

**EM SSAB CHAIRS**  
**Bi-Monthly Conference Call**  
**July 29, 2010**

**Participants**

**Chairs/Representatives:**

Hanford	Susan Leckband, Shelley Cimon
Idaho	
Nevada	Walter Wegst
NNM	Ralph Phelps
Oak Ridge	Ron Murphree Kevin Westervelt
Paducah	Ralph Young
Portsmouth	Richard Snyder
Savannah River	Manuel Bettencourt

**Site Support Staff:**

Ceri Chapple  
Kelly Snyder, Denise Rupp  
Lee Bishop, Menice Santistevan  
Pat Halsey, Spencer Gross,  
Pete Osborne  
Suzanne Clinton  
Julie Galloway  
Gerri Flemming, Erica Williams

**DOE-HQ Representatives:**

EM-42	Melissa Nielson, Cate Brennan, Michelle Hudson
EM-3.1	Colin Jones
EM-5	Shari Davenport
EM-43	Doug Tonkay
EM-60	Connie Flohr
LM	Tony Carter

**Opening Remarks**

Ms. Melissa Nielson, Director, Office of Public and Intergovernmental Accountability, called the meeting to order.

**ARRA Update**

Mr. Colin Jones from the EM Recovery Act Program provided the Chairs with an update on EM's American Recovery and Reinvestment Act (ARRA) activities. To date, approximately \$2.4 billion of the original \$6 billion has been obligated to contracts for ARRA projects. A substantial portion of that funding, approximately \$1.4 billion, has been contracted toward small businesses. The number of jobs created or saved by the ARRA is roughly 10,000. Over the course of the program, approximately 20,000 people have participated in Recovery Act activities.

Per the stimulus bill, all funds must be obligated by the end of Fiscal Year (FY) 2010. A few sites will continue to execute ARRA projects into early FY 2012, but the majority of work will

be completed by the end of FY 2011. If a site discovers that it cannot spend the money allotted to a particular project in the given time frame every effort will be made to redirect the funding to other projects either within the contract, site, or state. Money cannot be de-obligated and re-obligated after FY 2010. EM is going through the final stages of this re-obligation process right now and about \$550 million of the \$6 billion is awaiting Office of Management and Budget (OMB) approval for re-obligation. Additional work can be completed at the sites before September 30, 2011, if there is reserve or contingency money that can be utilized.

Mr. Jones reported that the Recovery Act work is moving forward on all fronts, but a particular area of focus has been workforce transition. Communication with employees early and often will keep them motivated and focused on the task at hand, which is to support the accelerated cleanup of the Cold War legacy waste. The ultimate goal is to reduce the footprint of the total EM complex by 40% by 2011.

In May, the EM Recovery Act Program sent out guidance to each of the sites clarifying expectations for workforce transition activities. The sites were asked to formulate site-specific workforce transition plans, and most responded with drafts by the end of June. The plans are meant to be implementation documents, detailing the types of resources and activities that will be made available to workers (i.e. job placement services, resume writing support, job search support, job fairs, etc.). The goal is to have all of the transition plans approved by the end of August. In September, the sites will be ready to communicate their efforts with employees and local stakeholders. The sites have also been asked to work with local economic development organizations in their region.

The biggest workforce impacts are expected to occur at Hanford and Savannah River Site (SRS). DOE headquarters (HQ) is looking into creating a national career center to help small sites and sites that don't have the resources to establish job placement centers. The center will likely be a national electronic system that can be accessed from home computers and will provide the same services that the site centers offer.

Ms. Shelley Cimon, National Liaison for the Hanford Advisory Board (HAB), asked Mr. Jones for a prediction of full-time equivalent (FTE) employee losses at Hanford in September 2011.

Mr. Jones responded that Hanford has had great successes under the Recovery Act and was able to save approximately 300 prime contractor jobs at the site in 2009. Generally, the focus for job placement assistance is on prime contractor employees, but Hanford has recruited over 1000 additional employees. There will be around a 1300-1600 FTE losses at Hanford in September 2010. Hanford ARRA projects have utilized a significant sub-contractor workforce.

Mr. Ralph Phelps, Chair of the Northern New Mexico Citizens' Advisory Board (NNM CAB), stated that many of the sites utilized a local workforce that would have a low interest level in going outside of the state to find new work. He asked if the career center concept would have a local or regional job search function.

Mr. Jones agreed that, for the most part, people are not going to be willing to move across the country for new employment opportunities. EM is hoping to absorb about 1,500 employees into

the base program to backfill the spaces left by annual attrition and the fact that 5% of employees leave each year. Mr. Jones assured the Chairs that EM will seize any opportunity to retain the ARRA workforce at the sites.

Dr. Walter Wegst, Chair of the Community Advisory Board for Nevada Test Site Programs (NTS CAB), asked if it was realistic that EM will spend the remaining \$4 billion in Recovery Act funds over the next year.

Mr. Jones responded that the Recovery Act Program has a spend rate of \$200-250 million each month and by September 30, 2011 will have spent 95% of the \$6 billion. There are 6-8 projects that will continue into 2012 for various reasons. The spend rate was lower during the first 3-6 months of the Recovery Act because of initial launch activities.

### **Congressional Update**

Ms. Shari Davenport, Director for the Office of Communications and External Affairs, reported that Congress is wrapping up until about mid-September and will be out of session within the next week. The major action is that the House Appropriations Subcommittee on Energy and Water Development marked up its budget appropriations bill. The details of the House Appropriation Committee markup have not been released since the bill has not gone to the full committee. The bill is also working its way through the Senate committee process. Ms. Davenport indicated that EM will likely operate under a Continuing Resolution (CR) for the beginning of FY 2011, because the appropriations bill will not be final until the November-December timeframe.

### **FY 2010 Budget Update**

Ms. Connie Flohr from the Office of Budget provided the Chairs with a budget update. With regard to the FY 2010 budget, Ms. Flohr noted that there has been a push to reduce uncosted balances within the Department. Money obligated by the site to the contractors is labeled as uncosted until it is spent and invoiced through the system. In the mind of the DOE Chief Financial Officer (CFO), the time between when the cost is booked, the invoice clears the system and the bill is paid must be minimized. Money that is placed on a contract must have work rendered against it. EM's End-of-year (EOY) FY 2009 uncosted balance was approximately \$1.4 billion, which is about a fifth of the program's total budget. EOY FY 2010 projections reflect a CFO straight-line estimate of approximately \$1.8 billion uncosted. EM disagrees with this estimate and is actively working with our sites to bring in the FY 2010 estimate closer to the official spend plan amount estimated of about \$1.2 billion. The CFO has indicated they may reduce EM's FY 2012 target if EM's FY 2010 balance is above the \$1.2 billion spend plan estimate.

Mr. Ralph Young, Chair-Elect of the Paducah Citizens Advisory Board (CAB), asked if the estimated uncosted balance included ARRA money.

Ms. Flohr responded that the uncosted balanced only referred to base program money. The assumption is that ARRA monies are going to be costed as the timeframe for drawing down ARRA uncosted balances and driving up costs is very time sensitive. It is important that the sites

spend the money because if there is not a decrease in the uncosted balances, it could potentially impact the release of FY 2011 money. The CFO considers anything below \$1 billion to be a manageable amount of uncosted funds for EM. An additional risk is that the yearend uncosted balances will post before the budget is submitted to the CFO. In response the Administration could reduce the amount of money in the FY 2012 request to offset it by some amount of uncosted funds.

Ms. Susan Leckband, Chair of the HAB, asked if the problem was related to the field offices or the contractors or if it was a combination of the two.

Ms. Flohr stated that she believes the issue is with the contractors. About \$400-500 million of the projected uncosted funds are related to construction activities. Those projects have to stay funded at a flat level and are justified. Often times services have been rendered, but the contractors have not gotten their invoices in to the Department. The sites have been approached about contacting the vendors to ensure the submission of timely invoices. It was assumed in FY 2010 that the contractors were having a difficult time completing the ARRA and base work simultaneously and that it could have potentially affected the process. However, the sites confirmed that this that was not the case.

Mr. Phelps asked if some sites had bigger problems with uncosted balances than others.

Ms. Flohr responded that some sites had more issues than others. She did not have the information with her, but agreed to follow up on this request from the Chairs.<sup>1</sup> In some instances, those sites might not receive FY 2011 money until they spend the uncosted money, especially under a CR. When asked if there was a way to incentivize the contractors to complete their paperwork on time, Ms. Flohr noted that the sites attribute the issues to vendor delays. Some items must remain uncosted, she noted. For example, Rocky Flats and Fernald must leave a certain amount of money on the books for the final audit clearance, which could direct further cleanup activities there

### **FY 2011 Budget Update**

Ms. Flohr stated that at this point in the congressional mark-up, only the House and Senate Authorizing committees had marked. Based on that, she indicated that the current House defense-related authorization for the agency is \$5.125 billion, which is less than the President's request. The non-defense proposed authorization is \$245 million (\$20 million above the President's request), and the Decontamination and Decommissioning (D&D) authorization is \$574 million (\$44 million above the President's request).

The current Senate authorization proposal for defense-related activity is \$5.263 billion, which is \$325 million below President's request. The proposed authorization for program direction was increased from its 2010 level to \$355 million. The non-defense proposal is \$244.2 million, \$19 above the President's request and level with the 2010 authorization. The proposed D&D

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<sup>1</sup> As a general rule, headquarters does not provide this information to the public. However, the official DOE financial data is shared by headquarters directly with the sites, and the Chairs can request the data from their respective field sites.

authorization is \$550 million, which is \$180 million below the President's request and does not support the acceleration of D&D at Portsmouth.

Ms. Flohr noted that EM is preparing to operate under a multi-month CR for the beginning of FY 2011. This means that even if an activity was going to ramp down in the FY 2011, it may still be funded under the CR at the FY 2010 level. Ms. Flohr confirmed that once an appropriations bill is signed, it supersedes the CR. She also added that no new work can begin under a CR.

### **FY 2012 Budget Update**

Ms. Flohr reported that there are a few road blocks with regard to the FY 2012 DOE budget request. The draft budget was due to the CFO by August 16, 2010, but many decisions still need to be made at DOE-HQ. Under the original CFO schedule, the final budget was due to OMB on September 13, 2010.<sup>2</sup>

Ms. Patricia Halsey, Federal Coordinator for the Oak Ridge Site-Specific Advisory Board (ORSSAB), asked when the five-year strategic plan would be released.

Ms. Flohr stated that she could not speak to the release of the five-year strategic plan and would provide the Chairs with an answer after consulting with the Office of Strategic Planning and Analysis.<sup>3</sup>

### **Grand Junction Workshop**

Mr. Tony Carter, a program analyst from the Office of Legacy Management (LM), went over the draft agenda for the November 15-18, 2010 Long-Term Surveillance and Maintenance (LTS&M) Conference in Grand Junction, Colorado. The agenda can be viewed at

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<sup>2</sup> As of September 1, 2010, EM had still not received final decisions from the Secretary. EM is aware of the funding profile that the Under Secretary is supporting for EM in FY 2012, and the EM Office of Budget has drafted budget documents that tie to that scenario, which are being reviewed by EM headquarters management and the field sites. The tentative schedule is still to provide budget documents to OMB on September 13, 2010. However, a specific schedule has not been circulated given the uncertainty as to when the Secretary will render final decisions.

<sup>3</sup> After consultation with her management, Ms. Flohr learned that there is no EM/DOE effort underway to develop a formal five-year strategic plan. The Department is currently developing an updated Strategic Plan, but it is not known when that will be released. As part of Ms. Joann Luczak's discussion in Oak Ridge in April, 2010, the EM budget office will issue planning guidance to the field sites to reach out to the Boards in the February/March timeframe to ensure proper time is allowed for the EM SSAB Chairs to engage with each respective site on such critical activities as: strategic planning, budgeting, compliance requirements, and prioritization of site activities. This effort will culminate in the development of site priority lists which include planning out-year profiles for a rolling five-year timeframe. EM is required by the CFO to submit an Integrated Priority List (IPL) to initiate the budget process each FY, and the IPL reflects a five-year strategic plan. Based on the Office of Strategic Planning and Analysis's understanding, this is the five-year strategic plan to which Dr. Triay was referring to in her previous presentation to the Chairs. To this end, EM is aware of and commits to the Chairs to work with them so they are able to participate in the planning and budgeting processes in a manner that allows for more than just a few weeks for such engagement with our sites.

[http://www.lm.doe.gov/ltsm\\_conference/index.htm](http://www.lm.doe.gov/ltsm_conference/index.htm). The conference will feature presentations on a number of topics, including property reuse and renewable energy, continuing mission sites, partnerships with Native American stakeholders, and a stakeholder perspectives panel with EM SSAB representation.

## **Waste Disposition Strategies Update**

Mr. Doug Tonkay, an engineer from the Office of Disposal Operations, provided an overview of highlights from EM's waste disposition activities. EM's Office of Environmental Compliance recently completed a complex-wide assessment to help kick-off the DOE Waste Management Order 435.1 update process. The Complex-Wide Review report is at the printer. The information is being used to update DOE Order 435.1. Teams are working on updating Order 435.1, its Manual and Guidance.

### High-Level Waste (HLW)

EM is continuing to monitor activities of the Blue Ribbon Commission.

### Transuranic (TRU) Waste

Activities have continued at the Waste Isolation Pilot Plant (WIPP); the plant has received approximately 8,800 shipments comprising over 69,000 cubic meters of TRU waste to date. In particular, WIPP is working to obtain a hazardous waste permit from the State of New Mexico and is preparing for upcoming public hearings. WIPP is also awaiting a compliance recertification from the Environmental Protection Agency. Lastly, EM received a certification for the TRUPAC-III shipment container from the Nuclear Regulatory Commission.

### Low-Level and Mixed Low-Level Waste (LLW/MLLW)

DOE received a permit from the Nevada Department of Environmental Protection for construction of a new, fully lined MLLW disposal cell at the NTS. The construction of the cell will begin as soon as approval of budget reprogramming is received from all four Congressional committees. Construction is expected to be completed in December 2010. A RCRA storage permit for Area 5 at NTS has been requested and is being processed by the State of Nevada. The permit will allow MLLW storage during the period between close of the current MLLW disposal facility on November 30, 2010, and start of operations of the new disposal facility.

### Other Nuclear Materials

Proposals are due in response to a Request for Proposals (RFP) for contaminated nickel recycling. The due date was July 28, 2010. A successful bidder must use the declassified and decontaminated nickel in a controlled manner.

The draft Environmental Impact Statement (EIS) for Greater-Than-Class-C (GTCC) waste is in development and will likely be issued in September 2010 for public comment.

Ms. Leckband noted that the draft EIS for GTCC is expected to be released in late September, but she is concerned about the firmness of the release date. She asked what amount of time would be set aside for public comment.

Mr. Tonkay stated that the public comment period is generally 90 days from the release date. He indicated that he would follow-up with the Chairs on timing for public comments.

\*The EIS document manager responded after the call that these considerations would be taken into account. If the draft GTCC EIS is released in September, a 90-day public comment period would be allowed. If the EIS is delayed, a 120 day public comment period will be allowed to account for the holidays.

## **Board Business**

### Discussion of Draft Chairs' Recommendation on Baseline Budget Funding

The draft Chairs' recommendation on baseline budget funding is still under review and awaiting the votes of two local boards. Six boards reported that they approved the letter. The Portsmouth (PORTS) SSAB is scheduled to vote on the letter during its September 2, 2010, meeting. The NTS CAB has decided not to approve the letter. Ms. Nielson stated that the Chairs will need to decide if they would like to move forward without full board approval following the PORTS SSAB's meeting.

Dr. Wegst stated that although a number of members were sympathetic to the idea of retaining jobs under temporary funding, the NTS CAB felt strongly that the letter was asking DOE to make temporary funding permanent, which The board found unrealistic and, given the circumstances of the Recovery Act, an extension of such funding was not something the members could necessarily support.

Mr. Manuel Bettencourt, Chair of the SRS CAB suggested that the letter should be submitted if there are no substantial objections. Ms. Leckband said it appeared that the intent of the letter was misunderstood and recommended that the recommendation be submitted with the approvals already received.

Ms. Nielson stated that the NTS CAB has a month to review the letter and possibly reconsider. She suggested that the board invite the authors of the letter to explain its intent.

Dr. Wegst indicated that the NTS CAB will meet September 1, 2010, and welcomed the authors to send a clarification of the letter.

Ms. Leckband offered to work with the NTS CAB on the clarification.

Ms. Nielson noted that the letter will likely be delivered to Dr. Triay prior to the Chairs' meeting in Santa Fe, New Mexico.

### Fall Chairs' Meeting (Santa Fe)

Mr. Lee Bishop, Co-Deputy Designated Federal Officer for the NNM CAB, reviewed the draft agenda for the September 15-16, 2010, Chairs' meeting in Santa Fe, New Mexico. The meeting will feature presentations from EM senior managers on a number of topics, including ARRA, waste disposition, land use, budget, and an EM program update. A draft agenda was previously

distributed to the Chairs for review. Participants were reminded to submit their boards' Top Three Issues and Accomplishment slides by Friday, August 27, 2010.

Mr. Bishop stated that the agenda would be finalized and distributed shortly.

\*The agenda has been finalized and can be viewed at  
<http://www.em.doe.gov/stakepages/ssabchairsmeetings.aspx#sept2010>

Ms. Nielson reminded the Chairs that if they plan to send recommendations forward at the meeting to please distribute them in advance.

#### Waste Management Conference 2011

Ms. Catherine Brennan, Designated Federal Officer for the EM SSAB, indicated that the session descriptions for the annual Waste Management Conference were structured in a way that, perhaps, made it difficult to envision the EM SSAB as part of the conference. However, the session entitled "Engaging Citizens – Lessons Learned from Around the World" could be applicable to the EM SSAB. The session accepts abstracts on local, national, and international efforts to improve public involvement in radioactive waste projects and programs. In particular, this session welcomes abstracts on demonstrating how feedback and lessons learned have been obtained from stakeholders and how this input has influenced decision making. The deadline for abstracts is August 13, 2010. Those interested in participating should contact Ms. Brennan.

Mr. Phelps asked which Chairs would be attending the Waste Management & Cleanup Decision Makers' Forum at the Amelia Island Plantation on October 12-15, 2010. He confirmed his attendance.

Ms. Leckband and Mr. Murphree confirmed their attendance. Mr. Snyder stated that he would be making his decision shortly.

#### **Around the Complex**

##### Community Advisory Board for Nevada Test Site Programs – Walt Wegst

- No report provided.

##### Oak Ridge Site-Specific Advisory Board – Ron Murphree

- The ORSSAB passed three recommendations during its July 14, 2010, meeting.
- Suggested topics for inclusion on the 2010 LTS&M Conference agenda were sent to DOE-HQ and forwarded to LM.
- A CERCLA five-year review is currently being conducted at the site.
- The board has received one resignation.
- The ORSSAB will hold its annual retreat on August 21, 2010.

##### Paducah Citizens Advisory Board – Ralph Young

- The site has released an ARRA alert on completed projects.
- The site is in the end phases of transitioning cleanup contractors.
- The Paducah CAB's next meeting will be held on September 23, 2010.

#### Portsmouth Site-Specific Advisory Board – Richard Snyder

- The PORTS SSAB membership package was approved.
  - The board welcomed six new members and now consists of 19 members.
- An agenda is being prepared for the board's annual retreat in Columbus, Ohio.
- The PORTS SSAB's next meeting will be held on September 2, 2010.

#### Savannah River Site Citizens Advisory Board – Gerri Flemming

- No recommendations resulted from the SRS CAB's board meeting July 26-27.
- The board will begin a membership drive in mid-August.
- The SRS CAB's next meeting will be held on September 27-28, 2010.

#### Hanford Advisory Board – Susan Leckband

- The HAB passed four recommendations during its June 3-4, 2010, meeting.
- There have recently been two field manager changes at the site.
- The Environmental Management Advisory Board's Tank Waste Subcommittee visited the site.
- The Blue Ribbon Commission visited the site and heard testimony from the HAB Chair, among others.
- The HAB's Chair and Vice Chair met with Daniel Poneman, the Deputy Secretary of Energy.
- The HAB's next meeting will be held on September 9-10, 2010.
  - Individuals from the Tri-Parties and field offices have been invited to speak at the meeting.

#### Idaho National Laboratory Site Environmental Management Citizens Advisory Board – Ceri Chapple

- The INL CAB is drafting safety letters to Dr. Triay.
- The Chair and Vice Chair spoke at a Blue Ribbon Commission subcommittee meeting.
- The board's Top 3 Issues, Activities and Accomplishments were updated at the board's July 13, 2010, meeting.
- The INL CAB's next meeting will be held on September 29, 2010.

#### Northern New Mexico Citizens' Advisory Board – Ralph Phelps

- The NNM CAB continues to plan for the upcoming EM SSAB Chairs' Meeting.
- The board discussed high-level outreach to local pueblos and one recommendation during its July 28, 2010, meeting.
- The NNM CAB's next meeting will be held on September 29, 2010.

#### **Closing Remarks**

Ms. Nielson thanked the participants for their time and adjourned the meeting at 5:00 pm EDT.