

Advocate



Issue 13
February 2002

New Direction for EM Program Budget

The state of the U.S. Department of Energy (DOE) Environmental Management (EM) Program budget might well be summed up in a well-known phrase from Bob Dylan: "The times they are a changing."

DOE Headquarters has issued its "Top-to-Bottom Review" report of the EM Program ordered by Secretary of Energy Abraham last year, and the ramifications are being felt immediately and directly in the structure of the EM budget requested for FY 2003.

The Top-to-Bottom Review proposes a dramatic shift in the way DOE looks at the task of scheduling the cleanup of its contaminated sites, and many of the recommended changes will take some time to implement (see story on Page 10). But within days after releasing the review, DOE Oak Ridge was already working to promote a 2003 budget request that was tailored specifically to transition the EM Program to reflect the new priorities identified.

The review was released to the public on February 4, and just 10 days later DOE Oak Ridge held a meeting to lay out the 2003 budget to the public. The meeting, which was cosponsored by the Site Specific Advisory Board's Environmental Restoration Committee and DOE, was well represented by DOE officials, including DOE Oak Ridge Manager Leah Dever and Assistant Manager Gerald Boyd, who had only recently been appointed to that position and had not yet officially reported to Oak Ridge for work. No mention of the FY 2002 budget was made because negotiations with the Tennessee Department of Environment and Conservation (TDEC) and

EPA are still ongoing over what work will be performed with 2002 funds. Information can be found, though, by looking through published budget materials.

The FY 2002 Budget & Its Milestones

Milestones (deadlines) for submittal of EM Program documents to EPA and TDEC are outlined in Appendix E of the *Federal Facility Agreement for the Oak Ridge Reservation* (FFA) on the web at <http://www.bechteljacobs.com/sra/FFA/ffa-external.htm>. These documents spell out what activities will be undertaken to remediate various contaminated areas of the reservation and how and when that work will be accomplished.

FFA milestones are set on a rolling 3-year basis through negotiations between DOE, TDEC and EPA. DOE's latest proposed FY 2002-2004 milestones were sent to TDEC and EPA on January 15 and are shown on pages 3 and 4.

The effects of the FY 2002 budget allocation and 2003 budget guidance are easy to see. Many projects have been delayed for a year or more. Others have been put on hold. Currently, only 17 of the 37 milestones have been agreed to by the FFA parties.

Delayed work at the East Tennessee Technology Park (ETTP) includes excavation of the K-1070-A burial ground, the Zone 1 Record of Decision (ROD), K-725/K-726 soil removal, and K-770 scrap metal removal. At Oak Ridge National Laboratory (ORNL), postponed projects include work on transuranic waste disposal sites and hydrofracture well plugging and abandonment. Remedial activities at the Molten Salt Reactor Experiment are limited,

continued on page 2

IN THIS ISSUE

TDEC Resists Removal of Mixed TRU from Treatment Plan 5

Will Plans to Close TSCA Incinerator Go Up in Smoke? 6

Report from the SSAB Groundwater Workshop 7

Recent Recommendations and Comments 8

DOE Releases Top-to-Bottom Review 10

New Direction for EM Program Budget *continued from page 1*

and completion of spent nuclear fuel shipments to Idaho have been delayed. At Y-12, no funding is available for West End Mercury Abatement Project.

According to DOE sources, FY 2002 funding at all three DOE Oak Ridge sites is being directed to high-risk or high-priority projects, such as K-25 and K-27, BNFL's K-29/K-31/K-33 task, Melton Valley SWSA 4 projects, and Y-12's Boneyard/Burnyard.

The most important FFA documents are the RODs that spell out the remediation plans agreed to by the three agencies. According to remarks made by EPA's Martha Berry at the January 9 SSAB meeting, the FFA parties were at that time close to signing RODs for Upper East Fork Poplar Creek, Bethel Valley, and ETTP Zone 1 (the area outside the fence).

"The FFA parties have reached agreement on Bethel Valley and Upper East Fork Poplar Creek, and the RODs should be signed in the near future," she said. "The ETTP Zone 1 ROD is in D1 version, and TDEC has already submitted comments. EPA should have theirs in by the end of January."

As of this writing the EPA comments have been received; however, the RODs have not been signed, and the FY 2003 budget request has thrown their future into doubt.

The FY 2003 Budget

According to remarks made by DOE's Bob Sleeman at February's public meeting, the Oak Ridge Reservation received an FY 2002 appropriation of \$389 million. The amount in the 2003 base budget is \$369.4 million or almost \$20 million less.

"The good news," Sleeman said, "is that all our major projects with regulatory drivers are funded. Base funding is down \$20 million from 2002, but we have the opportunity to get additional

funds from the proposed \$800 million Accelerated Cleanup Reform Account that will be administered by DOE Headquarters. If, for example, we got \$60 million of that money, we'll end up being \$40 million over last year, so there's real opportunity for advancement here."

The Accelerated Cleanup Reform Account Sleeman referred to is an innovation DOE Headquarters has proposed as a way to inspire creative thinking at the local DOE offices and encourage the cooperation of regulatory agencies and public stakeholders. Budget requests at almost all DOE sites, not just Oak Ridge, have been reduced for FY 2003, but those sites that come up with new ways to accelerate cleanup, reduce risk and improve costs and schedules will get to augment their budgets with a share of the \$800 million reform account. Monies may be available to sites when agreement is reached with regulators on alternative or expedited cleanup approaches.

Another DOE-Headquarters effort to streamline the EM budget is to shed programs that do not directly support EM's site cleanup mission. The DOE-Wide Environmental/Corporate Services Program, which disposes newly generated waste by organizations such as ORNL science programs, will receive "transitional" funding during FY 2003. After that, these programs will have to budget to have their waste disposed. Technology development projects will also receive scrutiny to make sure they address EM's core cleanup mission.

The major structural change to the budget is that it is now apportioned into five categories (FY 2003 base budget for the Oak Ridge Reservation are shown in parenthesis):

1. Site Closure/Activities with Regulatory Documents (\$114.9M)
 - ORNL Main Plant Surface Impoundments
 - ORNL Burial Grounds
 - Bear Creek Valley Boneyard/Burnyard
 - K-29/K-31/K-33
 - K-25/K-27 D&D
2. Material and Waste Stabilization (\$81.7M)
 - Legacy Mixed Low-level Waste
 - Transuranic Treatment Contract
 - Waste Operations
3. Surveillance & Maintenance Activities (\$130M)
4. DOE-Wide Environmental/Corporate Services (\$18.8M)
5. Other (\$24M)
 - Agreements in Principal
 - Post-Retirement Medical Benefits
 - Reindustrialization

Sleeman says that agreements with the state and EPA that are codified in RODs will be honored but that dates for low-risk activities may have to be renegotiated.

"Revised FFA milestones will reflect an emphasis on high-priority projects and will push out the dates for lower-risk activities," he said. "This is a massive reworking of 2003 projects, and some ongoing projects will be dropped. We will defer some actions in the Bethel Valley ROD, for instance, but they're mostly things that haven't started yet and that may not have an increase in risk to the public or the environment if they are delayed."

Meetings with public, state regulators and EPA are part of the budget roll-out plan, and so far, most people seem willing to give DOE a chance to try something new. No outright objections were heard at the February 14 public meeting, and local DOE officials are cautiously optimistic about the change.

continued on page 9

DOE Proposed FY 2002–2004 Federal Facility Agreement Milestone Changes for the Oak Ridge Reservation
 (Shaded projects have agreed-to milestones. All others are pending.)

Site	Project	Status
ETTP	K-1070-A Contaminated Burial Ground	Remediation is ongoing, but delays in opening EMWMF and insufficient FY 2002 funding will postpone the completion of excavation. The Remedial Action Report will be delayed from October 2002 until November 2003.
	K-1070-C/D G-Pit	Remedial Action Report is due September 2002.
	ETTP Zone 1 ROD	The ETTP Zone 1 ROD is currently in D1 version, but this project is not funded in FY 2002. Limited funding levels received at ETTP in FY 2002 have been directed to the K-25/K-27 building D&D, which is a higher risk hazard than Zone 1.
	K-725/K-726 Soil Removal	Project not funded in FY 2002. A decision on scheduling remediation activities will be negotiated once the Zone 1 ROD is signed.
	K-770 Scrap	Project not funded in FY 2002. A decision on scheduling remediation activities will be negotiated once the Zone 1 ROD is signed.
	K-1085 [Drum Burial Site]	A Removal Action Report is due September 2002.
	Group II Buildings D&D Phase I [Main Plant]	Addressing the fluorine release, classification issues, and additional scope for demolition are not fully funded in FY 2002. The Removal Action Report has been delayed from September 2002 until May 2003.
	Group II Buildings D&D Phase II	Remediation is ongoing, and the scope of the project is being proposed to address one building. The Action Memorandum for Building K-1064 is to be submitted in March 2002.
	K-25/K-27 Building D&D	Asbestos abatement remediation will start in FY 2002. The Removal Action Work Plan for equipment removal is due in June 2004.
	BNFL, Inc. [K-29/K-31/K-33]	Remediation is ongoing.
ORNL Melton Valley ROD Projects	Old Hydrofracture Facility D&D	The Phased Construction Completion Report is due in June 2002.
	Hydrofracture Well Plugging and Abandonment	This project is not funded in FY 2002, and funding is reduced in FY 2003 based on a flat funding scenario. The funding-related schedule delay is not expected to result in any significant impacts to the environment ^g .
	SWSA 4 Small Facilities D&D	The Phased Construction Completion Report is due in February 2002.
	ORNL Burial Grounds [SWSA 4, Including Intermediate Holding Pond]	Remediation is ongoing. Because of the delay in opening EMWMF and partial funding in FY 2002, a Completion Letter for Intermediate Holding Pond soils will be delayed from October 2002 until September 2003.
	New Hydrofracture Facility D&D	Design activities are to be completed in FY 2002. However, there is no funding in FY 2002 to conduct fieldwork ^g .
	Melton Valley Soil & Sediments	This project is not funded in FY 2002 ^g .
ORNL Bethel Valley ROD Projects	Bethel Valley Watershed ROD	A Remedial Design Work Plan will be submitted 30 days after signature of the ROD.
	Bethel Valley Groundwater Action: Deep Groundwater Engineering Studies [Including Core Hole 8]	The Engineering Study Work Plan has been delayed from March 2002 until September 2002. Project initiation was terminated in FY 2001 and delayed in FY 2002 due to a lack of ROD approval. The scope of work has also been expanded to include investigations necessary to establish a path forward for Tank W-1A and associated contaminated soil.
	Inactive Tanks & Pipelines	The project (Gunitite & Associated Tanks Shells) is complete, and the Removal Action Report is due in February 2002.
	Well Plugging & Abandonment	This project is not funded in FY 2002. The funding-related schedule delay is not expected to result in any significant impacts to the environment or critical-path schedule for the Bethel Valley ROD (low priority with respect to risk).
	ORNL Main Plant Surface Impoundments	The Remedial Action Report was delayed from May 2002 until January 2003. The May 2002 milestone could not be met because of equipment and system problems encountered during treatment process startup.
	Metal Recovery Facility	A Removal Action Report is due in July 2002.

DOE Proposed FY 2002–2004 Federal Facility Agreement Milestone Changes for the Oak Ridge Reservation
 (Shaded projects have agreed-to milestones. All others are pending.)

Site	Project	Status
ORNL Other Projects	Transuranic Waste Disposal Sites	This project (retrieving contact-handled solid transuranic waste from SWSA 5 pits and trenches) is not funded in FY 2002, and no funding is projected in FY 2003. The funding-related schedule delay is not expected to result in any significant impacts to the environment or the critical-path schedule for the Melton Valley ROD or impact the current schedule for treatment and disposition regarding the transuranic waste packaging facility. A Remedial Design Report/Remedial Action Work Plan is due in June 2004.
	Spent Nuclear Fuel	Fabrication of the shipping cask basket is to be completed in June 2002. Reduced funding in FY 2002 has delayed the completion of shipments to the Idaho National Engineering and Environmental Laboratory from September 2002 until September 2003.
	Molten Salt Reactor Experiment D&D [Fuel Salt]	Remediation is ongoing, but the scope of work for FY 2002 is limited to facility surveillance and maintenance, fuel salt equipment checkout and testing, initial operator training, and readiness reviews preparation. Limited funding for fuel salt operations in FY 2002 will delay submittal of the Phased Construction Completion Report from August 2003 until August 2004.
Y-12 Plant Bear Creek Valley Watershed ROD Projects	Boneyard/Burnyard	Remediation is ongoing, but a delay in opening EMWMF will delay this project. The Phased Construction Completion Report was delayed from February 2003 until May 2003.
	Burial Ground D Time-Critical Removal Action	The Removal Action Report is due in August 2002.
	S-3 Ponds Pathway 3	This project is not funded in FY 2002. Limited FY 2002 funding was directed to the Boneyard/Burnyard Project, which is higher risk and will provide waste for EMWMF. Technical issues associated with the pre-design study results are also present.
	Disposal Area Remedial Action Solid Storage Facility	This project is not funded in FY 2002. The delay is not expected to allow any significant environmental impacts (the project is a low risk, low site priority).
Y-12 Plant UEFPC Watershed ROD Projects	UEFPC Watershed ROD	A Remedial Design Work Plan will be submitted 30 days after signature of the ROD.
	In-Situ Grouting [Soils 81-10 Area]	Study is ongoing. Funding in FY 2002 is available from the DOE Office of Science and Technology to complete Phase I of project (bench scale). However, the project is expected to be stopped in FY 2003 at target funding levels and because of sequencing to Y-12 modernization efforts. The Treatability Study Report is due February 2004.
	Bldg. 9201-2 Water Treatment System	Remediation is ongoing. A Remedial Design Report/Remedial Action Work Plan will be submitted 9 months after signing the ROD.
	West End Mercury Abatement Horizontal Wells	This project is not funded in FY 2002. FY 2002 funding has been directed to design of the UEFPC Bldg. 9201-2 Water Treatment System, which is the first project to be implemented under the UEFPC ROD. Activities need to be sequenced to Y-12 modernization.
	West End Mercury Abatement Remediation	This project is not funded in FY 2002. Limited funding available in FY 2002, and projected flat funding in FY 2003 and FY 2004 have been directed to fund the UEFPC Bldg. 9201-2 Water Treatment System, which is the first project scheduled to be implemented under the UEFPC ROD. Activities will need to be sequenced to Y-12 Modernization efforts.
	UEFPC Remediation at Line Yard	No longer in UEFPC Phase 1 ROD.
Y-12 Plant EMWMF ROD Projects	EMWMF	The addition of the geobuffer layer pushed construction into winter, resulting in unanticipated weather delays. The Construction Completion Report is due in March 2002.
	Bear Creek Valley Stream Restoration	No candidate sites are available on the Oak Ridge Reservation, and no alternate restoration site has been selected to date. A Stream Restoration Plan is scheduled for May 2004.

^aLimited available funding is being directed toward ongoing efforts at the Old Hydrofracture Facility and SWSA 4 closure. SWSA 4 closure activity is a priority because of the significance of the Intermediate Holding Pond as a source of contamination to the watershed and the need to supply excavated wastes to EMWMF.

BNFL = British Nuclear Fuels, Ltd.
 D&D = decontamination and decommissioning
 EMWMF = Environmental Management Waste Management Facility
 ETPP = East Tennessee Technology Park

ORNL = Oak Ridge National Laboratory
 ROD = Record of Decision
 SWSA = solid waste storage area

TDEC Resists Removal of Mixed TRU from Treatment Plan

Mixed transuranic (TRU) wastes—highly radioactive materials mixed with hazardous chemicals—are some of the most toxic substances with the longest half-lives stored on the DOE's Oak Ridge Reservation.

DOE's annual *Oak Ridge Reservation Site Treatment Plan* (STP) spells out how and when these and other legacy mixed low-level wastes will be disposed. But on October 31, 2001, DOE notified the Tennessee Department of Environment and Conservation (TDEC) that it was removing mixed TRU requirements, including enforceable milestones (deadlines), from the STP. The reason, DOE said, was that this waste is no longer subject to STP requirements because of a statutory change regarding the Waste Isolation Pilot Plant (WIPP) in New Mexico, where the waste is to be disposed.

TDEC responded in a letter to DOE that "Tennessee rejects the proposed deletion of mixed TRU wastes from the STP" and that "Tennessee will fight vigorously to maintain milestones in the STP."

The issue came before the public at the February 13 SSAB meeting, where DOE's Gary Riner and TDEC's Bill Childres discussed their respective agencies' positions.

DOE's Side of the Story

In 1996, Congress amended the WIPP Land Withdrawal Act and established that DOE did not have to treat mixed TRU waste designated for disposal at WIPP to meet the Resource Conservation and Recovery Act (RCRA) restrictions for storage, treatment, and disposal. According to DOE, the Land Withdrawal Act eliminates the need for all DOE sites to treat mixed TRU waste to RCRA

standards prior to disposal at WIPP. From DOE's viewpoint, this means that mixed TRU wastes should not be bound to the STP. The agency says it will dispose of the TRU without a mandate by the state.

As assurance of its commitment to ridding Oak Ridge of TRU wastes, DOE points to its \$197 million firm-fixed price contract with Foster-Wheeler to process all legacy TRU waste on the Oak Ridge Reservation. The processing facility is under construction, and the project is on schedule. According to Riner (and a statement made by DOE's Rod



TRU casks buried at Oak Ridge National Laboratory.

Nelson at the January 9 SSAB meeting), DOE has no plans to slow down the project. Foster-Wheeler is currently scheduled to begin processing of remote-handled TRU in January 2003.

TDEC's Response

TDEC's Bill Childres asserts that DOE is interpreting the Land Withdrawal Act out of context and that it refers only to WIPP and not to requirements at other DOE sites, such as Oak Ridge. The agency also asks why DOE waited 5 years after the act was signed to bring up the issue.

The state further contends that even if it is conceded that there was an intent to remove land disposal restrictions from mixed TRU wastes at places other than WIPP, the amendment does not affect state law and regulations in an authorized hazardous waste program, such as the one in place in Tennessee.

"Tennessee has its own version of the RCRA land ban," says Childres, "and this is the law in Tennessee. There is no indication in the legislative history that shows Congress intended to drastically reduce the state authority over mixed waste found in the Federal Facilities Compliance Act of 1992."

To bolster his case, Childres points out that since enactment of the STP, mixed wastes in Oak Ridge have been reduced by more than 60%. Legacy low-level wastes, which do not have state regulatory milestones, continue to pile up. This leads TDEC to ask if TRU wastes will be disposed of without a regulatory driver.

Dispute Resolution

The state and DOE are in formal dispute resolution over the issue, and STP milestones will remain in effect throughout the process.

The cost to DOE if it loses this battle could be significant. TDEC warned DOE by letter that "While DOE may pursue dispute resolution on this issue, be advised that if such dispute is not ultimately decided in DOE's favor, TDEC intends to assess the maximum penalty available for each day and each event that does not occur as currently provided in the STP." John Owsley, Director of TDEC's DOE Oversight Division, says that penalties could be as high as \$50,000 per week.

Will Plans to Close TSCA Incinerator Go Up in Smoke?

Love it or hate it, the Toxic Substances Control Act (TSCA) Incinerator has played a crucial role in the Department of Energy's Environmental Management Program since the incinerator began operations in April 1991. Now a decision is at hand that will either end incinerator activities or extend them into the future.

Helen Belencan, a program manager for the DOE-Headquarters Office of Integration and Disposition, traveled to Oak Ridge in December to discuss her analysis of DOE complex-wide incineration needs and the pending decision on the planned closure of the incinerator. Ms. Belencan met with 30 members of the public in a meeting sponsored by the SSAB's Waste Management Committee.



Helen Belencan, Low-Level Waste and Mixed Low-Level Waste Program Manager for the DOE-Headquarters Office of Integration and Disposition, discusses her analysis of DOE complex-wide incineration needs and the planned closure of the TSCA Incinerator.

Current plans, said Ms. Belencan, are to end TSCA Incinerator operations in September 2003. A DOE-Headquarters recommendation on whether to continue with that plan or extend operations beyond that is anticipated in the next few weeks.

Ms. Belencan performed her review last year to analyze DOE demand for incineration of low-level radioactive

waste containing PCBs and other hazardous materials and to assess the viability of the commercial sector to meet demand. Her findings were that

1. demand for treatment would continue through 2007,
2. treatment capacity for PCB solids is limited, and
3. commercial sector alternatives for PCB treatment need to be demonstrated.

Commercial outlets for PCB-tainted wastes are not currently available. An Allied Technology Group facility in Richmond would have met treatment requirements, but the company has filed for bankruptcy.

According to Ms. Belencan, the answer to the question of whether to close the

incinerator "isn't glaringly obvious." The key decision factors are numerous:

- How will use of the incinerator satisfy Environmental Management Program priorities?
- How will continued operations fit into other priorities at DOE sites around the complex?
- What other options (especially commercial) are or will be available?
- How much risk is DOE willing to

assume in closing the incinerator given that commercial sector alternatives are not fully developed?

- What wastes could be generated from accelerated decontamination and decommissioning activities across the complex?
- How does the cost of operating the incinerator balance against treating and shipping wastes to commercial facilities?

On a related topic, Ms. Belencan explained that the establishment of the Alternative Technologies to Incineration Committee and the stakeholder forum slated for 2002 are a direct result of the settlement of a lawsuit filed by various environmental advocacy groups determined to stop construction of an incinerator at the Idaho National Engineering and Environmental Laboratory. Settlement of the lawsuit, however, did not change DOE's overall policy about incineration and will not affect the decision to close or extend the life of the TSCA Incinerator.

How Does ORSSAB Weigh In?

Since 1997 the Board has made nine recommendations on various topics related to the incinerator. The latest (see page 8) asks DOE to provide the Board and the public with information about the decision-making process that will be used to determine whether the incinerator will be closed. The recommendation asks that DOE "conduct a comprehensive evaluation of the full life-cycle costs and impacts of all alternatives for DOE complex waste currently baselined for incineration."

The Board has determined that it's prudent to get this information before making any recommendation regarding shutdown of the facility.

As of this writing, no response has been received from DOE Headquarters, and no decision on closure of the incinerator has been issued.

Report from the SSAB Groundwater Workshop

By Luther Gibson, ORSSAB Chair

SSAB members and other interested parties from across the DOE Complex met at the 2002 SSAB Groundwater Workshop in Augusta, Georgia, January 31 - February 2. The workshop was hosted by the Savannah River Site Citizens Advisory Board. ORSSAB members Luther Gibson, Norman Mulvenon, Peery Shaffer, and Kerry Trammell as well as DOE-ORO Project Manager Jason Darby were among the approximately 90 registered workshop participants.

Prior to the workshop, each site submitted a site-specific description of local groundwater issues that were compiled into a briefing book distributed before the workshop. Each site supplemented this material with poster displays. Time for viewing these displays and one-on-one discussions among participants were built into the agenda in lieu of formal presentations on site-specific issues.

The first day of the conference included a tour of the Savannah River Site. The tour highlighted several examples of innovative technologies and monitored natural processes for groundwater cleanup at the site.

The meeting portion of the workshop continued on the second day with a presentation by DOE-Headquarters representative Paul Beam. The presentation included general information related to groundwater, what can happen in contaminant plumes, an overview of applicable regulations and standards, statistical summaries of DOE groundwater remedial strategies, and available information resources. This was by design the only formal presentation on the agenda. Mr. Beam's presentation was followed by a panel discussion designed to give varying perspectives on groundwater issues across the DOE



ORSSAB workshop participants Luther Gibson, Peery Shaffer and Kerry Trammell (left to right) during the poster session. Oak Ridge presented six posters at the session plus handout materials. Jason Darby of DOE-Oak Ridge also helped out during the session to answer questions from workshop participants.

Complex. The five panelists included a DOE manager, an EPA regulator, a state regulator, a contractor, and a stakeholder. Prior to his appointment to ORSSAB in January, Norman Mulvenon was selected to represent the stakeholder viewpoint on this panel.

The remainder of the workshop was designed to develop statements or findings on each of four core topics related to groundwater: (1) communication and public participation, (2) regulatory/decision-making, (3) groundwater technology, and (4) stewardship of groundwater. Preliminary statements were developed in breakout groups. The breakout groups then reported in a plenary session and received feedback. Next each of the local site delegations met to discuss their positions on the initial statements. Finally, the core topic groups refined their statements based on input from the plenary group and site-specific conversations. The final product emerged as two consensus-based statements for each of the four core topics. Plans are to present these statements to local SSABs for endorsement and, if supported, obtain chairs'

signatures at the SSAB chairs meeting scheduled for April 11-13.

ORSSAB Welcomes New Member



Oak Ridge resident Norman Mulvenon was appointed to ORSSAB in January to replace E.W. Seals, who resigned

in December. Norman is retired from EG&G ORTEC, where he held a series of positions in marketing and sales.

He is the current Chairman of the Citizens Advisory Panel of the Local Oversight Committee and a member of the NAACP-Oak Ridge Branch, the League of Women Voters of Oak Ridge, and the Oak Ridge Environmental Justice Committee. Norman holds a B.S. degree in biological sciences.

Recent Recommendations and Comments

Recommendations on the DOE Evaluation of Closure of the Toxic Substances Control Act Incinerator (TSCAI)

A DOE-Headquarters recommendation on whether to continue with the planned closure of TSCAI or potentially extend operations beyond September 2003 is tentatively scheduled for early 2002 (see story on page 6). Following are ORSSAB recommendations on the subject, issued to Jessie Roberson, Assistant Secretary of Energy for Environmental Management.

TSCAI is an important and unique national resource, and decisions regarding its closure will have far-reaching impacts to Oak Ridge and the DOE complex. ORSSAB recommends that DOE conduct a comprehensive evaluation of the full life-cycle costs and impacts of all alternatives for DOE complex waste currently baselined for incineration. Without a formal change in DOE's overall policy toward incineration, ORSSAB believes that a strong argument must be made prior to replacing an available, safe, proven technology. We further request that this evaluation information and analysis be provided to the public and that public input be invited and considered prior to making the final decision. The following topics deserve a full and comprehensive evaluation.

1. Consider the full life cycle costs of any alternatives to TSCAI:
 - Evaluate the total life cycle costs of development, operation, shipping, packaging, disposal, shut down, and decontamination and decommissioning of any new technology that will perform as well or better than TSCAI in comparison to the costs for these functions relative to the operation of TSCAI.
2. Evaluate the feasibility of implementing alternatives to TSCAI:

- Identify the data and criteria showing there is a feasible alternative that will be in place and operating upon the closure of TSCAI. To date, no proven alternative technology is in place.
 - Identify the feasibility of shutting down TSCAI permanently in 2003 and implementing an alternative technology for the short period of time that will remain. There is little currently identified demand for TSCAI past 2005.
3. Fully consider the value of the investment in TSCAI and making full utility of its capabilities:
 - Fully explore the complete capabilities of TSCAI and the cost-effectiveness of using it to its full capabilities and capacity. More than \$40M has been invested in TSCAI to date, and a great deal of effort is being made to renew its permits. TSCAI was designed to process solids, and especially soils, but has never been fully utilized for such. Non-PCB mixed waste is generally not sent to TSCAI, though it can handle these materials as well.
 - Base any conclusion about underutilization of treatment capacity on all facility permit constraints that may limit waste feed rates.
 4. Fully consider the impact of TSCAI on equity issues for the Oak Ridge Reservation:
 - Fully consider the equity issues in ensuring that Oak Ridge wastes can be treated and disposed across the complex in a cost-effective, timely manner as DOE and state regulators balance equity issues.
 5. Fully consider the collateral costs and impacts of closing TSCAI:

- Identify the total collateral costs to the East Tennessee Technology Park of closing TSCAI, including decreased utilization of the utility system, the Central Neutralization Facility, and the steam plant.
- Identify any economic impacts of closing TSCAI on the Oak Ridge community, its workers, and businesses.

Recommendations on Explanations of Significant Difference for CERCLA Records of Decision at the DOE Oak Ridge Reservation

In November 1999, DOE published the Record of Decision for Disposal of Oak Ridge Reservation CERCLA Waste, which presents, as part of the selected remedy for disposal of CERCLA waste, an on-site waste disposal facility [the Environmental Management Waste Management Facility (EMWWMF)]. In that Record of Decision (ROD), classified waste streams were not considered for disposal in EMWWMF.

In May 2001, DOE published the Explanation of Significant Difference from the Remedy in the Record of Decision for Disposal of Oak Ridge Reservation CERCLA Waste. The purpose of the Explanation of Significant Difference (ESD) was to announce that EMWWMF will receive classified waste streams and to provide an explanation of why this change was being made.

During ORSSAB deliberation of the ESD, it came to the attention of the Board that many stakeholders were unaware of this issue as it was being developed. ORSSAB believes that any change in a ROD sufficient to warrant an ESD is also sufficient to warrant reasonable public notification and information. To this end, the Board recommends that DOE take the following actions for all future ESDs.

Recommendations and Comments

continued from page 8

The Oak Ridge Site Specific Advisory Board recommends that DOE seek early public input on potential issues for which an ESD or ROD amendment may become required.

We recommend that DOE provide broad public notification of the intent to prepare an ESD at the earliest possible date so that public issues and concerns can be considered in the preparation of the ESD. This notification should at a minimum include a general notice and specific notification to all stakeholder groups who monitor DOE issues on a regular basis.

We recommend that DOE develop a fact sheet that explains the rationale behind the ESD and the potential impacts on the original decision.

We recommend that DOE provide an opportunity for stakeholders to provide input to the ESD process.

Endorsement of Comments on the DOE-Headquarters Draft *Long-Term Stewardship Strategic Plan*

The purpose of this DOE staff-level document is to outline efforts over the next 5 years to integrate long-term stewardship into existing systems and processes. While the document does not represent DOE policy, it contains seven principles for long-term stewardship, three main goals, and a series of objectives and strategies and measures for each objective. ORSSAB reviewed the document and made the following (abridged) comments.

Overall, we were pleased with the plan and the degree to which it encompasses the many stewardship issues we have raised over the years. We are hopeful that the strong commitment to stewardship expressed in the document will shape future departmental policy and guidance. In particular, we strongly support and look forward to DOE'S plans to address the following

key stewardship needs:

- the need to ensure DOE's strong commitment to and acceptance of the responsibility for long term stewardship
- the need to provide site-specific and long term flexibility in designing and implementing long term stewardship
- the need to pursue and understand alternative funding mechanisms
- the need to develop and implement departmental policies and guidance for long term stewardship
- the need to incorporate long term stewardship into all departmental planning and policies including the DOE mission statement
- the need to integrate long term stewardship into all remediation decision making
- the need to make long term stewardship a part of individual job responsibility and performance measures
- the need to involve stakeholders at all levels of planning and implementation
- the need to plan for the inter-generational nature of long term stewardship
- the need to quantify costs of long term stewardship and conduct life cycle cost estimates
- the need to build long term stewardship considerations into the planning of new activities
- the need to clearly identify long term stewardship roles and responsibilities
- the need to understand and create response capability for remedy failures
- the need to develop appropriate information management systems
- the need to conduct meaningful long term stewardship research.

For complete text of ORSSAB recommendations, see our web site at www.oakridge.doe.gov/em/ssab

EM Budget

continued from page 2

"We're not sure yet about EPA," Sleeman said at the meeting, "but the state has bought into this concept, so we're very lucky in Tennessee. The DOE team in Oak Ridge also likes this approach because it lets you get things done."

The \$800 Million Opportunity

The challenge for Oak Ridge EM leaders is to come up with a way to tap into the \$800 million Accelerated Cleanup Reform Account so that a \$20 million shortfall in 2003 funding is transformed into black ink.

According to DOE, possibilities abound for projects that might fit into the reform account scenario:

- Melton Valley burial grounds
- Low-level waste disposal
- Transuranic waste disposal
- Molten Salt Reactor Experiment fuel salt
- Melton Valley groundwater sources
- Upper East Fork Poplar Creek water treatment plant

The three most likely candidates are Melton Valley burial grounds, low-level waste disposal and process buildings at ETTP. These accelerated projects would start in 2003 and stretch out for as long as necessary to complete them. Sleeman stressed, however, that none of these projects will be funded unless some innovative solutions for speeding up remediation are proposed.

DOE officials are confident that Congress will buy into this new budget approach, and the administration is prepared to support up to an additional \$300 million on top of the \$800 million if such funds are required to successfully reach agreement with the states where DOE cleanup sites are located. But with the start of the 2003 fiscal year still many months away, exactly what will happen with DOE's new approach is anyone's guess.

DOE Releases Its EM Program “Top-to-Bottom Review”

When Secretary of Energy Abraham requested the Top-to-Bottom Review last year, it was “after being presented with the old plan for cleaning up the Department’s Cold War nuclear sites that had a timetable of some 70 years and a cost of \$300 billion,” as he states in a recent memo.

The completed review was released to the public on February 4 and is available on the internet at <http://www.em.doe.gov/index4.html>. The main findings are as follows:

- The manner in which EM develops, solicits, selects and manages many contracts is not focused on accelerating risk reduction and applying innovative approaches to its work.
- EM’s cleanup strategy is not based on comprehensive, coherent, technically supported risk prioritization.

- EM’s internal business processes are not structured to support accelerated risk reduction or to address its current challenge of uncontrolled cost and schedule growth.
- The current EM scope includes activities that are not focused on or supportive of an accelerated, risk-based cleanup and closure mission.

Assistant Secretary Jessie Roberson says in a memo to Secretary Abraham that the results of the review make clear that there is a systemic problem with the way EM has conducted its activities. Since the program began in 1989, more than \$60 billion has been spent without a corresponding reduction in actual risk. “If the program is left on its current path,” she states, “it will never complete its cleanup mission.”

To address these issues, the review recommends four major changes:

1. Improve contract management.
2. Move EM to an accelerated, risk-based cleanup strategy.
3. Align DOE’s internal processes to support an accelerated, risk-based cleanup approach.
4. Realign EM so that its scope is consistent with an accelerated, risk-based cleanup and closure mission.

The review asserts that DOE can quickly implement a number of changes on its own. Others will require close work with Congress, states, communities, and the public.

That DOE takes this issue seriously is made clear in Roberson’s memo to Abraham. “The changes that I envision are not changes in the margin or around the edge, rather it requires a complete retooling and overhaul.”