

**EM SSAB CHAIRS**  
**Bi-Monthly Conference Call**  
**December 15, 2014**

**Participants**

<i>Board</i>	<i>Chairs/Representatives</i>	<i>Site Staff</i>
Hanford	Steve Hudson, Susan Leckband	Kristen Skopect, Sharon Braswell
Idaho	Herb Bohrer, Harry Griffith	Ann Riedesel
Nevada	Donna Hruska, Janice Keiserman	Kelly Snyder, Barbara Ulmer
Northern New Mexico	Doug Sayre, Allison Majure	Menice Santistevan
Oak Ridge	David Hemelright	Pete Osborne, Dave Adler, Spencer Gross, Melyssa Noe
Paducah	Ben Peterson	Robert Smith, Eric Roberts, Jim Ethridge
Portsmouth		Greg Simonton
Savannah River	Harold Simon	de'Lisa Carrico

**DOE-HQ Representatives**

EM-3.2	Kristen Ellis, Elizabeth Schmitt, Michelle Hudson, Alexandra Gilliland, Sayoh Mansaray
EM-30	Mark Senderling
EM-60	Connie Flohr

**Opening Remarks**

Ms. Kristen Ellis, Director for the Office of Intergovernmental and Community Activities, opened the call.

**Budget Update**

Ms. Connie Flohr, Acting Deputy Assistant Secretary for Program Planning and Budget, provided a brief update on the Office of Environmental Management's (EM's) fiscal year (FY) 2015 budget and FY 2016 budget request.

On December 9, 2014, Congress passed the Omnibus Appropriations Bill for FY 2015; the bill is awaiting President Barack Obama's signature. Overall, Ms. Flohr believes the omnibus is a great bill for EM. The full text of the final bill is available at <http://docs.house.gov/meetings/RU/RU00/20141210/102799/BILLS-113rcp113-59pp.pdf>. The Explanatory Statement can be found at <http://docs.house.gov/billsthisweek/20141208/113-HR83sa-ES-D.pdf>.

Highlights of the omnibus bill include:

EM's FY15 request was \$5.622B. The omnibus bill allots EM \$5.861B, which is \$239M more than EM's request, and \$31M above the FY 2014 enacted level.

In the Defense Environmental Cleanup account, the omnibus bill recommended EM receive \$5.010B, which is \$146M above the FY 2015 requested level. This amount includes funding for construction projects and \$320M for Waste Isolation Pilot Plant (WIPP) recovery efforts.

The House of Representatives rescinded \$21M of unobligated funds from the Defense Bill. EM will have to determine which sites that money comes from as a result of this change.

The National Nuclear Security Administration (NNSA) sites were previously under one congressional control point, which allowed DOE latitude to move money between sites when necessary. In the current omnibus bill the NNSA sites are broken up into separate control points; therefore, moving funding requires reprogramming.

For the non-defense account, the omnibus bill provides \$246M, which is \$20M above the FY 2015 request. The bill states that DOE may use that funding to address security issues at the Fort St. Vrain facility in Colorado, Lawrence Berkeley National Laboratory in California, and the Southwest Experimental Fast Oxide Reactor site in Arkansas. DOE is working to determine how to best use those funds.

DOE received \$625M for the Uranium Enrichment Decontamination and Decommissioning (D&D) account, which is \$94M above the requested level. Within that account, Oak Ridge Reservation received a plus up of \$30M. The Portsmouth site received a plus up of \$54M; however, \$24M was taken away from construction of the onsite disposal cell, and shifted to D&D work. This money will mitigate layoffs. In addition, \$10M was provided to EM to make partial payments on the Uranium/Thorium Reimbursement account.

Ms. Flohr noted that the EM Office of Program Planning and Budget is working with DOE General Counsel to clarify inconsistent language in the omnibus bill. Ms. Flohr hopes to have these issues cleared up quickly.

After President Obama signs the omnibus bill, the DOE Office of the Chief Financial Officer (CFO) will create budget tables. The CFO has committed to turning the funding tables around quickly after finalizing funding from Congress. The Office of Program Planning and Budget has committed to releasing the funding to the sites shortly after receiving the budget tables.

The CFO will instruct the Office of Program Planning and Budget to develop spend plans, which will most likely be completed by the last week of January 2015. The Office of Program Planning and Budget provides the spend plans to the CFO and to the Office of Management and Budget (OMB). OMB uses the spend plans to determine quarterly apportionments. Ms. Flohr is hopeful that EM will operate under full year funding by February 2015. Even though the start of FY 2015 was October 1, 2014, the completion of appropriation process by the end of December 2014 is a good sign.

Ms. Flohr discussed FY 2016. The passback from OMB came out on December 9, 2014. The Office of Program Planning and Budget put together an appeals package and is waiting for OMB to begin the settlement discussion. There is no internal DOE budget schedule for FY 2016 yet, but draft budgets are due to the CFO on January 5, 2015. Once the Office of Program Planning

and Budget engages with OMB, things will move swiftly. The draft budgets will be sent to OMB for final review on January 13, 2015. This date might slip back slightly given the lateness of the resolution on the passback. Rollout should occur in early February.

### **Discussion:**

Ms. Susan Leckband, Vice Chair of the Hanford Advisory Board (HAB), asked if budgets to the sites are provided quarterly or on a 30 day basis.

Ms. Flohr responded that it is a bit of both. As soon as the Office of Program Planning and Budget and the CFO complete their work with the budget tables, they release funding in 30 day allotments. Once the spend plan is approved by OMB, the funds will be released quarterly. This is a trend of the last two years. In the past, the offices released those allotments based on the Continuing Resolution level of funding.

Ms. Leckband asked when planning for the FY 2017 request begins. Ms. Flohr responded that the FY 2017 process should begin for the EM SSAB in the first or second week of January 2015. Ms. Flohr hopes to send the letter instructing sites to engage with local boards in early January. The Office of Program Planning and Budget will most likely not issue official guidance to the sites concerning the Integrated Priority List (IPL) development until late February or early March 2015.

Mr. Doug Sayre, Chair of the Northern New Mexico Citizens' Advisory Board (NMMCAB) asked for background on why the Los Alamos National Laboratory (LANL) EM budget was cut by \$40M.

Ms. Flohr responded that she would get back to him on that.

Mr. Ben Peterson, Chair of the Paducah CAB, asked whether the public or local boards will see the spend plan for FY 2015. Ms. Flohr responded that if the sites want to engage with local boards on that issue they may, but she will not direct the sites to do so.

Mr. Peterson asked for Ms. Flohr's best guess regarding when the embargo for FY 2016 will end, or when President Obama's budget will be released, so that the EM SSAB can see the budget numbers for FY 2016. Ms. Flohr responded that OMB is holding to the current schedule of February 2, 2015, though this date may shift since pass backs came out a week later this year.

### **Waste Disposition Update**

Mr. Mark Senderling, the EM Headquarters WIPP Recovery Manager, gave an update on WIPP recovery activities.

The WIPP Recovery Plan was released on September 30, 2014. The full text of the Recovery Plan is available online at <http://www.wipp.energy.gov/Special/WIPP%20Recovery%20Plan.pdf>. One of the primary components of the recovery effort is ensuring proper ventilation. There are three phases of ventilation: interim, supplemental and permanent. The creation of a new permanent ventilation system consists of two capital asset projects.

The first stage, interim ventilation, is currently being fabricated; the process doubles the airflow, using a set of fans that connect to the existing ventilation system. Supplemental ventilation is currently being designed. Critical Decision-0 for the permanent ventilation system was approved a few months ago.

Bolting is another priority activity; it provides stability for the different tunnels at WIPP using diesel power. Bolting was restarted in non-contaminated areas on November 15, 2014, and steady progress is being made, with 12-20 bolts made per day. There is some potential downtime with the holidays approaching, but that will be mitigated with the use of overtime. Bolting is important because the mine has not been maintained for close to ten months.

Radiological characterization is also occurring. The underground is divided into 12 areas; the underground teams go through each area and survey them. If the area is uncontaminated the team can enter without personal protective equipment (PPE). General cleaning and maintenance occurs in each area.

Decontamination activities are another key part of the WIPP Recovery Plan. The goal is to spray and then put on a fixative; this is being tested in the north end of the mine.

In the interim, Panel 6 closure is important. Characterization surveys outside of Panel 6 have been completed. The floor of the panel is contaminated, so the underground team will have to use PPE. Bolting will now occur.

The Accident Investigation Board (AIB) requested that DOE survey the entire Panel 7. EM plans to use a very long boom that will extend to the back wall of Panel 7 to survey all waste stacks. Most equipment has been moved underground already except the boom and camera. The AIB will be onsite during the first week of January 2015.

EM is holding town hall meetings every other month. The next meeting is scheduled for January 8, 2015. The meetings are streamed on the WIPP Recovery Page website at: <http://www.wipp.energy.gov/wipprecovery/recovery.html>.

On December 6, 2014, New Mexico Environment Department (NMED) issued an Administrative Compliance Order. WIPP had 13 violations resulting in civil penalties of \$17.7M. The balance of the \$54M total was assessed to LANL. DOE is currently working on a response to the Administrative Compliance Order.

Another important task is completing the federal team in Carlsbad, New Mexico. The team is nearly assembled. Mr. Sean Donegan, formerly the Research and Development Manager at Sandia National Laboratories, was hired as the Carlsbad WIPP Recovery Manager. Mr. Alan Jines is the Federal Project Director for the WIPP ventilation system.

The FY 2015 WIPP budget that the Hill passed is \$320M, which is the amount that DOE requested.

All of this information is on the WIPP recovery page, which is updated weekly.

**Discussion:**

Ms. Leckband asked if EM expects any big delays in future shipments to WIPP from sites that have not shipped waste there yet, or that are further down the list for shipping. She noted that there is concern WIPP will close before Hanford identifies transuranic (TRU) waste in tanks.

Mr. Senderling responded that WIPP will remain open for a long time.

Mr. Sayre asked if EM plans to reopen WIPP in the fall of next fiscal year. Mr. Senderling responded that the plan is to restart operations early in calendar year 2016.

Mr. Sayre asked for clarification regarding whether the response to the Administrative Compliance Order is due in 30 days, and was received on Dec 6, 2014. He asked if that information could be shared beforehand with the public.

Mr. Senderling confirmed the Administrative Compliance Order dates were correct, and responded that he was unsure about the availability to the public beforehand.

Ms. Majure asked about EM's response to NMED, and if it is an option to include where the penalty payment money will come from. Mr. Senderling replied that EM is in the process of drafting the response. The discussion about the payment of penalties will occur over the next 6 months, but it will probably not be included in the official response.

Ms. Majure asked if there is potential to accelerate the reopening schedule of WIPP or to rebaseline since the budget of \$320M that Congress passed is higher than the amount that EM requested.

Mr. Senderling stated that EM is looking at the budget and the critical path, and determining if there are any extra funds. EM would like to allocate any extra dollars to accelerate the opening of WIPP.

Ms. Majure asked whether submitting a NNM CAB recommendation on allocating extra dollars for the acceleration of reopening WIPP would cause any harm to the reopening process. Mr. Senderling replied that it would not harm the process since EM already plans to take those steps.

### **Fall 2014 Chairs Meeting Follow-up**

Ms. Ellis noted that the meeting evaluations completed by attendees of the Fall 2014 Chairs Meeting in Idaho Falls, Idaho were positive. She thanked Idaho National Laboratory CAB Federal Coordinator Bob Pence, and the Idaho support staff for their work in supporting the meeting.

The Chairs discussed a proposed recommendation drafted during the Idaho meeting, encouraging EM to initiate the process for obtaining a permit modification to expand WIPP's surface storage capacity.

The status of the boards' voting on the proposed recommendation is as follows:

- INL CAB, Paducah CAB and SRS CAB approved the recommendation
- NNM CAB did not approve the recommendation

- HAB and the Nevada SSAB (NSSAB) could not come to a decision, and require further information so the boards can vote again
- Oak Ridge Site Specific Advisory Boards (ORSSAB) and PORTS SSAB are scheduled to vote at upcoming meetings

Ms. Schmitt opened the floor for discussion on the recommendation and a path forward.

Mr. Steve Hudson, Chair of the HAB, shared that the HAB members had several difficulties with the recommendation:

- There is a current backlog of waste that is scheduled to be sent to WIPP and this recommendation would make the issues at the facility more complex.
- Some HAB members are not comfortable making a recommendation that affects other boards, since the waste that is being shipped in the near term is not coming from the Hanford site.
- Other HAB members were displeased by the inability to understand or edit the document.
- Some HAB members worried about the cost of the permitting process for onsite storage, and wanted the recommendation to be a letter of advice instead.

Ms. Leckband added that many HAB members liked the idea of the recommendation and recommended discussing the recommendation at the Spring 2015 Chairs Meeting.

Mr. David Hemelright, Chair of the ORSSAB, stated that the recommendation is simply asking for DOE to investigate an alternative for waste storage.

Ms. Donna Hruska, Chair of the NSSAB, explained that there are 11 new members on the NSSAB, and the board did not understand what would happen at WIPP if the recommendation went forward, so the board did not want to vote at this time. The new members need more education on the topic before they feel comfortable enough to move forward with the recommendation.

Mr. Harold Simon, Vice Chair of the SRS CAB, agreed with Ms. Leckband's suggestion of discussing the recommendation further at the Spring 2015 Chairs Meeting.

Mr. Sayre mentioned that NNM CAB members were questioning the recommendation because they wanted to add more information to it. The NNM CAB would be fine with revisiting the recommendation at the Spring 2015 Chairs Meeting.

Ms. Majure added that the NNM CAB discussed specifics of the recommendation's wording, but wanted to leave the technical information in the hands of the experts.

Mr. Herb Bohrer, Chair of the INL CAB, noted that the recommendation refers to a time sensitive issue, since sites that need to ship waste cannot wait. Idaho is currently in a facility design phase right now. The recommendation is advisory; the EM SSAB is not telling DOE to start the process, but telling DOE that it makes sense to consider the option.

Ms. Schmitt explained that the recommendation could be moved forward with the three current approvals (there could be a possible fourth approval once ORSSAB votes in January 2015), but questioned whether the recommendation would have the same impact. She asked the EM SSAB

if, as Ms. Leckband suggested, the Board would prefer to take the recommendation back to the local boards and revisit it at the Spring 2015 Chairs Meeting.

Mr. Hemelright noted that he agreed with Mr. Bohrer's comments.

Ms. Majure added that it seems futile to press forward with a recommendation when the timing is incorrect, but it is true that there is a possibility of shipping more waste than WIPP can place in the beginning of calendar year 2016.

Mr. Sayre noted that he still believes the recommendation is useful.

Mr. Hudson stated that he feels confident that he and Ms. Leckband can better discuss the recommendation with the HAB and vote again. The participants agreed to revisit the recommendation during the Spring Chairs meeting and bring any suggested edits for further discussion at that time.

Ms. Schmitt asked whether the Chairs wanted to pursue development of the white paper of budget best practices that came out of the 2014 Fall Chairs Meeting. Mr. Hudson volunteered to help coordinate the document. Ms. Majure requested a calendar of important budget dates to be attached to the white paper.

Ms. Leckband asked for an updated contact list for the EM SSAB. Ms. Schmitt responded that the Headquarters EM SSAB staff would send one out.

Ms. Schmitt stated that the first planning call for the upcoming Spring 2015 Chairs Meeting is tentatively scheduled for January 2015. She asked for volunteers for the planning committee.

Mr. Bohrer, Mr. Greg Simonton, Mr. Rick Greene, Ms. Menice Santistevan, and Ms. Ann Riedesel all committed to being on the planning committee.

The meeting was adjourned at 3 p.m. EST.