel still need to be administered.

At this time, the Department's oversight of post-closure benefits involves two programs at four sites. The office will administer selected post-retirement/post-closure benefits for the former contractor personnel at the Pinellas facility. The other program, involving three sites, administers certain pre-existing liabilities and long-term contractor liabilities at the former gaseous diffusion facilities at Oak Ridge, Paducah, and Portsmouth where Environmental Management is still conducting site remediation. The latter includes

activities and expenses associated with post-retirement life and medical benefits for contractor employees at the gaseous diffusion plants who served there prior to the 1993 creation of the United States Enrichment Corporation and for the retirees of the Ohio Valley Electric Company (OVEC) associated with the Portsmouth contract.

Additionally, a significant increase in pension and long-term benefit administration will occur in the near future. In the past, the administration of pensions and benefits at closed sites were passed over to other DOE contracts. For example, the administration of Pinellas' pensions and benefits was transferred to an Albuquerque contractor. With the planned closure of Rocky Flats, this practice would no longer be a viable option given the magnitude of the Rocky Flats pension and benefit plans. Rocky Flats is scheduled to close in FY 2006. The Office of Legacy Management will oversee a program to continue the benefit payments that the Department, through its contractors, is committed to provide for former contractor employees from Rocky Flats as well as from Mound and Fernald.

#### *ACTIONS TAKEN/NEEDED TO PLAN FOR AND CONDUCT THE STANDUP OF NEW OFFICE*

As part of my responsibilities to manage the standup of the new office I have formed interdisciplinary teams (legal, regulatory, logistics, personnel, communication) to ensure the transition of functions to the office is completed in an orderly fashion and that we seamlessly continue to serve our customers and stakeholders.

The personnel involved in managing the activities of the Office of Legacy Management would come from three organizations. Generally, Washington, DC, personnel would provide overall oversight and coordination as well as establish policy. Program implementation at the sites would be performed by personnel located at our Grand Junction, Colorado, location and by personnel at the National Energy Technology Laboratory in Morgantown, West Virginia, and Pittsburgh, Pennsylvania.

We are planning the standup of this office to consolidate multiple functions and provide affected communities, stakeholders, government regulators, and former contractor personnel a single point of contact for information, communication and expertise regarding legacy management issues. Furthermore, such consolidation will integrate functions for cross-cutting departmental policy issues and facilitate intergovernmental coordination. Most importantly, concentrating functions in an office dedicated to legacy management will heighten its visibility and, consequently, program accountability to the Secretary, the Congress, and affected communities and organizations for successful performance.

#### *CONCLUSION*

We recognize that the Department has responsibilities to the communities following the completed remediation and closure of sites. The continued involvement of stakeholders including state, tribal, and local governments, is critical to meeting these responsibilities.

Establishing an Office of Legacy Management will ensure that community concerns are represented by a dedicated office, measured only by its success in meeting the defined needs of those communities and their constituents.

In closing, the Secretary is dedicated to ensuring the Department's commitment to the environment, our communities and our workers. We believe the Office of Legacy Management will be better able to address these long-term issues in one office, while the Office of Environmental Management continues to focus on its environmental cleanup mission.

Mr. Chairman, and Members of the Committee, that concludes my statement. I appreciate the opportunity to testify before you today, and I will be happy to answer any questions you may have.

**Rocky Flats Citizens Advisory Board**

An Advisory Board to the U.S. Department of Energy

**4858**

March 29, 2003

Jessie Roberson  
Assistant Secretary for Environmental Management  
U.S. Department of Energy  
1000 Independence Avenue SW  
Washington, DC 20585

Dear Ms. Roberson:

During their most recent meeting in Denver, Colorado, on March 27-29, 2003, the Environmental Management Site Specific Advisory Board (EMSSAB) Chairs discussed the intersite transfer of waste and materials. As a result of their discussions, the chairs asked that I prepare this letter and transmit the following requests on their behalf.

1. The Department of Energy (DOE) should review and update its waste disposition maps, or other relevant existing information related to waste disposition and materials transfer, and provide this to the Site Specific Advisory Boards (SSABs).
2. The EMSSAB further requests that DOE present to the SSABs the current waste disposition strategy for all waste streams and clearly identify those wastes whose disposition remains unknown or to be determined. If such information is not yet finalized, we ask that DOE present its current thinking or proposed strategies.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Victor Holm".

Victor Holm, Chair  
Rocky Flats Citizens Advisory Board

9035 Wadsworth Parkway, Suite 2250  
Westminster, Colorado 80021

## Scientific Task Force Studying Utah's N-Waste

By Judy Fahys  
The Salt Lake Tribune

A panel of experts from the National Academies of Science heard a simple message this week during its Utah fact-finding meeting on low-level radioactive waste.

Clean it up, said a regulator, a politician, officials from two radioactive-waste companies and a local activist.

But their gripe concerned the red tape surrounding radioactive materials, not the rubbish itself.

"My bottom line is, uranium is uranium," said Bill Sinclair, director of the Utah Division of Radiation Control.

Sounds simple, but the task may prove tough.

The 12-person NAS panel has two years to suggest how the federal government might regain control over the regulatory Frankenstein it has created since the 1946 Atomic Energy Act.

Over the years, "low-activity" radioactive waste has come to mean all kinds of radioactive rubbish except nuclear-plant fuel and bomb-making material.

Originally designed to safeguard weapons-grade radioactive material, the regulatory scheme later morphed to accommodate the nuclear-power industry. And now the scheme is under increased pressure to be more like environmental laws by addressing public concerns about risks to health and safety.

The task force is made of up of experts from various fields, including chemists, nuclear engineers, an economist, a lawyer, a journalist and a toxicologist. Its proposed solutions, if adopted in Washington, could someday prove important in Utah, where there are many "hot" sites.

Panel members had a public meeting on Wednesday. On Thursday, they toured the Envirocare of Utah radioactive and hazardous waste landfill in Tooele County.

Both days they heard that the radiation-control bureaucracy makes regulators and industry feel hamstrung and frustrated, while leaving the public confused and suspicious.

"We are talking about the public trust," said anti-nuclear activist Anne Sward Hansen, who addressed the panel during the public session.

Envirocare agreed, saying that the jury-rigged bureaucracy feeds public confusion and mistrust about all things radioactive, including the company's one-mile-square disposal facility.

The company's vice president for regulatory affairs -- and former Department of Environmental Quality for Utah director -- Ken Alkema, told the NAS panel this confusion pervades such issues as taxation, the failed Initiative 1, the company's pending license for hotter waste and the unrelated plans in Skull Valley for storing high-level nuclear waste.

He noted, too, that his company wants the laws to be more consistent and "risk-based," or handled according to its hazard.

Current law dictates that waste is disposed based on where it originated. For

example, uranium mill waste is treated differently than waste from nuclear plants or Superfund cleanups, even though they all contain the same radioactive elements.

"To come up with a reasonable way to regulate these materials, we need to do a much better job with the public," Alkema said.

Tooele County Commissioner Gene White suggested a rating system for radioactive waste similar to the "Richter Scale" for earthquakes.

The task force's final report is due at the end of next year, said Michael T. Ryan, the panel's vice chairman and editor of the professional journal Health Physics.

"Our committee has heard a pretty consistent message that a risk-based system would be better."

[fahys@sltrib.com](mailto:fahys@sltrib.com)

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# DOE sues state Ecology

■ *DOE says state has no right to set cleanup deadlines for Hanford*

By John Stang  
Herald staff writer

The Department of Energy sued Washington's Department of Ecology on Wednesday, contending the state does not have the right to unilaterally set deadlines for cleanup of transuranic wastes at Hanford.

Federal attorneys filed lawsuits in U.S. District Court and Benton County Superior Court.

The federal agency wants to nullify recent decisions by Tom Fitzsimmons, the Ecology Department's director, for regulating the wastes.

The agency views his decision, plus an earlier state lawsuit, as hindering federal plans to speed up nuclear cleanup at Hanford.

Transuranic wastes are junk laced with highly radioactive materials such as plutonium and neptunium. Hanford has about 75,000 barrels of buried transuranic wastes and another 9,000 barrels stored above ground.

The state claims the Tri-Party Agreement — the legal pact governing Hanford's cleanup — says the Energy Department and its regulators must negotiate a deadline to finish excavating, treating and shipping the wastes.

DOE contends the state has no authority over those wastes.

On March 11, Fitzsimmons declared DOE must have treatment and storage facilities in place at Hanford by June 2012. And he said DOE must submit by Aug. 31 a detailed plan and schedule to meet that goal.

Fitzsimmons cited part of the Tri-Party Agreement that gives the Ecology Department's director the final say in any deadlocked dispute between DOE and its regulators. However, the agreement also gives DOE the right to appeal.

The state expected DOE to appeal.

DOE's cleanup czar Jessie Roberson said in a news release Wednesday: "Recent actions by the state of Washington could have a chilling effect on cleanup operations at Hanford and elsewhere. (DOE) has fundamentally changed the cleanup programs for every site in the country. Our balanced and integrated cleanup approach is making progress."

She contended the state's actions could have "unintended consequences" of halting shipments of transuranic wastes around the country.

But Sheryl Hutchison, Ecology Department spokeswoman, said the state is trying to hold the federal agency to an enforceable cleanup schedule at Hanford.

See Sues, Page A2

Continued from A1

Washington Attorney General Christine Greigore said through a spokesman: "The only chilling effect on Hanford's cleanup was (DOE's) decision to walk away from a negotiated settlement to dispose of (84,000) barrels of transuranic wastes at Hanford."

This is the third lawsuit filed over Hanford's transuranic wastes in five weeks.

Hanford has a facility that can check and repack barrels of transuranic wastes so they meet the strict standards of DOE's permanent underground storage site near Carlsbad, N.M. Many small DOE sites with transuranic wastes do not

have that capability.

So DOE wants to ship transuranic wastes from at least 15 small sites to Hanford to be checked before eventual shipment to Carlsbad. Last fall, DOE decided to start sending transuranic waste barrels to Hanford from small labs in Columbus, Ohio, and Canoga Park, Calif.

Most of the Ohio and California wastes are so radioactive they can be handled only by remote-controlled equipment. Hanford's current facility can deal only with barrels that can be touched by people in protective suits.

The state objected to the Ohio and California wastes going to Hanford, saying it needs to know the total volumes earmarked for tempo-

rary storage at Hanford, DOE's shipment schedules, plus plans for dealing with Hanford's own transuranic wastes.

After a March 1 deadline to reach an agreement on the waste issues passed without an agreement on an enforceable transuranic waste plan, the state filed a federal lawsuit seeking to halt all DOE transuranic waste shipments to Hanford.

"We believe we can work with the state on this issue to an eventual agreement," DOE's Roberson said. "But in light of Washington's actions, we felt we had to file this lawsuit to protect our interests."

■ Reporter John Stang can be reached at 582-1517 or via e-mail at [jstang@tri-cityherald.com](mailto:jstang@tri-cityherald.com).

## Sues: Third suit over transuranic waste filed in 5 weeks

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# State faces federal suit over waste at Hanford

BY LINDA ASHTON  
The Associated Press

YAKIMA — The U.S. Department of Energy sued the state Department of Ecology yesterday in an ongoing dispute over the import and export of radioactive trash at the Hanford nuclear reservation.

The state has repeatedly sought written guarantees from the federal government that it will clean up and remove 78,000 barrels of plutonium-contaminated trash, called transuranic waste, along with barrels sent to Hanford from federal facilities in other states.

Hanford has accepted about 40 barrels of transuranic waste from Ohio and California since December. Additional shipments have been suspended at least until an April 18 hearing in U.S. District Court in Yakima.

The state had planned to allow the Energy Department to import 170 barrels, as long as progress was made cleaning up Hanford's own 78,000 barrels.

The federal government wouldn't provide such written guarantees, saying its progress was obvious and the state would just have to trust the Energy Department.

When negotiations broke down last month, the state sued the Energy Department, accusing it of wanting to turn Hanford — already the country's most-contaminated nuclear site — into a nuclear-waste dump.

The state Ecology Department followed up by unilaterally imposing legally enforceable deadlines for some of the transuranic-waste cleanup.

Ecology Director Tom Fitzsimmons ordered the federal government to have in place by the end of June 2012 the facilities for storing, treating and

processing transuranic waste generated at Hanford since 1970. It must also submit a detailed plan and schedule for doing that by Aug. 31 of this year.

The Energy Department's lawsuit, filed in U.S. District Court in Richland and Benton County Superior Court in Kennewick, essentially is an appeal of Fitzsimmons' order.

"Recent actions by the state of Washington could have a chilling effect on cleanup operations at Hanford and elsewhere," said Jessie Roberson, the Energy Department's assistant secretary for environmental management.

Christine Gregoire, the state's attorney general, responded:

"The only chilling effect on Hanford cleanup efforts was the Department of Energy's decision to walk away from a negotiated settlement to dispose of 78,000 barrels of transuranic waste at Hanford.

"The Department of Energy's legal action today will not chill the state's efforts to protect citizens and the environment from the dangers posed by the nuclear waste at Hanford."

Sheryl Hutchison, a spokeswoman for the state Department of Ecology, said Roberson's comments didn't quite track with the issue at hand.

"Our actions are intended to ensure that cleanup will happen at Hanford," Hutchison said. "We learned over the years we cannot count on cleanup to happen without solid commitments in writing."

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**Making**



**Sense**

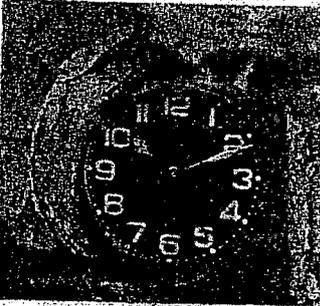
**of the Federal Budget Process**

Decisions made in the "other" Washington affect **you** right here in the Tri-Cities. Find out more about the Federal Budget Process and how it affects the Hanford Cleanup. **Watch the Hanford Communities Issue Briefing Tuesdays and Thursdays at 8:30 PM - Charter Cable Channel 13 & 99**

**The Times...They are a Changing...**

**The Hanford Waste Treatment Plant**

- Hanford is home to nearly 60% of the nation's high-level nuclear waste.
- Hanford store more radioactive tank waste than any other DOE site and it is the only site with no treatment facility.



**But the times, they are a changing...**

- **Finally a Treatment Plant for Hanford Tank Waste**
- **Waste Treatment Plant Construction Underway**

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Your Days are numbered!

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### Monthly Vendor Forum

Bechtel National, Inc. will sponsor a Vendor Forum to provide an opportunity to learn about how to do business with the Waste Treatment Plant project. Upcoming procurement opportunities will also be presented. Special topic will be a discussion of the Bechtel Corporate Supplier Development and Diversity Program presented by Jeanne Houston, Program Manager.

**Tuesday, April 15, 2003**

Auditorium

3000 George Washington Way

Richland, WA

5:00pm - 6:30pm

Space is limited to the first 150 registrants due to room capacity.

Please register for this Vendor Forum by e-mail at [tlwallac@bechtel.com](mailto:tlwallac@bechtel.com) or by phone 509-371-2705.

Mark your calendar for the upcoming Vendor Forums to be held at the same place and at the same time:

May 20, 2003

June 17, 2003

July 15, 2003

**\*\*August 14, 2003\*\***

**\*\*FULL DAY VENDOR SYMPOSIUM**

**AT PASCO RED LION HOTEL\*\***

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Weapons Complex Monitor

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"At Fernald...DOE adds scope and fee award to Fluor contract"

**AT FERNALD ..... DOE ADDS SCOPE AND FEE AWARD TO FLUOR CONTRACT**

Fluor Fernald is targeted to earn \$95 million more in fees and perform \$91 million in additional work scope without a funding increase, under a revamped contract finalized by the contractor and the Dept. of Energy April 1. Under the original six-year contract, signed in 2000, Fluor would have earned \$120 million out of a maximum fee of \$288 million by closing the Fernald site by the December 2006 deadline. While the maximum fee remains the same under the contract modification, the fee schedule has shifted so that Fluor is now projected to earn \$215 million in fees by meeting the closure deadline. "This contract places much

more emphasis on the schedule, on meeting that target date," DOE Fernald spokesman Gary Stegner told *WC Monitor*. However, DOE has made it more difficult for Fluor to earn the maximum fee, moving the date at which the contractor would earn the full \$288 million from September 2006 back to March 2006. The contract assumes level funding of \$324 million per year. "It really puts the pressure on Fluor to stay with the schedule and do it safely," Fluor spokesman Jeff Wagner told *WC Monitor*. "We'll just have to figure out how we can more efficiently do the job. Everything is going to have to be synchronized out here."

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April 9, 2003

The Harrison Press

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"Fernald citizens group says DOE not prepared to meet long-term needs"

## Fernald citizens group says DOE not prepared to meet long-term needs

A report submitted by the Fernald Citizens Advisory Board (FCAB) to the U.S. Department of Energy's Office of Long-Term Stewardship concludes that the DOE is not well prepared to meet the needs of communities surrounding these sites.

The report, *Telling the Story of Fernald: Community-Based Stewardship and Public Access to Information*, identifies the public's long-term needs for information at sites where radioactive hazards remain after environmental remediation projects, have been completed. The DOE manages the environmental legacy of nuclear weapons production.

The FCAB was established in 1993 to provide advice to the DOE as it manages contamination at the site of the closed Fernald uranium processing facility in Crosby

Township. A major trend in remediation of contaminated sites is the on-site disposal of hazardous materials. At the Fernald site, most soils and other materials contaminated with low levels of uranium have been isolated in a specially engineered landfill.

After completion of the remediation project, which is anticipated in 2006, exposure to residual contamination at the 1050-acre site will be managed through land-use restrictions.

The result of a year-long study funded by the Office of Long-Term Stewardship, the FCAB report said continued protection of the Fernald community will require that a high level of awareness be sustained through future generations.

The report outlines the types of information needed and how the

information should be communicated to the public. It also notes how information is currently managed by the DOE and what steps are being taken to manage information after completion of the remediation of Fernald.

"Our goal is that the full story of Fernald be available to the community in the future," said Pam Dunn, chair of the FCAB Stewardship Committee. "That story includes what contaminants remain at the site, the site's historical role in the Cold War, and the impacts the site has had and will continue to have on our health and our community."

The report offers recommendations how the DOE could better address community information needs at a national and local level.

The board hopes this report will lead to action at the Fernald site and spur national dialogue regarding the long-term needs of the public living and working near contaminated sites, said Dunn.

The report and information about the Fernald site is available on the FCAB Web site: [www.fernaldcab.org](http://www.fernaldcab.org). For information, call 648-6478.

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*"No extra funds for non-closure sites after 2006, cleanup chief says"***NO EXTRA FUNDS FOR NON-CLOSURE SITES AFTER 2006, CLEANUP CHIEF SAYS**

The expectation that non-closure sites will receive increased funding after 2006 when cleanup is complete at Rocky Flats, Mound and Fernald will not be realized, Assistant Secretary for Environmental Management Jessie Roberson revealed in testimony before a Senate Armed Services subcommittee April 2. Instead, if no new work is added to the EM mission, Roberson told *WC Monitor* "there will clearly be a drop in the overall EM budget" after 2006, when cleanup funding for the three main closure sites will no longer be needed. Roberson explained that under her accelerated cleanup initiative, all sites are receiving more money than originally anticipated in FY03 and FY04 in order to perform work at non-closure sites that would have previously had to wait until after 2006.

"The approach used to be: accelerate those [closure] sites, reinvest the savings in cleanup at other sites," Roberson told the Armed Services Subcommittee on Strategic Forces at a hearing on the FY04 defense authorization bill. "As a result of the Top-to-Bottom review, the Department determined that... some minimal increase for all sites today would allow us a broader life-cycle savings."

Roberson acknowledged that the decision not to redistribute the funds after 2006 "could be" a surprise to some officials at non-closure sites and, indeed, some such officials have expressed concern at the revelation. However, Roberson emphasized that the funding plan "is not new. It's right out of the Top-To-Bottom."

**Dems Skeptical of New Budget Structure**

Meanwhile, the restructuring of EM's FY 2004 budget request—touted by the Department as a more results-focused approach—continues to be questioned by Democrats. The \$7.24 billion FY04 EM request is significantly different than previous years as it does not include specific line item requests for construction projects that are components of a larger cleanup project. Additionally, all EM functions were restructured into five new accounts (*WC Monitor*, Vol. 14 No. 6). First Rep. Peter Visclosky (D-Ind.), the top Democrat on the House Energy and Water Development Appropriations Subcommittee, told Roberson that he's "very apprehensive" about the changes at a March 20 hearing (*WC Monitor*, Vol. 14 No. 12). Then, at the April 2 Senate Armed Forces Strategic Forces Subcommittee hearing, ranking member Bill Nelson (D-Fla.) expressed concern that the Administration's proposal to eliminate some line item construction projects would create a loophole to allow some projects to be funded without direct Congressional oversight. "This gets into a touchy area because the whole process is about constructive communication between the executive and legislative branches," Nelson said. "The legislative branch has oversight. So I want to make sure that we are not suddenly creating a category that is skirting for future administrations this Congressional oversight."

Roberson defended the changes, telling the panel that the changes are part of an overall effort to tie funding to actual cleanup results and give site managers more flexibility. "What we're trying to do is create more mobility and flexibility on a real-time basis to remove waste—that is the result," Roberson explained. "What should be important is not the interim milestone, but how much waste is actually removed. We propose substituting construction line item projects that are increments of accomplishments for visibility of the actual accomplishment." Subcommittee Chairman Wayne Allard (R-Colo.) also spoke up in favor of the changes, telling Nelson that "the Committee has looked at this in the past and we've decided that you need to put some confidence in what's going on at the site. The purpose of this is rapid cleanup." ■

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"NTS LLRW Disposal Volumes"

## NTS LLRW Disposal Volumes

Due to space constraints, the Nevada Test Site (NTS) disposal chart has been shortened to provide only the total amount of waste shipped from each site, not the amount shipped to each NTS disposal location.

DOE APPROVED GENERATORS	W/E: 30 MAR 03			FY 03 TOTAL			WMP TOTAL	
	No. of Ship.	Volume (Cu Ft)	Volume (Cu M.)	No. of Ship.	Volume (Cu Ft)	Volume (Cu M.)	Volume (Cu Ft)	Volume (Cu M.)
ABERDEEN	0	0	0.00	0	0	0.00	85,257	2,414.21
ALLIED SIGNAL	0	0	0.00	0	0	0.00	413	11.69
BECHTEL NEVADA	0	0	0.00	9	13,734	388.91	365,992	10,363.71
BNFL	0	0	0.00	204	261,436	7,403.03	1,111,757	31,481.40
FERNALD	0	0	0.00	96	48,694	1,378.86	6,432,029	182,134.47
GENERAL ATOMICS DOE	0	0	0.00	0	0	0.00	747,990	21,180.68
GENERAL ATOMICS CORP.	0	0	0.00	3	1,443	40.86	32,120	909.54
INEEL	0	0	0.00	0	0	0.00	2,184	61.84
IT CORPORATION	0	0	0.00	0	0	0.00	8,867	251.08
LLNL, CA	0	0	0.00	3	1,325	37.52	314,558	8,907.28
LTRI	0	0	0.00	0	0	0.00	10,706	303.16
MOUND	0	0	0.00	38	91,682	2,596.14	2,155,871	61,047.37
OAK RIDGE NT'L LAB	0	0	0.00	40	20,761	587.89	83,055	2,351.83
PADUCAH	0	0	0.00	35	20,735	587.15	44,382	0.00
PANTEX	0	0	0.00	3	1,619	45.84	157,557	4,461.51
PRINCETON	0	0	0.00	0	0	0.00	26,337	745.78
RMI	0	0	0.00	1	480	13.59	53,485	1,514.52
ROCKBTDYNE	0	0	0.00	3	2,164	61.27	107,219	3,036.10
ROCKY FLATS	0	0	0.00	369	716,679	20,294.06	5,241,398	148,417.92
SANDIA NT'L LAB. CA	0	0	0.00	1	1,187	33.61	24,531	694.64
SANDIA NT'L LAB. NM	0	0	0.00	3	3,667	103.84	91,529	2,591.81
SAVANNAH RIVER	0	0	0.00	2	1,260	35.68	33,034	935.42
WEST VALLEY	0	0	0.00	14	13,454	380.97	14,879	421.32
Inactive offsite waste generators	0	0	0.00	0	0	0.00	128,634	3,642.61
Inactive onsite waste generators	0	0	0.00	0	0	0.00	8,288,033	234,690.49
<b>GRAND TOTAL</b>	<b>0</b>	<b>0</b>	<b>0.00</b>	<b>824</b>	<b>1,200,320</b>	<b>33,989.22</b>	<b>25,561,817</b>	<b>722,570.40</b>

Total offsite waste received in FY 02 = 1,186,586 Cu. Ft. 33,600.32 Cu. M.  
 Total onsite waste received in FY 02 = 13,734 Cu. Ft. 389.90 Cu. M.

Offsite waste comprises approximately 66.11% of the total waste inventory  
 Onsite waste comprises approximately 33.89% of the total waste inventory

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April 7, 2003

The Cincinnati Enquirer

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*"Fernald cleanup might beat deadline"*

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# Fernald cleanup might beat deadline

By Steve Kemme

*The Cincinnati Enquirer*

**CROSBY TWP.** - The cleanup of the Fernald former uranium processing plant is on schedule to be completed by December 2006.

It might even be finished by the middle of 2006, said Jeff Wagner, spokesman for Fluor Fernald, the contractor overseeing the cleanup of the Crosby Township site.

"We're trying to bring it in as early into that year as we can," Wagner said.

The last of the usable uranium was shipped off the site last year. The remaining cleanup work includes:

- Removing 8,900 cubic yards of radioactive waste from two K-65 silos surrounded by earthen berms. After a failed plan to melt the waste into glass-like chunks, the current plan calls for moving the waste into temporary transfer tanks, encasing the waste in concrete, then shipping it away.

Fluor Fernald officials haven't decided whether to ship the waste

to a Nevada site by trucks or transport it by rail to Envirocare, a waste operation in Clive, Utah, Wagner said.

"We think the safest option is to ship it by rail to Utah," he said.

Another 5,100 cubic yards of cold metal oxides from a third silo will be sent to Envirocare.

- Emptying the remaining waste from six waste pits. About 60 percent of the waste has been removed.

- Demolishing the remaining four buildings on site. This will be completed by September.

- Completing a landfill containing eight long-term waste storage cells. Each above-ground cell will be large enough to hold 2.5 million cubic yards of contaminated soil and debris from the demolition of on-site buildings.

One cell has been filled with waste and capped. Another cell is filled and will be capped this year. A third cell is half filled with waste, and two other cells are less than 10 percent full. Fluor Fernald will build liners for two other cells this

year.

- Finishing the aquifer cleanup. Fluor Fernald is extracting contaminated water from the aquifer and pumping in clean water. The job is about 65 percent complete, Wagner said.

Since 1993, Fluor Fernald has extracted nearly 12 billion gallons of contaminated water from the aquifer and 4,450 pounds of uranium.

- Removing the remaining 10,000 drums of radioactive byproducts and other chemical waste. This will be completed by June 30, Wagner said. There had been more than 100,000 drums on the site.

Lisa Crawford, president of Fernald Residents for Environmental Safety and Health (FRESH), said she's satisfied with the status of the cleanup operation.

Fluor Fernald holds public cleanup progress briefings every two months. The next one is at 6:30 p.m. Tuesday at the Crosby Township Senior/Community Center, 8910 Willey Road.

E-mail [skemme@enquirer.com](mailto:skemme@enquirer.com)

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March 21, 2003

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Weapons Complex Monitor

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*"Post-2006 funding for non-closure sites concerns state regulators"***POST-2006 FUNDING FOR NON-CLOSURE SITES CONCERNS STATE REGULATORS**

A change in Dept. of Energy policy—first revealed by *WC Monitor* (*WC Monitor*, Vol. 14 No. 13) and later detailed in April 2 Senate testimony by Assistant Secretary for Environmental Management Jessie Roberson—stipulating that non-closure sites won't be getting extra funding after 2006 as earlier planned is generating concern with state regulators, who believe that previously agreed upon cleanup schedules are now in jeopardy. However on Capitol Hill, staffers, who were equally surprised at the change, told *WC Monitor* that lawmakers from states affected by the change like Rep. Doc Hastings (R-Wash.) are generally receptive to the prospect of DOE completing more cleanup for less money—if it can be done.

While the previous plan had been to reinvest money from Rocky Flats, Mound and Fernald once cleanup is complete in 2006, Roberson asserted in her testimony that under the accelerated cleanup initiative all sites are receiving more money than originally anticipated in FY03 and FY04 in order to perform work at non-closure sites that would have previously had to wait until after 2006. As Deputy Assistant Secretary for Policy, Planning and Budget Roger Butler said in a statement to *WC Monitor*, "the strategy being followed is the four-year incremental corporate investment that will allow for accelerated risk reduction and cleanup and will allow much work to be pulled forward from future years. There is no specific part of the strategy to reinvest savings from the closure sites."

**New Plan "Undermines" Current Agreements**

Although Roberson insists that the post-2006 funding change "is not new" and is "right out of" the 2002 Top-to-Bottom review of the cleanup program, state regulators told *WC Monitor* that they didn't become aware of the change until between the end of March and early April this year.

Kathleen Trever, Idaho's DOE oversight manager, said state officials had been negotiating with the Department assuming that some money from the closure sites would make its way to Idaho after 2006. "The state of Idaho had been working with a different financial picture until earlier this month," Trever told *WC Monitor*. "I still have yet to decipher what financial picture the Department is working from." While DOE has been quick to hold up Rocky Flats as a model for success, Trever says, the Department appears to have been unwilling to follow it through. "All we can see at this point is the very things that made the Rocky Flats model a success, DOE seems to be undermining from all we've seen so far," Trever declared. "We had a different financial picture painted to us and we haven't seen this one provide the same type of sustained funding and capital investment needed for success."

Washington Dept. of Ecology officials are asserting that the change in policy is indeed new. Max Power, a nuclear waste program specialist with the Washington Dept. of Ecology, told *WC Monitor* the state was "completely surprised" by the change, pointing out that Hanford Performance Management Plan, completed in mid-2002, assumes a funding increase after 2006. "We've got some concern that the situation now becomes one in which you have to take what you get now and face the prospect that there won't be enough to do what is planned in those out years," Power said. Power told *WC Monitor* that the change in funding plans "will just strengthen our resolve" in seeking enforceable milestones. "I know DOE would argue that the deal here is accelerated funding—a bump up in the 2004-2005 area—but in our case it's not clear that you can get all the investment you need now in order to take the hits later on," Power declared.

John Owsley, director of the Tennessee Department of Environment and Conservation DOE Oversight Division, said he's still confused about what the change will actually mean for Oak Ridge. "We're not clear on how it will im-

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pact DOE's ability to meet their accelerated cleanup plan commitments," Owsley told *WC Monitor*. "The commitments provide for a cleanup plan and our expectation is that funding will be there to meet those commitments."

#### **But Congressmen Supporting Lower Funding**

Though Hill staffers told *WC Monitor* that Roberson did not notify Congressional appropriators of the change in policy and they were taken aback when it came up at an April 2 Armed Services Subcommittee meeting (*WC Monitor*, Vol. 14 No. 14), the general reaction has been positive. "DOE may have discussed it internally, but they didn't let anyone else know about it," one staffer said. Sen. Pete Domenici (R-N.M.), the powerful chairman of the Senate Energy and Water Appropriations Subcommittee, is supportive of the proposal, but only if the Department can meet its commitments with the reduced funding as Roberson has pledged. Rep. Doc Hastings (R-Wash.), chairman of the House Cleanup Caucus, also backs the change, pointing to the record \$7.2 billion request for EM in FY 2004 as evidence that the Department is committed to accelerated cleanup in the short-term that will result in less money in the out years. "The key here is that cleanup is being accelerated across the complex," a Hastings spokesperson told *WC Monitor*. ■

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