

**ENVIRONMENTAL MANAGEMENT SITE-SPECIFIC ADVISORY BOARD  
to the  
U.S. DEPARTMENT OF ENERGY**

**PUBLIC MEETING MINUTES**

**La Fonda on the Plaza  
100 E San Francisco Street, Santa Fe, NM 87501  
September 2-3, 2015**

## LIST OF ACRONYMS

CAB – Citizens Advisory Board	NNMCAB – Northern New Mexico Citizens’ Advisory Board
CD – Critical Decision	NNSA - National Nuclear Security Administration
CERCLA – Comprehensive Environmental Response, Compensation and Liability Act	NNSS – Nevada National Security Site
D&D – Decontamination & Decommissioning	NRC - Nuclear Regulatory Commission
DDFO – Deputy Designated Federal Officer	NSSAB – Nevada Site-Specific Advisory Board
DOE – Department of Energy	OR – (DOE) Oak Ridge Site
DUF-6 – Depleted Uranium Hexafluoride	ORP – Office of River Protection
EA – Environmental Assessment	ORSSAB – Oak Ridge Site-Specific Advisory Board
EIS – Environmental Impact Statement	Paducah – (DOE) Paducah Site
EM – DOE Office of Environmental Management	Paducah CAB – Paducah Citizens Advisory Board
EM SSAB – Environmental Management Site-Specific Advisory Board	PORTS SSAB – Portsmouth Site-Specific Advisory Board
EPA – Environmental Protection Agency	RCRA – Resource Conservation and Recovery Act
EFCOG – Energy Facility Contractors Group	Portsmouth – (DOE) Portsmouth Site
FACA – Federal Advisory Committee Act	SEP – Supplemental Environmental Project
FTE - Full-Time Equivalents	SREL – Savannah River Ecology Laboratory
FY – Fiscal Year	SRS – (DOE) Savannah River Site
GAO – Government Accountability Office	SRS CAB – Savannah River Site Citizens Advisory Board
GDP- Gaseous Diffusion Plant	SWPF – Solid Waste Processing Facility
GTCC – Greater-Than-Class-C	TRU – Transuranic Waste
HAB – Hanford Advisory Board	WAND – Georgia Women's Action for New Directions
Hanford – (DOE) Hanford Site	WIPP – Waste Isolation Pilot Plant
HLW – High-Level Waste	WIR – Waste Incidental to Reprocessing
HQ – DOE Headquarters Office	WTP – Waste Treatment Plan
IDIQ – Indefinite Delivery/Indefinite Quantity	
INL – Idaho National Laboratory	
INL CAB – Idaho National Laboratory Site EM Citizens Advisory Board	
ISMS – Integrated Safety Management System	
IWTU – Integrated Waste Treatment Unit	
LANL – Los Alamos National Laboratory	
LAW- Low-Activity Waste	
LLW – Low-Level Waste	
MLLW – Mixed Low-Level Waste	
NEPA – National Environmental Policy Act	
NMED – New Mexico Environment Department	

## PARTICIPANTS

Hanford Advisory Board: Stephen Hudson, Chair; Susan Leckband, Vice Chair; Sharon Braswell, Contractor Support Staff; Kristen Skopec, Federal Staff

Idaho National Laboratory Citizens Advisory Board: Herb Bohrer, Chair; Keith Branter, Vice Chair; Bob Pence, Federal Coordinator; Jack Zimmerman, Deputy Designated Federal Officer; Ann Riedesel, Contractor Support Staff

Nevada Site-Specific Advisory Board: Donna Hruska, Chair; Janice Keiserman, Vice Chair; Kelly Snyder, Deputy Designated Federal Officer; Barbara Ulmer, Contractor Support Staff

Northern New Mexico Citizens' Advisory Board: Doug Sayre, Chair; Irene Tse-Pe, Vice Chair; Carlos Valdez, Member; Lee Bishop, Deputy Designated Federal Officer; Michael Gardipe, Deputy Designated Federal Officer; Menice Santistevan, William Alexander, Bridget Maestas, Contractor Support Staff

Oak Ridge Site-Specific Advisory Board: David Hemelright, Chair; David Adler, Alternate Deputy Designated Federal Officer; Pete Osborne, Contractor Support Staff

Paducah Citizens Advisory Board: Ben Peterson, Chair, Renie Barger, Chair-Elect; Robert Smith, Federal Coordinator; Eric Roberts, Contractor Support Staff

Portsmouth Site-Specific Advisory Board: Will Henderson, Chair; Bob Berry, Vice Chair; Greg Simonton Deputy Designated Federal Officer; Julie Galloway, Rick Greene, Contractor Support Staff

Savannah River Site Citizens Advisory Board: Harold Simon, Chair; Earl Sheppard, Chair of the Waste Management Subcommittee; Michael Mikolanis, co-Designated Deputy Federal Official; de'Lisa Carrico, Federal Coordinator; Tina Watson, Administrator

### DOE Headquarters:

Frank Marcinowski, Acting Associate Principal Deputy Assistant Secretary, Office of Environmental Management

David Borak, EM SSAB Designated Federal Officer

Christopher Honkomp, Acting Associate Deputy Assistant Secretary for Acquisition and Project Management, Office of Environmental Management

Tania Smith, Acting Associate Deputy Assistant Secretary for Site Restoration, Office of Environmental Management

Elizabeth Schmitt, Office of Intergovernmental and Community Activities

Alexandra Gilliland, Office of Intergovernmental and Community Activities

Darlene Prather, Office of Communications

Jared Bierbach, e-Management, support to the Office of Intergovernmental and Community Activities

Others:

Christine Gelles, Acting Field Manager, LANL-EM Field Office  
J.R. Stroble, DOE-CBFO  
Mayor Javier Gonzales, Santa Fe, New Mexico

## MEETING MINUTES

The U.S. Department of Energy's (DOE) Office of Environmental Management (EM) Site-Specific Advisory Board (SSAB) met on Wednesday, September 2, 2015, and Thursday, September 3, 2015, at the La Fonda on the Plaza Hotel in Santa Fe, New Mexico. Participants included EM SSAB officers and members, DOE staff, EM SSAB Deputy Designated Federal Officers (DDFO), Federal Coordinators and contractor support staff. The meeting was open to the public and conducted in accordance with the requirements of the Federal Advisory Committee Act (FACA).

**Day One: Wednesday, September 2, 2015****Opening Remarks**

Mr. David Borak, Designated Federal Officer for the EM SSAB, called the Chairs Meeting to order at 8:30 a.m. MST. Mr. Borak thanked the staff of the NNM CAB and DOE-EM Los Alamos National Laboratory (LANL) staff for all their work on the meeting. He then acknowledged the loss of Willie Preacher, a member of the Idaho Citizens Advisory Board, who had passed away a few weeks before. EM SSAB representatives and all meeting attendees were introduced. Mr. Eric Roberts, the meeting facilitator, reviewed the agenda and logistical details.

The Honorable Javier Gonzales, Mayor of Santa Fe welcomed the participants and thanked Doug Sayre, Chairs of the NNM CAB, and the rest of the NNM CAB for their leadership in representing so much of the issues at the local level to the DOE. He stated the importance of the presence of the national laboratories in communities like Santa Fe and acknowledged the strong relationship the citizens of New Mexico have with LANL.

Ms. Christine Gelles, Acting EM Field Manager at LANL thanked Mayor Gonzales for his kind words and noted that she has been serving as the acting site manager for the Los Alamos field office, EM's newest field office. He noted that later in September, EM's first permanent site manager, Doug Hintze, will begin his tenure. She said Mr. Hintze is looking forward to working with the NNM CAB, the community, and the regulators. Ms. Gelles then praised the work of the NNM CAB and noted that there were several EM technical staff present at the meeting. Describing the waste situation at the LANL site, she outlined the difficulties the complex environment, geology, and hydrology present. She stated that there are plans to expand the Los Alamos site office in the near future.

In the regulatory area, she emphasized how important it is that EM maintain a strong and productive working relationship with our regulators on challenging issues such as the breached container that led to the radiological release at the Waste Isolation Pilot Plant (WIPP). EM is also dealing with the consequences of WIPP's unavailability over the last year and a half. EM is working collaboratively to chart a course to ensure all of the necessary corrective actions are identified and implemented, as well as to guide our efforts to deal with the treatment and ultimate solution for the nitrate salt drums that are part of the waste stream that led to the event. EM is also committed to protecting the surface water and groundwater at Los Alamos. It is important that EM collaborate not only with NMED, but also with the US Environmental Protection Agency (EPA). Ms. Gelles concluded by encouraging participants to contact her with any questions they might have.

Mr. Doug Sayre, Chair of the NNM CAB, welcomed participants and highlighted the diversity of the NNM CAB. He praised the work of Menice Santistevan, Bridget Maestas, and William Alexander in coordinating the meeting and the board's DDFOs, Lee Bishop and Michael Gardipe, in supporting the board's work.

Mr. Roberts reviewed the meeting agenda, noting that there was also time built in for discussion and product development.

## **EM Update**

Mr. Frank Marcinowski, Associate Principal Deputy Assistant Secretary for DOE EM, gave an EM update. The presentation is available at <http://energy.gov/em/services/communication-engagement/em-site-specific-advisory-board-em-ssab/chairs-meetings>.

Mr. Marcinowski began by discussing changes at HQ, the biggest of which is that Monica Regalbuto has been confirmed as the Assistant Secretary for Environmental Management (EM-1). Dr. Regalbuto has experience in most aspects of environmental cleanup and waste management, the repository program, and the Office of River Protection (ORP) waste treatment program. She has expressed a desire to spend as much time at the sites as she can, and has already spent considerable time at WIPP, Idaho, and Savannah River. In the near future, she will be visiting Hanford.

As she visits these sites and communities, Dr. Regalbuto is looking to identify ways that headquarters and the field can become more effective. Her vision is to foster an open and collaborative work environment across the environmental management program. She has had the opportunity to meet with community officials at the sites she has visited, and values the chance firsthand to hear about the priorities of the communities. And for those sites she has not visited, she is going to make that effort to get there as soon as possible.

Dr. Regalbuto believes that the EM SSABs are improving EM's decision-making and cleanup activities out at the sites, and is looking forward to hearing from the local boards firsthand about priorities, issues, and concerns at those individual sites.

Dr. Regalbuto has had a history of meaningful involvement with the advisory programs as a member of the Secretary's advisory board on technology development, in which she has a keen interest. She believes in leveraging technology development to reduce life cycle costs across the program, and believes that it is vital for EM to continue to develop these innovative technologies.

Mr. Mark Whitney, who had been serving as the acting Assistant Secretary, is now officially the Principal Deputy Assistant Secretary (EM-2). Dr. Regalbuto and Mr. Whitney have a great working relationship, which is expected to continue.

Mr. Marcinowski provided an update of waste management activities. In the area of low-level waste and mixed low level waste, the Nevada National Security Site (NNSS) continues to serve an important cleanup mission as a regional disposal facility. NNSS is the only recipient of waste that cannot be disposed of on-site at a federal location. For the past year and a half, a working group of senior DOE officials and senior Nevada officials have been discussing how to best move things forward at NNSS. EM is making significant progress with the state in being able to move waste to NNSS that really didn't have any other disposal course. This working group is continuing to meet. One result has been improved communication between both parties and a greater commitment to collaboration.

Mr. Marcinowski summarized disposal forecasts at NNSS for FY 2015, comparing projected and actual volumes, noting that actuals are typically less than projections. This is often due to budget issues that arise during the year. Multiple sites are sending waste to NNSS. EM's approach is to send waste to NNSS only when it cannot be disposed of at the site where it was generated and when there is no commercial alternative that is beneficial to the U.S. government.

EM is looking to make some changes to its waste disposal policy, which previously prioritized options as on-site federal disposal, off-site, and then commercial, in that order. The new policy will place disposal at NNSS and commercial facilities on a more equal footing in terms of whether the waste is disposed of commercially or at NNSS. This is likely going to be the policy going forward. Commercial disposal has two options: the Energy Solutions facility in Utah and the Waste Control Specialists LLC facility in Texas. These facilities possess the capacity to handle those wastes that for the most part can't be disposed of onsite.

Mr. Marcinowski noted that forecasting information on complex-wide LLW/MLLW disposal volumes is available on DOE's websites. The trend is that waste volumes are on a decline (except for an uptick at the end of FY 2016, which factors in the gaseous diffusion plants at Portsmouth and Paducah, that are now being included in the estimates).

Greater-than-class C (GTCC) waste currently does not have a disposal path. EM is currently finalizing an environmental impact statement to site a GTCC facility that should be finalized by the end of the calendar year. Mr. Marcinowski believes that there is an agreement on the path forward to deal with GTCC waste.

EM is also working with the NRC on other issues related to GTCC. The state of Texas has also petitioned the Nuclear Regulatory Commission to be able to license a facility on their own to

accept greater than class C. The NRC has put together a staff Office of the Secretary (SECY) paper that was presented to the commission. In addition, EM and Texas made presentations to the commission. The commission is now in the throes of deliberating over that SECY paper on how to proceed. Ideally, Texas will be able to license a GTCC facility in the future. EM is also working with the NRC on the revision of their 10 CFR 60, part 60, and has provided comments. NRC has extended the schedule on the rule.

In terms of depleted uranium, Mr. Marcinowski noted that there will be significant volumes that are going to come out of the Portsmouth and Paducah conversion facilities. EM has not yet identified disposal alternatives for this waste stream. EM has begun to develop a draft EIS in order to move forward to get a decision on the possible disposal alternatives.

Earlier this year, the President made a decision to move away from having a single repository for both commercial and defense high-level waste and spent fuel. The President thought that it would be more efficient to separate those waste streams, and to move forward with a defense-only repository in the interim. The nuclear energy program has the lead on that particular effort, and they are beginning efforts to reach out to communities and states to gauge interest in hosting such a facility.

Mr. Marcinowski summarized EM's efforts with NNSA to produce Moly-99, which is an isotope used for medical treatment and diagnostics. There is currently no US producers of Moly-99 and the sole Canadian producer is closing. There has been a concerted effort with NNSA to initiate a program to have some U.S. companies who could produce Moly-99. Some of the technologies that are used to produce Moly-99 involve irradiating a target in order to produce the necessary isotope. The result of this will be waste produced that needs to go somewhere, and some of the waste will not have a commercial disposal outlet. EM plans to help these producers with their disposal efforts.

In summary, Mr. Marcinowski acknowledged that while there are challenges ahead, especially in developing disposal outlets for some waste streams, EM is making progress in identifying facilities and ways to address these outstanding issues. There is a path forward to solve some of these problems and some of these solutions seem to be coming to fruition.

### *Discussion*

Ms. Susan Leckband, Vice Chair of the Hanford Advisory Board, congratulated Mr. Marcinowski on the GTCC decision and the Moly-99 work. She asked if there were any efforts ongoing to redefine waste.

Mr. Marcinowski responded that this continues to be a high priority. There are continuing efforts to revise DOE Order 435.1. One current issue is the definition of high-level waste. Currently, waste is defined by the way the waste is generated, not by its radioactive content. EM is looking at adding that other piece to the definition.

Ms. Leckband then asked when the new definitions would be available for public review. Mr. Marcinowski did not have a specific date, but noted that Assistant Secretary Regalbutto wants to

accomplish this change before the end of her term. So the public review needs to happen quickly.

Ms. Leckband asked if there have been any problems with transportation of waste to commercial sites. Mr. Marcinowski responded that he was not aware of any problems.

Ms. Leckband noted that EM works significantly with the Energy Facility Contractors Group (EFCOG), which is made up of contractor companies, whose mission is not necessarily cleanup, but profits. She asked if there were checks and balances in place as EM works with EFCOG.

Mr. Marcinowski responded that EM's efforts with EFCOG are on low-level waste and mixed low-level waste disposal. EFCOG is looking at ways to make things more efficient and effective. Using EFCOG actually leverages existing resources and is not costing EM any additional money. Perhaps this approach can replace the corporate boards and become more effective at dealing with some of the issues across the complex.

Mr. Hemelright, Chair of the ORSSAB, asked if there was any additional information regarding disposition of nickel from the gaseous diffusion plants.

Mr. Marcinowski noted that EM has been working on some technical studies about the technologies that can remove some of the contaminants from the nickel. EM is waiting for results of these studies to be finalized before taking the next step. He also noted that there was also a need for internal discussions at a higher level because of moratorium issues.

Mr. Henderson, Chair of the Portsmouth SSAB, expressed his disappointment that Assistant Secretary Regalbuto was not able to attend our meeting. He also expressed frustration with funding that was requested for the Portsmouth site. He noted that other sites share the same frustrations. Mr. Henderson also expressed disappointment with the Secretary's determination on the barter program.

Mr. Marcinowski promised to share Mr. Henderson's concerns with the Assistant Secretary. Concerning the barter program, he noted that the U.S. is running out of uranium and there is a need to stretch existing supplies as far as we can. Consequently, DOE-EM barterers in reduced volumes. In terms of funding in the budget request to offset the reduced bartering, Mr. Marcinowski did not have an answer, but promised to try to find an answer.

### **Presentations: Chairs Round Robin: Chairs' Site Reports**

The Chairs shared current issues facing their sites and significant local board accomplishments and activities. A copy of the Round Robin presentation is available at: <http://energy.gov/em/services/communication-engagement/em-site-specific-advisory-board-em-ssab/chairs-meetings>



### Northern New Mexico Citizens' Advisory Board (NNMCAB) – Douglas Sayre

The NNMCAB has focused considerable time on the Consent Order between DOE and NMED, which is up for reconsideration with the upcoming deadline of December 31, 2015. The NNMCAB has entered into discussions with DOE and NMED concerning hearings and meetings on the Consent Order to address modifications necessary before December 31. The NNMCAB would like the opportunity to provide input into the priorities and sequencing of the Consent Order work. The board feels it could facilitate discussions with DOE and NMED in a public format.

One important recommendation from the NNMCAB during the last year was the issue pertaining to Supplemental Environmental Projects (SEP) in lieu of fines and penalties. The board considered, evaluated, and approved the SEP recommendation in April 2015, which the Board forwarded to DOE for consideration prior to issuance of fines and penalties regarding a radiation release due to a breached drum. The general Principles of Agreement issued on April 30, 2015, between NMED and DOE/LANS/WIPP had settled all claims. Fines and penalties had amounted to \$73M for SEPs in Los Alamos and Carlsbad. The agreement was facilitated and based, at least in part, on the NNMCAB's SEP recommendation.

The NNMCAB received a presentation on the Phase II-2 accident investigation report at WIPP, by a member of the Phase II Accident Investigation Board, Ted Wyka. The investigation's purpose and scope was to gather and analyze the facts, determine why the accident happened and if it was preventable, identify causal factors and conclusions, and provide clear recommendations to prevent recurrence of the event. The NNMCAB would like the opportunity to review and provide comments on the Corrective Action Plan.

The board also provided input to DOE on project prioritization for FY 2017 based on the need and available funding.

### Oak Ridge Site-Specific Advisory (ORSSAB) – David Hemelright

ORSSAB participated in a community workshop on the FY 2017 DOE Oak Ridge Budget in April 2015. DOE-EM Oak Ridge provided a list of priorities to consider. ORSSAB members then ranked the priorities and gave overall score to each priority. Using the ranked priorities, ORSSAB submitted Recommendation 228 on the FY 2017 DOE-EM Oak Ridge Budget Request.

The ORSSAB priorities mostly remain constant year after year due to the settling in to the reindustrialization, land use, and storage/shipping phases of the cleanup. DOE-EM prioritization of completing and following through on projects has made budgeting more predictable from year to year.

The ORSSAB also participated in a public meeting at Oak Ridge Associated Universities in April. EM, the ORSSAB, mayors from cities in the area, and interest groups made presentations to discuss cleanup and funding priorities. This meeting helped generate the priorities that were

incorporated into the ORSSAB budget recommendation number 228 that was unanimously approved by the board and forwarded to DOE.

Mr. Hemelright noted that the ORSSAB intends to participate in annual community budget workshops from this time forward as part of its job of engaging the public and making them more aware of what is going on at the site.

Ms. Leckband asked whether the ORSSAB has gotten any feedback from DOE as to how they considered their input in making their priority budget decisions and also whether or not they were getting a consistent dialogue back and forth. Mr. Hemelright responded that at this point he had received little feedback.

#### Nevada Site-Specific Advisory Board (NSSAB) – Donna Hruska

One of NSSAB's achievements and an issue to which the advisory board devotes a lot of time is discussing transportation of low-level waste and mixed low-level waste. In May, several board members participated in a transportation emergency preparedness program, which is a training program for first responders. The board's July meeting, held in Pahrump, Nevada, was devoted to transportation issues.

The NSSAB supports low-level waste and mixed low-level waste disposal at the Nevada National Security Site. Ms. Hruska noted that the site is a vital DOE resource for national waste disposal activities, and DOE generators have disposed of more than 46 million cubic feet of low-level waste and mixed low-level waste since 1961.

Ms. Hruska stated that the shipments for the most part travel on the interstate highway system until the truck reaches Nevada, primarily via US40. There is no rail service to the Nevada National Security Site. Once the shipments reach Nevada, an agreement between the DOE and the state of Nevada dictates that no waste will come through the Las Vegas valley. When a shipment turns off the interstate, the road goes from multiple lanes down to a two-lane, undivided highway that passes through high desert mountain passes and one or more small towns, depending on the route that it has taken.

Safety is a concern shared by many groups, the drivers, the citizens, the board, and certainly the Department of Energy. Highway 160, the preferred route to deliver low-level waste and mixed low-level waste to the Nevada National Security Site, is only one example of rural roads whose improvement could extend the margin of safety. The board, at its September meeting, plans to vote on a recommendation that DOE should pursue ways it could support and/or fund road improvements in rural areas within Nevada that are heavily used by waste carriers.

The NSSAB also wishes to explore the possibility of extending this initiative to encompass a national focus. In an era where many sites are charged with moving vast quantities of waste off their sites within relatively short time constraints, the board believes there is opportunity for greater coordination among local, state, and national groups who have similar objectives, as well as more integration of programs carried out by DOE with those fostered by sister agencies such as the Department of Transportation and the Department of Defense.

Ms. Leckband inquired as to whether there have been any accidents because of the kinds of road conditions Ms. Hruska described.

Ms. Hruska replied that there were none that she is aware of. But the primary problem has been the large number of shipments through Pahrump, and with respect to the trucks that are parked in a casino parking lot that is used by other patrons, who see the signage. It inflames the locals.

Ms. Leckband asked whether the NSSAB would like DOE to fund a bypass route to avoid Pahrump. Ms. Hruska discussed several proposals, which include expanding the already existing highway and extending a bypass around Pahrump, which would be built on private land that would need to be purchased.

Ms. Hruska noted the national benefits a recommendation like this could have and Mr. Sayre explained the process Santa Fe went through when the state constructed a bypass around the city for transport to the WIPP facility near Carlsbad.

Mr. Hemelright suggested an idea that could be short-term and relatively inexpensive, where parking facilities could be built outside of town for these trucks to park. He agreed that the perception of a radiological waste or hazmat truck parked in a public lot like a casino would drive a lot of patrons away.

Ms. Hruska mentioned that DOE has already been working on this. The local field office has arranged to have the site open in part for the work -- the drivers can park their rigs there overnight, and then they go back to a town and stay there.

Mr. Marcinowski clarified that DOE has taken measures to make sure that all of their transportation employees out at the various sites know that there is parking in a secure location at NNSS, where they can drop their load off if it is late in the day. He noted that DOE has had multiple conversations with the officials in Nye County, Nevada, and explained that EM does not have legislative authority to construct a bypass road in Nevada.

#### Idaho National Laboratory (INL) Site EM Citizens Advisory Board (CAB) – Herb Bohrer

The INL CAB is especially concerned with the status of recovery efforts at WIPP and its potential impacts on INL EM and other milestones. It is also concerned about the Integrated Waste Treatment Unit (IWTU): both the progress for startup of the IWTU and its potential impact to INL EM milestones. With regard to IWTU, Mr. Bohrer discussed how the violation of the milestone is affecting the processing of some 900,000 gallons of sodium-bearing liquid waste. The IWTU milestone violation may also affect the DOE's ability to bring any spent fuel into the state. Mr. Bohrer cited the impacts this is having on the work that INL does as the lead DOE-Nuclear Energy laboratory.

The Idaho Cleanup Project is in the midst of a new procurement, which will shift from two to four contracts. These contracts are currently in the evaluation process. The INL CAB is on record having concern about the transition process that will happen when DOE awards these new

contracts. The CAB wrote a letter noting that the experience that the site had on the last contract transition at the advanced mix-waste treatment plant was not a good one.

Mr. Bohrer stated that there were very evident impacts on safety and on production during that transition, and that the letter makes plain that the INL CAB is concerned that this will happen in the transitions that are going to be coming up with the next contractors.

Mr. Bohrer noted two accomplishments of the INL CAB. First, the board held elections at their last meeting and re-elected Mr. Bohrer as chair. He then introduced the board's new vice chair Keith Branter, noting his long background in health physics and waste management. Second, he discussed the transition over the course of the previous year to a new DDFO, Jack Zimmerman. Mr. Bohrer made a point to discuss how receptive Mr. Zimmerman has been to the work the CAB does. In closing, he reiterated the work the INL CAB is doing concerning student involvement and how the CAB is working to involve students in its activities.

#### Portsmouth Site-Specific Advisory Board (PORTS SSAB) – Bob Berry

The PORTS SSAB is focused on the secretarial determination of the site's barter program, which reduced the amount of funding the site will receive this current year. In addition, combined with the decrease that Portsmouth received in the President's budget, the resulting shortfall is \$85 million and could result in staff reductions at the site.

Mr. Berry noted that for the past three years the site has had to deal with the volatility of bartering and having an uncertain budget to work with. EM recently received its record of decision (ROD) to build an onsite facility. However, EM did not receive assurance that it would consolidate existing landfills and plumes in its facility, and EM will not accept any barter material or DUF-6 waste from the site or any outside facility transferring waste to the site.

The PORTS SSAB feels the site will need \$400 million a year to accomplish its cleanup goals. Mr. Berry noted that, unlike some of the other sites, they are ready to complete cleanup. Portsmouth is at the point of building their onsite disposal facility, tearing down their buildings, digging up their plumes and landfills, and completing the EM cleanup. Mr. Berry brought up the fact that instead of increasing the site's budget to expedite that process, the site's budget is being slashed.

Lastly, Mr. Berry stated that the Board would like the site to be considered a Superfund site, where their land may be set aside and complete cleanup in a 10- or 15-year period. This would save DOE and the taxpayer not only millions, but possibly billions of dollars in the long run by doing so.

#### Paducah Citizens Advisory Board (Paducah CAB) – Ben Peterson

Mr. Peterson, chair of the Paducah CAB, began his remarks by sharing how much the community was looking forward to their trip to Washington, D.C., the following week to unveil the history storyboard that Deputy Undersecretary David Klaus requested when he was in Paducah last fall. He then introduced the Paducah CAB chair-elect Renie Barger, who will be

starting as chair in October. Mr. Peterson then introduced the CAB's new vice-chair, Mike Kemp.

Paducah, the last remaining gaseous diffusion plant, closed in 2013. The site is currently closing out of the transition phase and moving into the decontamination phase. At their last meeting, the Paducah CAB began the process of establishing some guiding principles regarding the switch to decontamination, decommissioning, and demolition of the site. This was an effort to stake out the community's values.

The community expects an active D&D at the Paducah site. They want to move from deactivation right into demolition. Mr. Peterson stated that they were encouraging the community to realize the necessity for an onsite waste disposal facility to be operating in a reasonable amount of time.

Project continuity and economic stability through sequence activities and adequate funding levels are priorities for the Paducah CAB. Mr. Peterson stated that they are just now starting to discuss what that entails. He emphasized how important and valuable this is to their community. The CAB wants to make certain that planned work meets expected funding levels at their site, and then they would like to work together to make sure adequate funding is obtained to match that work.

Citing the heavy correlation between DOE activities and the local economy, Mr. Peterson noted the importance of maintaining a culture of open dialogue between all the stakeholders and the regulators. Decisions made in Washington, D.C., or in the DOE-EM Consolidated Business Center in Cincinnati, or elsewhere, directly affect all of their communities. This is why the communities just want and need to have meaningful input into these decisions

Mr. Peterson brought up newly confirmed Assistant Secretary for Environmental Management, Dr. Monica Regalbuto. He noted that one of her priorities was to have an open and collaborative environment in which to engage with them.

Mr. Peterson made a final point about the maximization of recycling and asset transfer opportunities, especially regarding nickel, which has always been high on the Paducah CAB's list of priorities. The CAB would like to maximize return on investments into the community, including investments that were made back in the fifties.

In closing Mr. Peterson stated that his community wants a continual partnership that helps to honor the DOE-community partnership that they have had since the facilities first came to their communities. This partnership would help create future opportunities as well.

Mr. Hudson, chair of the HAB, asked about a report that outlined community agreement about various goals and expectations about moving forward with the site. He wondered if this agreement has remained constant. Mr. Peterson responded that these issues have remained an ongoing discussion. He went on to say that with the site moving into its new phase it has been a balancing act of dealing with the environmental remediation and maintaining opportunities for the community.

### Hanford Advisory Board – Steve Hudson

Mr. Hudson, chair of the HAB began his update by highlighting the nine new board members, which is extraordinary for the HAB. He went on to point out that they have a new DDFO, John Peschong.

Mr. Hudson discussed the HAB's new work plan, which will be adopted in September. Mr. Hudson remarked that he felt this plan is a great item for new members of the board to become acquainted with the HAB.

The HAB has updated all their procedural documents. Questions from the new members have helped clarify and refine these documents and make them more useable and current. He noted Ms. Leckband's contribution to this process.

Mr. Hudson then went over the written consensus advice for the FY16-17 budget. He highlighted the increased length of the budget advice this year and cited the new members as catalysts for this change. Increased background information has aided in a broader distribution of the HAB's documents and materials and resulting in increased public awareness of what is going on at the site and what the HAB is doing.

Mr. Hudson brought up the HAB's interest in concerns with tank vapor plant implementation, noting the HAB's happiness with the plant that Savannah River helped them produce and its effectiveness.

Mr. Hudson discussed the Tri-Party Agency milestone changes. There are going to be changes to how the site does solid waste management. Mr. Hudson said these are good changes, but that because of the changes there will be delays. The HAB is concerned that these delays mean the site may not be getting its solid waste cleaned up and shipped to WIPP as early as previously thought.

Finally, he noted that the HAB has had two meetings with the Consortium for Risk Evaluation with Stakeholder Participation and will participate in a Webinar to discuss this organization's final report.

### Savannah River Site Citizens Advisory Board (SRS CAB) – Harold Simon

On January 27, 2014, the Savannah River Site (SRS) Citizens Advisory Board (CAB) adopted Recommendation 317 which encouraged funding of an Independent Environmental Monitoring Program in the State of Georgia, similar to the program DOE funds in South Carolina. The DOE Savannah River Operations Office declined to accept the CAB's recommendation. Mr. Simon went on to note that the DOE-SR, in recognition of the expressed concerns of the CAB and the citizens of Georgia, proposes to request an evaluation by the University of Georgia's Savannah River Ecology Laboratory (SREL) to determine the scope and relevance of all radiological environmental monitoring efforts associated with the site in the State of Georgia.

Mr. Simon focused on the communications recommendations by SREL, which included:

Consider developing a strategy that incorporates limited monitoring data as a basis for providing outreach and education that can help local residents draw their own conclusions concerning health risks.

Utilize local community leaders to assist in the development in such education and outreach programs and work with them to reach community members for delivery of educational programs and materials.

SREL has engaged Georgia Women's Action for New Directions (WAND) to assist with providing sound, scientifically-based education and outreach on radionuclide monitoring programs and risks associated with radionuclides in the environment to local communities in Georgia.

Mr. Simon reported that Dr. Hopson, Chair of the Administrative & Outreach Committee, is currently working to develop a Student Liaison Program. The SRS CAB was also invited to participate in a STEM Career Connection Day on October 22, 2015.

In closing, Mr. Simon noted that the CAB had asked the WAND for an update about their involvement with SREL. He felt that WAND could help the CAB with its community involvement and communication.

Ms. Leckband of the HAB asked if the SRS CAB had an ongoing process in which the board works with their agency liaison at DOE to help craft the levels of information to take out to the public for engagement. Mr. Simon stated that the SRS CAB did not have that sort of relationship specifically, but that they do have four issue-based committees, each with its own DOE liaison, and that when the SRS CAB drafts a recommendation or letter that liaison provides input.

### **EM Contracting Strategies**

Christopher Honkomp, Acting Associate Deputy Assistant Secretary for Acquisition and Project Management, provided an overview of EM's Contract and Project Management program.

Mr. Honkomp provided a background on the Government Accountability Office (GAO) high risk list. EM's Contracting program is influenced greatly by being on this list. Over the last two reports (2013 and 2015), GAO is asking EM to take a close look our projects valued at over \$750 million. EM is committed to steps to address contract and project management weaknesses in this area.

EM has continued to take many steps to address contract and project management weaknesses, including: demonstrating strong commitment and top leadership support; developing a corrective action plan that identifies effective solutions; and demonstrating progress toward implementing corrective measures

Mr. Honkomp explained the different types of contracts in the EM contract portfolio. In terms of number, not dollar amount, the majority of contracts are cost plus award fee (87% of contracts,

totaling \$52.3 billion). EM also uses other contracting approaches, including cost plus fixed-fee, firm fixed price, and indefinite delivery/indefinite quantity (IDIQ).

EM also looks closely at its Capital Asset Project Portfolio. One or more contracts can accomplish one project. A large part of this portfolio goes to the Waste Treatment Plan (WTP) at Hanford and the Solid Waste Processing Facility (SWPF) at the Savannah River Site (SRS).

EM has improved project success, with projects baselined after FY 2008 performing better than projects baselined in prior years. EM has also implemented project and contract management improvements, including Corrective Action Plans and the EM Best in Class Project Management Implementation Plan.

The results have been positive. Looking at EM's projects' baseline after 2008, there is a project success rate of 91%.

EM has seven strategies to improve contract and project management:

1. Annually assess contract and project management staffing and skills to build and sustain needed capacity for Federal oversight of EM mission.
2. Independently validate the effectiveness and sustainability of contract and project management improvement actions through project and contract management reviews.
3. Improve acquisition planning and contract management, always seeking to align contractor interest with taxpayer interest and structuring contracts so that each party bears responsibility for its own actions.
4. Improve the timeliness of approvals for contract performance baselines, contract modifications, and project changes to maintain contract, project and budget alignment by ensuring change management requirements and guidance are understood and being followed.
5. Increase the use of prime contractor small businesses.
6. Become a stronger owner by ensuring requirements are clearly delineated in the contracts, by holding contractors accountable for delivering results, and by ensuring contractors' performance is fairly documented.
7. Execute world-class contract management and administration of traditional and management and operations multi-year contracts

Mr. Honkomp provided an update on EM's major procurements in 2015 and plans for 2016. He also provided a list of helpful Websites that list all the acquisition-specific information.

EM is committed to creating sustainable contract opportunities for small businesses by increasing the amount of meaningful work for small business prime contracting. EM is on track to meet its small business goals for 2015.

### *Discussion*

Ms. Leckband asked if EM requires now 90% maturity for designing in order to approve Critical Decision (CD)-2. Mr. Honkomp said that yes, if the contract is more than \$100 million. He then explained that for a systems project over \$750 million, EM is requiring a higher level of technology readiness.



Ms. Leckband asked about projects that are broken into smaller units because of funding concerns. If that happens, and that smaller project is not within the same contractor, what is EM doing to deal with interface problems and the sharing of information between contractors? Mr. Honkomp explained that EM tries to ensure that there is enough Federal staff to manage these contracts. If EM does not have the staff, it can get an outside independent firm to help the federal employees. These staff are responsible for working the interface issues.

Mr. Hemelright asked if EM does some cost-plus fee work and how is that monitored. Mr. Honkomp explained that yes, EM has cost-plus contracts, but EM prefers to use performance based incentives and move toward more cost-plus-incentive-fee, where EM sets specific cost and schedule milestones and makes sure the contractors meet them.

Mr. Henderson asked about community commitment plans that provide funding for the local communities through charities, Little League organizations, etc. Mr. Honkomp said that EM would consider that in the future, but EM does not have any policies on that issue.

Mr. Sayre asked about the escalating costs and schedule of the design/build contract for the Waste Treatment Plan (WTP) at Hanford. Mr. Honkomp said that this was a firm-fixed-price contract originally, but then went to design/build. EM is looking at a variety of options, including seeing if it should be one or multiple projects.

Mr. Bohrer asked about staffing concerns to administer multiple contracts at Idaho instead of having one cleanup contractor. Mr. Honkomp explained that EM looked at the nature of the work and current contractors and came up with a master acquisition plan to address these issues.

Mr. Peterson asked that contracts at Paducah be a minimum of five years instead of three to ease uncertainty and uneasiness among the community. Mr. Honkomp said that EM has to balance the cost and workload savings from having a long extended contract with being locked into a contract if there is poor performance. That is why you normally see a three-year base and then a one-plus-one extension.

Ms. Leckband asked if a limitation on transition costs is written into DOE contracts. Mr. Honkomp said that transition costs are part of the contractor's proposal, so EM sees them up front. EM weighs the costs and benefits in each proposal.

Mr. Sayre asked about the contracts at LANL and WIPP. He asked whether those contracts are under renegotiation as a result of the accident at WIPP. Mr. Honkomp replied that every contract is evaluated every two years in advance of the potential transition date and that past performance is considered. Mr. Sayre asked about the technical assistance contract at WIPP. Mr. Honkomp said that this basically is a resource that the Carlsbad Field Office can use to reach out to get additional capabilities if they need design, oversight, cost estimating, or other engineering needs.

Ms. Leckband followed up on Mr. Henderson's question about community dollars in contracts. She asked if there was an opportunity for local boards to participate in a discussion regarding upcoming contracts so that they can identify their values as to what they would like to see in their contracts. Mr. Honkomp said that EM puts out the draft request for proposals for public comment early. The board is welcome to submit comments that will be considered with all the others received from interested companies and members of the general public. Although DOE does not

post answers top specific questions, the public input received is considered as we draft the request for proposals.

### **EM Site Restoration Update**

Tania Smith, Acting Associate Deputy Assistant Secretary for the Office of Site Restoration, provided an overview on Site Restoration activities.

The Office of Site Restoration accounts for 30 percent of EM's Budget and is responsible for D&D, soil and groundwater remediation, and regulatory commitments. The goal of site restoration is to accelerate cleanup in a cost-effective, sustainable manner. EM performs strategic reviews, works with regulators and stakeholder to develop consensus, and looks at risk-informed decision-making to improve prioritization and characterize EM's infrastructure.

EM is responsible for safe and effective soil and groundwater cleanup, while reducing risk and cost. EM is looking at new ways to promote new technical strategies for soil and groundwater, and ways to improve the performance over the life cycle for soil and groundwater systems.

At SRS, EM is testing a new groundwater monitoring paradigm using indicator parameters versus full spectrum analysis. Monitoring projects are also being done at Oak Ridge. EM HQ is working with the sites to optimize these systems and is also looking at simulations for the soil and groundwater program and D&D program.

At Richland, EM has almost completed the soil vapor extraction system near the plutonium finishing plant. EM is looking at the lessons learned and applying those to other sites and looking at ways to optimize other systems.

There are several things that EM is doing to help manage the D&D program and the facilities program more effectively, including looking at different sensors and technologies to help manage it in a more cost effective manner. For example, sites, including SRS, are looking at entombment versus demolition. EM wants to make certain there are no breaches that could allow contaminants to reach the environment. At SRS, they are testing a system of sensors that is embedded in the structure to detect breaches in that facility before a contaminant can migrate outside.

Robotics are often used in D&D. EM is working to develop a database for all the different robotic technologies that project managers can use. Several universities are working with EM on this.

The completion of K-31 and the East Tennessee Technology Park in Oak Ridge are recent accomplishments in D&D. Last year, the Oak Ridge Site celebrated the completion of K-25, which at the time was one of largest buildings under one roof. EM is also celebrating the removal of the last glove box at the Hanford plutonium finishing plant. A lot of work goes into removing contaminated equipment and EM hopes to demolish the facility soon.

EM is working on facility management. Traditionally, agency budgets have not gone to aging infrastructure and facility maintenance because there are competing priorities, but EM is part of a DOE-wide initiative focused on infrastructure assessment. Working groups have been established to look at excess facilities and determine a DOE-wide strategy for addressing facilities in a prioritized manner.

In terms of environmental compliance, EM assesses sites to ensure compliant and risk-informed cleanup decisions and strategies, and does an analysis of cleanup options. EM has approximately 40 compliance agreements at 14 different sites with over 200 regulatory milestones annually. EM works to prioritize work according to human health and ecological risk.

Important EM Cleanup regulations include:

- The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA or Superfund) gives authority to cleanup of hazardous substances that endanger public health or welfare.
- The Resource Conservation and Recovery Act (RCRA) governs the disposal of solid waste and hazardous waste.
- The National Environmental Policy Act (NEPA) requires an agency to look at the environmental impacts of decisions. It is completely integrated into EM cleanup, as well as with land transfers. Methods for this include either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS), where impacts on the environment are identified and documented with mitigation efforts.

EM is currently reviewing NEPA documents for the Energy Technology Engineering Center (ETEC) site and the Santa Susana Field Laboratory. The goal is to have a draft EIS soon. In Oak Ridge, EM is reviewing a NEPA action concerning the Oak Ridge airport, which would transfer land to the Federal Aviation Administration for them to evaluate. The public comment period ended in August and EM is working to release the final EIS.

There was legislation this year for DOE to transfer 16.41 acres of land by the end of the year at Richland. EM is working on an NEPA evaluation and reviewing documentation in order to have the transfer happen by the end of the year.

Supplemental environmental projects (SEPs) is a program developed by EPA, where in lieu of an agency paying fines or penalties for missing a milestone, an agency may agree to undertake an environmental beneficial project related to the violation. Examples of SEPs include public health projects, pollution prevention and reduction, emergency planning and other projects that promote environmental compliance or environmental merit.

### *Discussion*

Ms. Susan Leckband asked about the status of pump and treat systems.

Ms. Smith responded that the status of pump and treat systems differs for every site because the geology and contaminants are different and pump and treat systems may not work at all the sites.

Mr. Harold Simon asked whether borehole technology is an option for permanent storage of waste.

Ms. Smith responded that she would look into this.

Mr. Herb Bohrer asked whether the Office of Site Restoration is responsible for EM technology development.

Ms. Smith responded that her office works a lot with technology development in the areas of D&D and soil and groundwater remediation, and that technology development is a primary goal of Assistant Secretary Regalbuto.

Ms. Bohrer followed up by asking about EM's most important technology development needs.

Ms. Smith responded that SRS is looking at improved polymers for waste containers.

Mr. Will Henderson stated that there has been some success at Portsmouth with the transfer of the water treatment facility to the county and that the Portsmouth SSAB has a great partnership with the Ohio EPA. But he is concerned that having these types of relationships are actually detrimental to the Portsmouth site because there are no regulatory milestones set in place by the regulator and there is no commitment from the DOE perspective as far as exhumation of landfills inside a perimeter row.

Ms. Smith stated that it is a matter of working with the site and coming up with the best strategy for moving forward. Portsmouth is not the only site without regulatory drivers and the community should maintain its good relationships.

Mr. Bohrer stated that in Idaho, the community has operated under the assumption that at some point the EM mission will end, and that the Nuclear Energy side will take responsibility for its activities, including facility deactivation and waste disposal management. He then asked whether EM will have a long-term role at Idaho.

Ms. Smith responded that EM is responsible for D&D and this makes sense because the criteria fits EM's expertise and EM has the funding. The Excess Facilities Working Group, a DOE-wide effort, is looking to determine whether the current paradigm is the correct one.

Mr. Bohrer responded that the current paradigm may not be the correct one.

Ms. Leckband thanked Ms. Smith for the regulatory overview. Ms. Leckband stated that it is her understanding that there is waste buried on various sites prior to 1970 that has transuranic constituents by post-1970 definitions, as well as unlined trenches containing plutonium at Hanford and possibly other sites that will not be remediated. She asked why CERCLA does not apply to that.

Ms. Smith responded that the Atomic Energy Commission in 1970 directed sites to begin segregating TRU waste from low-level waste. After that time, the TRU waste generated was stored in segregated TRU waste storage areas.

### **Public Comment**

Mr. Scott Kovak, Nuclear Watch New Mexico, welcomed the meeting participants to Santa Fe. He thanked the chairs for their hard work dealing with the difficult issues at EM sites. He noted that gatherings like the Chairs' Meeting give the public an opportunity to step back and look at the big picture. He also reminded the Chairs' of the human impact EM's decisions have on communities.

He shared concern about the WIPP shut down and the amount of TRU waste that is stacking up at sites. He asked why DOE was not considering analyzing the building of a second repository, given all the problems going on at WIPP. He cited the lack of a DOE presentation at the meeting regarding what to do when WIPP is full.

He asked the chairs to analyze the possibility of a second repository. He asked on behalf of his community that the jobs he described as at the "bottom" be protected as well, noting that there is a lot of waste to be dealt with.

Mr. Jay Coghlan, also with Nuclear Watch New Mexico and President of the Board of the Alliance for Nuclear Accountability welcomed the participants to Santa Fe. He noted that he has been doing this kind of advocacy for 28 years and that he has often been at odds with DOE and participated in seven lawsuits.

He feels that DOE is a highly dysfunctional department and highlighted cost overruns and diminished federal oversight. Bringing up the forced closure at WIPP, he noted the increase in cost associated with that shut down.

At the LANL facility he bemoaned the fact that plans to bury some 200,000 cubic yards of mixed radioactive and hazardous waste are inadequate. He encouraged the members of the boards to press for a genuine and comprehensive cleanup of the site, which would have the additional benefit of creating many new jobs.

### **Cross-Cutting Issues and Product Development: Discussion of Recommendations from the EM SSAB Chairs**

The Chairs discussed two proposed recommendations: Supplemental Environmental Projects (SEP) and a recommendation focusing on presentation of budget information.

The Chairs discussed where the money for the SEPs would come from and which regulatory agency had the power to make the agreement. Examples came primarily from LANL and the State of New Mexico. They went on to discuss if the funds for the SEPs would come out of the contractor's fee.

DOE site staff discussed their understanding of the SEPs and how DOE typically will use it as a negotiation technique, one of many. It's not necessarily the default position. It is up to DOE General Counsel at Headquarters to determine how EM will negotiate fines and penalties and whether EM should pursue SEPs or not.

The recommendation would focus on communicating the SEPs as the preferred alternative versus just paying the fine and moving forward.

The Chairs deliberated about which aspects of the recommendation to strike and edit. They agreed to table the final discussion and voting until the next day where they could review an amended and updated copy of the recommendation which was to be distributed in the morning.

The Chairs discussed a second recommendation on presentation of budget information. The Chairs discussed an element in the recommendation that talked about economic and job development. Mr. Simon from SRS CAB reminded the Chairs that the mission of EM was cleanup and not economic development. The Chairs agreed to reword part of the recommendation to reflect the priority of EM and the mission of the EM SSABs.

Mr. Borak reiterated that the Chairs meetings are public meetings. He said some of the language in the recommendation implied that the board is directly meeting with the public. DOE wanted to clarify that it prefers the language to be clear the board cannot engage the public directly without DOE being there.

After incorporating edits and reworking the draft, the Chairs agreed to move forward with both of the recommendations the following day and upon successful completion of that process, present it to their local boards for consideration. Members of the NNM CAB staff then discussed that evening's itinerary and plans. Mr. Roberts closed out discussion until the following day.

## **Day Two: Thursday, September 3, 2015**

### **DOE HQ News & Views and Student Involvement Discussion**

Mr. Borak discussed organizational changes at EM HQ. As of last month, Monica Regalbuto is the Assistant Secretary for EM. It has been 3 years since EM has had a confirmed Assistant Secretary. Dr. Regalbuto is new to this position, but not new to EM. Last June, she was named Associate Principal Deputy Assistant Secretary (EM-2.1). Then Mr. Borak provided some background information on Assistant Secretary Regalbuto.

He stated that Dr. Regalbuto has made it clear that the EM field managers are responsible for ensuring that cleanup work is being done in a safe and effective manner, while the role of EM

headquarters is to provide support and oversight for accomplishing the EM mission. In the short term, she is focused on the safe recovery and restart of WIPP and our commitment to begin waste processing at IWTU, cleaning up the River Corridor and addressing the challenges associated with WTP.

One of her areas of focus is to better leverage technology development to reduce the time and life-cycle costs associated with cleaning up the DOE complex. While there was significant investment in the early years of the EM program, investment has declined as budgets tightened and our strategy shifted to closing several sites in a 10-year window. Today, with some of the most difficult challenges remaining across the cleanup program, it is vital that EM continues to work to develop and implement innovative technologies and creative solutions to DOE's most challenging issues.

Mr. Borak noted that Mark Whitney, who has served as the acting Assistant Secretary, will continue in the role he was originally hired for: Principal Deputy Assistant Secretary (EM-2) and continue to assist Monica in leading DOE's cleanup mission.

Continuing with the DOE leadership update, Mr. Borak stated that Victoria Wassmer was nominated to serve as Under Secretary for Management and Performance (S-3) on July 23 by the White House. Ms. Wassmer has served as Assistant Administrator for Finance and Management at the Federal Aviation Administration since 2011.

Mr. Borak then introduced several new staff from DOE HQ. Alexandra Gilliland previously a contractor to EM-3.2 was re-introduced as a newly hired federal employee. Allison Finelli, formerly Deputy Director of Energy Communities Alliance, is also now on staff for EM-3.2. Jared Bierbach of e-Management was introduced as a new contractor working to support EM-3.2.

### **Chairs Meeting Schedule**

The next scheduled chairs' meeting is on April 19-21, 2016, in Oak Ridge. The fall 2016 Chairs' meeting will be held in Nevada sometime in late August or early September.

### **EM Funding and Stakeholder Involvement in the Budget Process**

Board involvement in funding decisions continues to be a focal point for many of board chairs. Mr. Borak noted that his office appreciated the EM Budget Office's memo titled "Participation of the Environmental Management Site-Specific Advisory Boards and Other Stakeholders in the Development of the Office of Environmental Management's FY 2017 Budget Request (February 6, 2015)." In accordance with that guidance, the field sites are soliciting input on FY 2017 project priorities and engaging the members during their regular full board and subcommittee meetings.

Many of the chairs have mentioned that there are some discrepancies about the timing and level of their involvement in the budget process. Mr. Borak, building on Connie Flohr's remarks from the August 11, 2015 Chairs teleconference, said that HQ needs to emphasize the importance of

aligning meeting schedules with opportunities to provide timely input (late January – March), and to reframe that input to focus on project priorities and not actual budget figures.

### **EM SSAB Student Involvement Discussion**

Mr. Borak began a discussion about EM SSAB student involvement programs and noted that a number of local boards have established student programs and others have expressed interest in student involvement.

He encouraged the Chairs to talk with their DDFOs and Federal staff about whether a student program would be beneficial (what is the objective, what sorts of tasks would it involve, etc.) and how it could be structured. He said they should also discuss what youth outreach and student programs already exist at their sites.

Mr. Borak declared that EM HQ does not intend to issue formal guidance on how to establish a program at this time. However, he wanted to discuss about some of the “don’ts” that the DOE General Counsel raised with him.

He said that programs should be administered by the site office or EM SSAB staff. Board members cannot supervise or administer the program. Additionally, student programs should not in any way detract from the mission of the EM SSAB, which is to provide meaningful recommendations. He encouraged the chairs to use the term “student involvement” as opposed to “liaison” or “member” because these terms have specific meanings under FACA. Members are appointed to the board and there are specific criteria for those appointments. And due to the fact that students are not members, they should not be drafting recommendations. Students’ presentations to the Board can be considered public comment. Students should not participate as members of the Board.

He encouraged the chairs to be cognizant of potential liability issues if the student is a minor (transportation to meetings, overnight meetings/trips, etc.). He reminded the chairs that boards cannot enter into formal agreements with schools.

Mr. Borak then outlined some best practices for this type of involvement.

Approach student involvement like an internship - students can be given tasks and responsibilities during board meetings, such as: administering public comment, analyzing past recommendations and products, assisting with the boards’ annual reports and newsletters, etc. Students can be paired with members, who act as mentors during board meetings (but private meetings outside of the allotted board meetings should be discouraged unless a parent is present). Explore opportunities to leverage existing youth internship programs at the site (invite interns to meetings?).

### *Discussion*

Mr. Harold Simon, chair of the SRS CAB asked for clarification whether the student liaison program could be set up by the board but administered by our staff.



Mr. Borak responded saying that he thought it could be set up by the board with the staff. But if the board starts administering the program, since the board itself is an offset of DOE, DOE is responsible for all the actions of the board. This is why it is important to make sure that the site and the site management is involved in the establishment of whatever program is developed.

Ms. Hruska then wanted to know if any presentation that students make would be considered to be subject to the public comment rules that have been established for members of the public and if it would be during that time period.

Mr. Borak noted that this was a good question and that students would not be limited to the 15-minute time interval and that you could have a student presentation as a part of the agenda. The point is that the information that the board gets from students should be considered public comment.

Ms. Keiserman brought up some sites that she feels have very well-run, very effective student programs. She wondered if somebody might want to summarize an effective program.

Mr. Borak deferred to Mr. Sayre from NNM CAB to answer the question. Mr. Sayre introduced Lee Bishop, Co-DDFO of the NNM CAB.

Mr. Bishop then acknowledged Ms. Santisteven of the NNM CAB as being really instrumental to the great work the NNM CAB does to involve students. He noted that the student “members” are also laboratory interns. Regarding the liability issue, since students are associated with LANL, their work on the CAB becomes duties as assigned as part of their laboratory internship. He talked about work they do with a local high school as well. He discussed the precautions they take in dealing with student interns who are minors.

Mr. Borak remarked that he felt this was in line with guidance from the DOE Office of the General Counsel. He commended the NNM CAB and highlighted how they are doing what the GC advised, which was leverage existing programs to do student involvement.

Mr. Roberts then summarized that membership of any sort is a Federal responsibility and that this definitely falls in that category. Encouraging students to be educated and aware of STEM careers and know what is available at the site is a tremendous and noble thing. But each board should focus on their primary task: to provide advice and recommendations to DOE.

## **WIPP Recovery**

Mr. Marcinowski began his presentation with a summary of the two events that occurred at WIPP in February 2014: 1) a salt truck fire on February 5, 2014; and 2) a radiological release on February 14, 2014. In September 2014, DOE published a WIPP Recovery Plan, which outlined the steps necessary to resume operations at the site. Those steps include completion of a documented safety analysis; revitalization of the safety management program; restoration of the

WIPP underground; expedited mine stability; closure of Panel 6 and Panel 7, Room 7; and increased ventilation in the underground.

DOE has continued to make progress in reducing the radiological risk in the underground. Mr. Marcinowski highlighted a couple of the activities underway:

1. Workers are using a water spray to wet the salt, which recrystallizes as it dries and captures a large part of the contamination in the process, thereby fixing it in place. This approach has proven to be effective for reducing surface contamination.
2. In other areas, workers lay brattice cloth across the floor, cover it with 4-6 inches of salt, and wet it down to compress the layers, which serves to keep the underlying contaminated salt fixed in place.

Workers have continued bolting operations in the underground to increase stability of the mine. The salt that comprises WIPP is a fluid medium that flows slowly over time. That is one of the appealing features of a salt mine, as that flow will help encapsulate the waste drums and create a barrier. Bolting activities have been completed in a number of operationally significant areas.

DOE has completed closure of Panel 6 and Room 7 of Panel 7, thereby isolating all of the suspect nitrate salt containers of concern. There are seven rooms to a panel in the underground and each panel is roughly the length of a football field.

Mr. Berry asked whether DOE will build additional panels underground as 1-6 are already filled. Mr. Marcinowski responded that physically, there is plenty of real estate available to expand operations if a Panel 9 or a Panel 10 was needed in the future. The limiting factor would be the Land Withdrawal Act and the legislative limits on the volume of waste that can be disposed. Mr. Marcinowski also responded to a question from Mr. Sayre regarding Panel 8. DOE is not excavating Panel 8 at this time due to ventilation issues. Excavating salt creates a tremendous amount of dust and that the equipment used runs on diesel. The mine is currently functioning with limited ventilation, restricting operations to a single piece of diesel equipment at a time. Ventilation will not pose as great a challenge once DOE increases electrical power in the underground.

Mr. Marcinowski made brief mention of the Accident Investigation Board (AIB) Corrective Action Reports available online at [www.wipp.energy.gov/wipprecovery](http://www.wipp.energy.gov/wipprecovery). The Corrective Action Plans for the AIB reports on the truck fire and Phase I of the radiological event were approved in February and are now in implementation. The AIB report for the Radiological Release Event, Phase II, was issued in April 2015.

He then discussed the impacts of WIPP's closure to TRU waste generator sites. It is premature at this stage of recovery to predict and allocate the rate of TRU waste shipments to WIPP once operations resume. DOE recently announced that it will not meet its initial goal of re-opening the facility to shipments in March 2016. Once start-up begins, the focus will be on emplacement of waste generated during the recovery period and emplacement of waste currently stored in the

WIPP surface facilities. Beyond that, there has not been concerted discussion about the sequencing of the other sites.

EM is also considering increasing WIPP's surface storage capacity. The possibility of a request for permit modification has been discussed with the State of New Mexico Environment Department (NMED) and has been built into the principles of agreement developed as part of the administrative compliance orders. There is no commitment that the State would approve the modification, but it would consider the request.

Ms. Leckband asked if discussions were underway regarding building additional storage capacity at WIPP and/or an additional repository near the WIPP site to accommodate the remaining TRU waste inventories across the complex. Mr. Marcinowski responded that such discussions are not occurring at this time. Mr. J.R. Stroble from the Carlsbad Field Office added that WIPP has only reached about 50% of the volume capacity allotted for in the Land Withdrawal Act for WIPP, and has used more than 50% of the real estate. Early planning for the WIPP repository did not adequately account for the amount of floor space needed for the volume EM has to date; this was due in part to the fact that a lot of the storage containers used today did not exist at that time. DOE has had discussions with US EPA and NMED about the potential need to make more real estate available in the future to accommodate the volume that's in the Land Withdrawal Act. To date, DOE has only proposed construction of up to eight panels, but there have been discussions about a possible Panel 9 and Panel 10. In the meantime, there is plenty of repository available.

Mr. Valdez, former Chair and a member of the NNM CAB, asked a series of questions related to the status of the TRU waste in interim storage at generator sites, EM's commercial disposal resources, and other waste streams that had been either considered for WIPP or were in need of a disposition path, including Greater-than-Class-C and spent nuclear fuel.

Mr. Marcinowski reiterated that DOE has made significant progress with respect to the recovery of WIPP and preparations for the resumption of operations. The TRU generator sites have continued to process the waste; they are characterizing it, certifying it, and then safely storing it on site. There are no plans to ship additional TRU waste to the Waste Control Specialists facility in Texas for interim storage at this time as there is significant cost associated with it. He also clarified that WIPP was not being considered as a repository for spent nuclear fuel.

Mr. Valdez asked whether there were any transportation cost savings resulting from WIPP's closure and whether those savings could be leveraged to fund temporary storage costs. Mr. Marcinowski responded that the transportation resources have been scaled back to the minimum level needed until normal operating conditions resume.

Mr. Sayre asked whether DOE was considering building another storage facility that could serve as a back-up in the event of another WIPP outage. Mr. Marcinowski noted that building a repository for any sort of radioactive waste is a large undertaking. There has been no serious consideration at this point in time for a redundant TRU waste repository.

Mr. Henderson asked whether there were any engineering restrictions that would prevent DOE from adding a second layer to the WIPP underground at a higher depth, which would increase

storage capacity without increasing the site's actual footprint. Mr. Marcinowski explained that when they originally constructed the facility they chose a strata right in the middle of the salt layer. Theoretically, construction could go higher or lower on the horizon, but there is plenty of real estate to expand horizontally and that would likely be the plan going forward.

Mr. Marcinowski concluded his presentation with an overview of what it will take to resume shipments to WIPP. Essentially, the Department needs to review and approve a new Performance Management Baseline based on current schedule/cost impacts; complete interim and supplemental ventilation activities; complete operational readiness reviews, and then resume waste emplacement.

Mr. Bohrer asked about the safety analysis and the equipment that needed to be installed. Mr. Marcinowski acknowledged that completion of the documented safety analysis is the controlling factor at this point in time.

Ms. Leckband asked whether there were plans to install a substation or something similar to provide electricity for all of the equipment in the underground rather than diesel, thereby helping to alleviate the ventilation challenges. Mr. Marcinowski explained that there is a substation next to the fence line of the facility right now, but the site is installing additional electrical capabilities in the underground and running lines down there to increase those capabilities. That work is currently underway.

Ms. Leckband asked whether there has been difficulty finding appropriately credentialed vendors and manufactures for the equipment needed at WIPP. Mr. Marcinowski acknowledged that this is a challenge for the greater nuclear industry. The vendors selected for WIPP are NQA-1 certified and are capable of doing the work needed. The issues EM experienced with some of the equipment delivered to the site occurred during transit – specifically with some of the fan/filter units obtained for the interim ventilation activities.

Ms. Leckband noted that there has been a fair amount of turnover in leadership recently – Joe Franco and Dana Bryson both left the Carlsbad Field Office. Mr. Marcinowski reported that DOE has made a selection for a new Carlsbad manager. Mr. Bryson will transition site manager duties to Todd Shrader over the next month. Mr. Shrader has a great deal of experience from both the field and at DOE Headquarters, where he was recently very involved in work on the Waste Treatment Plant.

### **Communications and External Affairs Update**

Mr. Borak introduced Kristen Ellis, Director of the Office of Intergovernmental & Community Activities (EM-3.2) who presented the communications and external affairs update.

Ms. Ellis began by summarizing recent changes in her office. David Borak has been the Designated Federal Officer (DFO) for the EM SSAB since 2014. More recently, Alexandra Gilliland, who had been a contractor supporting EM-3.2, joined EM-3.2 as a federal employee. Allison Finelli, formerly the deputy director of the Energy Community Alliance, has joined the

team as a federal employee. In addition, Jared Bierbach, a contractor employee, joined the team in July.

At the previous Chairs' Meeting in April, Candice Trummell, director of the Office of External Affairs (EM-3), provided an overview of her office. Attendees at the April meeting thought it would be helpful to continue to learn about communications activities at EM Headquarters.

The Office of External Affairs (EM-3) develops information products that are delivered via a variety of channels to interested EM stakeholders, such as the general public, media, Congress, regulators, government officials, tribal officials, environmental interest groups, advisory boards, unions, industry, DOE contractors, DOE employees, national lab employees, and others.

EM-3 is divided into two parts: the Office of Communications (EM-3.1) and the Office of Intergovernmental & Community Activities (EM-3.2).

The Office of Communications handles what is traditionally known as public affairs and includes such functions as media and Congressional relations, corporate communications, internal communication, and multimedia/digital communications. This office also provides policies and guidance related to EM communications, coordinates Congressional testimony and inquiries, and works closely with site public affairs representatives.

Corporate communication includes message development, speechwriting, media training, and communication planning, as well as the release of information through a variety of platforms. Ms. Ellis encouraged participants to subscribe to information products such as EM's monthly newsletter, site-specific information, newsflashes/press releases, and other information that is available on EM's Website ([www.energy.gov/em](http://www.energy.gov/em)), or the technology newsletter.

Ms. Ellis also highlighted the EM Timeline, an interactive product that summarizes the history of the cleanup program and provides basic information on the overall EM program. Ms. Ellis suggested that the EM Timeline might be especially valuable to student participants on the local boards.

In the area of multimedia, the Office of Communications is using the EM Website, social media, videos, and other media to share EM's message. Of particular interest are infographics and EM by the numbers, products designed to highlight the substantial work being accomplished across the complex. At the April 2015 Chairs' meeting, EM shared draft infographics with the Chairs. Based on feedback received, these infographics are being revised and updated. Once finalized, EM will consider additional infographics that highlight remaining work across the complex.

Another component of the role of the Office of Communications is internal communications. EM is developing a number of products that keep our employees informed. There is an internal intranet that EM uses for this purpose.

Ms. Ellis then turned to the Office of Intergovernmental & Community Activities (EM-3.2), which consolidates the coordination of public involvement. In addition to the EM SSAB, the office supports Tribal programs, intergovernmental grants and cooperative agreements, and the EM Advisory Board (EMAB).

EM has an active tribal program. EM supports DOE's government-to-government relationships with all of the federally recognized tribes and has relationships with the tribes that have been impacted by EM activities.

EM has grants with national organizations that represent different types of intergovernmental entities. The State and Tribal Government Working Group, which comprises both tribal and state government representatives, is managed by the National Conference of State Legislators. The National Governors Association has formed a Federal Facilities Task Force to work on EM issues. The National Association of Attorneys General has a working group that comprises representatives from states that have ties to the EM program. The Energy Communities Alliance represents Community Reuse Organizations, local governments, and county governments. The Environmental Council of the States has formed a Federal Facilities Forum, comprising senior environmental officials representing the Environmental Commissioners of states who are regulating activities at our sites.

Those groups meet jointly once a year to identify issues of interest to them and recommends how they'd like to make improvements to how EM interacts with them.

The EM Advisory Board is chartered under the Federal Advisory Committee Act as an expert board and provides a complex-wide perspective on issues relating to EM. During the past 20-plus years, EMAB has functioned as a board of directors, providing advice and recommendations to the Assistant Secretary on corporate issues such as human capital, acquisition and project management, and cross-cutting waste issues.

Ms. Ellis provided a quick summary of the EM SSAB, noting that there is one charter for the eight local boards. The number of local boards has varied over the years, based on the needs at individual sites.

Ms. Ellis reaffirmed that the volunteer efforts of the EM SSAB have been invaluable to - and appreciated by - EM. EM believes that the primary role of board members is to provide independent input and feedback, as well as community perspectives, on EM activities and potential activities, including communications.

### *Discussion*

Ms. Hruska asked about the availability of EM-related photographs. It appears that fewer photographs are available compared to some years ago.

Ms. Ellis responded that many EM-related photographs are now on EM's Flickr account, which covers both headquarters and field sites. Ms. Ellis promised to follow up with Mr. Borak with the link to the HQ account, and Mr. Borak will provide it to the boards.

Ms. Keiserman asked about the job security of HQ staff when an administration changes due to elections.

Ms. Ellis noted while many high-level officials – the Secretary of Energy, undersecretaries, the Assistant Secretary for EM – are political positions that require confirmation by the Senate and are vulnerable when an administration changes, everyone else in the Office of Environmental Management are in career federal service positions and are therefore safe from such disruptions.

The fact that EM has a transitioning workforce and retirements are likely over the next few years is likely to result in additional changes.

### **Public Comment**

Mr. Scott Kovak, with Nuclear Watch New Mexico, brought up the need for continued discussion about other options besides the WIPP facility. He brought up the fact that WIPP is an experiment and a test. He noted that we will not know if WIPP actually works until the facility is closed, and the job is finished there. In the meantime, he asked about the backup to the WIPP facility. He said he would like to see a presentation concerning a new EM high-level waste disposal plant.

He also asked for an analysis of hardened on-site storage (HOS). He stated that DOE has yet to analyze HOS in any National Environmental Policy Act (NEPA) document.

He reminded the chairs of the Fernald, Ohio, model where the cleanup involved keeping low-level waste on-site and shipping off the high-level waste.

### **Cross-Cutting Issues and Product Development: Discussion of Recommendations from the EM SSAB Chairs**

Mr. Roberts began the discussion and opened the floor up to ideas for refining the recommendation.

The Chairs marked up the recommendation for final draft and made several semantic and structural revisions.

Mr. Borak said that updated copies of this recommendation would be formatted and sent out to the boards.

### **Closing remarks and adjournment**

With the majority of the deliberation and discussion of the recommendations taking place the previous day, the Chairs moved to discuss details of the next Chairs' Meeting in Oak Ridge, Tennessee. Mr. Hemelright from ORSSAB discussed some of the preliminary details, including the tour.

Mr. Henderson made note that it would be helpful to have an expert present about the benefits of exhumation versus pump and treat. Ms. Leckband requested information about cap failure. The Chairs requested more information about the WIPP situation as well as the corrective action plans associated with it. Mr. Sayre requested an overall waste disposition update about what's going on around the complex. It was also agreed that EM-3 would continue to provide a communications and external affairs update. Mr. Henderson made note that he would like to see information regarding landfill consolidation as well.

Before adjourning, Mr. Roberts gave special thanks to Menice Santisteven and her staff at the NNM CAB for their support to the meeting.

Mr. Borak thanked the Chairs and EM SSAB staff for their participation in the meeting. The meeting was adjourned at 11:30 a.m. MST.