



# **ANNUAL RETREAT**

## **Fitton Center for the Creative Arts**

**Saturday, September 13, 2003**

## **DRAFT MINUTES**

The Fernald Citizens Advisory board held its annual planning retreat on Saturday, September 13, 2003, from 9:00 a.m. to 2:30 p.m. at the Fitton Center for Creative Arts in Hamilton, Ohio.

**Members Present:**

French Bell  
Jim Bierer  
Kathryn Brown  
Sandy Butterfield  
Marvin Clawson  
Lisa Crawford  
Steve DePoe  
Pam Dunn  
Glenn Griffiths  
Gene Jablonowski  
Graham Mitchell  
Robert Tabor  
Tom Wagner  
Gene Willeke

**Members Absent:**

Lisa Blair  
Blain Burton  
Lou Doll  
Jane Harper

**Designated Federal Official:**

Gary Stegner

**The Perspectives Group Staff:**

Crystal Sarno  
Douglas Sarno  
David Bidwell

**Fluor Fernald Staff:**

Sue Walpole

**General Remarks and Announcements**

Jim Bierer called the meeting to order at 9:00 a.m. The Board approved the minutes from its August meeting.

Jim thanked Fluor Fernald for hosting the 10<sup>th</sup> anniversary celebration for the FCAB, which was held on Friday, September 12.

Jim summarized the August SSAB Chairs conference call. Most of the call, he reported, focused on the upcoming Chairs meeting, which will be held in Paducah, Kentucky on September 26 and 27. DOE confirmed that the Paducah SSAB has sufficient numbers to continue its work and to host the meeting, even though several members resigned from the board last month. The Chairs also discussed the information that DOE requested the SSABs prepare for the meeting. Although some Boards felt that they had been asked to justify their work, Sandra Waisley told the Chairs that DOE intended for the Boards to highlight their successes.

Glenn Griffiths provided a brief update on recent activities at the site. He noted that the west water tower was recently imploded and removed. Glenn also reported that around 100 salaried and hourly workers would be laid off on October 9 and that the DOE field office has recently lost several employees who sought more stable employment. Glenn explained that DOE continues to be concerned about safety problems at the site, particularly unsafe behaviors of construction subcontractors. DOE has deferred \$100,000 of Fluor Fernald's fee due to these safety issues. He reported that Fluor has taken several actions to address safety, including starting a mentor program, adding additional inspectors to monitor subcontractor activities, and bringing in safety experts from the corporate headquarters. Board members discussed safety issues and the need to hold subcontractors accountable for a lax safety culture. Glenn noted that two crews of subcontractors had been fired and additional disciplinary actions are possible in the future.

In response to questions from Board members, Glenn explained that DOE remains optimistic that language that designates silos materials as 11e.(2) waste would be included in the final Congressional appropriations bill. He noted that Bob Warthur of DOE and Jamie Jameson of Fluor Fernald would meet again with Congressional staff during the following week. Glenn also explained that the site would continue to plan for materials from Silo 3 to be shipped by truck to the Nevada Test Site, until there is clear approval that the materials can be sent by rail to Envirocare.

Glenn explained that the Cincinnati Inquirer continues publish articles about the site that include eye-catching headlines and incomplete information. He told the Board to expect an article regarding a violation of the Price-Anderson law, which protects Nuclear Complex workers from liability. He explained that the violation occurred last spring, and that federal regulators were pleased with how it was handled. He also noted that Fluor paid a \$40,000 fine for the violation. Gary Stegner noted that two reporters recently toured the site, but they continue to make factual errors in articles. Gary explained that the site has started reviewing the Inquirer articles and then sending a response to other media outlets in order to clarify issues. Tom Wagner recommended that members of the community send a written clarification to the editor of the Metro section, in order to correct repeated factual errors about community organizations.

French Bell announced that a final draft of the ASTDR health assessment of Fernald is being edited. Barring major changes, the final report should be distributed to stakeholders before the end of the year. French asked that Board members provide him

with updated mailing lists for their respective organizations. He noted that the report would be a living document and would be updated as needed. French also explained that over the next six months to a year, ASTDR would become an office in the National Centers of Environmental Health at the Center for Disease Control (CDC).

Gene Jablonowski stated that he had toured the site earlier in the week and that he was impressed with the work that has occurred at the Silos Project. He suggested that the full board tour the Silos Project area before waste removal activities begin.

Graham Mitchell distributed the Ohio EPA's annual report to the FCAB members. He stated that the agency is looking for more efficient means for reporting as site closure approaches.

#### **Draft Recommendation Regarding Post-Closure Role of the Public**

Doug reviewed discussions from the August Stewardship Committee and FCAB meetings that identified the need to clearly explain to DOE the importance of maintaining a strong, ongoing connection between Fernald and the community following site closure. He asked FCAB members to review a draft letter and provide comments to himself or David Bidwell. David asked the members to focus their attention on a list of specific recommendations that was included in the draft letter.

Katie Brown asked if there were other people in the DOE Complex, such as the Environmental Management Advisory Board (EMAB) or the management teams that grew out of the Top to Bottom Review, which should be contacted regarding these issues. Doug stated that FCAB recommendations should be submitted to Jessie Roberson, but could be copied to others. Graham Mitchell suggested that the FCAB check with Tom Winston of Ohio EPA regarding activities of the Environmental Management Advisory Board, of which he is a member.

Graham stated that it is important that these issues be presented as critical means to strengthen the cleanup remedy at Fernald.

#### **FCAB Priorities for FY04**

Doug Sarno set the stage for the FCAB retreat, stating that this is a critical time for the Board. DOE has proposed funding the board at \$200 thousand in FY04 and at \$100 thousand in FY05. This means the FCAB has two years to complete its work and push for a public role in post-closure management of the Fernald site.

Doug reviewed a letter, sent to the FCAB by Glenn Griffiths, that outlines DOE's recommended priorities for the Board in FY04. These priorities were to 1) develop an exit strategy for the FCAB, 2) facilitate public input on implementation of the risk-based end state policy at Fernald, 3) provide recommendations on the formation of a Long-Term Stewardship Transition Team, and 4) develop a work plan for the coming year.

The inclusion of the risk-based end states policy on the DOE list prompted a great deal of discussion among the FCAB members. Gary explained that the new DOE policy on risk-based end states would primarily impact sites where cleanup decisions have not been made; however, per this policy, Fernald must submit a draft report to Headquarters by the end of October. Gary stated that DOE-Fernald wants to have FCAB input on this document. Gary stated that DOE wants the FCAB to comment on this report, once Headquarters has reviewed it. Glenn explained that all DOE sites have been asked to assess what actions would be required from a risk-based perspective and then compare the results with current agreements with regulators. Members of the Board expressed

strong concerns that DOE Headquarters would use this process to change existing cleanup agreements with U.S. EPA and Ohio EPA. They shared specific concerns that the process would be used to reduce the scope of groundwater treatment. Gene Jablonowski and Graham Mitchell stated that neither of their agencies has received any specific proposals at this time, but they explained that Bob Warthur had made courtesy visits to their senior management regarding this new policy. Both stated that their agencies indicated that they would not respond favorably to changing cleanup agreements. Board members expressed frustration with how the implementation of this policy has been handled by DOE Headquarters and the Ohio Field Office and stated that the public and other stakeholders should be involved early in any discussions regarding cleanup decisions. Gary promised to provide an update on this issue at the Board's meeting in October.

Gary also provided clarification regarding the Long-Term Stewardship Transition Team. This would be a local, "nuts and bolts" effort, intended to make sure that recommendations on long-term surveillance and maintenance are being implemented. Funding for this team would come from the site's budget for long-term stewardship planning. Gary stated that representatives from the FCAB's Stewardship Committee, Hamilton County Parks, and the DOE Grand Junction Office might be appropriate members for this team.

The Board reviewed its list of goals for FY03, which was created at the September 2002 retreat. While some of the goals were completed, the Board noted that many of the goals were ongoing issues and should be carried over into FY04 and FY05. The Board determined that this list of goals would comprise a general plan for FCAB work through site closure. Graham stated that how the end of cleanup is handled would be critical to the long-term perception of the site.

Board members also identified new goals that should be added to the list from FY03 and discussed how to condense the list into broad categories. Members of the Board stressed that the top priority of the FCAB is to monitor progress and provide input on the Silos project and other remediation projects. Among the new items that the Board identified was bringing well-connected stakeholders and local governmental officials to the site for tours, so they could better envision the impending closure of the site. The Board also wanted to develop clear messages and talking points regarding their vision for the future of the site and the critical role in ensuring ongoing effectiveness of the remedy.

**FY04-05 FCAB Work Plan**

1. Closely monitor progress on the Silos Project and provide input as warranted.
2. Continue to monitor progress and provide input on all remediation projects at the Fernald site.
3. Coordinate with DOE, its contractors, and regulators on planning for long-term surveillance and monitoring of the Fernald site and its transition from the Office of Environmental Management to the Office of Legacy Management.
4. Provide leadership and input on how the community should be involved in post-closure management of the Fernald site.
5. Facilitate partnerships among DOE, the Fernald community, and regional organizations in pursuit of post-closure education programs and other aspects of the Stakeholder Vision for the Future of Fernald.

**Budget and Resources**

Doug reviewed the work plan and stated that The Perspectives Group would not be able to provide equal levels of support for all of the Boards goals, due to reductions in the FCAB budget. The board discussed priorities. The Board agreed that while all elements of the work plan are important, The Perspectives Group should focus its support on the transition to site closure and the Silos Project. Doug stated that David Bidwell would likely assume more leadership responsibility for Stewardship Committee activities, in order to reduce overall costs.

Members of the Board stated that support staff from DOE, Fluor Fernald, and Perspectives Group should make it clear when they do not have the time or resources to follow through on specific requests from FCAB members.

Board members who have email asked that local news clippings about the site by transmitted electronically. We will bring several sets of hard copies to each meeting for those members that do not have email and for any of the public attending the meetings. David will continue to monitor news articles regarding national issues and other sites in the DOE Complex. These articles will be posted on the FCAB web site or electronic links to articles will be emailed to Board members. David will notify FCAB members when a new article has been posted to the web site.

**Committee Structure**

The board briefly discussed the role and structure of the Stewardship Committee. Doug stated that greater participation in Stewardship Committee activities by FCAB members would be necessary in order for the FCAB to fulfill its goals. The Board determined that policy issues related to long-term surveillance and maintenance (LTSM) and stewardship planning should be addressed by the full board, while the Stewardship Committee should focus its attention on building partnerships and support for the community role in post-closure management of the site.

Board members briefly discussed whether the Stewardship Committee should change its name to better reflect its role and the change in terminology at DOE. Pam Dunn stated that the Stewardship Committee would address this issue at a future meeting.

**FY04 Meeting Schedule**

The Board discussed the pros and cons of different meeting schedules, with the goals of reducing overall costs and improving attendance. The Board decided to try meeting approximately every six weeks, rather than every month. Board members also agreed to combine the bimonthly Progress Briefing with the full Board meeting. In those months, the Progress Briefing would be held from 6:00 to 7:00 p.m., with the FCAB meeting from 7:00 to 9:00 p.m. This would reduce the total number of meetings that FCAB members should attend, as well as encourage more members of the public to attend FCAB meetings. For combined Progress Briefings/Full Board meetings, dinner will not be provided for FCAB members. The Stewardship Committee will continue to meet the evening prior to the full Board meeting. The board proposed the following schedule for the upcoming months:

Monday, October 20, 6:30 to 8:00 p.m.	Stewardship Committee Meeting
Tuesday, October 21, 6:00 to 9:00 p.m.	Progress Briefing/Full Board Meeting
Monday, December 1, 6:30 to 8:00 p.m.	Stewardship Committee Meeting
Tuesday, December 2, 6:00 to 9:00 p.m.	Full Board Meeting

Monday, January 12, 6:30 to 8:00 p.m.  
Tuesday, January 13, 6:00 to 9:00 p.m.

Stewardship Committee Meeting  
Progress Briefing/Full Board Meeting

All meetings will be held in T-214 at the site.

**Board Leadership and Membership**

The Board members asked Jim Bierer to continue to serve as FCAB Chair, and Jim accepted.

Tom Wagner, who has served as Vice-Chair, reminded the group that he is retiring from the board. He stated that he believes that given the current political environment within DOE, the work of the board has shifted from a collaborative environment to a negotiation-oriented environment, and he urged the Board to find ways to work effectively within this new environment. The Board approved Lisa Crawford as Vice-Chair.

Board members suggested that it could be valuable to fill Tom's position with a person who could provide valuable insights on the site transition to stewardship. Board members were urged to keep their eyes open for good candidates and bring them to the attention of the full board.

Doug noted that Blaine Burton, who filled the FCAB position reserved for a member of the Guard's Union, had been laid off from the site. Doug suggested that Blaine be removed from the board and the Guard's Union be contacted.

Board members also asked Doug to contact Lisa Blair and notify her that she will be removed from the FCAB. Lisa has not complied with the Board ground rules for attendance.

The retreat adjourned at 2:30 p.m.

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James Bierer Date  
Fernald Citizens Advisory Board Chairman

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Gary Stegner Date  
Deputy Designated Federal Official