



## FCAB UPDATE

*Week of October 28, 2002*  
 (Last update was October 7, 2002)

### MEETING SCHEDULE

#### DOE Public Briefing

Tuesday, November 12, 2002, 6:30 p.m.

Trailer T-1 On Site

#### Stewardship Committee Meeting

Thursday, November 14, 2002, 6:30 p.m.

Trailer T-1 On Site

#### Full FCAB Meeting (please bring your Toolbox binder)

Saturday, November 16, 2002, 8:30 a.m.

Crosby Senior Center

#### Stewardship Committee Meeting (tentative)

Monday, December 9, 2002, 6:30 p.m.

Trailer T-1 On Site

#### Silos Roundtable

Tuesday, December 10, 2002, 6:30 p.m.

Trailer T-1 On Site

### ATTACHMENTS

- Draft FCAB Closure Mission (members, please review and be ready to discuss at 11/16 meeting)
- 10/12/02 FCAB Meeting Draft Minutes
- 11/16/02 FCAB Meeting Draft Agenda
- 11/14/02 Stewardship Committee Meeting Draft Agenda
- DOE Special Projects Managers List (requested at 10/12/02 FCAB meeting)
- DOE Memo, Termination of Grazing
- EPA Memo, Concurrence with November 1 Extension
- Ohio Field Office Performance Management Plan (requested at 10/12/02 FCAB meeting)
- 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.fernald.org](http://www.fernald.org), or [www.theperspectivesgroup.com](http://www.theperspectivesgroup.com)

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## FERNALD CLOSURE CAB MISSION

DRAFT 10/10/02

In order to ensure that the Fernald Environmental Management Project site is completed in keeping with the spirit of community input and dialogue, the Fernald Citizens Advisory Board is seeking to create a strong presence at the site through closure.

The mission of the Fernald Citizens Advisory Board as the Fernald Environmental Management Project nears closure is to provide oversight of DOE as it successfully meets its cleanup obligations and to provide advice on how to prepare for long-term stewardship of the site. The FCAB does not intend disbanding on a particular date, but rather will use the following criteria to judge the completion of this mission:

- Cleanup decisions have been properly implemented and post-closure reports, risk-assessments, and certifications demonstrate that agreed upon cleanup levels have been met.
- Adequate funding has been appropriated for long-term stewardship and a long-term funding source has been identified.
- Site steward(s) have been selected and a process is in place to ensure a successful transition from cleanup to stewardship.
- A process is in place to ensure the proper and timely reporting of monitoring data for environmental conditions, ecological restoration, and site remedies and controls.
- Site records are being managed according to regulation, and a clear process is in place for the public to obtain copies of site records.
- A mechanism, process, or facility is in place to ensure that the public will receive the information it needs during long-term stewardship of the site.
- A process and funding are in place to ensure the completion of an on-site education facility at Fernald.
- A process is in place to ensure meaningful public participation in ongoing stewardship decisions.
- All outstanding FCAB recommendations have been satisfactorily addressed.

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FPCA



# FULL BOARD MEETING

## Public Environmental Information Center

Saturday, October 12, 2002

# DRAFT MINUTES

The Fernald Citizens Advisory board met from 8:30 a.m. to 12:00 p.m. on Saturday, October 12, 2002, at the Crosby Township Senior Center.

Members Present:

Kathryn Brown  
 Marvin Clawson  
 Jack Craig  
 Lisa Crawford  
 Steve DePoe  
 Lou Doll  
 Glenn Griffiths, for Steve McCracken  
 Jane Harper  
 Gene Jablonowski  
 Graham Mitchell  
 Robert Tabor  
 Gene Willeke

Members Absent:

French Bell  
 Jim Bierer  
 Lisa Blair  
 Blain Burton  
 Sandy Butterfield  
 Pam Dunn  
 Tom Schneider  
 Tom Wagner

Designated Federal Official:

Gary Stegner

The Perspectives Group Staff:

Douglas Sarno  
 David Bidwell

Fluor Fernald Staff:

Sue Walpole

Approximately 10 spectators also attended the meeting, including members of the public and representatives of from the Department of Energy and Fluor Fernald.

**Call to Order**

Lisa Crawford called the meeting to order at 8:30 a.m.

**General Remarks and Announcements**

Jack Craig announced that the site must present DOE Headquarters with a long-term stewardship plan by the end of January 2003. Doug Sarno explained that a generic DOE guidance document for producing stewardship plans and a draft outline for the Fernald plan were distributed at the Stewardship Committee meeting on October 10. Doug stated that both the guidance and outline seem to reflect the FCAB's concerns. FCAB members asked DOE to provide them with a draft version of the plan for review, and Doug stated that a draft version of the plan is anticipated prior to the November FCAB meeting. The plan submitted to Headquarters in January will be a working document, which is likely to change over time. Graham Mitchell stated that Ohio EPA is also interested in the concept of creating a "Stewardship Record of Decision" to incorporate all of the key stewardship issues into the formal site decision-making.

Gary Stegner reported that DOE Headquarters is working under the assumption that the Grand Junction Office will assume long-term stewardship responsibilities at Fernald. Doug explained that a representative from the Grand Junction Office would be invited to the next Stewardship Committee meeting. Doug further explained that EM51 might be transferred from Environmental Management to the Office of Worker and Community Transition.

Lisa asked about the status of the Environmental Management Advisory Board (EMAB). Jack stated that the board is in the process of being formed but has not met. Tom Winston, of Ohio EPA, will serve on the board. Lisa asked that a list of EMAB members be provided to the FCAB, once the membership is solidified.

Jack also explained that it is likely that all business functions for the Ohio sites will be consolidated at a single DOE business center. He also explained that the Paducah and Portsmouth sites will report to a new office in Lexington, Kentucky, managed by Bill Murphy. Jack will provide the FCAB members with copies of the study done by Barbara Mazurowski that evaluated the DOE field office's organizational structure.

Glenn Griffiths announced that the site has spent a lot of time addressing Congress's Continuing Resolution and its potential impact on the site budget. Glenn stated that there should be no major impacts to the site schedule through February. In response to a question from a FCAB member regarding settlement of the Foster-Wheeler lawsuit against Fluor Fernald, Glenn stated that a Special Master has been appointed by the court to compel a settlement, but Foster-Wheeler has refused to participate.

Glenn explained that some of the teams that were generated by the Top-to-Bottom Review had visited the site. Katie asked for a list of these teams and the members of each team. Graham expressed concern that the numerous initiatives being undertaken by Jessie Roberson will interfere with moving towards site closure. He asked if the FCAB would like to address this issue and possibly offer a recommendation. The Board determined it would not offer a recommendation on this issue at this time.

Jack briefly explained the changes that were recently made to the Fluor Fernald contract. In short, the contract modifications will provide incentives to Fluor for reaching the 2006 deadline. Lisa asked that a handout be prepared that would show the amount of money that Fluor Fernald will earn for completing its scope of work and how much it will earn for completing the project on schedule.

Doug explained that each site would share its top three issues at the SSAB Chairs meeting, scheduled for October 17-19 in Knoxville, Tennessee. The top three Fernald issues are acceleration and funding, long-term stewardship and public information, and the Silos projects. Doug asked that people with other thoughts regarding the Chairs meeting contact him, Jim Bierer, or Katie Brown, who will attend the meeting.

Doug briefly reviewed a handout from the Records Management team. This handout provided a detailed description of the site records that are eligible for disposition.

### **Site Update**

Dennis Carr provided the group with an update on each of the site's project areas.

Dennis explained that the site would like to roll back the schedule for the Waste Pits project. To do so, they would have to transport waste off site more quickly. At this time, waste pits materials are being dried prior to shipment. A subcontractor was hired to assess if there were ways to improve the efficiency of current dryer operations but was not able to find a good solution. The site is currently working with Envirocare to increase the number of summer shipments, when more evaporation occurs during placement. This would allow Fernald to ship wastes with a higher moisture content and reduce the amount of drying that must be done at the site. Shipping materials with a higher moisture content (up to 15%) would require approval by DOT. The site is also proceeding with a plan to add another mile of track to the rail spur, which would allow the site to employ an additional unit train. Dennis also explained that the site is working through the regulatory process that would allow the soil cover to Pit 4 to be placed in the OSDF, if it meets the Waste Acceptance Criteria (WAC) as anticipated.

Waste Generator Services are looking at the inventory of materials left on site to see what could be sent to the OSDF and what could be blended with waste pits materials. The remainder of materials will have to be repackaged and sent off site, most likely to the Nevada Test Site (NTS).

Dennis asked Mark Jewett to explain why an Explanation of Significant Difference (ESD) or Record of Decision (ROD) amendment must be pursued to change cleanup levels for the soils below the waste pits. Mark reviewed a handout that showed the different cleanup levels listed for Operable Unit 1 (OU1) and Operable Unit 5 (OU5). He stated that the cleanup levels in OU5 are more protective than those in OU1 for all contaminants except Technetium (Tc-99). The site would like to conform to the levels set out in OU5, but to do so, it must undergo a formal mechanism to use the levels set for Tc-99 (30 pCi/g). The Tc-99 levels in OU1 were set at residential standards, prior to the decision to remediate the site to recreational levels. FCAB members supported the pursuit of an ESD, rather than a ROD amendment.

Dennis stated that the Waste Management project is focused on clearing the site of low-level waste by December 2003. There are 2900 containers of mixed waste to be disposed of. The site just contracted Envirocare to treat and dispose of 1400 of these containers, which contain organic materials. These containers will be shipped by truck. The remaining mixed waste containers must be treated (i.e., some type of solidification) before disposal. Fluor Fernald is building a facility to repackage these materials and searching for a facility that would treat these materials. Dennis also stated that Waste Management is exploring the feasibility of sending enriched, restricted waste to the Hanford site, although the current path is to repackage the waste in smaller containers for disposal at NTS.

A FCAB member asked Dennis about the status of the waste tax referendum in Utah. Dennis explained that the referendum is on the ballot for November. If the referendum passes, it is still subject to approval by the Utah legislature. Dennis reported that if the new fees were implemented, it would increase Fernald's costs for waste disposal by several hundred million dollars. If the new fees led to the closure of Envirocare's facility, Fernald would send its wastes by truck to NTS.

Due to some worker exposures to nitrogen oxides (Nox), the Decontamination and Demolition (D&D) project is implementing an authorization process to better assess hazards. D&D needs to increase the pace of its work, so soil excavation can start next year in the western end of the production area.

The Soils project is making good progress. Because materials containing higher concentrations of contaminants are currently being excavated from the production area and placed in the OSDF, the project's focus on worker safety has been heightened.

Dennis reported that work on the Silos 1 and 2 project is going well. The Accelerated Waste Retrieval (AWR) system is scheduled to begin operation on November 1. There will be some work on the silos domes to prepare for the AWR startup. The tanks have been installed and painted, and a cold loop test of the slurry system was successfully conducted at Oak Ridge. The site has issued the contract to build the foundation of the treatment facility to a local company, Monarch. A recent treatability study indicated that only cement and fly ash needs to be added to the Silos 1 and 2 materials. Final design for the project is on schedule for completion in February 2003. The FCAB expressed interest in having a roundtable discussion on the Silos 1 and 2 project in December.

Dennis also reported that the Aquifer project continues to operate well. Three new reinjection wells were recently installed. Completion of this project is still anticipated in 2006, but desired levels must be reached for four seasons.

### **Closure Toolbox**

Doug handed out the "Closure Toolbox" binders to the FCAB members. FCAB members should bring the toolbox to each monthly meeting, at which updated information sheets will be distributed. This toolbox is intended to provide the FCAB members with up-to-date project information.

### **FCAB Closure Mission**

Doug distributed a draft Closure Mission for the FCAB. At the annual retreat, the FCAB identified its desire to have a mission statement that would guide the FCAB as the site nears closure. The mission presents a list of criteria that the FCAB would like to be completed before it disbands. The FCAB will discuss this mission at its November meeting.

### **Silo 3 Issues**

Doug reported that a public roundtable that focused on Silo 3 was held in September. Ultimately, FCAB members were satisfied with the site's decision to not treat the waste for RCRA metals. However, FCAB members are still concerned about the dispersability of the Silo 3 materials.

Gene Willike was not able to attend the roundtable, but he was able to meet individually with Fluor Fernald staff regarding this issue. Gene reported that they discussed options for conditioning the waste to control airborne dispersal.

Dennis explained that the materials handling consultants were asked to provide options for controlling dispersability of the waste. They recommended adding a spray nozzle to the waste packaging station, which would inject a liquid crusting agent into the waste as it enters the bags in which it will be transported. Fluor Fernald is willing to try its best to make a conditioning system work, but they have some concerns that adding moisture to the process might result in buildup in the filling chute, clumping in the bag, or problems with air dispersal in the bag. The site will use a mock-up to determine the ideal moisture level. Fluor does not want to set a performance standard for this, because that would require opening bags for testing and increasing the exposure of workers to the material. A design is expected in the spring.

The FCAB discussed this issue. Major discussion points included:

- Controlling dispersability should be called "conditioning" instead of "treatment."
- The conditioning of materials would not require an ESD or ROD amendment.
- The U.S. EPA has not solidified its position on conditioning and how it relates to its position on treatment for metals.
- Conditioning should not be added to the process if it will significantly complicate or delay the cleanup.
- Because there are already many protective systems in place for this project, it is unclear how much protection is gained through conditioning and the FCAB would like more information.

Glenn Griffiths stated that designing and building the conditioning process would add an estimated two million dollars to the project cost. He indicated that before moving forward with this, he would like a clear confirmation of FCAB support for conditioning. Doug asked the Silos Project Team to provide more information regarding the level of protection gained through conditioning, and Lisa asked for more feedback from Ohio EPA and U.S. EPA. The FCAB will address this issue again at its November meeting.

### **Records Feasibility Study Report**

Doug summarized the draft report for the feasibility study on public access to records after site closure. The report coins a new term, Community-Based Stewardship, which addresses the important role the public must play in oversight of long-term stewardship. Information is a critical tool for successful Community-Based Stewardship. The report asserts that DOE must approach public access to information as a necessity and indicates that one way to accomplish this is to build an education facility at the site.

The Board briefly discussed the draft. Members felt that the report should discuss the need for information regarding impacts to the community. Gene Jablonowski suggested the implementation of an OU6 ROD to solidify DOE requirements for providing information to the public and suggested including in the report language from the Federal Facilities Agreement. Doug asked FCAB members to provide specific comments on this draft by October 18.

The meeting adjourned at 11:40 a.m.





**FCAB BOARD MEMBER MEETING**  
Crosby Township Senior Center, 8910 Willey Road

Saturday, November 16, 2002

**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 – 9:00 a.m.   | Feedback from Chairs Meeting                 |
| 9:00 – 9:10 a.m.   | Closure CAB Mission Statement                |
| 9:10 – 10:00 a.m.  | Silos Update and Planning for Roundtable     |
| 10:00 – 10:15 a.m. | Break                                        |
| 10:15 – 10:30 a.m. | Waste Pits/Rail Spur                         |
| 10:30 – 11:45a.m.  | Stewardship Management Plan Discussion       |
| 11:45 – 12:00 p.m. | Public Comment                               |
| 12:00 p.m.         | Adjourn                                      |



# STEWARSHIP COMMITTEE MEETING T-1

Thursday, November 14, 2002

## DRAFT AGENDA

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- 6:30 p.m.      Opening Remarks and Updates
- 6:45 p.m.      Final Records Feasibility Report
- Review Report
  - Discuss Potential Next Steps
- 7:15 p.m.      Role of Grand Junction Office in Stewardship of Fernald
- Comments by Donna Burgman-Tabbert, Manager of the Grand Junction Office
  - Questions and Answers
- 7:45 p.m.      Letter of Support for Using Natural Resource Damage Settlement to Fund an Education Facility
- 8:00 p.m.      Adjourn

## DOE SPECIAL PROJECTS MANAGERS LIST

PROJECT	MANAGER	PHONE	FAX
Getting more performance from Performance Based Contracts	Dan Jr, Charles A.	303-966-8485	303-966-5071
Managing Waste to reduce risk (other than SNF & HLW)	Knerr, Reinhard M.	505-234-7374	505-234-7061
Tips on Telephone Communications, Focusing EM program resources on cleanup	Weis, Michael J.	TTY: 301-829-2255  301-903-7102	301-903-7165
Managing waste to reduce risk - SNF	Gelles, Christine M.	301-903-1669	301-903-4303
Managing waste to reduce risk - HLW	Case, Joel T.	208-526-6795	208-526-0553
Safeguards and security: Reducing the threat at EM sites	McCormick, Matthew	509-376-3024	509-373-0726
Long-Term stewardship for protection of public health and the environment	Geiser, David W.	202-586-9280	202-586-1241
Integrated program for accelerated cleanup of small sites	Anderson, Cynthia	803-725-3966	
Packaging and transportation to support accelerated risk reduction	Sheppard Jr, Franklin	301-903-4982	301-903-4303
EM business center	Anderson, Paul E.	803-725-5607	803-725-7565



Department of Energy

4595

Ohio Field Office  
P.O. Box 3020  
Miamisburg, Ohio 45343-3020

*Doug - FYI*

OCT 11 2002

Mr. Carl Summe

OH-1255-02

Dear Mr. Summe:

**TERMINATION OF GRAZING**

The most recent grazing license between you and the United States Department of Energy (DOE) expired on October 30, 2001. That license allowed the DOE at anytime to terminate the license in whole or in part. Currently, in this area, the DOE is preparing to conduct soil pre-certification and certification activities related to restoration. As a result, you are asked to vacate the premises and remove from the premises all your personal property, goods, and effects by November 1, 2002. It is my understanding that on or about September 18, 2002, you were verbally informed by a representative of the DOE of the need to vacate in the relative near future. During this discussion you inquired as to the potential to "cut" the "area" one last time for feed for your cattle. As the area will need mowing next year, you are granted permission to conduct these activities on a one-time basis. The stipulation being that you contact Mr. Johnny Reising with the DOE at the Fernald Environmental Management Project (FEMP) to discuss access and logistics well in advance of desiring to conduct these activities. Mr. Johnny Reising can be contacted at (513) 648-3139.

The DOE failed to renew the license and thus, it expired October 30, 2001. In addition, the DOE failed to collect the required payment for the continued grazing since that date. The compensation that was paid for the prior license period was \$511.00. Since you received a benefit from the U.S. Government from the use of the land, we are asking that you pay compensation in the amount of \$255.50 for the period of November 1, 2001 to October 31, 2002. Please make the check payable to the Treasury of the United States and submit the payment to Mona S. Snyder, Department of Energy, Ohio Field Office.

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OCT 11 2002

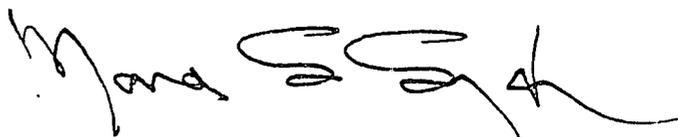
Mr. Carl Summe

-2-

OH-1255-02

If you have any questions regarding this matter, please contact Johnny Reising at (513) 648-3139.

Sincerely,



Mona S. Snyder  
Assistant Manager, Office of Acquisition  
& Asset Management

FEMP:Reising

cc:

M. Snyder, OH/AAM

K. Klei, OH/FEMP

L. Parsons, OH/FEMP

J. Reising, OH/FEMP

000013



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

4595

OCT 30 2002

Mr. Johnny W. Reising  
United States Department of Energy  
Fernald Area Office  
P.O. Box 398705  
Cincinnati, Ohio 45239-8705

REPLY TO THE ATTENTION OF: SRF-5J

Subject: EPA Concurrence with November 1 Extension

Dear Mr. Reising:

The United States Environmental Protection Agency (EPA) has completed its review of the United States Department of Energy's (DOE) October 29, 2002, letter requesting an extension for the regulatory milestone for Phase I operation of the Radon Control System, which is part of the Accelerated Waste Retrieval (AWR) Project of the Silos 1 and 2 Remediation. In this letter, DOE requests and extension of the milestone from the current November 1, 2002 to December 16, 2002.

DOE has kept EPA regularly informed of the RCS project progress during our weekly teleconferences, project management meetings and site visits. It is EPA's observation that DOE has been working diligently to design the RCS, complete its construction, and perform tests with the goal of meeting the November 1, 2002 startup milestone. While DOE may currently have the capability and expertise to run the RCS safely, DOE should feel comfortable before proceeding with RCS operation. The safe operation of the various Silos remediation projects is of key importance to stakeholders and EPA, where RCS operation will be critical to support the Accelerated Waste Retrieval and Silos 1 & 2 Treatment Projects. Consistent with that, EPA understands the basis of the extension request and DOE's need for additional time for completion of RCS programmatic requirements to ensure the safe operation of the RCS.

EPA agrees that there is good cause for an extension and therefore concurs with the extension request. EPA looks forward to DOE meeting the milestone date of December 16, 2002 for startup of Phase I operation of the RCS. This date is an enforceable milestone under the 1991 Amended Consent Agreement. Please contact me at (312) 886-4591 if you have any questions regarding this matter.

Sincerely,

Gene Jablonowski  
Project Manager  
Federal Facilities Section  
Superfund Division

cc: Tom Schneider, OEPA-SWDO  
Sally Robison, U.S. DOE-HDQ  
Jamie Jameson, Fluor Fernald  
Terry Hagen, Fluor Fernald  
Tim Poff, Fluor Fernald

000014



## REPORT OVERVIEW

**Report Title:** Ohio Field Office Performance Management Plan  
**Report Date:** Undated, cover Memo 9/30/02  
**Summary Date:** October 29, 2002

### What is the purpose of this report?

Reorganization assessment of the Ohio Field Office in keeping with recommendations of DOE's Top-to-Bottom review.

### What are the Key Findings?

The report presents an overall plan for streamlining Field Office management and operations.

Key recommendations include the following:

- Reduce overall number of managers
- Eliminate functions as they are no longer needed to support closure mission but ensure that essential capabilities are maintained
- Move some functions to a consolidated business center
- Anticipate and create capacity for post-closure functions.

The report provides some strategic initiatives for achieving these recommendations as well as organization charts and staffing plans through 2007.

*Jack Craig*

United States Government

Department of Energy

# memorandum

Ohio Field Office

DATE: SEP 30 1992

4595

REPLY TO  
ATTN OF:

OH: Craig

SUBJECT:

Ohio Field Office Performance Management Plan

TO:

Jessie Hill Roberson, Assistant Secretary for Environmental Management, EM-1

Attached is the Ohio Field Office Performance Management Plan. The Plan describes the necessary resources and strategic initiatives needed for successful line management oversight and support to the five Ohio Field Office closure projects.

If you have any questions concerning the Plan please contact me at (937) 865-5133.

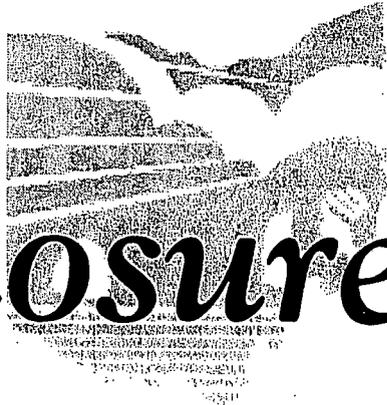
*Jack R. Craig*  
Jack R. Craig  
Acting Manager

cc w/attachment:  
Mark Frei, EM-30  
Sally Robison, EM-31

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U.S. DEPARTMENT OF ENERGY

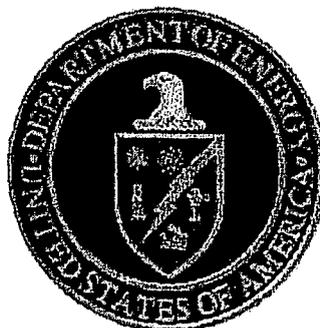


OHIO  
FIELD  
OFFICE

# Closure by 2006

ASHTABULA, OHIO - COLUMBUS, OHIO  
BERNARD, OHIO - MANSFIELD, OHIO  
WEST VALLEY, NY

## Ohio Field Office Performance Management Plan



## EXECUTIVE SUMMARY

The Ohio Field Office (OH) is responsible for the management of Environmental Management (EM) funded cleanup projects at five sites – Fernald, Mound, West Valley, Battelle-Columbus, and Ashtabula. The EM mission at these sites is accelerated cleanup and site closure. Since 1995 OH has been working toward completing closure at four of the sites by 2006.

The recently completed Top-to-Bottom review of the EM Program has provided additional focus and identified areas for improvement across the EM Program. This Performance Management Plan outlines the manner in which the Ohio Field Office will conduct Line Management oversight responsibilities and deliver Business/Support Services in order to achieve accelerated cleanup and closure at all OH sites and describes how OH is implementing the President's Management Agenda. The Plan is focused on three main areas:

1. Streamlining OH Line Management functions and operations in all areas that support the five OH closure projects,
2. Supporting and promoting the establishment of the EM Consolidated Business Center, and
3. Identifying ways to support OH employees as work is completed or transitioned.

**By implementing these initiatives over the next year the OH will evolve into a more efficient, proactive organization with increased focus and accountability for achieving closure by 2006.**

# Table of Contents

**EXECUTIVE SUMMARY..... 1**

**TABLE OF CONTENTS..... 2**

**CURRENT CONDITIONS ..... 3**

**STREAMLINING AND CONSOLIDATION..... 3**

**FIGURE 1 ..... 5**

    ANTICIPATED FTE'S OF THE OHIO FIELD OFFICE..... 5

    WITHOUT CONSOLIDATED BUSINESS CENTER ..... 5

**FIGURE 2 ..... 6**

    POTENTIAL TRANSFERS TO THE CONSOLIDATED BUSINESS CENTER ..... 6

**FIGURE 3 ..... 7**

    OHIO FIELD OFFICE ORGANIZATION CHART ..... 7

**FIGURE 4 ..... 8**

    LINE MANAGEMENT/PROJECT MANAGEMENT OVERSIGHT - ..... 8

    SUPPORTED BY EM CONSOLIDATED BUSINESS CENTER ..... 8

**STRATEGIC INITIATIVES ..... 9**

**APPENDIX A ..... 11**

    CRITICAL TASKS ..... 11

**APPENDIX B..... 16**

    OH PROJECT OFFICES STRATEGIC INITIATIVES..... 16

**APPENDIX C ..... 18**

    MAINTAINING AN EFFECTIVE WORK FORCE ..... 18

## Current Conditions

The Ohio Field Office was established in 1995 to provide day-to-day line management oversight at the five EM project sites (Fernald, Mound, West Valley, Battelle-Columbus, and Ash tabula) and to provide business/support services to all the projects from a central location in Miamisburg, Ohio. The office was structured to:

1. Provide Line Management oversight of five EM projects,
2. Provide technical support to the five projects as needed,
3. Execute business related requirements (Budget, Contracting, Human Resources, etc.) for the five projects, and
4. Provide a central office for providing information to HQ and the public concerning the five EM projects.

Subsequent to its formation, in 1995 the Ohio Field Office developed a Strategic Plan, which included a goal of completing the cleanup at all the Ohio sites within a decade.

## Streamlining and Consolidation

A key to accomplishing accelerated closure of the OH projects is to streamline all Field Office operations and improve accountability. This Performance Management Plan outlines the strategic initiatives that will:

- Focus resources on the work – more workers and fewer managers. Management to worker ratio improves from 1-to-6 to 1-to-12 in this plan.
- Eliminates functions, as they become unnecessary for closure – as we get closer to closure many activities to sustain operations become unnecessary. The plan shows a decline in organizational size.
- Consolidate effort as work volume decreases – we can not afford single-specialty workers or offices. A new OH organization reflects a more versatile and flexible organization.
- Maintain essential capability as long as it is needed – downsizing must not create gaps in competence and expertise. This plan identifies key objectives for personnel planning.
- Anticipate post-closure requirements – obligations to close contracts, audit, and provide records, legal services and stewardship activities will exist after site closures. Resources are identified for these activities.
- Identify business support functions that could be transferred to a consolidated business center.

A careful review of all functions needed to support closure reveals the following activities that DOE must execute to ensure economical closure of the five OH projects by 2006. These are:

1. Provide effective Line Management oversight and accountability.

ORCA

2. Ensure the projects have the technical expertise to evaluate contractor performance and provide for timely DOE decision-making.
3. Provide contract management and oversight.
4. Provide financial and accounting services.
5. Build and sustain public confidence in cleanup remedies, future use, and long term stewardship.
6. Provide legal services and administrative services required by law, and
7. Sustain a talented highly motivated work force that achieves maximum performance with fewer numbers.

Additional detail on these critical tasks can be found in **Appendix A**.

An estimate of the DOE-OH workforce needed to provide these tasks through 2007 is shown in **Figure 1 – Anticipated OH FTE without EM Consolidated Business Center (EMCBC)**.

To support the formation of the EMCBC, functions have also been identified that could be done effectively at a consolidated location. An evaluation was completed to examine which business support activities required great familiarity with project or require extensive contact with Project staff and which activities could be performed remotely. Our assessment of the work that could be done remotely is shown in **Figure 2 – Conceptual Ohio FTE's which could be transferred to a consolidated business center**.

Contemplation of the EMCBC, coupled with the focus on streamlining and flattening the organization drives the need for a new OH organizational structure. The new organization will rely on the EMCBC, improves supervisory ratios, improves accountability, and focuses on the projects. The existing organizational structure, **Figure 3 – Existing OH Organization** can be compared to the new OH organizational structure, **Figure 4 – OH Organization supported by the EMCBC**.

At the completion of closure activities in 2006 the mission of the Ohio Field Office will be complete. A new DOE office/organization will be required to manage Post-Closure and contract closeout activities for the Fernald, Mound, Ashtabula, and Columbus projects. In addition the West Valley site will have a remaining scope of work which must be transferred to a new office. The EMCBC is a candidate to manage these follow-on activities.

## Figure 1

### Anticipated FTE's of the Ohio Field Office Without Consolidated Business Center

	2002	2003	2004	2005	2006	2007
Manager	6	6	5	5	4	3
Chief Counsel	5	5	5	5	5	5
Public Affairs	4	4	3	3	2	1
Chief Financial Officer	22	22	22	20	15	6
Human Resources	13	11	11	9	7	5
Acquisition & Asset Management	15	15	15	11	7	5
Office of Compliance & Support	16	15	14	13	9	3
Subtotal	81	78	75	66	49	28
Fernald	42	42	42	38	32	20
Miamisburg	29	29	27	24	18	5
West Valley	23	23	23	23	23	23
Columbus	5	5	4	4	2	0
Ashtabula	3	3	3	3	1	0
Subtotal	102	102	99	92	78	48
Total	183	180	174	158	127	76



The life of the West Valley Project will exceed the life of the Ohio Field Office

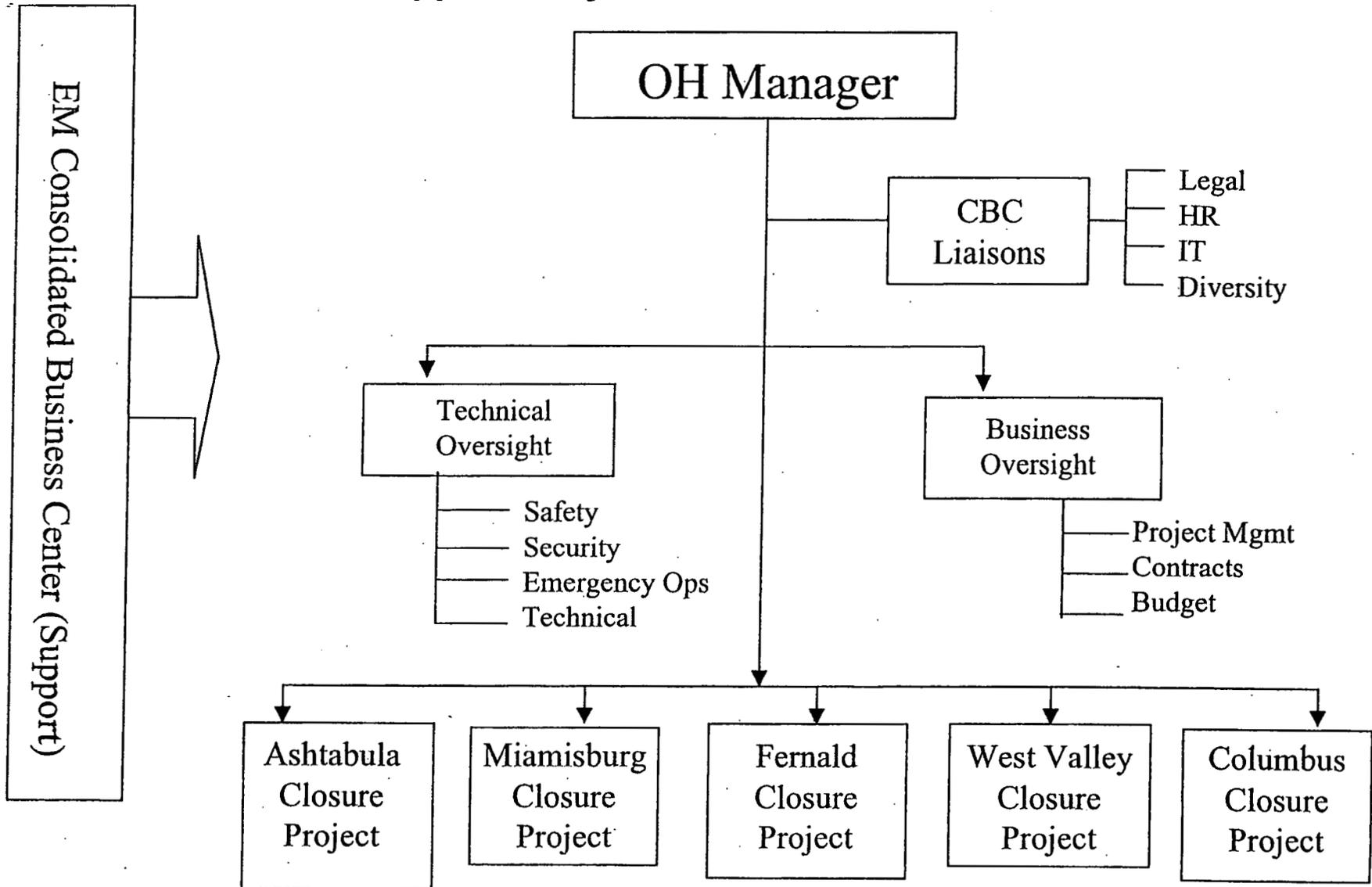
## Figure 2

### Potential Transfers to the Consolidated Business Center

FTE's indicated here assumes that as work declines at the Ohio Projects the Consolidated Business Center will assume work from other projects.

	2002	2003	2004	2005	2006	2007
Manager						
Chief Counsel		3	3	3	4	4
Public Affairs						
Chief Financial Officer		16	16	16	16	16
Human Resources		10	10	10	10	10
Acquisition & Asset Management		7	7	7	7	7
Office of Compliance & Support						
<b>Total</b>		<b>36</b>	<b>36</b>	<b>36</b>	<b>37</b>	<b>37</b>

**Figure 4**  
**Line Management/Project Management Oversight –**  
**Supported by EM Consolidated Business Center**

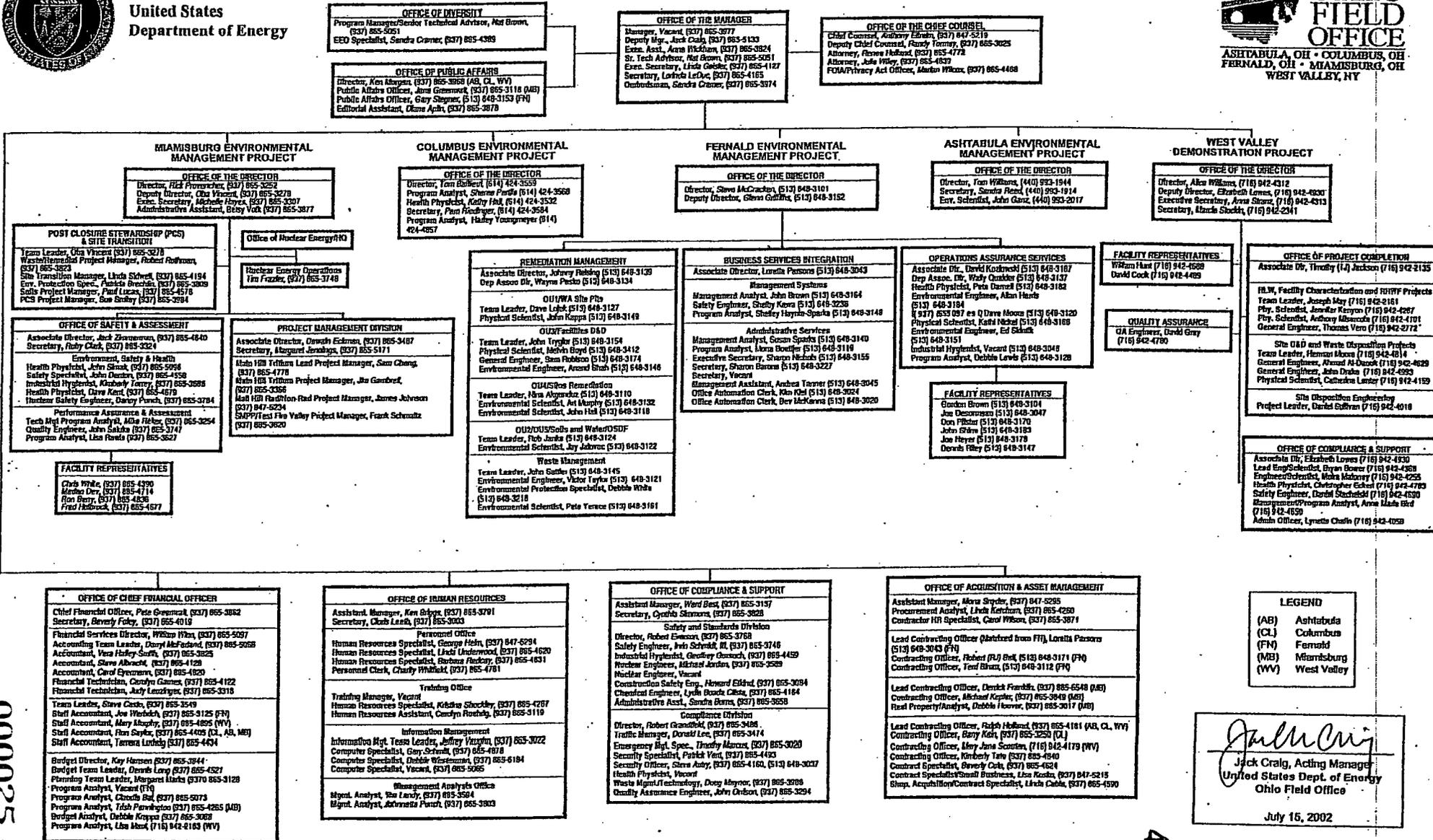


# Figure 3

## Ohio Field Office Organization Chart



United States  
Department of Energy



Page 8 of 19

000025

4595

## Strategic Initiatives

The following Strategic Initiatives have been developed to track performance in implementing the OH PMP. As a reference the initiatives from the four individual OH Project Office PMP's are also included. (Appendix B).

### 1. Implement Contracting Strategies that Drive Accelerated Closure and Risk Reduction

Focus on Closure by 2006 - All five of the OH projects are in the process of improving contracts to clearly focus on accelerated closure and risk reduction. Contracts with clear scopes of work, clearly defined end-states, with effective performance incentives are critical in achieving the OH Closure Mission. The OH is in the process of modifying current contracts, negotiating new contracts, and competing contracts in order to provide the best mechanism at each OH site to achieve the EM mission.

Action: *By 1/31/03 all OH projects will have contracts in place with effective incentives to accelerate closure and reduce risk.*

Milestone: *Fernald - 9/12/02 (complete)*

*Mound - 1/01/03*

*Columbus - 11/30/02*

*Ashtabula - 11/30/02*

*West Valley - 9/30/02 (complete)*

Responsibility: *OH Manager and EM-1*

### 2. Streamline OH Operations to Support OH Projects Accelerated Closure and Plan for Post Closure Activities.

Streamline OH Organizational Structure - It is necessary to continuously evaluate all OH operations to optimize support to the Closure projects and maintain important line management oversight responsibilities. We have determined that a reorganization of the OH functional support operations is necessary for additional focus on accelerated closure, to improve the supervisor to employee ratio and implement the creation of the EMCBC. A monthly assessment will be conducted, in conjunction with the existing monthly OH Manager's Closure Project reviews to evaluate support function performance.

Action: *Implement new OH Organizational Structure*

Milestone: *9/30/03*

Responsibility: *OH Manager*

Analyze and Plan for Post-Closure Requirements – Following OH site closures there will be activities that remain at each site that require DOE resources and/or involvement. The level of involvement and resources that are required vary at each site. Examples of some of the activities, which will be required following site closure, include:

- Contract closeout activities at Fernald, Mound, Columbus and Ashtabula,
- Post Closure Stewardship activities at Fernald and Mound,
- Post Closure Contractor Pension and Medical Program management,
- Litigation management

In addition West Valley will continue to have EM mission post 2006. We have assumed that responsibilities for line management and oversight as well as business support functions for the West Valley project, post 2006, will be transferred to another DOE organization.

Action: OH will fully define the post closure scope of work for Fernald, Mound, Columbus, and Ashtabula.

Milestone: Complete by 11/30/02

Responsibility: OH Manager

### **3. Implement OH Employee Transition Tools to Ensure Resources Are Available To Manage and Support Acceleration Closure and Risk Reduction.**

Transition Planning – As the OH projects near the closure date of 2006 the need for business support and project management staff will decrease. As depicted on the attached OH workforce profile there is a downward trend in resource needs from FY-03 to FY-07. (Examples of transition tools are included in **Appendix C**.)

Action: OH will continue to work with EM/HQ transition planning staff to ensure that appropriate and effective incentives are available and utilized in order to maintain the resources necessary for effectively completing the OH closure mission.

Milestone: Implement Necessary Transition Tools 6/30/03.

Responsibility: OH Manager and EM-1

# Appendix A

## Critical Tasks

### 1. Manage contracts and procurements that support closure.

Closure must be supported by effective contracts that are effectively managed. The field office provides expertise and service that relieves the project staff to focus on mission accomplishment.

**Site closure prime contracts.** Currently negotiating WVDP contract acceleration mod to extend and complete Phase I Closure by 12/31/04; negotiating closure modification to AEMP contract; soliciting competitive offers for new Mound CPIF closure contract; working to resolve Battelle claim and also to negotiate closure modification to Battelle CEMP contract; supporting systems development to facilitate implementation of FEMP 06 closure baseline. These contracts must then be supported by the following activities.

- Calculate/monitor earned fee
- Assess merit of change requests
- Review subcontracts
- Disposition claims
- Interpret contract terms
- Assess contract legal proceedings
- Modify contract as required
- Review invoices
- Evaluate questioned costs
- Track contract funding against costs incurred

**Low level waste disposal services for all OH sites and DOE-Wide needs.** The Ohio Envirocare contract was written primarily to meet the needs of FEMP LLW disposal. It was also crafted to be used by the four other Ohio sites and any other DOE site with LLW needs that meet the Envirocare Waste Acceptance Criteria (WAC). Since its award in 1998, it has held the lowest LLW disposal prices in the federal government and has been used by five DOE offices outside of the Ohio Office as well as by all OH sites. The contract has been modified to lower prices still more and to secure a better deal on debris when shipped with soils. AAM administers a significant number of delivery orders and supports efforts to coordinate debris shipments from each of those orders with soils from the same or other sites on a 9:1 ratio in order to obtain the best pricing for its clients.

**Obtain Equipment for Projects.** AAM has competitively solicited on two occasions to secure gondola railcars for FEMP waste transport at a savings of over a half million dollars in sales tax. It has acquired some smaller pieces of equipment as well and would like to do more of this type of support but has not had the resources to do so and does not want to take on additional GFSI vulnerabilities under its CPIF closure contracts. The unique small business arrangements that are going into the Mound RFP will require more direct contracting with small businesses for both equipment and services.

**Obtain Utility services.** Electric and gas service (including pipeline services) for the FEMP and MEMP sites are provided by AAM.

**Manage Community Reuse Organization (CRO) grants.** The primary grantee is Miamisburg Mound Community Improvement Corporation (MMCIC), which has two open grants at this time (totaling \$10M) with a third in process to accommodate the WT 25% matching grant for \$300,000. The grants differ in their terms with the more recent of the two requiring 100% matching funds or in-kind services and administered on a cost-reimbursement basis. A smaller grant (\$250,000) has also been awarded and managed with the FEMP CRO, which is in the process of winding down.

**Manage OEPA oversight grants and other grants in effect.** Grants have been awarded to the Seneca Indian Nation in New York State, and the Ohio EPA for monitoring duties at the FEMP and MEMP sites.

**Provide Industrial Relations support to the closure projects.** This encompasses contractor human relations policies, contractor benefits (pension, medical, and related welfare benefits for active employees and retirees) and salary structure, labor relations, labor standards determinations, work force restructuring, skills mix planning, and community transition activities. The central service provided for these services frees site contracting officers to pursue support for direct work activities. Duties include the following:

- Monitor skill mix and workforce restructuring to attain accelerated closure
- Apply appropriate labor standards
- Monitor contractor human resource policies (compensation/retention)
- Monitor compliance with Defense Authorization Bill of 1993
- Facilitate approval of all needed voluntary and involuntary separation programs, and encourage passage of multi-year programs to lessen the time needed for implementation

**Administer Real and Personal/Industrial Property to support Project closure.** These functions become more and more important as closure nears and property needs to be dispositioned in order to prepare structures for demolition. Innovation is essential to good property management at a closure site because the old rules are not applicable in many cases. It is important to uphold statutes while finding new, more streamlined ways to disposition property. AAM has been successful in finding new approaches and utilizing them on behalf of the client Projects. Some of the duties are listed below:

- Execute Site Access agreements
- Negotiate and execute QuitClaim deeds, leases, other real property instruments, in accordance with CERCLA requirements
- Perform streamlined property inventory duties to meet statutory requirements
- Disposition property using excess procedures
- Utilize specialized internet sites to sell excess property once screened
- Oversee/Facilitate ERLE grants of property to schools

- Facilitate appropriate donations of property to approved sources
- Disposition property using recycling centers, in-place sales, other means that become available

## **2. Provide legal services required by law and closely associated administrative services.**

The scope and financial magnitude of Field Office activities generates extraordinary demands for legal services in areas such as government contracts, environmental law, personnel, labor and employment law, regulatory and administrative law, civil rights, torts and appropriations law, and litigation involving all of the foregoing. These legal services are non-discretionary support functions that must be available to Field Office and project management. The responsibility for executing this legal function rests exclusively with licensed attorneys as a matter of federal law. In addition, Freedom of Information and Privacy Acts (FOIA/PA), Records Management and the Energy Employee Occupational Illness Compensation Program Act (EEOICPA) are all administered by the Field Office.

### **Legal Work will increase between now and 2006.**

- RIF's will generate increased volume of Federal employee claims and litigation and Contractor employee claims and litigation
- Contract closeouts will generate claims between prime and subcontractors, and between primes and DOE, some of which will result in litigation that will extend beyond 2006
- Environmental legal issues, and regulatory agreements must be closed out
- Legal issues associated with Long Term Stewardship are an unknown

### **Records management issues and scope of work will increase substantially**

- Management of DOE owned records is on critical path to closure
- Records Management activities will extend beyond 2006
- FOIA/Privacy Act matters likely to remain constant or increase. Increased volume of Personnel, Contract Claims and Litigation will drive up FOIA and Privacy Act requests.
- EEOICPA activities should remain constant and then begin steady decline

## **3. Ensure the projects have the technical expertise essential for closure.**

This will be done by reinforcing project staff, especially the small projects, by reviewing technical documents, verifying contract compliance with technical issues, and managing technical resources shared among the sites. Special benefit is derived from coordinating those functions where economies of scale make it effective for a core technical staff to support the projects. These activities include:

- Lessons Learned

- Waste Minimization
- Waste Management
- Pollution Prevention
- Technical Qualification Program
- Facility Representative Program
- Response to Defense Nuclear Safety Board
- Federal Employee Occupational Safety & Health
- Industrial Hygiene
- Value Engineering
- Accident Investigation
- Safety Performance Measurement

#### **4. Build and sustain public consensus for cleanup remedies, future use, and long term stewardship.**

Public affairs activity will:

- Build consensus for long term stewardship plans and future site use.
- Provide Public Information for Emergency Management.
- Ensure compliance with Public Information requirements of Public Law
- Maintain a "human face" for the DOE to ensure it is sensitive to local concerns and issues.
- Provide media relations management.

#### **5. Provide Financial and Accounting Services.**

The closure projects need help with Financial Review, Accounting Services, Planning, IPABs integration, DOE 413.3 integration, Budget Formulation and Execution, and management of the Program Direction resources.

The Planning and Project Management support work will be the first functional area to decrease as our mission becomes less strategic and more tactical. By FY 04, refinements to project completion dates will have been made, long-term stewardship requirements will be better understood, and compliance with DOE 413.3 will become integrated into the projects and will require little OH integration.

Budget formulation should be complete by FY 04 and will decrease at that time. On-site support to the Project Directors will continue through completion as the CFO on-site representative will still be needed to transact business with other OH projects and other EM projects in the EM complex. By FY 06, only this on-site support and one FTE to execute the Program Direction accounts will remain in budget. Transfer, at that time, to another field location is possible, with the number of FTE required would be a function of the manpower and scope situation at the receiving organization.

Accounting and, thus, the FTE necessary to book obligations and cost and do reconciliation work with the project's Cost Management Reports and the contractor's vouchers, will decrease over time as projects are completed and eventually go to zero by FY 06. Transfer of the accounting records will be required. An accounting technician is anticipated in FY 07 to perform data entry and maintenance of the accounting system.

The Financial Review function will be necessary through completion as final audits are performed in anticipation of contract close-out. IG/GAO interest in our completed projects will also increase.

0908

## Appendix B

### OH Project Offices Strategic Initiatives (From approved site Performance Management Plans)

#### Fernald

- Accelerate off-site disposal of Silos 1&2 material to reduce major site risk and allow for site closure by 2006.
- Accelerate Silo 3 disposition by eliminating treatment requirement and implementing bulk rail transport to commercial disposal facility.
- Accelerate Waste Pits remediation by increasing treatment/processing production rate and off-site rail shipments.
- Accelerate Low-Level Waste and Mixed Waste disposition by one year to allow for accelerated start of Plant 1 complex D&D activities.
- Accelerate soil excavation and On-Site Disposal Facility operations by three years to provide early source term removal and support D&D operations.
- Accelerate facility decontamination and decommissioning by three years to allow for soil excavation and early placement of D&D debris in the On-Site Disposal Facility.
- Accelerate Aquifer restoration and completion post-closure monitoring infrastructure.

#### Mound

- Implement Cost-Plus Incentive Fee Contract to drive accelerated risk reduction and site closure.
- Acceleration of facility deactivation and decommissioning to complete site closure by 2006.
- Acceleration of soils remediation to eliminate source term and reduce site risk by June 2006.
- Acceleration of waste disposal to reduce site risk by completing shipment of TRU waste, and increasing the use of rail transportation to improve efficiency.
- Optimization of project support by subcontracting remediation projects to facilitate project acceleration.

#### West Valley

- Accelerate decontamination operations for completion by the end of the calendar year 2004 to reduce the sites highest risks and prepare for decommissioning.
- Accelerate construction and operational readiness of the Remote Handled Waste Facility by the end of calendar year 2004 to support dispositioning of project generated waste to further reduce site risk.

## Appendix C

### Maintaining an Effective Work Force

A key to achieving timely closure will be ensuring an effective and competent workforce. Appropriate talent must be maintained and it must feel sufficiently secure to remain focused on the task. In order to achieve that the Ohio Field Office Manager will need a flexible arsenal of tools to handle reassignment and retention. We have identified these statutory benefits:

**Training (5 CFR 410)** - The OH Manager may approve use of a full range of options to train or retrain employees for continuing mission-related needs. Techniques such as classroom training, on-the-job training, satellite training, career development, counseling, details, rotational assignments, cross training, retreats, and conferences may satisfy mission related requirements. The appropriateness of these options can be effectively managed through the Individual Development Plan process.

**Retention Allowances (5 CFR 575 Subpart C)** - The OH manager may approve employees retention bonus assignments up to 25 percent of annual base pay. Highly qualified current employees possessing unusually high or unique qualifications and special need employees will be eligible for this benefit. This benefit applies only to the situation where the employee is likely to leave federal service for any reason. The employee must receive a non-federal offer of employment. The employee must then decide to remain until the end of the term of agreement before leaving federal employment. This benefit is not available to an employee who is likely to leave a position for employment in the federal government whether in the same or different agency.

**Relocation Bonuses (5 CFR Subpart B)** - The OH manager may approve a relocation bonus to an employee who must relocate to another OH site to accept a position in different competitive service area, provided that in the absence of the bonus, difficulty would be encountered in filling the position with a high quality candidate. A relocation bonus consists of a percentage of employee base pay (up to 25 percent) payable at the time of employee relocation. The employee must agree to remain for at least 12 months.

**Permanent Change of Station (41 CFR Subtitle F)** - If an employee transfers to a new job under the federal government, he or she may be eligible for payment or reimbursement of a certain expenses related to transfer to another Department of Energy or other federal agency. The employee must agree in writing to remain with the federal government for twelve months following the effective date of relocation. Travel, transportation, and other relocation allowances are available in accord with federal travel regulations. Employees transferring between competitive service areas within the Ohio Field Office will be paid these expenses only at the direction of the hiring agency.

**Voluntary Separation with Involuntary Benefits (VSIB)** - Employees who volunteer for this incentive will be given a six month period to complete their work and plan for their future. Involuntary benefit payments will begin upon separation which will occur at the end of six months or at any earlier time the agency and the employee agree is beneficial. This process would be invoked during "Round 1" of a RIF process which identifies positions that are to be abolished. Round two determines whether released employees have bump or retreat rights.

**Opportunities for Transition to Jobs Within the DOE** - The office of Nuclear Energy and Civilian Radioactive Waste will require additional FTE's with a specific skill mix between present and 2004. The closure sites should establish an informal or formal agreement between their respective offices to coordinate the specific skill needs of these two offices with the skill capabilities of employees at closure sites. This will provide yet another option for transition of closure site employees and effectively utilizing the specific skills and training of the DOE workforce (Facility Representatives, Authorization Basis Safety Engineers, person experienced in D&D techniques and applications, etc.).

## Initiative 1 Fight Cost May Be a Record

Wednesday, October 30, 2002

BY JUDY FAHYS  
THE SALT LAKE TRIBUNE

Envirocare of Utah has pumped nearly \$2 million into its campaign to defeat Initiative 1 in the past six weeks, outspending supporters of the initiative more than 6 to 1 and keeping the proposed radioactive-waste law on track to be the most expensive ballot question in Utah's history.

Financial disclosures filed Tuesday also show that Utahns Against Unfair Taxes, the Envirocare-funded political issues committee, continues to line up some of the biggest names in Utah behind its opposition campaign, including U.S. District Judge Paul Cassell.

The latest report shows that Cassell was paid \$12,830 by the anti-Initiative 1 committee Oct. 1. But both Cassell and the opposition campaign say that is a clerical error and that the federal judge advised opponents and was paid for his work months ago.

"All of this took place before I was on the bench," said Cassell, who was a legal consultant for the opposition the month before the U.S. Senate confirmed him as a federal judge May 14.

Proponents reported neither big names nor big bucks.

Utahns for Radioactive Waste Control, the political issues committee behind Initiative 1, spent \$286,744 on its efforts. The initiative, which will appear on Nov. 5 ballots as the Radioactive Waste Control Act, would ban higher levels of radioactive waste from coming to Utah, raise taxes on the waste already allowed and direct those tax revenues to schools and anti-poverty programs.

Proponents told the state Elections Office they raised \$254,297 in the past six weeks. The largest portion, \$102,000, came from the Utah Education Association, the 18,000-member teachers union and another \$100,000 came from the National Education Association.

"We will not reach the \$1 million mark," predicted Frank Pignanelli, a leader of the pro-Initiative 1 campaign.

He noted that more than half of the \$717,032 sum the campaign has spent this year went toward getting the initiative on the ballot. The campaign's balance in the last week before the election is just \$1,139.

Bankrolling the opposition is Envirocare, a company that operates a low-level radioactive waste landfill in Tooele County and boasts revenues of \$120 million a year. It has spent a total of \$3 million fighting Initiative 1.

"It's \$3 million we have to spend to avoid going out of business," said Hugh Matheson, leader of the opposition campaign. He chided proponents for not using the money they spent in support of the initiative on school textbooks or food and shelter for the homeless.

Envirocare fought a radioactive waste tax that was imposed last year and that has generated \$300,800 for the state in its first year. So far, in its campaign to defeat the initiative, the company has spent 10 times the amount it has paid in state radioactive waste tax.

According to the financial disclosures filed Tuesday, the opposition campaign has enlisted the aid of a number of high-profile figures. One is veteran GOP political consultant Eddie Mahe, a campaign adviser to Gov. Mike Leavitt.

Another is Jan Crispin-Little of the University of Utah's Bureau of Economic and Business Research, who was paid \$7,740 for a market study of the radioactive waste market. The report validated the view that hiking radioactive waste taxes would decrease the quantity of waste coming to Utah and cut into its existing tax base.

The latest financial disclosure also noted a \$20,800 contribution to the state Republican Party and \$8,687 to Webb Consulting, a business operated by Deseret News columnist and former Leavitt adviser LaVarr Webb.

Matheson confirmed that Cassell wrote a brief on the constitutionality of Initiative 1 before it landed on the ballot. The brief was later sent to the Utah Attorney General's Office and state Elections Office to make the case that the initiative should not be allowed to appear on the ballot.

The Cassell payment landed on the latest spending report by mistake, Matheson said, after someone at Envirocare realized that the expense did not belong on the company's books and moved it to the Utahns Against Unfair Taxes financial disclosure.

He said the reports would be amended to bring them into compliance with state law.

The "total mess-up," as Matheson calls it, is embarrassing to the opposition campaign for two reasons.

First, the campaign has repeatedly attacked Initiative 1 proponents over alleged financial reporting violations and has even petitioned the Utah Attorney General's Office to investigate those allegations.

Secondly, the mistake was embarrassing because it would be improper for a federal judge to have private clients.

According to the Code of Judicial Conduct: "A judge should not lend the prestige of the judicial office to advance the private interests of others; nor convey or permit others to convey the impression that they are in a special position to influence the judge."

Meanwhile, Cassell has already ruled on one Utah radioactive waste case. Last month he dismissed a lawsuit brought by Skull Valley Goshute tribal members over a high-level radioactive waste storage site proposed for their reservation. The proposal is unrelated to the initiative or to Envirocare.

Pignanelli said proponents were uncomfortable that a nominee for the federal bench was working on the opposition campaign last spring. "That ought to be disconcerting to a lot of people," he said. "It goes to show the reach of Envirocare into this community."

September 2002

DOE This Month

Page 9

*"Fernald volunteers active in bluebird protection"*

4595

## Fernald volunteers active in bluebird protection

Not along ago, the population of the eastern bluebird was rapidly declining in Ohio and other parts of the midwestern United States. But thanks to some dedicated volunteers at the Department of Energy's (DOE) Fernald Environmental Management Project, the number of bluebirds is increasing in the site's surrounding southwestern Ohio communities. "As we clean up and restore the Fernald site, we're creating a viable habitat for bluebirds and other native wildlife and plant species," said Kathleen Nickel, DOE-Fernald environmental scientist.

For 12 years, Fernald volunteers have donated hundreds of hours of their own time building and monitoring bluebird boxes to encourage repopulation. At right, John Homer, a restoration ecologist with Fluor Fernald's Natural Resource Management team, is one of this year's 15 volunteer monitors of 72 nesting boxes placed around the 1,050-acre Fernald site. The boxes are monitored and maintained weekly during the nesting season, which runs from February until August. At least 50 bluebirds left the boxes during the first half of 2002. ❖



000038

September, 2002

DOE This Month

Page 11

*"New Publications – Fernald Environmental Management Project 2001 Site Environmental Report"*

4595

The *Fernald Environmental Management Project 2001 Site Environmental Report* provides stakeholders with the results from Fernald's environmental monitoring programs for 2001, along with a summary of the Department of Energy's (DOE) progress toward final

remediation of the site under the 2006-closure plan, Fernald's compliance with environmental regulations, compliance agreements, and DOE policies governing site activities.

The report is available at [http://www.fernald.gov/Cleanup/Environmental\\_Monitoring/EnvMon.htm](http://www.fernald.gov/Cleanup/Environmental_Monitoring/EnvMon.htm). For additional information, contact Gary Stegner, 513-648-3153 or [gary.stegner@fernald.gov](mailto:gary.stegner@fernald.gov). ❖

000039

September, 23, 2002

Inside Energy

Pages 7 &amp; 8

4595

*"Contractors vie to complete cleanup at DOE site in Ohio"*

## ENVIRONMENTAL CLEANUP

### Contractors vie to complete cleanup at DOE site in Ohio

Several contractors interested in completing environmental cleanups at the Energy Department's Miamisburg Environmental Management Project in Ohio last week were poised to submit proposals Friday to the agency for the chance. The work would also include closing the former nuclear weapons production site and transferring it to a local economic development organization.

The cost-plus-incentive fee contract that DOE offered earlier this year calls

for the demolition or decontamination of 66 facilities as well as the transfer of nine to the Miamisburg-Mound Community Improvement Corporation by Sept. 30, 2006 for future commercial use.

Other contractual responsibilities include removing all utility structures and components above ground, cleaning up and closing all buildings, land, pipes and structures, as well as restoring the site's landscape to an accepted standard or level with all debris and material re-

moved. The contractor also must submit to DOE a draft final site-wide record of decision for work completed.

The total contract target cost and fee is \$367 million. DOE anticipates annual funding until 2006 at the following rate: in FY-03, \$73 million; in FY-04, \$98 million; in FY-05, \$98 million; and in FY-06, \$98 million. DOE plans to award the contract by Dec. 4 and turn the site over to the new contractor Jan. 1.

As of Friday, several contractors said

they had submitted or intended to send to DOE a bid for the work at MEMP, formerly known as the Mound Site.

Teams that had responded by press time to the DOE request for proposals to meet the Friday deadline included Parsons Infrastructure & Technology Group, Inc. and Weston Solutions Inc. The Parson-Weston combination submitted its proposal Thursday.

Larry Hare, the senior vice president of federal programs for Parsons, said in an interview that his company would take the lead role in the cleanup effort if it wins the contract. "The real issue is can a successor contractor come in with a team that is up to speed and be sufficiently experienced ... to meet the needs of DOE and work with the local re-use economic organization," Hare said. "So, the team that wins Mound will not be based on some new technology they can bring to cleanup the site or some paradigm shift in the site's culture. The unifying theme is risk reduction."

Weston, which currently is a subcontractor for MEMP's incumbent contractor, BWXT of Ohio Inc., has more than 20 years of experience in the DOE nuclear weapons complex and supports work for major contractors currently at the Rocky Flats Environmental Technology Site in Colorado as well as at the Oak Ridge Reservation in Tennessee. "While we aren't a big company, major companies rely on us to do the work and that experience brings us knowledge that

we bring to the bid," a Weston company spokesman said.

In 1997, DOE awarded BWXTO the MEMP contract, which originally was to expire in December 2006 after work had been completed. But earlier this year, DOE announced plans to terminate BWXTO's contract and open the job to competition. BWXTO had said it could finish the job by 2005 and had indicated that it intended to respond to the solicitation that hit the streets in July. As of press time Friday, BWXTO had not disclosed whether it had submitted a bid.

BWXTO President and Site Manager P. Sandy Baker said in an interview Thursday that the company this week would send worker adjustment and retraining notices to all environmental cleanup employees. "We anticipate that once DOE identifies a new contractor, there will be some point where the new contractor will likely want to reduce head count," Baker said. "So, we are sending out those notices as a precautionary measure."

Officials at CH2M HILL, which conducts environmental cleanup work at DOE's Hanford Site in Washington, said it intended to bid on the Mound project. A company spokeswoman said she could not provide details on which environmental firms CH2M HILL had learned with to bid on the work.

Another contractor, Shaw Environmental & Infrastructure Inc., said it planned to bid on the MEMP contract.

The Shaw Group is the parent company of Stone & Webster, another player in the DOE weapons complex, which is working on a planned mixed oxide fuel fabrication facility at DOE's Savannah River Site in South Carolina.

It was also unclear at press time if Fluor Fernald Inc., the DOE contractor responsible for cleaning up the Fernald Environmental Management Project in Ohio, had submitted a proposal for the Mound project. Earlier this year, however, Fluor Fernald sent DOE an unsolicited proposal to finish the cleanup work at Mound by 2006.

Months before DOE announced in July that it would seek bids on a new Mound contract, the Miamisburg Mound Community Improvement Corp. proposed to take over the cleanup and employ a commercial approach to the job. That proposal was under consideration when DOE said it would award a new contract. Since then, the economic development organization has been working with DOE headquarters to identify issues and provide strategies in support of cleanup and reuse by 2006.

Accelerated cleanup at Mound, MMCIC President Mike Grauwelmann has said, will allow for the timely transfer of property and facilities to MMCIC for redevelopment, as outlined in a 1998 settlement agreement. So far, about 40% of the site has been transferred and about 86% of the space available is under lease to private businesses. — *Shawn Terry*

000040

September, 30, 2002

Inside Energy

Pages 8

*"DOE interviews 3 teams bidding on Ohio cleanup project"*

4595

## DOE interviews 3 teams bidding on Ohio cleanup project

Top officials of three teams competing for a \$367-million contract to complete environmental cleanups at the Miamisburg Environmental Management Project last week met with the Energy Department's Mound Closure Project Source Evaluation Board, which is evaluating each group's key personnel and qualifications to perform the work.

The two-hour long interviews held Thursday and Friday in Monroe, Ohio, provided SEB members with an opportunity to review resumes, and the teams' project managers a chance to explain what they would bring to the project. The winner of the contract would be responsible for finishing environmental cleanup at MEP, tearing down 66 former nuclear weapons facilities and transferring nine of them to a local economic development organization.

Teams led by Shaw Environmental & Infrastructure Inc., CH2M HILL and

Parsons Infrastructure & Technology Group Inc. submitted bids on the contract as of a Sept. 20 deadline (*IE*, 23 Sept, 7).

Following each team's presentations, SEB members asked questions on their ability to meet DOE's schedule for completing the work by Sept. 30, 2006. The board also questioned the teams how they would adapt to any changing requirements over the course of the three-year contract that DOE expects to award in early December.

The SEB members include Patrice Bubar, associate deputy assistant secretary for at DOE's Office of Integration and Disposition; Franklin Sheppard, general engineer with the Rocky Flats Project Office in Germantown, Md.; Shelby Kawa, physical scientist for the business services integration division at the Fernald Site in Ohio; James Johnson, general engineer with the procurement

management division at MEMP; Oha Vincent, supervisory general engineer at MEMP; and Derrick Franklin, lead contract specialist for the assistant manager of acquisition at MEMP.

"The oral interviews are very different from one procurement to the next," Craig Grochmal, manager of business development for Shaw Environmental & Infrastructure Inc., said in an interview Tuesday. Shaw was formed through the recent combined acquisition of Stone & Webster and IT Corp. Those companies have "done some work for DOE in the way of environmental cleanup, and specifically the U.S. Army Corps of Engineers, and that experience will hopefully combine in a way that will be attractive to the department."

Other bidders on the Mound closure contract include CH2M HILL and Parsons Infrastructure & Technology Group Inc. — *Shawn Terry*

000041

October 7, 2002

Weapons Complex Monitor

Pages 3 &amp; 4

**"BILL INTRODUCED TO EASE DOE SICK WORKER CLAIMS PROCESS"**

4595

**BILL INTRODUCED TO EASE DOE SICK WORKER CLAIMS PROCESS**

Nuclear workers made sick from exposure to toxic substances while working at a Dept. of Energy site would be paid directly from the federal government instead of having to qualify for state workers' compensation, under legislation introduced by Rep. Ted Strickland (D-Ohio) Sept. 26. Currently, under Subtitle D of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA), DOE is required to assist workers in filing state worker compensation claims if an independent physicians panel agrees that the work-related exposure was a significant factor in the worker's illness. But under Strickland's bill (H.R. 5493), the Dept. of Labor would be established as the "willing payor" for the disability claims instead of relying on states to make the final decision on whether a lump sum payment should be made. "This legislation takes the next step to ensure that this program achieves its intended purpose: compensating workers who selflessly worked in hazardous conditions for the benefit of our national security," Strickland said. "They deserve the benefits Congress promised, not more bureaucracy from states."

Strickland said while DOE is required to recommend through the physicians panel whether an illness is work-related, the program ultimately relies on state workers' compensation programs to make payments for wage loss and medical care. However, the Congressman notes that more than 50 percent of the workers who make claims will not have a "willing payor" because many Memorandums

of Agreements (MOAs) signed with individual states do not require that states honor the findings of the physicians panel. By making the Dept. of Labor the "willing payor" for all claimants, Strickland believes more eligible workers will receive a settlement. "We can no longer sit idly by while DOE experiments with state agreements that do not assure that these sick workers will finally receive just compensation from their government," Strickland said. Energy Dept. officials did not return calls for comment on the bill.

**Illnesses Added**

The payments would match Federal Employees Compensation Act levels of benefits and use the same administrative process now used by the Dept. of Labor for radiation, beryllium and silica claims. The legislation also adds chronic renal disease to the list of covered illnesses eligible for lump sum payments for workers employed for at least one year at a covered uranium facility. The bill adds lung cancer to the list of beryllium diseases covered by the program. Further, the bill authorizes the National Institutes for Occupational Safety and Health to recommend to Congress additional radiogenic cancers for the special exposure cohort list. The bill was referred to the Judiciary Committee and the Education and Workforce Committee for consideration.

Strickland's bill follows the issuance of a new rule by the Dept. of Energy in August that requires the Department to direct its contractors not to contest an applicant's claim, a reversal of the Department's initial position (*WC Monitor*, Vol. 13 No. 32). DOE's program, authorized under Part D of EEOICPA, is separate from the program managed by the Dept. of Labor, established by a different part of the law. The DOE program is open to DOE contractor and subcontractor employees, and provides for assistance to qualified workers in obtaining benefits that they may be entitled to receive under state workers' compensation programs. The DOL program, on the other hand, is required by law to address workers with certain illnesses. Approximately 10,000 workers have filed applications with both the DOE and DOL programs. ■

000042

October 7, 2002  
 Weapons Complex Monitor  
 Page 10  
 "NTS LLRW Disposal Volumes"

4595

### NTS LLRW Disposal Volumes

DOE APPROVED GENERATORS	Disposal Location	WTE: 2D Sept. 02			FY 02 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	Area 3	0	0	0.00	0	0	0.00	120	3.40
	Area 5	1	168	4.76	5	1,588	44.97	83,477	2,363.80
KANSAS CITY PLANT	Area 3	0	0	0.00	0	0	0.00	413	11.69
BECHTEL NEVADA	Area 3	1	2,343	72.01	15	27,390	775.60	293,764	8,318.46
	Area 5	0	0	0.00	4	474	13.48	36,589	1,036.08
	Mixed	0	0	0.00	7	5,772	163.44	16,783	474.67
BRITISH NUCLEAR FUELS LIMITED	Area 3	16	10,812	306.16	323	369,214	10,434.96	456,168	12,917.23
	Area 5	6	10,157	287.61	121	234,966	6,653.49	388,159	10,991.42
PERNOLD	Area 3	0	0	0.00	97	135,021	3,823.36	3,719,478	105,323.71
	Area 5	0	0	0.00	129	121,867	3,430.88	2,661,697	75,370.74
GENERAL ATOMICS DOE	Area 3	0	0	0.00	0	0	0.00	297,686	8,429.31
	Area 5	0	0	0.00	0	0	0.00	450,304	12,751.17
GENERAL ATOMICS CORPORATE	Area 3	0	0	0.00	0	0	0.00	494	13.99
	Area 5	0	0	0.00	28	15,280	432.68	30,183	854.69
INEL	Area 3	0	0	0.00	3	570	16.14	570	16.14
	Area 5	0	0	0.00	3	1,614	45.70	1,614	45.70
IT CORPORATION	Area 3	0	0	0.00	0	0	0.00	419	11.86
	Area 5	0	0	0.00	3	56	1.59	8,392	237.69
	Mixed	0	0	0.00	1	24	0.68	56	1.59
LLNL, CA	Area 3	12	6,455	182.78	190	81,229	2,300.15	252,770	7,157.64
	Area 5	1	490	13.88	8	4,811	136.23	60,483	1,712.12
LRRI	Area 3	0	0	0.00	0	0	0.00	3,732	105.58
	Area 5	0	0	0.00	0	0	0.00	6,974	197.48
MOUND	Area 3	0	0	0.00	36	85,890	2,432.38	143,920	4,075.23
	Area 5	0	0	0.00	13	23,720	671.67	1,920,269	54,375.87
OAK RIDGE NATL. LABORATORY	Area 3	2	460	13.03	6	4,058	114.91	21,348	604.51
	Area 5	1	1,133	32.03	20	28,384	803.74	34,718	983.10
PADUCAJ	Area 5	0	0	0.00	35	23,647	669.61	23,647	669.61
PANTEX	Area 3	2	4,129	116.92	2	4,129	116.92	32,230	912.58
	Area 5	0	0	0.00	1	192	5.44	123,708	3,503.01
PRINCETON	Area 3	0	0	0.00	47	22,926	649.19	22,926	649.19
	Area 5	0	0	0.00	3	2,065	58.47	2,065	58.47
RMJ	Area 3	0	0	0.00	2	915	25.91	38,597	1,092.94
	Area 5	0	0	0.00	3	5,686	161.01	14,408	407.99
ROCKWELL DYNE	Area 3	0	0	0.00	2	2,250	63.71	50,786	1,438.10
	Area 5	0	0	0.00	2	1,272	36.02	54,269	1,536.72
ROCKY PLATS	Area 3	6	8,049	227.92	193	280,186	7,933.97	2,996,073	84,839.20
	Area 5	17	35,349	1,001.25	306	759,051	21,493.90	1,245,214	35,260.48
	Mixed	0	0	0.00	0	0	0.00	283,372	8,024.19
SANDIA NTL. LAB. CA	Area 3	0	0	0.00	2	1,411	39.96	5,963	168.85
	Area 5	0	0	0.00	1	353	10.00	17,381	492.17
SANDIA NTL. LAB. NM	Area 3	0	0	0.00	2	5,601	158.60	41,432	1,173.23
	Area 5	1	1,453	41.20	10	12,583	356.31	46,430	1,314.75
SAVANNAH RIVER	Area 3	4	11,159	315.98	8	15,016	425.21	15,016	425.21
	Area 5	1	882	24.98	19	16,758	474.53	16,758	474.53
WEST VALLEY	Area 3	0	0	0.00	1	722	20.44	1,425	40.35
Inactive offsite waste generators	Area 3	0	0	0.00	0	0	0.00	89,080	2,547.93
	Area 5	0	0	0.00	0	0	0.00	38,654	1,094.56
Inactive onsite waste generators	Area 3	0	0	0.00	0	0	0.00	8,211,495	232,523.26
	Area 5	0	0	0.00	0	0	0.00	76,538	2,167.21
<b>GRAND TOTAL</b>		<b>71</b>	<b>93,240</b>	<b>2,640.52</b>	<b>1,651</b>	<b>2,296,702</b>	<b>65,035.23</b>	<b>24,330,947</b>	<b>689,199.89</b>

Total offsite waste received in FY 02 = 32,83,294 Cu. Ft. 94,000.47 Cu. M.  
 Total onsite waste received in FY 02 = 33,718 Cu. Ft. 934.79 Cu. M.

Offsite waste comprises approximately 44% of the total waste inventory  
 Onsite waste comprises approximately 56% of the total waste inventory

000043