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**UNITED STATES DEPARTMENT
OF ENERGY
ENVIRONMENTAL MANAGEMENT
ADVISORY BOARD**

PUBLIC MEETING

U.S Department of Energy, Program Review Center
Washington, D.C.

Sponsored by:

**U.S. Department of Energy
Environmental Management
Washington, D.C. 20585**

July 15, 1994

The above-entitled meeting commenced, pursuant to notice, at 9:02 a.m.

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COMMITTEE MEMBERS PRESENT:

Mr. Al Alm, Co-Chair
Dr. Lynn Anspaugh
Mr. Richard Bangart
Mr. Dennis Bechtel
Mr. Barry Breen
Mr. Gerald Christean
Mr. Tim Connor
Ms. Vicky Dastillung
Dr. Fred Donath
Mr. Tim Fields
Ms. Shira Flax
Dr. William Freudenburg
Mr. Ken Korkia
Mr. Ron Kucera
Mr. Jim Lapping
Mr. Tad McCall
Dr. Glenn Paulson
Mr. Ron Ross
Mr. Ben Smith
Dr. Jay Sorenson
Mr. Tom Winston

DEPARTMENT OF ENERGY PARTICIPANTS:

Mr. Thomas P. Grumbly, Assistant Secretary for Environmental Management
Admiral Richard Guimond, Principle Deputy to the Assistant Secretary for Environmental Management
Mr. Glen L. Sjoblom, Designated Federal Official-Environmental Management Advisory Board
Mr. James T. Melillo, Executive Secretary-Environmental Management Advisory Board
Mr. Mark Frei -Office of Waste Management
Ms. Cindy Kelly, Director-Office of Public Accountability
Mr. Jim Werner, Director-Office of Strategic Planning and Analysis
Mr. David de Coursy, Office of Strategic Planning and Analysis
Ms. Jill Lytle, Deputy Assistant Secretary, Office of Waste Management
Mr. James Turni, Office of Environmental Restoration

PUBLIC COMMENTORS (in order of appearance):

Mr. Phil Nigilski-Eichmer, Energy Communities Alliance

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PROCEEDINGS

[9:02 a.m.]

MR. GRUMBLY: Since the group calmed down by itself, thereby saying it was time to start, perhaps we should. Mr. Chairman?

MR. ALM: Let me just welcome everybody. We've got a fairly full agenda. I think the feeling would be that we will talk for the first hour basically about -- Tom will talk about how he sees the future of the Advisory Board. Then, we'll take a break at 10 and begin at 10:20 with -- hopefully at that point in time we can get into the PEIS, since there's an awful lot to talk about.

Other than welcoming everybody, I think I'll turn the meeting over to you, Tom.

MR. GRUMBLY: Okay, thank you, Al. First of all, I want to welcome everybody to Washington during the heat of the summer. We did this on purpose so you would know what everybody here has to go through during the year. What I wanted to do first before we got into the discussion about the future of the committee is just to give you a little update on some of the things we've talked about at previous meetings so that you get a sense of where things are going and talk a little bit about some of the concerns that everybody always has about budget and finance and program.

The first thing I wanted to discuss briefly was where we were going on the FUSRAP program since a lot of what we discussed at the last meeting in St. Louis was about the St. Louis airport site. That discussion or the precedent that was set really by that discussion has been broadened to several other places, and we're really re-looking at the entire structure and strategy of the FUSRAP program, the Formerly Used Sites Remedial Action Program, which essentially deals with a lot of the non-defense sites that we've inherited either by statute or by process from around the country.

To bring you up to date, we will be meeting in St. Louis on the 8th of August with all of the political representatives in the area, as well as with citizen stakeholders to renew the dialogue that was begun at our March 14 meeting to try to come up with -- to begin the process really of coming up with a new strategy for dealing with some of these sites. Once we did that, we heard quickly from our friends in New Jersey at Wayne and Middlesex County, as well as from people in New York at Tonnowanda, so the decision to kind of take a step back and look at all of the on site remedies that we had proposed is one that has really spread to the rest of the country. It's going to be a difficult program, simply because the cost issues that are involved are not trivial. We're dealing with approximately an \$80 million budget to try to deal with several billion dollars worth of clean-up, but there have been some positive developments in the cost of transporting a lot of the materials, the dirt, if you will, contaminated dirt, seems to have come down fairly dramatically over the last few months. I can't really tell you why the marketplace is reacting that way, but it is. So, things that seemed to cost, you know, \$600 million to clean up the site, you know, we may be able to cut that kind of cost in half.

1 Now, that still leaves us with a major shortfall, but nonetheless, it begins to make
2 possible the idea of transporting a lot of the dirt a more feasible option than it seemed to be back
3 then. So, I wanted to let you know that the work that you all did back in March is having a
4 significant impact on that particular program that will go beyond the St. Louis site and to the
5 rest of the country.
6

7 Secondly, with respect to spent fuel, another subject that we've talked about some and
8 that you'll hear more about this afternoon, we did, as I think most of you know, decide in late
9 May that we would, in fact, accept back on an urgent relief basis, fuel from the so-called foreign
10 fuel research program, and that fuel will be coming into the United States late this summer. I
11 regard that as a milestone in this Administration's commitment to be serious about its
12 nonproliferation goals. It's also obviously continuing to force us to think about what are we
13 going to do with this stuff once we get it back, which is, of course, the long term challenge that
14 we face.
15

16 In that regard, again, I think most of you know, we've published a rather extensive draft
17 environmental impact statement a couple of weeks ago, designed to take a look at our overall
18 spent fuel strategy with a particular emphasis on what we're doing with the Navy fuels that have
19 historically gone to Idaho. The Navy continues to have as its preference the current program,
20 but the Department made no preference known on that. We want to take a look at what our
21 alternatives are and hear from the public, and in that respect, we'll be undertaking roughly 18
22 public hearings between July 18th and the end of September, all around the United States to try
23 to get serious public input on whether people think we ought to change our spent fuel storage
24 strategy. So, the whole area of what we do with some of the more -- what I would regard as
25 some of the more urgent risks that we potentially have is an area that's moving forward quite
26 a bit.
27

28 The third area to briefly touch on is the Superfund legislation. Barry Breen maybe would
29 like to chip in on this since EPA has really been kind of the major player on this, but we did,
30 since we last met, I think sort of break a deadlock that was holding up Superfund reform and
31 sent to the Hill a piece of legislation that with really only minor changes, has been reported out
32 of the House Energy and Commerce Committee and is serving as the mark-up vehicle in the
33 Senate.
34

35 We have a particular problem that we're still trying to solve, and that is there are about
36 14 radionuclides that we find at our places, that if we should be forced to a single point estimate
37 of a ten to the negative six risk standard, and the way the statute's evolving is that the EPA, if
38 it were to pass today in its current form, the EPA would have to promulgate a single residual
39 risk standard. We would potentially have some problems distinguishing what we did from
40 background radiation. So, we're continuing to work with the Congress to try to resolve that
41 problem. It's an important problem, but it's probably not one that's going to stand in the way
42 of the legislation being passed.
43

1 A couple of other areas where we've, I think, made significant efforts over the past
2 couple of months is we have a new -- we were able finally to energize our site specific advisory
3 board at Savannah River after several false starts with the lawyers, but I think we finally around
4 the country have several of the site specific advisory boards which operate under this committee,
5 under this committee's charter, at work. Some of them are operating very smoothly or pretty
6 smoothly. I think the one at Fernald seems to be operating quite well. Others are still getting
7 started. Others, the one at Hanford I hear mixed reports about. It doesn't surprise me that there
8 would be quite a variability in how these committees are performing, but our commitment to
9 making these happen certainly isn't going to lag.

10
11 With respect to the budget, we've been through both houses of Congress now, and we
12 await a conference. Our budget proposal was essentially about \$6.25 billion. The House
13 reported out a number of \$6.179, the Senate a number of \$6.129. You know, it will end up
14 somewhere in that vicinity. I would suspect we, with your help, with the help of a lot of the
15 unions, of environmental organizations, of a lot of people around the country, I think in a very
16 tough budget environment -- and let me tell you, the politics of the budgetary process on the Hill
17 have changed dramatically from one in which additions were the norm to one in which
18 subtractions are the norm, are coming out, I believe, of this budget process in a very positive
19 way considering how things are going for other environmental programs, for other pieces of
20 clean-up programs. I think that -- I personally believe that our strategy of trying to take as
21 many economies as we could before we sent the budget up is a strategy that's working. I think
22 we have pretty good credibility with the Congress at the moment, and now we have to sort of
23 deliver on what it is that we say we can do, but I think we're going to escape the '95 budget
24 process in pretty good shape.

25
26 The '96 process promises to be even tougher. The Defense Programs area in the
27 Department of Energy has probably reached its nadir, which is to say there's no more money
28 left to be transferred from the defense side other than the actual facilities themselves. Part of
29 our '96 budget will contain a proposal to transfer the Savannah River site, with the exception
30 of the tritium facilities, which will remain in Defense Programs, to the environmental
31 management program. So, the budget will look inflated because it means there will be another
32 approximately \$800 million added to it. So, you'll probably see a number go into the Hill that
33 will begin with a seven, but one shouldn't be fooled by that since an awful lot of that is simply
34 kind of keeping the facilities in place until we can get to them. People are probably tired of
35 hearing this from people in government, but it's going to be an interesting fall again in the
36 budget process, as we try to move forward.

37
38 Since the Department of Energy really accounts for, you know, well over half of the
39 amount of money that's spent for federal facilities clean-up, many of you know the Office of
40 Management and Budget has taken an interest. Alice Rivlin herself has taken quite an interest
41 in the program. In fact, she'll be visiting Rocky Flats next week along with Katie McGinty.
42 Part of what we're doing is producing for her, in response to a request or a commitment that
43 she really made to Senator Glenn last year, will be producing the beginning of what we're

1 calling a baseline environmental assessment. I can't even remember what it's called, but we call
2 it the BEMR around here --the Baseline Environmental Management Report.

3
4 We will be sending those numbers over to the OMB within the next month or so. You
5 know, without getting into the specifics, I think we're going to have to struggle with how to
6 present those numbers in a way that makes the program seem hopeful rather than hopeless
7 because there is, you know, the numbers are going to be larger than anybody's seen so far. So,
8 I think we have a real challenge to, you know, take a look at our long run strategy. In that
9 regard, you know, I'm prepared to say right now that in case anybody missed it, that this just
10 can't be a 30-year program. We need to stop thinking about dealing with the nuclear weapons
11 sites in a 30-year time frame and readjust that time frame, given both the fiscal and technology
12 realities that we all face.

13
14 Now, having said that, how we reconstruct a vision or construct a vision for this that
15 makes sense and how we decide what it is we want to buy with the money that the taxpayers
16 want to give us is I think something that we'll need to struggle with over the next year or so.
17 I think those are -- on a site specific basis, several notable things which you may have read
18 about in the newspapers. We are in re-negotiations of our cleanup agreement at Rocky Flats,
19 having reached what's known in the legal trade is a tolling agreement. With respect to the old
20 agreement, we were hopelessly behind on a number of milestones in the existing agreement at
21 Rocky Flats. I mean, the agreement -- I think us, EPA and Colorado all agree that the current
22 agreement is really broken, and in order to be able to bridge us from one to another, I think we
23 needed to do what we did, which was step up to the plate and acknowledge the problems.
24 We've agreed to pay a substantial fine, as well as provide some funds to both EPA and to the
25 State of Colorado for their use so that we can get on with renegotiating the agreement.

26
27 We also finally reached a labor agreement at Rocky Flats last week, which included as
28 part of it something that I think is really a breakthrough and that we're going to have to do at
29 a lot of other sites, and that is the establishment of a tripartite counsel between us, the labor
30 unions, and the contractors to make major savings over time in how we do business and in
31 return for that, to share some of those savings with our workers as we go forward. We need
32 to do this as a partnership, and I think what we've done at Rocky Flats can potentially set an
33 example for how we do business with the people who have and will work on our sites over a
34 long period of time.

35
36 Many of you know we held the Hanford Summit II in June that the Secretary attended,
37 at which we received what I sort of regard as kind of a mixed report card, a sort of like nice
38 try but keep going. You know, I think we took the message back that we need to accelerate our
39 cleanup efforts at Hanford and continue to involve people in a broader way. I think it was an
40 important milestone in demonstrating that we could deliver on some of our promises.

41
42 Then finally, I guess, and something that's pretty near and dear to my heart is, many of
43 you may have seen that last week we announced a major change in the way we do business with
44 respect to our contractors. We're recompeting some \$28 billion worth of our contracts. In one

1 day, we announced more recompetitions than the Energy Department had done in the previous
2 20 years. I think this is -- you know, this is not recompetition for the hell of it. It's recom-
3 petition to try to achieve the kind of cost effectiveness with our contractors that we need to have
4 to broaden the net so that we have people who are experts in the environmental business have
5 the opportunity to come in and specialize in the areas that they know how to do. It's a signal
6 to the people who are currently working in our system that they have to get better quicker, and
7 it's a real opportunity, I think, to change the way in which DOE does business. So, between
8 now and the end of the first part of the Clinton Administration, pretty much most of the major
9 Environmental Management contracts will be recompeted and either new or current contractors
10 selected, depending up the quality of the proposals.

11
12 So, it hasn't been a boring few months since we met before, in really all of the areas
13 where we have priorities, ranging from the urgent risk to the safety areas to the cost areas, the
14 cost of doing business, how we deal with stakeholders, the R&D area, everything has been kind
15 of moving forward I think. Maybe I should stop there and see if there are any comments on any
16 of the items.

17
18 MS. FLAX: Tom, I'm just wondering, later in the day when we have the presentation
19 on the spent fuel, if you could please ask your staff to go into more detail about the Navy?

20
21 MR. GRUMBLY: Sure.

22
23 MS. FLAX: Because that's -- we saw storage facilities in INEL and I think that's
24 something of great interest to the committee. The second thing is that, as Cindy probably
25 knows, when she makes her presentation about community involvement, members of the
26 community involvement subcommittee would like to join her and give you at least our thoughts
27 on what we have observed.

28
29 MR. GRUMBLY: Sure.

30
31 MS. FLAX: The third thing is, you mentioned the Superfund provision. If I would
32 wave a magic wand, I would have wished that this board would have been able to join you in
33 trying to figure out a solution to that problem. That's a very hard sell to the public, to say that
34 you're unable to meet a certain risk level. It communicates to them that you are not
35 intentionally, but one unintended consequence is a greater risk to their health because the cleanup
36 will be at a lower risk level.

37
38 MR. GRUMBLY: Right.

39
40 MS. FLAX: In the future, if you feel that we could be of assistance to you, please feel
41 free to call.

42
43 MR. GRUMBLY: Okay. I mean, I'll tell you the problem. The problem happened is
44 one of those typical Washington things where an issue had to come to closure in 48 hours if we

1 were going to have any chance at a bill at all, and to be honest, we were asked within the
2 Administration whether we could agree to a change in our original proposal, which was to keep
3 the risk range that current exists in Superfund. We said, in the interests of moving Superfund
4 reform forward, which I think is a very important thing to do, we said absolutely, as long as we
5 could continue to be bound by the regs that EPA was putting out under the Atomic Energy Act.
6 One problem that occurred in that process was that some people thought that meant that we were
7 trying to continue to self regulate in this area, which we have absolutely no intention of doing.
8 So, that provision was taken out, thereby leaving us in this kind of very difficult situation.
9

10 I will tell you that the proposal that we came up with originally is a proposal that we
11 developed jointly between us and the National Resources Defense Council, that they believed
12 dealt both effectively and honestly with the problem, which is to say, you know, there are some
13 -- we have some problems that are more in the realm of the loss of physics than they have to
14 do with policy, and we're still struggling about how to work ourselves through that problem.
15 So, I'm happy to discuss it at length. I suspect that Superfund will still be on the table the next
16 time we all meet, but I think we need to, you know, we need to try to work our way through
17 that particular issue.
18

19 MS. FLAX: I'm sorry, there's just one other thing, just St. Louis. Thank you very
20 much for sending us Pat Whitfield's memos, and we really appreciate having a copy of Tim
21 Fields' letter.
22

23 MR. GRUMBLY: Right.
24

25 MS. FLAX: Tell me, what have -- Pat Whitfield's memo mentions, or rather your
26 memo, mentions that you intended to have a workshop in St. Louis in May and June to get the
27 views of the --
28

29 MR. GRUMBLY: Yeah, and we weren't able to crystalize that with all the political
30 people that we wanted to have attend that. As a result, we're having it in August. It's a matter
31 of trying to get all the right people at the table so that we can discuss the issue of what we're
32 going to do at St. Louis, with clear knowledge of everybody who's going to have to participate
33 in not simply the cleanup decision but the decision about how to fund the cleanup decision that's
34 involved there. So, we want to be sure that the members of Congress, the members of Senate,
35 or at least their staff people, could all come, as well as people from the local community and,
36 you know, as these things go, it's taken us awhile to get that together, but it hasn't been because
37 of the lack of diligence on our part.
38

39 MR. KUCERA: Tom, I would say we appreciate the extra time, too. The state was in
40 a situation at the end of the legislative session, difficult EPA issues for the Governor to handle.
41 This is far better for us, and David Shorr will be able to attend, whereas before he probably
42 would not have been able.
43

1 MR. GRUMBLY: I think we have a real opportunity to change the direction of the
2 program, and we have three or four sites, you know, not just in St. Louis but in New Jersey and
3 in New York, where we have the opportunity to make some real changes, too, but it's not going
4 to be easy. I mean, my colleague, Admiral Guimond, who's going to be joining us, is kind of
5 in the point on this as the most creative person that we have working with our own folks about
6 how to solve these kinds of problems, but you know, it was clear that the policy of just con-
7 taining things on site is not a policy that is going to fly, for reasons that go way beyond the
8 scientific and technical. So, we're going to have to refigure it.

9
10 There are some short term things that we're doing in response to Tim's letter in St.
11 Louis, but you know, I really think the whole program needs to be re-thought, which we're
12 happy to do. A couple of more minutes, and then we'll need to move on.

13
14 MR. BANGART: There was a lot of reaction, if not criticism, related to the decision
15 for where the point of entry would be for the import of the highly enriched foreign spent fuel.
16 Do you have any comments about whether there are any lessons learned or how you're dealing
17 with criticisms about the safety analysis, transport studies, and all of that?

18
19 MR. GRUMBLY: Well, I think I'm going to let Mark Frei this afternoon get into that
20 in depth. I mean, I certainly, from my vantage point, the opportunity to narrow the problem
21 by bringing the fuel in through a military port, which was presented to us really by the Sierra
22 Club -- I mean, they were the first people to put that option on the table -- was something that
23 really helped us work through the problem. The transportation issues are interesting. I mean,
24 we were originally going to transport all the materials by truck, and we're told in no uncertain
25 terms by the local community that they preferred the use of the rail lines over the roads. I
26 guess, you know, it's a complicated regulatory system, and I know that our people have
27 continued to work with transportation officials in North Carolina and South Carolina to make
28 sure this goes smoothly.

29
30 So, to the extent that we need to make sure that we're consulting with everybody along
31 the transportation paths, I suppose that's a lesson learned. The biggest lesson that I learned from
32 this, and it's one that I hope that our colleagues in the State Department learned, is that you
33 can't make foreign policy without adequate domestic policy, and we need to explain better to
34 people why we think this is important to our nonproliferation ends. Actually, I think that as we
35 got better at that, that the political environment, certainly in North Carolina, you know, while
36 nobody likes having the stuff be brought in, it really improved quite a bit.

37
38 MR. BANGART: The impression that I received from the comments was that the states
39 had not been involved by DOE, at least to the extent that they would have liked earlier on in the
40 process. Is there a legitimacy to that concern that was expressed?

41
42 MR. GRUMBLY: Well, you know -- I don't know, I think I'll let Mark talk to that.
43 I'm not trying to avoid it. It's just that that's, you know, from my vantage point, we worked
44 very hard with the people not only here in Washington but the people in the governors' offices

1 of the states to make sure that they understood what we were doing. Now, we may not have
2 done as good a job as we should have with the transportation officials and the people in the
3 various state agencies, and that may very well be a lesson learned, but you know, personally,
4 when I hear that, I think geez, you know, we really consulted these people to death on this, but
5 it may be that -- you know, I'm not criticizing people for saying that we didn't consult enough.
6 You can't consult too much on these kinds of things, so I'm sure there is a lesson there. I
7 mean, the biggest problem that I'm grappling with now, assuming that we can actually take back
8 this first fuel was, you know, what do we do with the other 15,000 fuel rods. You know, that's
9 a serious problem that we're going to have to confront over the next year.

10
11 MR. CHRISTIAN: I want to preface my comments to you by saying to you that they're
12 offered more out of a sense of frustration than they are a sense of criticism. I honestly think
13 that the Department spends far too much time on big five-year plans, 30-year plans, and you
14 mentioned that --

15
16 MR. GRUMBLY: I don't spent any time of five-year plans.

17
18 MR. CHRISTEAN: Yeah, I know, but --

19
20 MR. GRUMBLY: You'll probably criticize me for that, too.

21
22 MR. CHRISTEAN: No, no, no, I wouldn't at all. What I'm saying, Tom, is that the
23 point I'd like to make or I'm trying desperately to make, is that the Department goes through
24 a lot of effort and enterprise and spends a lot of money, but I think they have not convinced the
25 public that they're making progress and that DOE is much different, much better than other
26 public agencies, which I think you probably would agree with me that the taxpayer out there
27 doesn't have a high opinion of how business is taken care of. What I'm suggesting is that, if
28 that can be accepted as being of value, is that we need to have positive, absolutely incontrovert-
29 ible evidence of progress, and equally important, it needs to get out to the public. They need
30 to understand that we made some progress finally. We did this.

31
32 Now, I know that's a hell of a lot easier said than done, but I believe it's absolutely
33 indispensable, particularly, and you touched on it, the difficult budgetary problems that you
34 have. If the Department of Energy can't convince the public, and the public who elects those
35 representatives and Senators, that the money spent is spent well and we're making some
36 progress, it's all going to go to hell on us. So, I would just say to you that if -- and I don't
37 know how much focus the Department has on let's get some things done and let's get the hell
38 the story out there. Sure, we've got a lot of things that are undone, and we're not going to be
39 able to get it all done, and we sure as hell can't get it done as quickly as we'd like to, but I
40 guess what I'm talking about is a little more focused public relations program.

41
42 MR. GRUMBLY: Well, Jerry, I think in the big picture you're right, of course. The
43 public needs to know what we're accomplishing. Actually, you know, I have to tell you, and
44 admittedly it's an inside the Beltway perspective, I think that we've done a lot better over the

1 last year in conveying to members of Congress through the work that people like Jim Werner
2 and Cindy Kelly have done in producing what was really an outstanding document, which I think
3 maybe you've seen on sort of what I would call as the lay person's EM budget to convey to
4 people what, in fact, we're accomplishing. I think our strategic plan has some very specific
5 objectives, which we are achieving.
6

7 I think the Hanford Summit was a major opportunity for us to demonstrate to people what
8 we're accomplishing and what's left to be accomplished. I mean, I don't mean to sound
9 defensive about this, but -- and I agree with your overall point, but you know, I think that we,
10 in fact, are making some progress on the ground. I think one of the big issues, to be frank with
11 you, is progress at what cost is a big issue in this town at the moment, that there is a real debate
12 that needs to be had about how fast we really ought to undertake this cleanup so that we don't
13 have a situation where, you know, a word gives you what you want. You know, he gives you
14 progress, but progress at such an expensive rate that we rob the R&D budgets that we need to
15 have.
16

17 I don't disagree with the general point that you're making, that we need to continue to
18 do a better job at getting our message out and that, you know, and the fact that you, as a
19 member of this committee, you know, don't feel that we're doing that is something that we need
20 to take very seriously. So, I hear you. Jay?
21

22 DR. SORENSON: Three quick points that perhaps should come up later, but I'm curious
23 on your point about the breaking the deadlock on Superfund legislation. There are provisions
24 in there that they're on the advisory boards, the composition, the structure, that they will apply
25 statute and perhaps --
26

27 MR. GRUMBLY: You mean to the local --
28

29 DR. SORENSON: That's right.
30

31 MR. GRUMBLY: A piece of the legislation that was really built on the model that
32 Sherry Goodman from Defense and myself basically pushed into --
33

34 DR. SORENSON: Will we be able to, if the advisory boards that are up and running
35 have a different structure and a budget other than is required in the Superfund reauthorization
36 language, you would not anticipate much of a problem? In other words, I can go back and
37 explain to some of the people who are asking this question what the implications are?
38

39 MR. GRUMBLY: Well, I'm not a lawyer, but as I recall, the way the legislation is
40 drafted, it shouldn't be a problem for any of the committees that we have at the moment.
41 Indeed, I think what we're going to be -- what I'm sure EPA is going to be looking towards is
42 the experience, not only that we're having and that DOD is having, but they're having
43 themselves, to try to structure the local citizens boards in a way that makes the most sense. So,
44 far from trying to cut off whatever we're doing, I think they're going to try to learn from it,

1 which means that all the people who are involved in the site specific boards are going to have
2 an opportunity really to get some input into how EPA sets this up nationwide.
3

4 DR. SORENSON: Two other quick points, and perhaps it will be a discussion under
5 spent fuels, but there is a European GATT subcommittee that at this point is attempting to
6 challenge some of the consultation provisions of our NPT treaty on the grounds that they are a
7 restraint of trade, and what they're attempting to do is open up a market and reprocessing. It's
8 the equivalent of the problem we had when we tried to protect the dolphins being caught in drift
9 nets, and we passed a law saying processed tuna could not come into the United States, and the
10 GATT trade committee brought that to court, and we lost on that. I think this is a question that
11 we may really need to look into because it will have a major bearing on the treaty and then
12 perhaps the whole requirement to continue to meet our obligations and import fuel; so I think
13 that's a question I'd like to raise later.
14

15 I guess the third and final point bears both on what Jerry and Shira were saying, and that
16 is I think this committee would like to be part of the great debate and help you out because
17 you've been doing a lot for the last couple of months. I think we can help you both with other
18 organizations and with the public. I think that the promise of the possibility for doing just that
19 is there.
20

21 MR. GRUMBLY: I think that's right. Anybody else?
22

23 DR. PAULSON: I don't know if this question is quite timely, Tom, but I know that Ms.
24 Silveria has appointed a commission identifying Galvin to look at the future. From the cleanup
25 program's perspective, you've got Oak Ridge National Lab, INEL and arguably PNL, where
26 there's an intersection between the new program and the traditional national labs. Are there any
27 observations or comments you can make at this time about that, or is the Galvin commission too
28 early in its work for there to be --
29

30 MR. GRUMBLY: Well, they're really just getting into it, and in fact, we've just kind
31 of finally gotten them focused on environmental technology as one of the areas that they really
32 want to look into. So, I think that there will be some focus on the role of the labs in what we
33 do. I mean, I'll tell you, one of my major concerns about the role of the labs in what we do
34 is how much it costs to do business with them. So, I think that's an issue that we're going to
35 have to investigate quite thoroughly.
36

37 I think the overall exploration of where environmental technology is going in this area
38 is one that a lot of people are interested in, including the Galvin Commission, but going beyond.
39 The National Science and Technology Council, which is this Administration's kind of substitute
40 for -- what was the name of the old set of things that OSTP had to fix it -- is focusing in a major
41 way on where environmental technology is going, both from the perspective of prevention as
42 well as from the perspective of clean-up. I expect that's going to have implications for our
43 program.
44

1 As many of you know, the CBO wrote a report recently based, I think in many respects,
2 on old information, but nonetheless, in which one of their major recommendations was that we
3 ought to invest more in R&D than we do now, which is a recommendation that I, in principle,
4 believe in. I think we ought to be investing 10 percent of this program's money in R&D.
5 That's a very difficult thing to do in the current budget environment. So, we've got organization
6 issues around R&D, we've got whether the labs ought to be doing it versus the private sector,
7 we've got the allocation issues. All in all, I think the whole technology issue is going to be a
8 very active area of inquiry through the fall of this year because there is real focus on it.

9
10 DR. PAULSON: This board has always been a strong supporter of the Office of
11 Technology Development since its very beginning, and I just raise the possibility there may be
12 some way to take advantage of that historic interest and having this board communicate in some
13 way with the Galvin Commission on this, specifically clean up the search activities.

14
15 MR. GRUMBLY: I think that would be fine. I think we can discuss how that can
16 transpire. I think these things tend to operate in different orbits. There's no question about that.
17 So, creating the right linkages is something that we need to investigate.

18
19 If we can, I'd like to move along to the first issue, first item, and that is really kind of
20 the structure of this committee. I want to tell you how excited I am about the opportunity to
21 continue to kind of transform this committee into a major way for us to do business, not only
22 to consult but to really kind of get the kind of involvement in our activities that, you know, goes
23 beyond meeting once every quarter for one or two days to make things happen. I think all of
24 you got a memorandum from me on June 30 that laid out kind of some of the specifics of the
25 idea, but I wanted to kind of let you know where we were going on this.

26
27 I guess the first thing to say is that the model that we're using is a model that is not
28 unlike -- in fact, it's modeled upon the EPA Science Advisory Board. That is to say that we
29 want to move from a single standing committee that attempts in an ad hoc way to put itself into
30 subcommittees and to try to kind of deal with a lot of things at once, to a structure that has, first
31 of all, some significant staff resources underneath it so that we can actually staff the committee's
32 work in a serious way, which is not to in any way be critical of Glen or Jim, but we need to
33 supplement them with some more expertise so that we can really analyze some of the issues that
34 you bring up and provide to you the kind of information that we need.

35
36 We think we want to move to an executive committee model that has some of the people
37 who are currently on this committee plus others, particularly people who can help us deal inside
38 the Washington political environment and who have the kind of long term experience dealing
39 with the Congress and other institutions in this city so that we can get what we need and get the
40 message out, as you indicated; that we have subcommittees that will specialize over time in
41 particular areas, hopefully in areas of all of your individual interests so that those subcommittees
42 can come together, with the executive committee and can work alongside the programs; between
43 these meetings, to actually provide the kind of advice -- which is not to say that we'll always
44 agree with that advice, but to provide the kind of advice that we need to have in order to do this

1 program on a regular basis, which is to say, to really staff this committee and organize it in a
2 way so that it can truly become the kind of group of directors that we'd like it to be.

3
4 I mean, I'm not satisfied with a situation in which we get together once every quarter and
5 in which Shira or Jerry can legitimately raise questions about whether you all have been
6 adequately involved when we really haven't had the staff resources to get people involved and
7 where you all really don't have the opportunity to specialize in some of the issues in a way
8 where you can really make meaningful continuing input to what we do.

9
10 So, we saw the opportunity of the original terms of the people on this committee running
11 out as an opportunity to kind of make the change to a new way of doing business. Where we're
12 going in that respect is the following at this point. First of all, everybody who wants to be on
13 this committee will be reappointed to the committee for another term of 18 to 24 months. I
14 forget exactly what the term is, but whatever the same term was, we'll do it again. In addition
15 to that, we are going to appoint some new members to the committee who are fundamentally
16 people that a lot of people that I've had the opportunity, that Al and Doug have had the
17 opportunity to deal with over a period of time, that will broaden the committee out, make it
18 more diverse, will provide us with the opportunity to broaden and deepen the kind of advice that
19 we can get, and I wanted to give you the names of some of the people that we're going to
20 appoint. We're not through the process at the moment, but all the people that I'm going to tell
21 you about are people that have accepted appointment to the committees beginning in September
22 as we go forward.

23
24 Besides Al and Doug, they include John Ahearne, former chairman of the Nuclear
25 Regulatory Commission and currently executive director of Sigma Xi; Dr. Darrell Banks -- I
26 don't know if many of you know him. He was the director of technology in the environment
27 program at the World Resources Institute; Ms. Jody Bernstein, who was vice president for ethics
28 and environmental relations at WMX Technologies and former general counsel of both HHS and
29 EPA; Barry Breen, ex-officio appointment from the EPA; Brian Costner, director of the Energy
30 Research Foundation in South Carolina; Judy Espinoza, who is the cabinet secretary for these
31 affairs for the New Mexico Environmental Department; Tim Fields, who will continue to be
32 with us ex-officio; Dr. Norman Frances, who is the president of Xavier University; Dr. Don
33 Kennedy, professor of biological sciences and former president of Stanford University; Dr. Glen
34 Paulson, research professor, Illinois Institute of Technology; Ms. Mary Rivlin, the director of
35 the Washington Department of Ecology; Dr. Bernard Goldstein, former assistant administrator
36 of EPA for research and development and professor at Rutgers University; and Mr. Ben Smith
37 from the governor's planning office of the state of Tennessee. We also have offers out to other
38 people in the union community and the Native American community to try to broaden again and
39 deepen the number of people who are involved.

40
41 So, these folks plus you will constitute the executive committee as well as the
42 subcommittees of this advisory board. Everybody is going to get an opportunity to sign up for
43 at least two of the subcommittees to participate in, and we have a list of those subcommittees.
44 I think that by taking these actions, that we'll be able to really kind of dramatically enhance the

1 number of folks that we have involved. I also missed one, Dr. Judy Arreen, who is dean of the
2 Georgetown University Law School. So, by doing this, we're bringing in more women, we're
3 bringing in more African Americans, more Hispanic Americans, we're continuing to kind of
4 play with the allocation of folks, but all in the interest of trying to get to a committee, and
5 executive committee, as well as a set of subcommittees, that can really assist us in the work that
6 we need to do, plus building a staff that we need to have. I think by going in this direction,
7 we're going to really -- there are tremendous opportunities for us to move ahead and to use, you
8 know, a tremendous set of input from all of you, as well as from other distinguished Americans
9 who can help us move it all forward in this program.

10
11 Why don't I stop there and see if there are questions about how we're proceeding?
12 Vicky?

13
14 MS. DASTILLUNG: I'm going to be very frank about this. While the change in the
15 committee structure and the people you're proposing might be fine ideas, the fact that this
16 committee was not consulted before all of this was decided makes me angry and then sad
17 because it seems that we talked to you about when you put your co-chairs up and you just
18 announced to us these are your new co-chairs that we'd like to be consulted with future changes,
19 and obviously this hasn't occurred. If you expect people in the field to consult with the public
20 and the stakeholders in the processes and you yourself don't do it with your own committee, it's
21 not a good role model.

22
23 MR. GRUMBLY: I think that, you know, I have the responsibility -- I hear what you're
24 saying, first of all. I hear the argument. What I'm trying to do here is to transform a
25 committee that I find to be useful but not as useful to us in terms of making policy as I think
26 it could be into something that, you know, helps me undertake what we all know are very
27 serious responsibilities on a daily basis. You know, I have the responsibility to try to structure
28 this committee, particularly given the expiration of the appointments in a way that, you know,
29 I think is going to be best suited to running the program and to giving me the kind of advice that
30 my colleagues and I need to have. So, I hear what you're saying but I don't quite understand
31 how broadening the committee, how adding other people who I believe will be helpful to me in
32 any way denigrates or downs the folks who are currently on the committee.

33
34 MS. DASTILLUNG: I'm not arguing that. I think that changing the committee and
35 adding people is fine. It's how you did it. It's that you didn't consult with this committee on
36 gee, we're thinking about making these changes, what's your input about this and what are some
37 names that you might want to throw in the pot to be added to the committee. It's the lack of
38 consulting with the committee on the changes, not that we're trying to take away your decision
39 making. It's your committee, but the process --

40
41 MR. GRUMBLY: Okay, I hear that as a criticism. I can accept that. I don't agree with
42 it in total. I mean, I think it would have been quite easy for me to basically, just if we'd wanted
43 to is to just let the terms of all the people on the committee run out and reappoint new people.
44

1 MS. DASTILLUNG: It might have been preferable.
2

3 MR. GRUMBLY: Well, I don't think so, because I think that, you know, all of you
4 have spent a lot of time and effort, and you have to do what you think is right.
5

6 MR. CONNOR: Just to follow on what Vicky said, I think the problem there is that this
7 committee was assembled under markedly different circumstances than the ones that you've had
8 to cope with. It was paramount first of all for this committee to assert its independence from
9 the Department and establish a set of ground rules with the Department given the way the
10 committee was assembled and the way certain groups and people were excluded from the
11 committee. Like it or not, we have that history, and that history is borne from that initial
12 experience which, although involved membership selection, also had to do with the way we
13 would define our independence from the Department in order to have the credibility as to the
14 committee, and by extension the credibility as individuals who serve on the committee. I think
15 that's really our sense of what the crisis, for those of us who are on the committee, it almost
16 would have been better to dissolve us and start over with a new slate and to ignore the
17 experience that we've had. We have really worked hard to try to reach an arrangement that
18 would involve us in sharing the agenda setting, having some input into a new membership in
19 order to stay in tune with our constituencies and find others that might be served.
20

21 I certainly cannot criticize, and I don't intend to criticize the effort to broaden the
22 committee. I mean, it wasn't that long ago I said this is what we ought to do. The committee
23 needs to look more like America. I mean, we need to be more diverse, but given the particular
24 history of this committee, I think it's tragic. I think it would almost have been better to let the
25 appointments expire. I think you deserve the right to put your imprint on this committee. It's
26 not something that you had any hand in appointing and certainly you need a committee that can
27 serve your needs. That's understandable. What I'm trying to deal with is the history that we've
28 acquired under I think everyone would agree, were regrettable circumstances, under the Bush
29 Administration, to try to define ourselves and independent and autonomous. So, we're really
30 stuck with those words, and I'm feeling somewhat embarrassed by the way this has happened.
31 While I certainly understand the motivation, I wish it would have been done differently.
32

33 MR. ALM: Jerry?
34

35 MR. CHRISTEAN: Tom, I don't believe -- you said you heard what Vicky said, and
36 then you said but I don't agree with it. That's an incredible statement for you to make because
37 all she said was you didn't consult with us, and that's a fact, but how could you disagree with
38 that fact?
39

40 MR. GRUMBLY: Well, she said some other things, too.
41

42 MR. CHRISTEAN: Let me say this to you, the first time we ever met with you, we
43 were informed that we were the board of directors.
44

1 MR. GRUMBLY: The Environmental Management Advisory Board.

2
3 MR. CHRISTEAN: Yeah, board of directors to you.

4
5 MR. GRUMBLY: Right.

6
7 MR. CHRISTEAN: You were the CEO. I don't know whether you said that or not, but
8 I sort of felt like that was kind of the relationship. Damn, since you've been the CEO, this
9 board hasn't had a hell of a lot to say about how things are done, and listen, I support you. I
10 think you're a hell of a -- I think you're doing a hell of a good job, and I don't want you to get
11 the impression I do not. I can prove that, I believe, but consultation is not your long suit.
12 There's been just a ton of decisions made, and I tell you something, too, Tom, if you think I'm
13 just by myself in my opinion of this, I think that I could get some votes for my position. So I
14 just -- we're your friends. Jesus, meetings are called, meetings are cancelled, this is done, that's
15 done, you're going to get this person, you're going to get or double your board. I mean, if
16 there's consultation going on, I would really like to have you point it out to me because I don't
17 think so. So, I'm done talking.

18
19 MR. GRUMBLY: I heard you.

20
21 MR. ALM: Ron?

22
23 MR. KUCERA: I think I'm on a slightly different topic, so I defer to whoever else has
24 their card up.

25
26 MR. GRUMBLY: Sure. I think Shira had her card up.

27
28 MS. FLAX: I would just like to make a proposal, and that is that we go almost -- I feel
29 that there is a place where the board's vision of this body and your vision can meet, and I think
30 unfortunately, Tom, I want to say that Vicky's statement is shared by many people, but I would
31 just like to go beyond that and just say that what I think we could do is maybe take a step
32 backwards, and for you to talk about your vision and what you need from this board and for us
33 to talk about what we would like to see, and then for us to -- I think that there are things in the
34 charter, the proposed charter, that provide a meeting ground for the things that you would like
35 to see and the things we would like to do for you.

36
37 That's just my proposal, that we take a step back and we discuss some basic things.

38
39 MR. GRUMBLY: I think that's a good idea. Why don't we get some other comments.

40
41 MR. KUCERA: This is a little bit different issue, but it does deal with the effectiveness
42 of the board and the subcommittees of the board. The community health and worker safety
43 group had a couple of issues we were working on, and I, as co-chair, was working with some
44 of the staff to try and look into the issue of DOE orders which we initially felt needed some

1 scrutiny, and we thought we might be able to come up with some fairly clear findings and then
2 some recommendations that might actually be helpful to you in the direction of how to remedy
3 what appeared to be some confusion and possibly some confusion that costs DOE money in the
4 carrying out of orders. Along with that has safety implications for workers and the communi-
5 ties.
6

7 We posed some questions to the staff. The staff, -- and this is no dig at them at all --
8 they went about the business of trying to get the answers and came back with some answers.
9 They were trying to be very responsive, and we started moving in the one direction toward
10 arriving at a conclusion about some orders. Just as we were about -- I was feeling confident that
11 I really had some understanding of what was going on with the orders, in the hallway back at
12 my office I ran into one of my attorneys, and he said have you ever gotten all those answers
13 about those DOE orders. I said yeah, except I'm still questioning about one of them. I left
14 town for about a couple of weeks, and I come back later and find out he's made some inquiries
15 and gotten a totally different set of answers. I think he called into DOE as an attorney. He
16 happens to work for me but he's with the assistant --
17

18 MR. GRUMBLY: Who did he call?
19

20 MR. KUCERA: I don't know where, but he's an assistant attorney general for the state
21 of Missouri, and I guess maybe what happened is that some bells and whistles went off because
22 there was an assistant AG, of which there are hundreds. They all go by assistant AG, and it
23 makes them look like they're the direct assistant to the elected Attorney General, but he was just
24 the guy down the hall that I met in the hall and posed this question.
25

26 When I got a different answer, I felt like the rug had been pulled out from under me.
27 I thought well, geez, I can't move forward with a conclusion on this because I got two different
28 answers here. Anyway, to bring this to the point, I think that if the board is going to continue
29 to operate and you're trying to make it more effective and provide more staff, the rest of the
30 Department, when questions are made, they're going to have to be responsive to the staff in a
31 serious manner. I think in this case maybe they weren't taking our questions as seriously, not
32 the staff directly working for the committee, but staff out in the agency.
33

34 MR. GRUMBLY: Well, I think this is like the whole point of trying to bolster the
35 support that we can give to this committee, are two things. One, so that things like this don't
36 happen, so that there are adequate communications inside the staff of the Department on issues
37 that are of substance to the committee. Two, that there can be a degree of specialization on the
38 issues that people are interested in so we really are working kind of hand in glove -- people on
39 the advisory committee, our staff, and letting our staff be the conduit to the right people inside
40 DOE to get the answers. You know, calling a lawyer here, calling a staff person here, it's not
41 surprising to me that you would get different answers since the only way in which you get the
42 policy of the Department is for us to bring together the general counsel, the environmental
43 management folks, the folks in Tara O'Toole's shop, so that we can respond as a corporate
44 entity.

1 MR. KUCERA: We weren't asking for policy, though. We were simply asking about
2 the availability of documents. It was a matter of fact that we were -- my point was that I think
3 the work of the board and the staff that are being responsive to the board's questions needs to
4 be taken very seriously by the Department. Otherwise, we will have an underlying uncertainty
5 about our conclusions.

6
7 MR. GRUMBLY: I agree with that.

8
9 MR. ALM: I think Dick, you're next.

10
11 MR. BANGART: I just want to go over a little bit more the history of frustration that
12 this committee has had and be sure that again, you have the full appreciation of where we've
13 been. We recognized I think maybe as early on as the first meeting that the group was having
14 difficulty getting focused. Your staff recognized that, we all recognized that, and for a period
15 of time that lasted through several meetings, we finally got to the point where we thought we
16 were getting focused. We'd identified some topics, formed some committees, had some
17 additional committees to focus on, and we were just at the point where we thought we were
18 getting some focus and direction and starting to implement that direction that we'd finally agreed
19 to. Then six, nine months ago, we were remodeled somewhat and directed more along the lines
20 of the visions that you brought to the Department, and that was great. I think there was
21 agreement that those were valid directions to head in.

22
23 There has been since that redirection a sense of uncertainty really as to what we're
24 supposed to be doing. We had the lingering direction from our early efforts where we thought
25 we were going to still had some additional committee formation to do and issues to tackle, and
26 that never quite came to fruition. We've got to start on some of the issues that you identified,
27 but I don't think we really are up to speed at all to deal with those issues in any crisp manner,
28 as you point out.

29
30 So, I would urge you, and I share the concerns that have been expressed about the
31 process and how we've got to the point we are today, but for God's sake, wherever this
32 committee's going, let's do it quick so we don't now incur another six months, nine months of
33 additional delay before it really gets focused in its efforts. So, however painful and however
34 many discussions we have throughout the day to get through this and perhaps some further input
35 from us, I urge us as a committee and you as the Department to move forward quickly.

36
37 MR. GRUMBLY: I agree with that, and we want to try to discuss the subcommittee
38 structure as soon as possible because anything on the specific issues we are not trying to cut off
39 discussion of any of the important issues but rather get focused. Tim, you talked about vision
40 a little bit, and Shira. If I could take a minute just to try to struggle with you together about
41 where we're going, you know, together with the Secretary. I mean, we have the responsibility
42 here to try to move a program that is larger than several of the major cabinet departments of the
43 United States government at this point. If we have a budget that's in excess of \$7 billion, that
44 will be a budget that is nearly 70 percent of the total Department of Energy set of resources.

1 Really, all I'm trying to do, and what I'm trying to do in a rapid fashion, and probably
2 too rapidly and probably without enough consultation, or as Dick said, without any consultation
3 -- you're right about that, you are. I acknowledge that -- is to dramatically enhance the
4 capability of this committee to provide the kind of continuing advice on the serious matters that
5 confront this thing as this program moved from being a \$250 million a year program to one that
6 has major, major resources of the federal government thrown at it. That means that it has to
7 be better staffed, better focused, broader in scope with people who specifically specialize in
8 particular areas with some additional people who bring the kind of experience of having been
9 in the national policy making process on a regular basis into this -- not in competition with what
10 any of you bring to bear upon this but as a way to try to deal with the panoply of problems that
11 we have to grapple with, with range from issues that go all the way from issues that involve the
12 President of the United States to issues that involve real citizens, real people at our sites. I have
13 to have -- we have to have the kind of advice and the kind of staff that can adequately deal with
14 that.

15
16 That's really the vision. The vision is to try to move this from a sidecar organization
17 that was an independent, autonomous entity that Leo Duffy, frankly, couldn't have given two
18 shits about, pardon me, excuse me, to something that really is a respected and major piece of
19 how we govern this institution along with the 535 board of directors that I have to deal with on
20 a regular basis. So, what we're doing here in no way, in my view, has anything to do with
21 either personally or institutionally downgrading but really kind of energizing an institution and
22 kind of trying to inform that with enough resources and strength to make it be really a major
23 piece of how we do business. End of sermon.

24
25 MR. BANGART: I would love to see this committee have the same stature as EPA's
26 Science Advisory Board. We clearly I don't think have that now, but I would like to ask one
27 last question. In looking at the charter, the new charter and the model of the Science Advisory
28 Board, there is a major difference, at least as I see it. In large part, the Science Advisory Board
29 is more directed at what I would call hard technical issues and the kind of issues that we have,
30 which is kind of a mix of technical, quasi-technical, but very much a large degree of public
31 policy is on our plate as well. Did you think through the differences in the kinds of topics that
32 the two committees deal with in arriving at the conclusion that that model was the best one to
33 follow?

34
35 MR. GRUMBLY: Well, we tried to. Whether we've done it successfully you'll have
36 to judge for yourself, but maybe the best way to do that is to show you sort of the panoply of
37 subcommittees that we're thinking about because I think we are thinking of moving, at least on
38 the margin, not eliminating any of the broad policy issues that we've been dealing with but
39 moving into some more of the specific technical areas as well, where we can get the kind of
40 advice that we need to have. I mean, I want to be sure that everybody gets a chance to express
41 their unhappiness or whatever about this and see if we can't move on with some kind of solution
42 to that. I mean, I'm committed to moving forward. I don't want to see -- I don't want to, if
43 I possibly can, get wrapped up in a six month period of time where we are sort of debating the
44 future of the committee. To be honest, I guess that was one of my fears in this, is that we

1 would spend so much time debating the future of the committee, we would end up not expanding
2 and providing the advice that I need to have from all of you.

3
4 You know, Tim, what you said before is very enlightening to me, which you know, I'll
5 confess, perhaps I didn't take into account because I didn't know as much about it, which is the
6 kind of almost adversarial history with which this thing got started. Christ, that's the opposite
7 of what I want to have. I want to have a group of people supported by adequate professional
8 staff who have the time and the energy to specialize in some areas and also come back to us and
9 give us the kind of real advice that we need. I mean, I'll be honest with you, I don't need any
10 more criticism. I get plenty of that. I get plenty of it from everybody who's in the states. I
11 get plenty of it from everybody who's on the Hill. What I need is people working together to
12 give me advice about how to move forward, about how to present our accomplishments in a way
13 that makes the most sense, alright? I need this committee to move from independent watchdogs
14 to advisors, all right?

15
16 DR. FREUDENBURG: May I suggest that if the last thing you want is an adversarial
17 relationship, then you try hard to avoid making it more adversarial. I've had my card up and
18 down a half dozen times because I'm really very angry, and I've learned that in general I
19 shouldn't speak when I'm very angry. I finally decided that the anger is frankly part of what
20 you need to hear today. Why am I angry? There are two things at least that I dislike a great
21 deal. One is wasting my time. The second is being given promises that turn out to be
22 meaningless.

23
24 We had new chairs announced. They're excellent people, but they were just announced.
25 The committee I thought expressed a good deal of consternation at that time, and you said I hear
26 you. I believe you said I'll try to do better. The PEIS that we've spent a great deal of time on
27 and that we rearranged our schedules 48 times to comment on suddenly turned into vapor.
28 Now, we've just had a new announcement, that congratulations, you're changed again.

29
30 I guess a third reason it's so irritating is that frankly, it's very clear that you are no
31 slouch at least seeming to work with people, at least seeming to be a good team player. In this
32 case, it would have been so easy for you to work with us, or at least to seem to. I mean, we've
33 talked about the importance of diversity. We've talked about subcommittee structure. We've
34 talked about our terms expiring. It wouldn't have taken much effort, particularly for a fellow
35 with your skills, to say based on your advice about subcommittee's diversity, you know,
36 expanding, changing the committee, you know, these are the changes that we would like to
37 make. You probably would have wasted less time doing it that way and actually talking with
38 us a little bit than just sort of announcing it.

39
40 These new people you're talking about, the ones I know, which is about half of them,
41 are very good people. The directions that I believe you want to go are quite valid and are ones
42 that I support, but given how often we've started to change our focus in the way that we've
43 believed would respond to DOE needs, only to see that purpose vaporize, I certainly hope these
44 new directions don't vaporize as well.

1 MR. ALM: I think Tom, you were next.

2
3 MR. WINSTON: I, for one, would be open to any change that increases the
4 effectiveness of the group. I personally have a fairly high level of frustration prior to this
5 announcement coming about the effectiveness of this committee. I think some of that may be
6 our own fault, but I think a significant amount of that is the lack of consultation that several
7 speakers have mentioned ahead of time. I would be more optimistic if I was convinced that the
8 new setup would increase the effectiveness of the group and the willingness of the Department
9 to consult and to listen and really share that decision making.

10
11 Part of me says maybe it's the makeup of the group that has kept you from doing that
12 to the degree possible, but I was struck when Jerry was saying that maybe that's not the nature
13 of the Department, and as I look at not only this organization but when the states and tribes get
14 together, I've been very frustrated at the inability of DOE to let those organizations share in the
15 path that organization will take. Despite the rhetoric in this Administration of openness and
16 tearing down the barriers, my experience in some of these groups tell me something different,
17 that we are here to serve DOE. I guess maybe that's not a fair way to say it, but that's kind of
18 what I'm feeling right now.

19
20 I guess I would like to at least put on the table that the Department needs to look very
21 closely at itself and EM has to look closely at itself as to whether you intend to treat these
22 groups with an air of independence, that there is some independence. Maybe take a look at the
23 history of this group over the last year. We have not really been able to set our own agenda.
24 We had identified several areas that we felt were important, such as looking at the Atomic
25 Energy Act. If that wasn't important to the Department, it just sort of mysteriously disappeared
26 off the table.

27
28 So, I guess if I was convinced that the Department was going to act differently with the
29 new group, and maybe it was just a question of who the players are and how we structure it,
30 I would be more optimistic. I think that at least I'm seeing a pattern of sort of, as I said, the
31 committees are here for the benefit of DOE rather than sort of a shared agenda, shared purpose,
32 and some degree of independence that gives credibility to the Department and to the groups.

33
34 MR. GRUMBLY: So what do I need to do to persuade you?

35
36 MR. WINSTON: Well, I guess the big problem that we have is that I sort of feel like
37 I'm out there being whipsawed with kind of each new whim, you know, and I want to play with
38 the Department. I want to be as helpful as I can be. I don't want to be a naysayer and I don't
39 want to be someone who says I like the status quo because I haven't liked the status quo. I've
40 been very critical to many of the members about what I look at as the ineffectiveness of this
41 group. I also then left with the impression that we could change ourselves several different
42 ways, and I'm not sure that we're going to necessarily change our impact on the Department.
43 I mean, maybe we could turn ourselves into a group that's more effective at lobbying your
44 agenda on the Hill and being used in purposes that may help you in many ways, but I'm not sure

1 that was the reason that this committee was created, and you're probably right that Leo probably
2 could care less if we fell off the face of the earth.

3
4 At the same time, I think all of us entered into this with the feeling that we could make
5 a difference in the Department's activities, and I've been left very, very unsatisfied about the
6 impact I, as an individual, or collectively that this organization has had on any material direction
7 that the Department's taken. I guess we need to get at that issue more than maybe just the
8 makeup of the group. If it's just the makeup of the group, I would be glad to go back to Ohio
9 and I'll see you on a lot of other issues, so this isn't my only opportunity to deal with you, but
10 I don't think that's the sole issues.

11
12 MR. GRUMBLY: It's also not the point.

13
14 MR. ALM: I was going to make one comment, and hopefully in a fairly neutral way.
15 I've served on all kinds of boards, commissions, the Academy as a veteran. My sense is that
16 the groups that work are the ones that have real expertise, really come to consensus in some
17 issue and bring it through the system. A lot of you are raising the question, how does this board
18 become effective. I think it becomes effective by becoming much stronger in the areas of
19 specific expertise, having a stronger staff support, and also becomes much more open. You
20 know, the question is, you can't ignore a subcommittee that's done a lot of work. You can
21 ignore a comment at a meeting. Meetings come and go. I think that that's kind of the question
22 Shira was getting to. You know, can you get an agenda of activities that will result in
23 meaningful advice to the Department because once you unleash such a study and has the
24 momentum of coming to term -- like in the SAB case, you presumably have to react to it. You
25 don't have to react to a comment in a meeting. I guess that's what I meant. If you are thinking
26 about effectiveness, maybe the committee kind of structure is really what we ought to focus on.

27
28 MR. CONNOR: Yeah, I think I speak for many of us. We went through a very
29 laborious process just to do that. I mean, we brought in a facilitator. We realized -- we went
30 through the self examination of why we were wasting so much damn time and the things that
31 we had to do to get better. It's part of the evolution from where we started. I would like to see
32 these changes addressed in the context of where we've been. I think one real life option is the
33 disbandment of the committee. I mean, Tom, you want somebody that's going to work with the
34 Department. You're entitled to that vision. This committee was not created in that atmosphere,
35 and that issue has to be addressed along with the experience that we've had since that time in
36 order to make a transition to where you want to go. The proposal does not address that. It's
37 not a proposal. I mean, the past does not address that experience.

38
39 MR. GRUMBLY: Well, I guess I'm -- you know, it's interesting. In the year that I've
40 had the opportunity to work with you and come to know some of you -- I admit I don't know
41 everybody on this committee very well -- I think everybody who's here makes a very effective
42 contribution in areas where they know specific things. So, I guess in my own thought process,
43 the notion of sort of disbanding and not giving the people who want to continue with this the
44 opportunity to continue with us was not an option because I felt, quite honestly, that I would be

1 losing a lot of expertise, and also that that would be taken, if I were in your shoes, as gee, he
2 doesn't think that we're very important. That's the opposite from how I think about this. I
3 mean, I'll plead guilty at the moment. I mean, when so many people have the same view, I'll
4 plead guilty to the lack of consultation issue at this point. I was listening to Bill's talk about this
5 and saying yeah, Bill's right. I should have said, I should have just taken your advice and told
6 you something.

7
8 DR. FREUDENBURG: You're so good at that, Tom. You could have pulled it off.

9
10 MR. GRUMBLY: We all fear that when we have ideas and when we have a vision about
11 what the change needs to be and when I have so little time -- I mean, I only have two-and-a-half
12 years left maximum before either my energy level runs out or before there's another change in
13 this, that I need to get on with the vision of advice and counsel that I have as opposed to
14 oversight. You know, I think, Tim, maybe you're right. I mean, I certainly want to re-appoint
15 everybody who wants to be re-appointed if people are willing to kind of buy on to the new
16 vision. I'm willing to continue to discuss the evolution of the vision, but I feel frustrated
17 probably for different reasons, but you know, I was actually identifying with what a lot of what
18 Tom was saying in terms of how do we create linkages with the outside world that are
19 adequately staffed where people feel like they really are participating, where we're developing
20 documents that are coming to us for a decision, and frankly, I haven't felt that the board, in the
21 way that it was originally set up, was appropriately staffed or peopled to be able to do that.

22
23 MS. FLAX: But, Tom, if you had said that to us, even as far back as December when
24 you said you wanted us to be a board of directors to you, I think what you would have found
25 is a lot of concurrence. I think simply, if we had heard from you more -- this is like a drastic
26 change. This is not -- if we had heard from you more why you wanted to go from no longer
27 convening board meetings to just going into a subcommittee structure and why you felt that was
28 more effective for the work, I think you would have found a lot of agreement with you. I also
29 think that we would prefer to -- I would prefer to modify the emphasis on the subcommittee
30 slightly, and I don't want to talk about that now, but what I'm saying is you would have found
31 a lot of concurrence.

32
33 MR. ALM: Fred?

34
35 DR. DONATH: Most of the comments here have dealt with the two aspects of
36 objectives and procedures. The board has spoken mostly for procedures and you've been
37 speaking objectives. I think I'd be very surprised if we didn't all strongly support your
38 objectives and what you're trying to accomplish, although you seem to be in agreement that you
39 don't like the procedures.

40
41 I think that with regard to the objectives, there is something that involves procedure also,
42 but there's something that has been kind of overlooked here. My experience is much like Al's,
43 having served on a large number of boards and advisory groups. I find, too, that the most
44 effective ones are those that have strong, high level of expertise and a broad range of

1 perspectives. You have a group sitting here that has a high level of expertise and a broad range
2 of perspectives, and you're looking to have a still broader range which you need for the sorts
3 of issues that have to be dealt with, but you didn't take advantage of our expertise and our
4 networks to give you advice and direction of how you might further expand and deepen that
5 expertise and range of perspectives.
6

7 I can only speak very specifically, of course, of my own area of expertise. This latest
8 report of the National Academy on groundwater cleanup certainly indicates that difficulties lie
9 ahead, the uncertainties that are there, and the need to have individuals who can look at those
10 uncertainties and give guidance as to how they're going to be dealt with. Others have already
11 spoken to our interest and concern about research and development, the OTD and so forth, and
12 I haven't recognized in any of the names that have been thrown out, people who -- and that
13 might just be my lack of awareness of their involvement, but people who will bring to the table
14 some of the expertise and some of the perspectives that are going to be required, and I guess
15 here, one needs to recognize that you're dealing with a set of immediate problems and a set of
16 long range issues and problems that you might not have to personally deal with.
17

18 This board spent a lot of time in sorting out issues and areas that need to be addressed,
19 both in the short term and the long term, and it seems to me that process could be a very
20 effective one to utilize in the further development of where you want to go. We could sort out
21 what things you need to deal with immediately, what expertise is required, who's there, what's
22 missing.
23

24 MR. GRUMBLY: Can I try to just address this a little bit? If we can get into the
25 structure and functioning and even selection of what the particular subcommittees might be, first
26 again, playing out the EPA model, which I believe is really the best one in the government in
27 this area, I would certainly see, as people select, for example, and as we decide what
28 subcommittees we want to have and we see the opportunity for -- we see gaps in membership
29 and expertise, that we have the folks who, you know, decide say that you want to be on a
30 research and development subcommittee or groundwater, let's have four or five other people
31 who join us for the duration of what the specific tasks are that we want to have who have the
32 kind of expertise that's necessary to truly make a contribution in that area to come on for a
33 specific period of time, either as invitees to that subcommittee or as permanent members of the
34 board.
35

36 I mean, one of the great strengths as we get more into some of the technical policy issues
37 of this kind of framework is the way to add people on a continuing basis to help us accomplish
38 the tasks --
39

40 DR. DONATH: I don't think anybody is arguing with you on that, Tom. The point that
41 I'm making, and I don't think it's been stated before, is that you could have benefitted from
42 these individuals around the table in helping you to identify others to either serve as members
43 of the full committee or on the subcommittees, the latter being a little bit premature, but the
44 form is certainly important.

1 MR. GRUMBLY: I hear you. Ken?

2
3 MR. KORKIA: I'll start out by saying I'm a very accepting person. I'm disappointed
4 I guess in the fact that, you know, that this board was originally, if you think back, you know,
5 was people were nominated to be a part of this process from all across the country. So, you
6 wouldn't expect that from someone like Leo Duffy. You would expect him to be someone to
7 appoint people. I guess there are some interesting paradox there.

8
9 MR. GRUMBLY: I'm willing to work with everybody. I just want a few choices of my
10 own.

11
12 MR. KORKIA: I think that the changes that I see here in terms of what you're trying
13 to say are very positive things to do, and so I say, you know, you've made the decision now.
14 I think that we should go forward, and I for one, am going to be accepting of what you've done.

15
16 In terms of how we operate, and I've had experience now in working on DOE issues for
17 the past four years, and so I've seen that there are a lot of people who have become experts at
18 criticizing the Department of Energy, and there was this tower of stone called DOE which
19 people have been chipping at for the past four years that I've looked at. So, I have to wonder,
20 there must be a time, though when people have to stop. You know, how small do you want to
21 make these little pieces of rubble that you have in this pile. I would really like to see people
22 become more experts and be more experienced in building up DOE again. So, I think that we're
23 at the crossroads now, and it's time to stop pounding and making the pieces smaller because I
24 think there is a time now when we can start building it up. I would like to really have that to
25 be the focus of where we're going as an organization.

26
27 Then I look at the -- since I'm an accepting person and let the wind blow many ways,
28 I've seen in the last four years there's been a lot of winds of change in DOE. There's this
29 program which comes on this month, which is the most important thing we've going to do, and
30 then the next month it's going to be something else. So, there's been a lot of back and forth of
31 the winds blowing, so I said, you know, make sure that you can establish a framework or a
32 foundation on which we can work and make sure that these are the important things because now
33 we have the BEMR project is going to be the most important thing, and then out of another
34 nationalized exercise is with the Consortium for Environmental Risk Evaluation, another report
35 that you have to write on risk evaluation that's going to have a nationwide focus. There's all
36 these projects that come out, five year plans and you know, it's hard to get excited about things
37 any more when you think that they may disappear in a year. So, set some firm foundations for
38 us so that we have something that we're working on today that is going to be here in another
39 year.

40
41 MR. GRUMBLY: Let me try to make a suggestion because it's obviously important that
42 we try to come to some kind of closure on all of the criticism, some of which I accept as
43 legitimate criticism, all of which I accept as legitimate criticism, some of which I even agree
44 with. That is to try to maybe find a way in September to have -- I don't know, for lack of a

1 better term, retreat, where we could all get together, where everybody who decides they want
2 to still continue to play, can potentially get together for a serious period of time with some of
3 the new people that I would propose to bring on, and see if we can't really kind of sort out an
4 agenda together without any preconceived notions of what's going to be on the table about how
5 we can go forward, path forward, a kind of a meeting that's different from the kind of structured
6 subcommittee meetings that we -- or structured committee meetings like this where basically,
7 you know, we're all spending our time sort of doing station identification, and I hear the
8 frustration and even the anger that a lot of people have.

9
10 I guess what I'm offering or suggesting is potentially the opportunity where we can sort
11 of come together as a group, now that we are through, and we will be through the change. I
12 mean, I'm not saying we won't continue to add people on the subcommittees. I think we will
13 on this, but you know, the last thing that I want is a group of people to think that we are trying
14 to shut people out of DOE, that we don't care what you think. That's not true. I mean, I admit
15 that I'm an impatient person, and perhaps I'm out a little bit of my headlights here because I
16 only have, you know, two years, six months, and four days left to make the kind of changes so
17 that this place can't go back to the way that it was.

18
19 I'd like to work together with you to do that, and I'm totally willing to consider other
20 kinds of changes, but I guess I'd like to see if we could find a way to -- and I guess I'm picking
21 up on your idea, but in a way that I don't think we can do in a half an hour discussion or even
22 an hour discussion in a meeting, to try to kind of pull this back together and move forward.

23
24 MS. FLAX: Can I just add to that, that -- first of all, thank you very much. Thank you,
25 that you've come to that feeling, and if I could just add onto that. I would like to suggest that
26 we form a working group that in the interim between now and September that this board meet
27 with a designated staff person to work with you on our vision together of how to make this
28 board more effective, how the subcommittee structure will work. I have a personal thing where
29 I feel that occasionally the full board should meet.

30
31 MR. GRUMBLY: Yeah, I agree.

32
33 MS. FLAX: So, I would just like to propose that we consider forming a working group
34 that will take a survey of this board and that will work with your staff to make a report back to
35 you and to the full board in the September retreat.

36
37 MR. GRUMBLY: I saw some body language over here with Tom.

38
39 MR. WINSTON: Well, I don't know, if we're going to have a retreat, which I think
40 is a wonderful idea, and it's a very hopeful suggestion that you put on the table, Tom, I'm not
41 sure how much input we're going to have ahead of that time. I think we ought to go into the
42 room with an open mind. I think more than structure of the committee, I mean, I'm more
43 interested in things like -- I want to leave that retreat, if I'm there, with a very clear
44 understanding of what you expect out of us, out of the committee, and what we can count on

1 from you. I think that's actually more important from my vantage point than from the kind of
2 organizational arrangement.

3
4 MR. GRUMBLY: We need a bonding experience. I mean that in a serious way.

5
6 MR. WINSTON: I agree, but I think right now we have an expectation from you that
7 you either don't feel comfortable with or have not dealt with that that was something you needed
8 to comply with. We have a different expectation of how we will be treated as a committee, and
9 you may have some very good reasons why, from timing, a whole range of issues about
10 constraints in which you can't work with us in the way in which we -- we need to get those on
11 the table and talk about those. So, I guess I'm afraid if we have a working group that starts to
12 look at an array of structures, we're not getting at what I think is the fundamental issue of what
13 are we about and what commitments are we going to make one to another as to how we're going
14 to treat each other.

15
16 MR. GRUMBLY: Let me just see if I can bring that together. It seems to me one thing
17 that you'd need a working group to do is to survey people about all right, what should be the
18 fundamental subjects for discussion.

19
20 MR. WINSTON: That's fine.

21
22 MR. GRUMBLY: All right.

23
24 MR. WINSTON: That's fine.

25
26 MR. GRUMBLY: I mean, I will say that I feel committed to one, having an effective
27 committee that deals with the serious policy as well as policy/technical issues that we have to
28 deal with, that I believe that it needs to have the kind of structure overall that I've laid out. I
29 mean, in general, which is not to say that we can't mess with it around the edges, that we need
30 to have a subcommittee structure to deal with some things on a specialized basis, that funda-
31 mentally, I do think it ought to be about advice and criticism in the context of advice.

32
33 I mean, I don't believe it should all be roses all of the time, but criticism in the context
34 of specific advice about policies, well staffed. But there are a whole lot of things about how we
35 make this work together so that you're persuaded that we're serious about involving you, and
36 one of the issues that you're interested in that I think we can have a really fruitful discussion on,
37 as well as -- I meant this kind of really directly as the kind of bonding experience that anybody
38 needs to have.

39
40 I think it would have been a lot easier for me, and gosh, you know, maybe I should have
41 just let everybody's term expire and appointed new people, but I frankly didn't think that was
42 the best thing to do, that I want the kind of continuity and experience that you all bring to bear
43 on this committee. So, we need a survey about what are the issues that we're going to discuss

1 so that we can structure something, enough structure so that it's fun, productive, and people
2 leave saying yeah, we accomplished what we wanted to accomplish.
3

4 MR. ALM: I think two things might be accomplished. One is a little sense of how
5 things would work procedurally. Two, layouts of options in terms of what kinds of issues
6 people would deal with. So, it's not only just procedural but also it could be very substantive.
7

8 MS. FLAX: And I also feel, Tom, that the best thing we could do is that instead of
9 sharing with you our affect, our feelings which I feel you understand, that there's affect, there's
10 an emotional part, that it's better if we went -- like if you put forward an idea and we put
11 forward an idea, that we then go forward from that as opposed to just giving you our reactions.
12

13 MR. GRUMBLY: Yes, I think that's right.
14

15 MR. ALM: Let's see, who's next? Ron, have you given up?
16

17 MR. ROSS: No. The discussion that's occurred in the last couple of minutes has hit on
18 the two points that I was trying to make, and that is that if we come together for the bonding
19 experience, that you bring forward your issues, and very specific, and we bring forth our issues,
20 very specific, and we come to some conclusion. The comment made earlier was if you had
21 good specialists working on it, you get somewhere, but you need a good special question, too.
22 The questions have to be there.
23

24 The frustration that I've had all along is we've kind of gone here, there and yonder.
25 Then the idea of bringing forth a retreat type of idea to really hammer this out, I'm supportive
26 on that structure and hope that we can come out of there with a few good issues in which we
27 then can make a difference on, both from your aspect as well as what we feel we can do.
28

29 MR. ALM: I think by the way, that the working group could be most effective should
30 include both members of the current group plus of the new folks.
31

32 MR. GRUMBLY: I mean, yeah, I think the point would be to get in a non-meeting
33 meeting to get new people together with the folks who are here.
34

35 MR. ALM: Fred?
36

37 DR. DONATH: Well, Ron pretty much touched on it just now. I think the structure
38 is pretty much conceptual. What's really important are your priorities, and I think we have
39 identified a number of issues of concern to us, and you have a number of issues and concerns
40 that we might not be fully aware of. I think those have got to come together and set priorities.
41

42 MR. GRUMBLY: Absolutely.
43

44 MR. ALM: Tom?

1 MR. WINSTON: I just wanted to make sure we did leave an impression that we're kind
2 of clinging to the status quo, and I for one, had already made the decision if asked, to stay on
3 after June 30 under the existing arrangement that I was going to decline. I talked to a number
4 of folks on the committee who felt the same way, so I think we are very open to change, and
5 we need to make changes.

6
7 MR. ALM: Let me suggest, we're way beyond the break. Why don't we take a very
8 short ten minute break and get back to the agenda.

9
10 MR. GRUMBLY: So, can we summarize where we're at? One, many of you are
11 unhappy with the way I did this. I picked that up. But we're committed to try to move forward
12 through the device of having a well structured -- well structured in the sense of a planned retreat
13 in which we will attempt to come together both organizationally, how we're going to work, two,
14 what are the most important issues that we all see, and then lay out an agenda that we're going
15 to stick to for at least the next two-and-a-half years so that we bring certainty back to this
16 process and so that we get the kind of reports and advice coming in and response going out that
17 makes everybody feel like you're not wasting your time doing this.

18
19 MR. WINSTON: Could I suggest that we use our agenda planning committee, which
20 has not had much to do of late, to take that charge?

21
22 MR. GRUMBLY: Why don't we talk about that during the break? Maybe Dick has
23 other views. I would like to hear from you as quickly as possible through either Al or Glen,
24 you know, whether you'd like to continue. I mean, obviously, first of all, if particular
25 individuals don't want to continue, I want to go out and try to recruit people to fill the spaces.
26 I would hope that all of you would be able to see your way clear to continuing with this as we
27 move down the pike. I'll understand if you don't. I'll be disappointed, but I'll understand. I
28 don't want to be ambiguous. I want each of you to continue with this if you would like to. So,
29 thank you.

30
31 [Brief recess.]

32
33 MR. ALM: Jim, I think we're ready to begin the discussion on the PEIS.

34
35 MR. WERNER: Okay, thank you very much. As Tom has said, this whole committee
36 is a very high priority force, and this is one, and we're going to make as useful and as powerful
37 as we possibly can.

38
39 I'm not sure how much of the background we need to get into here, but just to make the
40 picture complete, it seems like we need to start at the beginning with the PEIS, and then I'll talk
41 about, similar to what we have heard on the PEIS, the Programmatic Environmental Impact
42 Statement, and then move on to what we would propose in response to those in terms of the
43 structure of the PEIS, and then fourthly, how to move ahead. I want to point out my colleague,
44 David deCoursy, who is a new DOE person on my staff, and maybe Dave Huzienga will be able

1 to join us, who has also been very helpful in really thinking through this because as we know,
2 the PEIS has a long and complex history.

3
4 The history is where I wanted to start, so pay no attention to these handouts so we can
5 just get started on the background. The PEIS is in a sense where this committee came from,
6 as many of you recall. This committee grew out of a meeting over at a hotel at 3rd and C
7 Street, essentially, where a number of what are now known as stakeholders got together after
8 the Department had settled a lawsuit. The lawsuit was one that in a previous life I had worked
9 on, that began in December of 1988 with a notice of intent to sue letter sent to the Department.
10 Hearing nothing on June 27, the Natural Resource Defense Council and 38 other environmental
11 groups filed a formal lawsuit asking the Department to analyze the impacts from and the
12 alternatives to proposed reconfiguration of the U.S. Nuclear Weapons Complex.

13
14 That was in June of 1989, and we litigated and worked on this, and the result was that
15 on January 12 of 1990, the Department announced its intention to do not one but two
16 programmatic environmental impact statements in response to the lawsuit, that there would be
17 one programmatic environmental impact statement done on the so-called reconfiguration of the
18 nuclear weapons complex and that there would be another PEIS done on what was then known
19 as the Environmental Restoration and Waste Management Program. The announcement in
20 January then began the settlement negotiations with the litigants and the Department of Energy
21 and the Department of Justice that resulted in an actual settlement document that we finally
22 signed with the Department of Justice in October of 1990.

23
24 That's a lot of the actual factual history of where the PEIS came from that I was
25 intimately involved with at the time, so it didn't require any memorization of dates since they
26 were sort of long nights for me at the time. The follow-on from that was a workshop that I
27 think Tim and a few other people were at that said well, how are we going to do this? Frankly,
28 many people at the time, and then and through the scoping hearings that occurred during 1991
29 raised the question of how are you going to integrate the two PEIS's. That is, we asked for one
30 that looked at the impacts from nuclear weapons production and reconfiguration and what you're
31 going to do about the environmental problems arising from the past and the future. That was
32 one of the big concerns, as anybody who went to any of the scoping hearings, 38 scoping
33 hearings around the country, recalls.

34
35 One of the other concerns was how are we really going to involve the public in it? One
36 of the ideas presented, and this came in the form of a letter in 1990, was that we recommended
37 to the Department that they form some sort of an advisory committee with different non-DOE
38 people. From that, the EMAC at the time, and I guess the first meeting was then in August,
39 1992, at which I and my old colleague Dan Reicher presented. So, that kind of brings us up
40 to where the PEIS came from. Obviously, a lot has changed since then. The lawsuit was filed
41 in June, 1989. The Berlin wall fell in November of '89. That was only one of the many
42 changes, and we'll get to the implications of that for the PEIS.

1 Nonetheless, we did a lot of scoping hearings. We had workshops on implementation
2 plans. We've now had a very involved EMAC that's gotten up to what some people call the
3 black diamonds in ski terms to really learn a lot of these complex issues. I think we've tried
4 to listen very, very carefully through that on both sides of the podium, and I've been dealing
5 with this. So, that's the history. Now, I'm going to get into having gone through that history,
6 having listened to the scoping hearings and to the EMAC and the PEIS subcommittee, and then
7 private discussions with everybody in the PEIS subcommittee, we've I think got a proposal that
8 is responsive.
9

10 Again, the previous approach was that we were going to formulate and implement an
11 integrated environmental restoration and waste management program. That's just taken verbatim
12 from the notice of intent about what the PEIS is going to be about. Very ambitious. No one
13 can dispute this. It sounds very good. The framework for it, though, when you start to get into
14 implementation, means that you do a four alternatives analysis, and anybody who knows NEPA
15 knows that alternatives analysis are the magic word in the CEQ regulations. Alternatives
16 analysis means looking at all of the air, water, socioeconomic, archeological, the full blown list
17 that's spelled out right in the CEQ regulations. Of all of the environmental restoration
18 alternatives and all of the waste management alternatives, which turned out to be quite a task
19 that many of the people here have been involved in and Glen Sjoblom really took on with gusto.
20 It was a huge, huge undertaking that required a whole lot of work.
21

22 I think what everybody looked at it came to realize was that the environmental
23 management program had undergone a lot of changes. There was a different sense of where we
24 needed to go, and then ultimately, and this is really the kicker, that the Department of Energy
25 needed to begin actually building mixed waste and other facilities and siting them, and we also
26 need to undertake environmental administration, but in terms of actually making decisions and
27 proposing decisions, that environmental restoration, those decisions were ultimately made on a
28 site-specific level, and of course we have to go back to the fundamentals again. NEPA is
29 intended to look at the impacts of and alternatives to a proposed action. For environmental
30 restoration, proposed actions occur at the site level.
31

32 Realizing this, I think the change that has occurred is that we want to refocus it on the
33 waste management configuration and to look at environmental restoration as an input to waste
34 management, and in a minute you'll see why that turns out to be very important based on the
35 analytical work that was done for the past few years in the PEIS that's already done. What we
36 will propose to do is again look at doing a full turns analysis of no action in the current program
37 and what everybody's heard, the three frameworks or three templates for doing waste
38 management, particular for the biggest part of waste management that will be undertaken in
39 many respects, which is the waste management treatment disposal facilities, that you'll look at
40 centralized, regionalized, and decentralized facilities, and that itself is a very big undertaking
41 for Jill Lytle, our deputy assistant secretary and her staff, the senior people on her staff such as
42 Jay Rhoderick and others, to work on with other people helping integrate it and really take the
43 lead on it.
44

1 The environmental restoration, and I'll show you now why that turns out to be so
2 important. The environmental restoration part will be analyzed to the extent that it creates inputs
3 to the waste management program. So, we'll not obviously ignore the restoration, plus
4 importantly, we're not ignoring but in fact, making this decision based on what was learned
5 from the early programmatic environmental impact statement, is to look at the waste
6 management implications of doing different types of flanges for environmental restoration. If
7 we do restricted land use, mixed land use, or unrestricted land use, it turns out that has some
8 very serious implications for the waste management.

9
10 Let me present it to you this way. What we've learned and how we're going to respond
11 and do it, we have two parts of the PEIS in terms of the framework. You have the environmen-
12 tal restoration part and you have the waste management part. In terms of the environmental
13 restoration, the previous PEIS that we had in mind would do a full impact analysis of all of
14 these. It would be looking at the restricted, the unrestricted, and the mixed land use for all of
15 the environmental restoration. We look at all of the implications, the risks and the costs. We
16 would look at all of those for doing this regional that is sort of the midway waste management
17 configuration, but if you look at the numbers that came out from this, you'll see that the waste
18 management for ongoing operations and existing waste, turns out to be about 3 million cubic
19 meters for the next 40 years or so, 20?

20
21 Depending on what you do in the amount of restoration, it could potentially totally
22 overwhelm the waste management inputs that result from ongoing operations and existing waste
23 here. It could be a small amount. It could be less than or comparable to about 2 million cubic
24 meters. If you do mixed land use, it turns out it could be about five times, that's in the midway.
25 Of course, if you do unrestricted land use, it could be ten times the volume of waste resulting
26 from, again, the ongoing operations and existing waste.

27
28 MR. ALM: Can I ask a question, Jim? 3 million is an annual figure, right?

29
30 MR. WERNER: No, that's the total. This is an apples and apples comparison over the
31 next 40 years or so, you would get 3 million from this source and either two, 15 or 30 million
32 cubic meters from environmental restoration sources, depending on what strategy was selected.
33 The implication to this logically, it seems, were obvious. That is, that we needed to understand
34 those, but we really needed to have those as input and then look at the different configurations.

35
36 I guess the other factor to throw in is that during this time, the Federal Facilities
37 Compliance Act came into being. On October 6, 1992, the Federal Facilities Compliance Act
38 was passed and was signed by the President. Of course, as everybody knows, it required that
39 the same laws essentially that applies to private sector facilities would apply to the federal
40 government. With respect to the mixed waste and the Department of Energy, that after a period
41 of only three years, the Department had to sign up to compliance agreements or come under en-
42 forcement scrutiny and that unilateral administrative orders and fines and penalties could be
43 assessed against the Department essentially, which we take very seriously. We take it seriously
44 because we recognize the importance of being in compliance and coming to compliance and also,

1 the problem we have reflects many, many years of essentially ignoring this waste, not doing
2 enough about it.

3
4 I should say I've really learned that the people who are here in waste management, Steve
5 Cowan has told me the story, they were fighting internally here at the same time, realizing that
6 they needed to really address this massive mixed waste problem, the backlog, if you will, and
7 that it really was going to require a major set of facilities. To deal with those facilities, of
8 course, we're looking at doing centralized, regional or decentralized framework of facilities.
9 Especially as the state people know, we have been interacting with them through the National
10 Governors' Association to try to figure out what the best solution for that is.

11
12 What we realize is that the PEIS is an excellent framework for trying to address that, that
13 we can do a full alternatives analysis of the different scenarios to establish what the architecture,
14 if you will, for the future of particularly mixed waste will be in the United States. What that
15 is, that does represent a major federal action having potentially significant impact on a given
16 environment. Those words, of course, being what NEPA is all about, that if we're to do that
17 or that or that, that is somewhat that DOE can and will ultimately propose in terms of the
18 general framework for dealing with the mixed waste.

19
20 Knowing that, we do need to do a full blown NEPA alternatives analysis of this
21 configuration, the regional and the decentralized configuration. At the waste feeds into that,
22 we'll do the main alternatives for this scenario, but we need to do a sensitivity analysis, realizing
23 that because you know, it could be that or that, depending on what strategy is followed in the
24 United States. We need to do a sensitivity analysis of it.

25
26 That is essentially what we would now propose to do, is to do the full alternatives
27 analysis on the different waste management configurations because that will be a proposal.

28
29 MR. BREEN: Do the figures of two, 15 and 30 million include different kinds of waste,
30 that is, mixed and --

31
32 MR. WERNER: Yeah, it's the combination. The bulk of it you'll see is the mixed and
33 the low-level mixed.

34
35 MR. BREEN: Okay.

36
37 MR. WERNER: The other I should note is that again, this is the same figure, and its
38 ongoing OPs and existing inventories. The ongoing operations, that is future operations that
39 would generate additional wastes, represent about 2/3 of it, about 2/3 from newly generated
40 waste from ongoing operations as opposed to 1/3 from existing inventories of waste. So, you
41 really have about a million cubic meters sitting around waiting and then future generation will
42 be about 2 million, and then the amount of restoration derived waste could be either two, 15 or
43 30. Jay, did you have a question?
44

1 MR. RHODERICK: The waste management number is based on a 20 year operating
2 period. The environmental restoration doesn't have a time frame associated with it. It's just
3 the life cycle.
4

5 MR. WERNER: This is Jay Rhoderick, by the way, that Jill Lytle has worked with on
6 these issues. He's really been doing the real heavy lifting on this real analytical work.
7

8 So to go back and contrast, the PEIS had been looking at full term analysis on all of
9 these, and realizing all of the restricted, mixed use and unrestricted for the amount of restoration
10 as well as different -- you have ARARs and health driven, different ways of doing environmental
11 restoration, and full term analysis on only the regional basis. Realizing two things again, that
12 the analysis revealed during the PEIS work, that restoration drive waste would be a very large
13 contributor and could potentially overwhelm the existing inventories and ongoing operations sorts
14 of waste and that we needed to take seriously this collaboration, the interaction with states and
15 citizens around the country to propose these different waste management configurations. That
16 was something we really needed to do a lot of work on and that NEPA was a vehicle for doing
17 that, bringing in stakeholders and working with them. We would refocus it on the waste
18 management and then look at these as if it had a sensitivity analysis within that, and that's what
19 we show here. So, we'll do a full alternatives analysis on all three of those.
20

21 This may seem like an in the weeds analysis, sort of like NEPA Ninja stuff to some of
22 the people, but it's I think a very important change to insure that we do work with the states,
23 that we do work with the citizens and to work with everybody involved to make sure that we
24 deal responsibly with the mixed waste and all of the backlog of the United States. I would
25 remind people that the Department of Energy, since it was formed in 1978, has built or not
26 built, depending on who you ask, very few, if any, major facilities, built and operated, very few
27 facilities in its whole history. That's not something we can allow to happen or continue dealing
28 with the Environmental Management program. We've got a responsibility to move out, to begin
29 pouring concrete, begin putting steel on steel, beginning making buttons and electricity flow and
30 operating facilities that deal with the mixed waste. We can only do that if we take seriously the
31 requirements of dealing with people and I think NEPA is intended to do that. That's why we
32 want to grab a hold of that mechanism and use it in the future.
33

34 MR. GRUMBLY: Jim, what would the no action alternative for the current program
35 alternative mean in this context?
36

37 MR. WERNER: I'm so glad we've got NEPA Ninjas here. Jay or Dave? I had the
38 same question. Isn't no action the same as current program? It turns out it's a mixture.
39

40 MR. RHODERICK: In some cases it is. In other ways it isn't. For example, we have
41 a current program where we take no action. You assume that we would have a repository in
42 the current program.
43

44 MR. WERNER: Jay, I think you have to speak up a little.

1 MR. RHODERICK: In other cases like the low-level mix, you have the same thing.
2 If you have the low-level mix, no action alternative, we assume that we don't bring on line any
3 new treatment and since you don't have any disposal capability on line at present, there isn't a
4 disposal mechanism in no action. You really have to look at each break point.
5

6 MR. BREEN: So, for high-level waste, it's -- do you want me to go through this since
7 you've got it laid out for people? So, high-level waste, no action in current program are the
8 same, and for true, it's different.
9

10 MR. RHODERICK: We have a no action program that's the same.
11

12 MR. BREEN: Okay, so it's different. For low-level mixed, it's different.
13

14 MR. RHODERICK: It's the same.
15

16 MR. BREEN: It's the same, that's right. Okay.
17

18 MR. SMITH: I presume from just this last discussion that you're going to do your waste
19 management analysis with respect to all of the original waste streams that we had in the original
20 PEIS concept.
21

22 MR. WERNER: That's right.
23

24 MR. SMITH: The other question deals with --
25

26 MR. WERNER: It's actually the same manner, too.
27

28 MR. SMITH: Pretty much the same manner. The other question that I have deals with
29 the level of detail that you're shooting for in the record of decision essentially. You have a
30 separate process set up for these different waste streams. In the mixed waste stream, you have
31 the interactive process with the states ongoing, which when you drive to the end of that process
32 and get approvable site treatment plans, you're going to have a very specific configuration
33 resulting from the aggregation let's say, of all of those individually approved site treatment
34 plans. You could be very specific in a record of decision if you were to aggregate those
35 individual site treatment plan decisions, and you could be very specific in your record of
36 decision.
37

38 However, in the -- let's say the low-level lead waste area, where the Department doesn't
39 have such an ongoing interactive planning process with the states, then you know, it begs the
40 question of how far are you driving toward or what level of detail are you driving toward in
41 your programmatic EIS to site facility, say, for the disposal of low-level lead waste or the
42 treatment of low-level lead waste in your PEIS?
43

1 MR. WERNER: I heard two types of waste you mention, and we could of course go
2 through each of them.

3
4 MR. SMITH: Yeah, yeah.

5
6 MR. WERNER: We have the low level mixed and then the low-level non-mixed. With
7 regard to the low-level mixed, this is an old question. That is, will we or will we not name
8 names in site facilities in the PEIS, and I've heard the states say don't name a name, just give
9 a configuration of whether it's regional or central. We can still talk about this, but I think that
10 our intent now is to try to get as far down the road as we can of siting some facilities, not where
11 it is on the footprint of the facilities but try to name what facility in general, what state some
12 of these facilities will go.

13
14 MR. FREI: In conjunction then, of course, and David is going to put up a time line in
15 a minute, and I think it's going to make you comfortable with the fact that we're still --

16
17 MR. WERNER: The timing of the interaction with the state is very important.

18
19 MR. SMITH: I think it's very possible for you to give me a level of comfort with the
20 FFCA process and mixed waste.

21
22 MR. WERNER: It's impossible?

23
24 MR. SMITH: Very possible.

25
26 MR. WERNER: Okay.

27
28 MR. SMITH: Especially if you do it as I was saying there, you aggregate the decisions
29 made at the site treatment plan level. However, I think it's going to be possible that I get very
30 uncomfortable with the decisions in the programmatic EIS that deal with low-level lead waste,
31 just pure low level lead waste in the same way.

32
33 MR. WERNER: You're right. Actually, I'm troubled with that, too, personally, not
34 speaking for the Department here. We'll see if we can work through it. I don't know where
35 the Department is. I guess I would only note here that in the waste of the Miller Bill that's
36 proposed on the House side and we had something in the Senate side this year, the Department
37 has responded by proposing, and we are now in the process of forming a committee to look at
38 various areas of DOE self regulation and eliminating self regulation. One of the areas that we
39 will be looking at is eliminating DOE's current status in terms of being self-regulating on low-
40 level non-mixed waste, and that the chairman of that committee has already accepted, as many
41 people know, is going to be John Ahearne, who is now going to be sitting as one of you in the
42 future. So, it seems like a solvable problem in that framework.

1 MR. SMITH: Well, I certainly hope so because the downside could be that it sort of
2 looks like before the Atomic Energy Act is passed, you use this programmatic EIS in one fell
3 swoop, site all your low-level facilities without input from the states while you still can, you
4 know, while you don't really have to answer to anybody. That would be --
5

6 MR. WERNER: We're real sensitive to that. I already see that as my job, is looking
7 to what are the things that need to be solved to get on the Environmental Management Program
8 and self-regulation, diminimus standards is what I hear from the field all of the time when I talk
9 to citizens. I talked to our managers, our program managers out in the field, they say we need
10 some level of consensus about what a diminimus radiation standard will be, and the Superfund
11 process may help us get there in one form or another.
12

13 MR. SMITH: So what I hear you saying is there's still a chance for interacting with the
14 committee on a PEIS, the full committee and PEIS subcommittee to work through what's the
15 appropriate level of detail in these other waste streams as well.
16

17 MR. WERNER: Yeah, and David deCoursy is going to present the time line schedule
18 of that. Maybe we should just move on to that unless there are other general questions for me
19 right now.
20

21 MR. WINSTON: Jim, and I'm not a NEPA Ninja, and I don't think I ever wanted to
22 be, but as I look at that, one concern, and probably some of this is probably my ignorance of
23 the process, but it would appear that you might run the risk of sort of the tail wagging the dog,
24 where waste management becomes too strong of a determining factor over environmental
25 restoration decisions because now it's a sensitivity analysis as part of the bigger driver. Is that
26 a real concern, or how do we guard against that?
27

28 MR. WERNER: I think that's yet to be determined, frankly. Whether the tail is
29 wagging the dog presumes where we thought the heart and the brain and all of the other part of
30 the animal were before.
31

32 MR. WINSTON: Whether it was breathing?
33

34 MR. WERNER: Whether it was breathing in the front or what it was. We may redefine
35 what was the tail and what was the dog now and where the back end and where the emissions
36 came from.
37

38 MR. WINSTON: Will there be sufficient evaluation of the value judgments of restricted
39 versus that range restricted, mixed use and unrestricted clear to that process, if it's sort of a flat
40 sensitivity analysis that goes into try to determining the impact on waste management?
41

42 MR. WERNER: Obviously it will, and the question is where will that decision making
43 and that sensitivity occur. Our sense was, and I think the sense that we're hearing from many
44 other people was that's not for the Department of Energy to determine, that the Department of

1 Energy cannot just unilaterally say we're going to do this strategy because it saves us money.
2 That might be one thing we would propose or, you know, we would say let's do it this way
3 because it increases our turf or we would do it this -- you know, we could say this is a good
4 reason because it's good public policy. That's not something we are by ourselves going to
5 determine. That's going to be worked out in the great democracy all over unless somebody is
6 going to wave a magic wand and change the Constitution and the laws of the United States.
7

8 MR. WINSTON: Real quick, another observation is that at least from the state
9 standpoint, I'm not sure the FFCA is totally grappling with the ER mixed waste, and I think
10 because of the fact that there's such a range of outputs from ER that I think that there is partly
11 a wait and see attitude, and they're addressing certainly the inventory in the coming year
12 lifecycle if you will.
13

14 MR. WERNER: Okay. I guess I don't know whether Dave and other folks knows,
15 maybe you've waited. I think now you're seeing.
16

17 MR. WINSTON: Right. So, the states with DOE may begin to look more closely at
18 that. The other thing is that right now, the whole equity issue has not been clearly defined as
19 to what kind of items will enter into the equity discussions among the states, in that the FFCA
20 only talks about mixed waste treatment. We're already looking at possibly the inclusion of
21 mixed waste disposal as an item of discussion, even though it's not really specifically mentioned
22 in the FFCA. It could be broadened to look at some of the issues, and I would imagine that the
23 states would bring up the issue of low-level disposal as well. So, that's somewhat dynamic, and
24 I don't mention that as a problem because it's an observation that maybe this may push some
25 of those issues more to the fore, which may be good.
26

27 MR. WERNER: Right, and I think Dave is prepared to go into some of the timetable
28 within that. That gives us some really good lists of some of the issues that need to be grappled
29 with.
30

31 MR. ALM: Yes, we have two placards are up now by Tim and Glen. I wonder, did
32 you want to go to the schedule and then come back or what?
33

34 MR. WERNER: Yeah, that's what I proposed before unless somebody else has another
35 comment.
36

37 MR. ALM: Tim, how do you feel about that? Do you want to make your comment now
38 or do you want to wait until after the schedule?
39

40 MR. WERNER: I'll just finish responding to Tom. When we look at the schedule, let's
41 keep some of those things in mind. What are the issues during that time period that we deal
42 with. We have the environmental restoration imprints. We have the question of treatment
43 and/or disposal, and you're right, that disposal is not actually in the letter of law, but any of us
44 who lobbied on the Federal Facilities Compliance Act during those days knew that was very

1 much on our minds and in the committee that would have to be dealt with together to solve the
2 whole problem. When you pull out any piece of it, you find out it's hitched to the whole thing.

3
4 MR. GRUMBLY: Anything else before we go to the schedule?

5
6 MR. ALM: Okay, go ahead. Why don't you go ahead with the schedule and then we'll
7 come back.

8
9 MR. GRUMBLY: Okay.

10
11 MR. deCOURSY: Good morning. I'm going to be working on the PEIS down the road
12 I think in connection with the waste management office in focusing on integrating and
13 coordinating with other activities, particularly with the FFCA, Federal Facilities Compliance
14 Act, and also with Jim Melillo and Cindy Kelly's public accountability in working on a public
15 participation strategy.

16
17 As many of you know, there are a lot of different initiatives going on in the Department,
18 and we keep hearing from states and others that we need to try to get our arms around these and
19 make them make sense to people so we can answer the question that I hear asked frequently at
20 public meetings, how does the PEIS relate to whatever it is the topic of the meeting is. So, that
21 will really be my focus here down the road.

22
23 In that regard, I wanted to just spend a few minutes going over where we currently think
24 we are on schedule. Our present goal is to get a draft PEIS out on the first of December. Now,
25 we've talked to the contractors that have been working very, very hard on this, and they say
26 they can have a camera ready copy on the first of December which would then involve some
27 printing time to maybe move it into the middle of December but we were just talking earlier,
28 and I think we're going to still try to work with that so that we can work with the contractors
29 and try to really focus the analysis the best we can so that we could get the draft actually out
30 to the public on the first of December.

31
32 The primary thing I'm attempting to demonstrate here, and it's partly in response to the
33 issue Ben raised. It relates to the relationship of the PEIS to the Federal Facilities Compliance
34 Act. I know a lot of people here are familiar with that, but for those of you who aren't, DOE
35 is preparing draft site treatment plans which will be submitted to the states in connection with
36 DOE's commitment to deal with mixed waste at the end of August of this year. Then the final
37 site treatment plans will be submitted at the end of February of 1995, and orders have to be
38 agreed to between the states and DOE with respect to the mixed waste by October 1 of 1995.
39 So, we have given some thought to what makes the most sense in terms of the PEIS and the site
40 treatment plans as they come out.

41
42 Although there are probably other arguments that could be made or other scenarios that
43 one could argue about as being logical, the conclusion is that if we alternate these two processes,
44 it makes the most sense. We would like to be able to have, and we are doing this as well and

1 have been doing this, we would like to be able to use the information and analysis that is
2 available through the PEIS in the site treatment plan and Federal Facilities Compliance Act
3 process, but there has been great concern that was reflected in Ben's comment that the PEIS not
4 drive that process. That's been a very, as they say, a bottom's up process, and Tom Grumbly
5 spoke to the states a couple of months ago and recognized that and committed that. The FFCA
6 process that's in place would be the driver of the site treatment plan process.

7
8 So, we are going to use the analysis as it becomes available, but the site treatment plans
9 would come out, then the draft PEIS would come out, then the final site treatment plans would
10 come out, and then sometime next summer, we anticipate the final PEIS would come out. We
11 will attempt to put in the final PEIS the configuration that emerges, and we plan to put in the
12 final PEIS the configuration that emerges from the site treatment plans as the preferred
13 alternative for the configuration of mixed waste facilities.

14
15 Now, the other thing that I just wanted to touch base with you one was of course EMAB
16 or EMAB's involvement in the PEIS and in the review of it. The current thinking is that there
17 would be a two week off-site review of the PEIS by DOE folks and EMAB. One of the issues
18 that's come up in trying to meet the various deadlines is the internal DOE concurrence process
19 which I'm sure all of you have had or some of you have had experience with and some of you
20 know about. We are attempting to focus that to a two-week intensive review rather than have
21 it spread out over a long period of time. So, that's really where we currently are. Jim Melillo
22 I think has been involved in working on this, a couple week period at the end of October to do
23 that.

24
25 However, we do think it would be appropriate for EMAB to be able to informally in a
26 manner yet to be determined, however, but in some informal manner, review drafts of the PEIS
27 as they become available. Now, anticipated in that all that would be available in advance of this
28 two week window here, but that some of it may be half or more would be available at various
29 times for let's say a six-week period before that. So, I think in conjunction with Jim we would
30 try to work out a mechanism that the committee felt was appropriate to try to get some informal
31 review.

32
33 The last thing is that the -- I know there had been some discussion about doing a lot of
34 public workshops before the draft came out, and I think our feeling now is to wait and do the
35 traditional hearings and workshops after the draft comes out and before the final comes out. We
36 hear that there are a lot of public participation activities going on. You occasionally hear the
37 comment that the public has been 'meetinged' to death, and our goal, after all, in public
38 participation is to make it meaningful for the stakeholders. So, given the time constraints on
39 the schedule and the fact that there are a number of other activities going on through the fall that
40 are placing great demands on the stakeholders, we plan to do hearings and workshops as a
41 formal EIS after the drafts come out.

42
43 So, Dave or Jim or I would be glad to answer any questions about the schedule or any
44 other substantive matters.

1 MR. SMITH: I guess I should go on the record to register a concern I still have,
2 especially about the timing of the final PEIS. Realizing that there at the end of February, you
3 will have submitted final site treatment plans to the states, the states still have the authority
4 under the Act to approve or disapprove of those plans, and they also have some responsibility
5 to have some public involvement on those plans. They have some responsibility to interact with
6 other states that might be involved in interstate shipments. I'm not sure -- I don't think you're
7 giving enough time for this process to work out. You're placing the final PEIS out on the street
8 in July -- I think June or July, I can't really tell --
9

10 MR. HUIZINGA: There's no line purposely because --
11

12 MS. LYTLE: That was very specifically done. There is no line. It's sometime between
13 February and October.
14

15 MR. deCOURSRY: Your concern I believe would probably be suppose there's no
16 configuration determined by February. What are you going to do in your final PEIS?
17

18 MR. SMITH: What if you find that several states just cannot approve DOE's site
19 treatment plans and they are willing to let the deadline be reached and willing after the deadline
20 then to sit down and write their own compliance plan, which they'll be free to do under the Act?
21 So, you may have site treatment plans actually being created in October, November, December,
22 by state regulators writing them, you know, rather than approving or disapproving -- well,
23 approving a plan they don't like. So, to throw a final PEIS out on the street before orders come
24 in does drive the process, and that's what the states object to.
25

26 MR. deCOURSRY: I think we'll have to respond to that. I think we will have to rethink
27 this if the scenario that you've described is coming to pass. I think Tom has made a
28 commitment that eventuality -- he's not going to let that happen. So, I think if we're in that
29 situation, I think we'd have to rethink that. Jill, do you have any further thoughts on that?
30

31 MS. LYTLE: I really think we need to have some more discussion on it because we
32 need to understand how this would actually develop and how we could -- I agree, we need to
33 figure out some way to accommodate this issue. I don't have an answer. If it goes past -- it's
34 going to be an odd situation if we get into October, November, December, or even into '96, and
35 you know, some sites that don't have an agreed upon path forward, those sites are going to be
36 -- it's going to be difficult to try to figure out how to go forward on the ones that are ready and
37 not hold them up and provide the needed coverage for those people and still allow the rest that,
38 as you point out, we could have some special situations. So, I'd like to have the opportunity
39 to sit down and think about it with you.
40

41 MR. deCOURSRY: Jim Turi was in management on the FFCA.
42

43 MR. TURI: I wanted to get back to Ben's comment. I think we need to keep this as
44 simple as possible, and I think if we looked at the alternatives for looking at it, what's important

1 is that the EIS document comes out encompassing a full range of alternatives that are under
2 discussion. If we don't happen to analyze these specific configurations that ultimately agreed
3 upon at the states, I don't see that as a problem as long as they are covered, bounded by one of
4 the other options from the environmental impact and other impact analyses.

5
6 MR. WERNER: Jim, it would seem that we do need to be sensitive, you know, as with
7 all these complex things, it depends. I think you're right generally, and the case law supported
8 this, that if an activity or an action is bounded by the analysis done by an EIS, then it's sort of
9 accepted and it's assumed to be covered. However, in this case what we're talking about, in
10 response to your earlier question, if we really are naming names, then it would seem that it's
11 not acceptable, it's just out of boundary a bit. I'm sure that's what Jim had in mind. It would
12 make sure that it's within that.

13
14 MR. TURI: One of the things we're still developing is what are the typical records of
15 decision that might come out of such a process, and what things one of you ought to be looking
16 at, for example, is there may be a record of decision. For example, with the states, we may
17 agree we're going to go to some decentralized waste treatment configuration for mixed low-
18 level waste. So, we may issue that record of decision late in 1995 without naming specific sites,
19 and once the compliance orders are all agreed to, which would include the scenario that you
20 identified, we may have a second one that tiers off of the first one. We're still looking at this,
21 and we're sensitive to it, and we can work this out with you and the other states for the FFCA
22 for the PEIS process.

23
24 MR. SMITH: If you want to keep the option of being that flexible in the record of
25 decision then, and having a phased record of decision like that, which I think is an excellent
26 idea, then you're necessarily going to have to steer clear of naming names and putting to many
27 specifications in that final PEIS that comes out on the street in the summer of that year. You
28 know, if you can keep that general enough and just have bounding scenarios in there, then you
29 leave yourself room enough to have the phased record of decision.

30
31 MR. WERNER: Tiered off of maybe the --

32
33 MS. LYTLE: I think we need to talk some more about it and see what the possibilities
34 are.

35
36 MR. WERNER: And I think that's the importance of the schedule, is there's a lot of
37 creative ways to do this. I think the bottom line is we are interested in making this happen.
38 The old days of arguing that a bounding analysis is okay and you can go ahead and locate some
39 kind of productive facility are over. It's dead. You know, I think we look at this instead as a
40 tool for interaction, and that's what I think everybody needs to understand, that this is not a tool
41 for shoving anything down. What we're looking for is a tool for bringing people and interacting
42 with them, not like the old facilities were sited, you know, all the NEPA stuff that we used to
43 go through.

1 MR. SMITH: Let me just add to that scenario just described. With the final PEIS that
2 has bounding conditions, that would be much more acceptable, of course, when the states look
3 at the low-level lead waste part of that EIS, too, and realize that there's still some flexibility to
4 work with the states on the proper configuration of that waste part.

5
6 MR. HUZINGA: Just to give folks the context of what I -- Jill, did you want to add
7 something to that?

8
9 MS. LYTLE: I was just going to say, there's one other factor that we've been trying
10 to bring into these decisions, and that is the EIS's are extraordinarily expensive, so I wanted to
11 just bring in some -- we are trying to figure out how to move forward with these decisions with
12 a reasonable amount of resources stamped on the NEPA documents that we're doing. So, we're
13 trying to balance Jim's concern about in the past perhaps we just did a bounding analysis and
14 then made a very specific decision without going through a second level of NEPA to make the
15 more specific decisions. If we're trying to come up with something here that will answer your
16 concern then about the specificity of it, and this is such a broad EIS, as you point out, we're not
17 only trying to do some things that may be pretty darn specific about mixed load waste, hoping
18 to be in a situation with the states where we are in agreement on some pretty specific things,
19 whereas in some other areas, we may want to leave it open for additional discussions or
20 additional analysis or maybe another document. So, we're going to try to figure something that
21 will meet that.

22
23 MR. WERNER: What Jill describes is I think exactly, if I didn't mention before, the
24 practical concern that informed this decision to refocus the scope on this to what we really
25 needed, which is do a whole lot more waste management and use the sensitivity analysis for the
26 inputs from environmental restoration. Loading for those new -- have this in mind, that we also
27 have other activities to deal with the risk and the cost. So, it's not as if we are not going to be
28 in the Environmental Management program somewhere analyzing the environmental restoration
29 risks and the costs of doing it. There's a risk analysis being done by Carol Henry's office, and
30 there's the work done on the so-called baseline environmental management report to look at the
31 total cost with different scenarios. Clearly, being able to deal with every rule, every option
32 within it would be prohibitively expensive, but just doing a total gross envelope won't work
33 anyway.

34
35 I guess I remember the EIS that I worked on for a number of years was the so-called
36 special isotope separation facility where the Department did an EIS for considering building this
37 plutonium plant in Idaho or Washington. We were seeing what the options were, and we found
38 that they were -- the Department was then building a full scale prototype or had built it down
39 at the Lawrence Livermore site. The argument that came back did eventually, as an
40 observation, did not prevail, was the well, it's within the envelope. We've already analyzed the
41 safety of this. It didn't work then. It won't work now. So, I think we learned from that and
42 we're moving onward.

43
44 MR. GRUMBLY: Al, do you want to move us on?

1 MR. ALM: Yeah, it's almost 12. I think we ought to go for at least another 15 minutes
2 and then see if we can break for lunch. Tim, you've been waiting quite awhile.

3
4 MR. CONNOR: Yeah, thanks. I just want to say as someone who was very critical of
5 the course at the last meeting, I find this to be conceptually much leaner and much more
6 coherent in exercise than the one that we were engaged in then. I just want to go on the record
7 that this now has some sense to it and speak to things that need to be done rather than things that
8 I think are already being accomplished at the local level, particularly with regard to environmen-
9 tal restoration decision making.

10
11 I was going to pose this as a question, but I'll just pose it as an observation because of
12 the time. I'm personally not real fond of no action alternatives that involve action. I think they
13 really confuse the analysis, and I think particularly when it comes to a program that is politically
14 going to be under siege in a fiscal sense that the public understand the true no action risks of
15 not doing any and not funding any program.

16
17 MR. SMITH: Tim, you remember that the PEIS subcommittee was concerned about the
18 definition of the several no action alternatives in the different waste range, and we recommended
19 that they back up and take out a number of actions in there and we saw the day come where we
20 had the commitment that was going --

21
22 MR. CONNOR: I do recall we had this discussion before.

23
24 MR. SMITH: But we still haven't been able to see the real analysis. I'm hopeful that
25 our commitment is still a good one.

26
27 MR. WERNER: It seems like the opportunity to work in that two week period -- I think
28 it was Glen that I had the idea of this Coast Guard station to go off and really work on the nuts
29 and bolts of this. I'm pleased to hear some concern about our budget because just before I came
30 back in the room here, I had to leave for another meeting. I heard news that the appropriations
31 conference is sniffing around for another couple hundred million dollars. So, while we're sitting
32 here talking about this, you know, we could be getting mugged up on the Hill, frankly, so I'm
33 a little bit nervous about that.

34
35 MR. ALM: Glenn, did you have a question?

36
37 DR. PAULSON: Yes. Stop me if you've heard this one before because I was out of
38 the room for a few minutes. Regarding the ER part of the PEIS, I'm curious to know whether
39 the analytic work that went into big hunks of it, some of which we had seen just smatterings of
40 early on, is going to be available to us and other interested parties. In particular, I'm recalling
41 two pieces off-hand, but there are others. The work on risk and also the work on transportation
42 aspects, but there are others, too.

1 MR. WERNER: And I guess I would add to that the cost, and the answer to it is yes,
2 and the information and all the analysis that was done has continued to evolve. I know I've been
3 making use of that for the work I've been doing for baseline report. In something called
4 BEMR- light we're doing for the federal policy group, and I think Carol is taking a look at the
5 risk work that's already been done as well. So, none of it's going to waste. In fact, it has been
6 not only absolutely critical for informing the refocus of this PEIS but has proven very useful for
7 these other activities on a baseline and cost. Of course, transportation looks like -- I think we
8 learned from that, too, it turns out to be an important risk to analyze.

9
10 DR. PAULSON: My question is, though, will that be available in --

11
12 MR. WERNER: Yes.

13
14 DR. PAULSON: In some form or another, not only to this board and the PEIS
15 subcommittee but to others?

16
17 MR. WERNER: And the answer is yes.

18
19 MR. GUIMOND: One thing I will note is that what we're trying to do is crisp up what
20 are the real decisions to be made while recognizing there's a lot of good analysis here, and that's
21 not to be lost because this -- one thing this will provide is a good sort of central place for lots
22 of information if possible, even though it may not have been, you know, the decision making
23 aspects of it may not be appropriate because of the way it already focuses.

24
25 DR. PAULSON: It's the analytical pieces that I specifically asked about.

26
27 MR. ALM: Carol, do you have a comment?

28
29 MS. HENRY: I'm Carol Henry. I think I've met most of you. This is my fourth
30 month. As we go through and identify some of the technical information for these various
31 efforts that Jim has mentioned, we are very committed to try and make information publicly
32 accessible. Now, that comes in many forms, but some of it is just the sheer volume of how to
33 get this information out. Certainly there's a pretty good discussion internally with our external
34 stakeholders as well is how do you do that. So, we are trying to do that.

35
36 MR. ALM: By the way, I did not introduce Rich Guimond, who's Tom Grumbly's
37 deputy. I think most of you probably know Rich, but he is sitting in for Tom while he's gone.
38 Tad, I think you were next.

39
40 MR. McCALL: I think you're going to make a major blunder if you put the final PEIS
41 out before the Federal Facilities Compliance Act deadline. You've changed the focus to waste
42 management. It's going to get site specific. Don't tell the states -- don't be appearing to tell
43 the states that you've got a configuration. Again, revisit the idea, the DOE plan that we went
44 through a couple of winters ago or last winter. You've moved the deadline down far enough

1 already on the final PEIS. If you put it out outside the FFCA deadline, then if the FFCA
2 deadline fails in some respects, you've still got a lot of data points and you can put out the PEIS
3 and you won't be seen as trying to trump the state's discretion.
4

5 MR. WERNER: Tad, you'll notice on the diagram that there is no line coming up in
6 the final PEIS. There is a very important point there. It's interesting, there was a lot of people
7 saying, what are you whining about, Werner, nobody cares about that end of things. I said no,
8 no, that's where the decision is. I kind of agree. It's just that there's no line, just put it outside
9 the FFCA.
10

11 MR. McCALL: Well, could they be together?
12

13 MR. WERNER: I'd put it one day behind.
14

15 MR. HUIZENGA: Tad at one point, if you remember, the final was to come out before
16 the submission of the plan. The intention here between trying to get the right analyses to them
17 and to the states so that everybody in the public and the Department knows what's going on, and
18 not getting so specific that we get in that process.
19

20 MR. McCALL: I think by the draft, you give them a lot of data to do the analysis. This
21 ought to be a fairly good draft after all the time you've been working on it. That ought to give
22 them the data that they need, and then let them go to the FFCA and then come out with a final.
23 The significant thing, I think there's been a significant sea change, not only on the waste
24 management focus, but on going to site specific. Many of us opposed any site specificity. You
25 got us to move off of that opposition with this new plan. So, why don't you just put it on the
26 other side. I'm just telling you, you've got a package. We've only got one serious concern
27 about it.
28

29 MR. WERNER: Maybe the way to work it, and this is probably not the right forum to
30 get into this level of detail, we talked about -- I don't know if you were in the room, but Ben
31 raised the concern about naming names, was maybe not have the PEIS actually single out name
32 names but maybe have --
33

34 MS. LYTLE: I'm sorry, I have to break in here. I think Tad was right. One of the
35 very important breakthroughs that we did have was to get the states to agree that we could name
36 names, even in the draft, because we needed to be able to lay out the possibilities, but a wide
37 range, and there was no preferred alternative.
38

39 MR. WERNER: Right.
40

41 MS. LYTLE: When you get to the final, I think what happens is because you need to
42 have a referral period, a need for being what it is, but that raises the issue that then raised and
43 emphasized, and I'd like to figure out some way to do that.
44

1 MR. WERNER: Right.

2
3 MS. LYTTLE: I don't want to go back to not naming names in some of these documents
4 because I think --

5
6 MR. WERNER: Right, we need to do that. That's right, this is not the forum to figure
7 this out.

8
9 MS. LYTTLE: I'm sorry to get emotional about it, but oh, you're so right, Tad, we
10 already did make a very important change. I think we can work this out. There are ways to
11 deal with the rods that we haven't even talked about, we haven't really had a chance to sit down
12 and work on them, but I hear what you're saying about this issue of where the final comes in
13 because it has to have a preferred alternative in it. That's where we have to deal with the issue.

14
15 MR. WERNER: I think Tom Grumbly has already demonstrated his willingness to break
16 the mold about doing traditional NEPA, doing creative ways of interacting with people.

17
18 MR. ALM: Jay, why don't you ask the last question?

19
20 DR. SORENSON: I have really a related question, and it has to do with the point that
21 you made that the resolution of the value questions associated with the relationship between
22 waste management and environmental restoration will be left to public and to the Department.
23 I think that's a question that's larger than just really what the states agreed to, too. I don't see
24 how it can fit into this time line without a really forced and impressed discussion. I mean, these
25 are large issues. So, I was wondering what your thinking was on that.

26
27 MR. WERNER: Well, it can be done. We need to focus on the waste management, and
28 that's what we're doing.

29
30 DR. SORENSON: Then that becomes the driver.

31
32 MR. WERNER: The driver? No, it's establishing the framework from what we know
33 about it and then having sort of exogenous inputs into it, the size and all that changing, what
34 type of treatment -- also, it will go the course that it goes, with us, you know, Tom Grumbly
35 has not been shy about being in a White House rebel on Capitol Hill about the direction of
36 Superfund and when we're involved in that, it's not like we're going to be wet rags on
37 Superfund. We're not regulating ourselves on this. It's going to be down in the sites and our
38 regulators ultimately. We've just got to let that play out, but we also have the deadline of the
39 Federal Facilities Compliance Act that we're going to meet.

40
41 MR. ALM: Okay, before we break, unless there are any other questions, the comment
42 that I would like to see if we could get back at about 1:15. Does that seem reasonable? I'm
43 going to let Jim from DOE explain the options since I haven't been around this place in 20
44 years.

1 MR. MELILLO: Let me throw it out real quick. We've got a couple of options. The
2 fastest, of course, is our illustrious cafeteria across the street if you wish to participate and
3 partake of their food, and that's quick and out the door. You don't have to turn in any of your
4 passes that you have. It's not like the old ways of doing it. Put it in your pocket, leave it
5 where it is or wherever you come back in again. There are other restaurants up, going out the
6 front of the building on the Plaza and up to the top of the hill and down where the Metro is,
7 there's a whole series of small restaurants there if you feel like walking through the humidity
8 out there, but those are the most immediate options without going far.

9
10 MR. ALM: Is an hour a realistic time?

11
12 MR. SJOBLUM: In the cafeteria, that's entirely realistic.

13
14 MR. GUIMOND: But if you do anything else, maybe not.

15
16 MR. ALM: How many of you think you do not plan to go to the cafeteria? Is
17 everybody planning to go to the cafeteria? Well, if that's the case then, I think we probably can
18 get together in about an hour.

19
20 I would like at the end of the session today to talk about this working group to look at
21 how we'll operate in the future and the kind of topics and what kind of people we're going to
22 need, and that could be a set of options or whatever for the retreat that Tom talked about. So,
23 if any of you have thoughts, hit me at lunchtime. Thank you.

24
25 [Whereupon, at 12:12 p.m., the above-entitled meeting was recessed for lunch, to
26 reconvene later, this same day.]

AFTERNOON SESSION

[1:19 p.m.]

MR. ALM: Can we all sit down? Tom Winston suggested that we talk about when we're going to get out of here. The official adjournment time is 4:00, but if some of you have earlier flights, we need to get out earlier.

MR. MELILLO: It seems like a lot of our flights are between 4:30 and 5:00.

MR. ALM: When you go to National, when do you have to leave for National to make a 4:30 flight?

MR. MELILLO: About quarter of 4:00.

MR. ALM: Quarter of 4:00?

MR. MELILLO: To be on the safe side.

MS. DASTILLUNG: Do you take a Metro or do you take a taxi?

MR. MELILLO: Either way. It's better with the Metro.

MS. DASTILLUNG: Is it? We were wondering which was the safer.

MR. MELILLO: And cheaper.

MS. DASTILLUNG: Yes, I realize that.

MR. ALM: I suggest we shoot to get done by 3:30. Does that make sense?

MR. MELILLO: That would be good.

MR. ALM: All right, shall we just move --

MR. MELILLO: I have an announcement.

MR. ALM: Okay.

MR. MELILLO: For any more people from the audience speaking around here, for the sake of accuracy, the transcript we're having a problem with. Please state your name or come to a mike or use one so that they can pick up on the sound, including from the audience. Thank you.

1 MR. ALM: Okay, why don't we try to pick up a little time as we move along. Tad was
2 first, and I don't see him.

3
4 DR. FREUDENBURG: Do you want to talk about the subcommittees you have planned
5 while we're waiting for him?

6
7 MR. ALM: Okay, maybe we can do that. I've talked to some of you, and I'd hoped
8 to talk to more of you, but it strikes me that what we want to do is to put together a group of
9 maybe three or four people from this board, a couple from the new group, and I, by the way,
10 would plan to participate myself also. We'd focus really on three things, you know what is the
11 agenda of topics that we want to focus on over the next I guess really two-and-a-half years, at
12 least begin getting them underway. I think we'd also need to talk about what kind of expertise,
13 what kinds of people are needed to conduct that kind of analysis and review, and then finally,
14 how we operate. Does that seem like the right things to focus on?

15
16 DR. DONATH: Yes, if done in sequence and try to set priorities and issues first.

17
18 MR. ALM: That's right. Okay, I think the thing to do now is to ask for who would like
19 to volunteer for this endeavor? What I would see us doing is spending probably a day
20 somewhere where we'd basically focus on these things and put together a piece of paper that
21 would really be a discussion document for the larger retreat in September. Does that make
22 sense?

23
24 DR. DONATH: It seems like we've done that. We went through a whole exercise at
25 a particular meeting where we went through all of the issues and concerns and we set priorities
26 and have gone through that process, Al.

27
28 MR. McCALL: But excuse me a minute, Fred, that was BG, that was before Grumbly.

29
30 DR. DONATH: Well, that's a starting point.

31
32 MS. DASTILLUNG: But Dick correlated all of our concerns with his goals and he has
33 a whole thing that's already put together that he's had for a long time.

34
35 MR. ALM: Well, let me suggest something. Why don't we bring that list to the
36 meeting. We will have two new people, you know, from the new group and some of Tom's
37 input, and let's mesh them all together. Does that make sense?

38
39 MR. McCALL: Yeah.

40
41 MR. ALM: So, what you did before will not be wasted. I think you ought to bring it,
42 hand it out or send it to everybody before the meeting.

1 MR. McCALL: I'm bothered a little bit by our trying to structure the retreat too much.
2 My vision of the retreat would be an opportunity for us to individually lay down what we think
3 the problems have been, what the solutions might be to those problems, and let's just have a --
4 just kick around discussion. Now, I know that runs the risk of not producing something maybe,
5 but I don't know that bonding can be done in a structured way, and maybe I misinterpreted what
6 you intend to do, too.

7
8 MR. CONNOR: There will be chaperons, Tad.

9
10 MR. McCALL: At my age, you don't need them.

11
12 MR. ALM: I'm actually surprised with that last comment.

13
14 MR. McCALL: Well, when you reach my age, you'll understand it better.

15
16 MR. BANGART: It needs to have a structure so we can come and get to the point where
17 we have some meaningful things outlined to address but it doesn't mean that there can't be time
18 during that meeting for more informal interactions or open discussion. I just had a three-day
19 workshop with the states, and the first thing we did was spend a half a day on open discussion.
20 You know, whatever is bothering you, throw it out on the table and talk about it.

21
22 MR. McCALL: I'm cool with that.

23
24 MR. ALM: Okay, let's -- who would like to volunteer for this group?

25
26 MR. CHRISTEAN: How many do you want?

27
28 MR. ALM: I would say three or four from this group.

29
30 MR. CHRISTEAN: Dick, are you going to be on it?

31
32 MR. BANGART: Yeah, I'll volunteer.

33
34 MR. SMITH: I'd like to volunteer to be on it, too, although if you get too many, I'd
35 be willing to drop off.

36
37 MR. ALM: Let's see, who else, Dick and Jerry.

38
39 MR. ROSS: Have you selected the new people?

40
41 MR. ALM: No. Well, we'll just take a look. Does anybody have any suggestions from
42 the list?

43
44 MS. FLAX: John Ahearne because he chaired the previous advisory group.

1 MR. ALM: Why don't we do John and try one other. If any name hits you like a light
2 bulb during the meeting, just tell me.

3
4 MS. FLAX: Can I just ask a small point of clarification? If the director of the
5 Washington State Department of Ecology is a new member, does that mean Jeff Breckel will no
6 longer be a member?

7
8 MR. GRUMBLY: I can address that. I spoke with Jeff yesterday, and his intent is to
9 stay involved.

10
11 MS. FLAX: Good.

12
13 MR. ALM: Tad, we're going to try and break up at 3:30 today, so -- although I think
14 we got rid of one piece of business very quickly now which while you were on the phone. I
15 think you're next on the agenda.

16
17 MR. McCALL: Okay, I'll make up some time.

18
19 MR. ALM: Well, you may not have to make up too much.

20
21 MR. McCALL: Okay. In the hiatus, we haven't done anything.

22
23 DR. FREUDENBURG: I wish that the DOE reports that have the same amount of
24 content could go with the same amount of time.

25
26 MR. McCALL: Our subcommittee has laid a foundation of work, and we will be getting
27 back together when we get re-energized and we get some staff support. Again, we had excellent
28 staff support, and then we'll have a report.

29
30 MR. ALM: Well, we admire your candor.

31
32 MR. CHRISTEAN: I'm a member of that subcommittee, and I just want to say some-
33 thing. You know, Tom mentioned this morning that in addition to the people that would be kind
34 of named to the committee, advisory board, that his intention to bring in people, and Tad did
35 that. At our first subcommittee meeting, he brought people into our meeting that were really
36 outside our committee, but I tell you, it was the best subcommittee meeting I've been to, and
37 it was just because we had the point of view of industry and other folks that were quote unquote,
38 outsiders, but it was terrific. So, you're absolutely on the right page.

39
40 MR. ALM: That ought to be something in our little group, you know, what kinds of
41 people because we can be thinking about bringing the best expertise in the country on particular
42 programs. Okay, well Glenn, do you want to report on the subcommittee on environmental
43 restoration technologies?

1 DR. PAULSON: Yes. I won't be quite as brief as Tad. I'm going to use viewgraphs.
2 It's the first time I've ever used viewgraphs for the board. This shows the composition of this
3 particular subcommittee as originally constituted. You'll notice that Ken Ayers' name is still
4 on this particular viewgraph. Ken has resigned from the board because of his new job
5 assignment, but he has offered to stay not as an official member of the subcommittee but to help
6 in any way that he can, and given his EPA experience, I think that that's going to be useful.
7 We'll try not to abuse his time.

8
9 DR. FREUDENBURG: What's his new job?

10
11 DR. PAULSON: I don't know the name of the company, but he has become the
12 president of a company in the remediation business. I think it's a newly formed company, but
13 I do not know the name of it.

14
15 To refresh your memory, unlike Tad's committee which is looking at innovative
16 technologies, the purpose of this committee was to look at standard garden variety technologies
17 to see which of those technologies can buy significant risk reduction at relatively modest costs,
18 and the approach was to look everywhere, not just at DOE's experience which is arguably
19 relatively recent, but at EPA, DOD and private sector cleanup experience using what in EPA
20 terms would be called the removal approach. The factor that we'd hope to investigate include
21 all of those, and the list can go, you know, down another couple of viewgraphs if we want.

22
23 Since the committee was created, we've had two meetings. One was held jointly with
24 the last meeting of the full board. The other one was held here in Washington a few weeks
25 later. We had about half the committee in attendance at each meeting because of schedule
26 problems and so on. We have minutes for those meetings if anybody else would like to see
27 them, and in particular, we had at the second meeting extensive presentations from different
28 parts of DOE, from EPA and from the Corps of Engineers, specifically on current effectiveness
29 of current technologies. Fred Richards, who's been staffing the subcommittee, along with his
30 many other duties, did an excellent job in structuring the agenda for that, and Ken Ayers helped
31 pick a lot of the speakers from other than DOE.

32
33 Fred, with the help of I think many of the subcommittee members, has prepared a very
34 extensive bibliography of relevant resources on this, reports, literature papers, reviews, et
35 cetera, et cetera. Anybody who would like to see the bibliography is certainly welcome to it.
36 It has not been distributed even to the subcommittee yet, and it is, of course, a working
37 document. We have prepared a draft scope of work and plan of attack which I put on hold
38 because of the problems that we found. Our conclusions, which some of us had surmised before
39 we started is that as far as we can tell, and this is now fairly extensive investigations of the
40 relevant federal agencies and informal discussions with contacts in the private sector, is literally
41 no one, no academic group, no engineering firm, no agency, seems to have systematically asked
42 our first question - what risk reduction can you buy at what price with current technologies in
43 anything approaching a systematic way? Not only that, we haven't even found any good

1 anecdotal evidence as well. It's really even a grimmer picture than I thought it was going to be,
2 and I wasn't expecting to find a lot of wealth anyway.

3
4 So, that is the problem that we face, and the corollary to that is that we will have to do
5 that ourselves if we're going to proceed with this subcommittee, and this will require significant
6 staff assistance, subcontractor assistance, the kind of professional staff that Tom was talking
7 about earlier. It's basically pending Tom's judgment and decision on how to staff the board as
8 a whole and subcommittees of the board that has led this subcommittee not to do anything since
9 its second meeting. This will be the answer. Without a significant level of effort, and we do
10 have a scope of work and an estimate person hour equivalent and so on, this subcommittee
11 cannot go any further. So, I was pleased at what Tom said this morning.

12
13 MR. ALM: How much are you talking about?

14
15 DR. PAULSON: I'm not going to be able to recall the hours that we originally
16 developed because we did that without the bibliography in hand that we now have. So, we need
17 to rework that, but it's probably a few people full time for a few months, four or five or six
18 people full time for a half a year, something in that order.

19
20 MR. ALM: Do we have the resources to do that?

21
22 MR. GUIMOND: We were trying to get Jack Baublitz and Glenn Paulson together to
23 discuss this, and I just wondered if that had happened.

24
25 DR. PAULSON: Jack and I did have a discussion along these lines when I slipped out
26 of the room this morning, so Jack is now aware of this.

27
28 MR. ALM: You need two people for what period of time again?

29
30 DR. PAULSON: I'm saying four or five people probably for a half a year.

31
32 MR. ALM: Okay.

33
34 DR. PAULSON: And different kinds -- we've scoped out the types of expertise and so
35 on. That needs to be revisited because we now have a better fix on the information to be
36 reviewed. The bibliography runs -- I've got it in my binder there. It's many, many pages of
37 fine print of reports to review on a selected basis. It's not a trivial task.

38
39 MR. GUIMOND: So, are you saying that the original scope of work is not precisely
40 what needs to be done but is in the ball park of what needs to be done and that would have to
41 be refined through interactions with DOE then?

42
43 DR. PAULSON: Well, DOE and others.

1 MR. ALM: I think Ben had a question and Tim then. Ben?

2
3 MR. SMITH: Glenn, a report arrived in my mail stack this week that was from the
4 National Academy of Sciences dealing with the effectiveness of groundwater remediation
5 technology, and if I had had a chance to read that report, maybe I'd understand why it doesn't
6 fit the bill, why it isn't what you're looking for. Can you --

7
8 DR. PAULSON: I can answer that because I was a member of that committee. It
9 presents cost information where it was available on a relatively small number, like 18, pump and
10 treat operations. It does not present, because that committee could not find it, risk reduction
11 estimates, either quantitative or qualitative, even for those 18 well studied sites.

12
13 MR. SMITH: So, my second question would be given the resources that they put into
14 making the progress that they did in producing that report, how do you -- what level of
15 resources do you think are going to be required to do better?

16
17 DR. PAULSON: Well, as I said, I think something like six people for a half a year.
18 Some of this is now going to be, by the way, interviewing experts rather than just reading the
19 reports since it looks like none of the reports have the information in the way it can be digested
20 and analyzed to answer our prime question.

21
22 MR. SMITH: So, if you were part of that NAS panel, I gather you weren't entirely
23 satisfied with their level of effort, then?

24
25 DR. PAULSON: Their charge was not this charge. They were specifically to evaluate
26 groundwater pump and treat and alternatives thereto from the technical efficacy point of view,
27 not necessarily from cost. The fact that we got cost figures was a bonus, and not at all from
28 the risk protection point of view. That was not their charge. I say that because I helped write
29 the charge for that group at least three years ago.

30
31 By the way, I've been asked to say a couple words about that report, too. Now, with
32 all that said about resource needs and so on --

33
34 MR. ALM: Well --

35
36 DR. PAULSON: Oh, I'm sorry, Tim.

37
38 MR. FIELDS: A couple of points, I agree with the assessment of Glenn's subcommittee
39 on the status of the data in this area. There's a parsity of information. We have a lot of
40 information on vendor supplied data on cost and performance. We don't really have independent
41 verification of what the cost and performance characteristics of the various technologies is and
42 what the risk reduction associated with that is. We have to go to EPRI and EPA though to
43 actually collect that data in at least 14 real world sites were available for innovative technology
44 and alternative technology being applied to try to close this gap.

1 The other point I also want to make is that EPA would definitely like to be a major
2 participant, and there is staff we have working on this issue internally that could be part of your
3 subcommittee effort to actually carry forth the agenda here. So, we definitely would like to be
4 heavily involved in the effort. This is something we want to find more information on internally
5 within EPA as well.

6
7 DR. PAULSON: That's one of the reasons I want to talk to you on the side before we
8 leave today.

9
10 MR. FIELDS: Okay.

11
12 DR. PAULSON: Now, what is all this going to buy as the subcommittee or board
13 effort? We think that this effort, if it's brought to a timely conclusion, let's say within this
14 calendar year or shortly thereafter, will contribute to the so-called BEMR report or reports that
15 are due to Congress in the spring, and that's sort of the time line that at least I have in my mind.
16 We certainly think it will provide the basis for policy work and decision analysis, both in
17 headquarters but especially in the field at actual sites where they are facing deadlines to put in
18 place various contemporary current standard technology, and they play into renegotiations of
19 agreements as well.

20
21 I certainly think it could increase the level of the discussion and debate regarding field
22 decisions on projects, particularly in the next few years, and we think in a very general sense,
23 and I'd say not only for DOE's Environmental Restoration program since the data picture is so
24 bleak for everybody else, it probably will help show the way for other agencies and for private
25 sectors on how to think about the immediate use of technologies which might admittedly be
26 interim, multi-year, temporary fixes but that would have real risk reduction benefits while we
27 wait for better, faster, cheaper, innovative technologies from Tad's subcommittee.

28
29 So, we think this game is worth a gamble.

30
31 MR. ALM: Have you talked to Jim Werner about this because he's in charge of the
32 BEMR, right?

33
34 DR. PAULSON: No, not yet. I'd hoped to catch him, but he vanished. That's a more
35 macroscopic approach. Ours is going to be caps, alternate water supplies, very practical, very
36 field oriented type technologies, not rolled up macroscopic estimates. We're looking for actual
37 field examples, real costs, real performance, and where we can get it, real or estimated risk
38 reduction, risk avoidance.

39
40 MR. ALM: When you were saying that you wanted this to be available at the same time
41 as the BEMR?
42

1 DR. PAULSON: I think if we get cracking and get the support, it could inform and
2 infuse the BEMR effort, one of which has a March deadline and the other which has a June
3 deadline, the two relevant ones, but we have to start quickly with a significant level of support.
4

5 MR. ALM: Okay, Bill?
6

7 DR. FREUDENBURG: One question about the risk reduction. As I recall, didn't the
8 committee look at that or at least comment on that in the final report from the Academy? The
9 committee you just finished with, saying there's a whole lot of disagreement as to how much
10 real risk is out there and what the -- if you're going to do the body count technique, aren't you
11 going to turn all of this good, solid science into squish?
12

13 DR. PAULSON: It may be that the risk figures will be qualitative estimates rather than
14 quantitative risk avoidance or risk reduction. Now remember, the Academy committee just
15 looked at groundwater. We're thinking airborne exposure, surface water exposure, building
16 demolition activities, the whole thing, not just subsurface water conditions.
17

18 DR. FREUDENBURG: So, a lot of those, the risk numbers would actually be much
19 closer to being real than in the case of ground contaminated groundwater?
20

21 DR. PAULSON: Well, knock on wood. If you look at the bibliography and if you're
22 familiar with any of the papers in it, you'll say it may just be best professional judgment
23 interview type conclusions.
24

25 DR. FREUDENBURG: So, you're going to say that when resources and time are
26 limited, maybe the more it could focus -- your effort or the committee's effort could focus on
27 what have we been able to do cleaning something up or containing it would be the major focus
28 because that could be done in a way that's relatively uncontroversial whereas what does that
29 mean for dead bodies in 20 years.
30

31 DR. PAULSON: If I could take a minute to say something about the groundwater, Mr.
32 Chairman. I was asked to do that.
33

34 MR. ALM: Go ahead.
35

36 DR. PAULSON: You've received the report. You've received the press release. I
37 should tell this board that DOE was one of the early and most enthusiastic supporters of this
38 study, along with EPA, the private sector and others. It really was quite a broad funding base.
39 The report, while it took longer to get started than some of us like me wanted, it is in fact
40 finished in time to potentially affect the Superfund debate in Congress, which was one of the
41 target audiences that we had.
42

43 The report is I think state of the art of knowledge regarding groundwater pump and treat
44 and its abilities and its limits, and there's more limits than abilities, as many of you know. It

1 does quite a good job on pointing out the possible near and midterm technical alternatives, most
2 of which are very poorly understood, poorly researched. R&D monies are not very plentiful
3 for this field right now. It does a good job on that. It is probably particularly good at sum-
4 marizing the surprisingly small number of sites for which there has been a good thorough
5 technical effort documenting the effectiveness, if not the risk reduction or even the cost of the
6 effectiveness of contemporary pump and treat and perhaps one of the most innovative ideas in
7 it is a classification scheme for aquifers that the committee has invented and will try to
8 encourage EPA and others to adopt.
9

10 Unfortunately, and I'll say this as an academic, we had too many academics on the
11 committee, and so the report is not easy to read. Some of the chapters in particular are better
12 off as graduate texts than they are for a more general audience, and that is too bad. The
13 Academy has designed a series of steps which I've been talking with DOE about funding -- I
14 also want to talk you to, Tim, about this one -- that would take the report and digest it and distill
15 it and put out a different additional set of publications and perhaps a video that would be
16 accessible to broader audiences other than the highly technical audiences.
17

18 DOE has expressed interest in helping that happen. I'll twist Tim's arm in public now.
19 I think it's in EPA's interest to help that happen as well, and I think the other sponsors would
20 also find it in their interests. So, there may well be follow-up publications. I think this would
21 be a great program on NOVA, for example, on PBS, amongst other things.
22

23 MR. FIELDS: I was going to suggest you do that but without EPA funding.
24

25 DR. PAULSON: Well, I know that money is tight, but the incremental funding to reach
26 the other target audiences, all the way from people on Capitol Hill staffs out to people around
27 the sites is not much based on the effort that went into the study itself. The study will be
28 published in a regular volume by National Academy Press in time for the fall start of classes,
29 for those of you that are academics, and if any of you are interested in getting at least notice of
30 when the printed volume is available, just let me know and I'll get you a flyer. You do have,
31 though, the full text as it will be published.
32

33 DR. FREUDENBURG: Actually, the infeasibility fees notion is a very -- has a lot to
34 present.
35

36 DR. PAULSON: That was a harder sell within the committee.
37

38 MR. SMITH: I was going to -- I know I'm out of turn here, but since he mentioned
39 that, I was going to hold that up as a very innovative idea. I appreciate having a public policy
40 kind of solution. If you're not going to have the technical solution, at least let's have an
41 appropriate public policy response, and when you do your press releases for the whole report,
42 let's not forget that that's in there because I think it's a good idea. I'm sorry it didn't sell well
43 in the National Academy of Sciences, but it will sell better in state capitols.
44

1 MR. ALM: Jay?

2
3 DR. SORENSON: You mentioned the deadlines on two reports, the BEMR report is due
4 -- scheduled for when?

5
6 DR. PAULSON: There's two. There's what I call the pure BEMR report, which is
7 called that, which is due in March of '95, requested by the defense committees, and then there's
8 the risk cost report which is due in June of '95.

9
10 DR. SORENSON: And you would like to have it ready when?

11
12 DR. PAULSON: I would like this subcommittee to have a report presented to the board
13 and hopefully adopted by the board by early next calendar year, let's say January, February of
14 '95 so that the results of it can be reflected as appropriate in the March report and the June
15 report.

16
17 MR. ALM: Can you explain the relationship of your committee versus the staff work
18 you're talking about? I mean, you're talking about two to three person years of effort, right?

19
20 DR. PAULSON: Right.

21
22 MR. ALM: That's a fairly big analytical task. Is your committee going to oversee that
23 work?

24
25 DR. PAULSON: Yes. I would assume an appropriate person from I'll call it the
26 permanent EMAB staff.

27
28 MR. ALM: Okay. What is the route you have for securing the resources? Who are you
29 talking to and --

30
31 DR. PAULSON: Nobody yet. We had a route early on using an organization in Oak
32 Ridge, but that closed off, and at the same time, the funds to support that effort got tight. This
33 was in the spring timeframe.

34
35 MR. ALM: Okay.

36
37 DR. PAULSON: Since April 30, April Fool's Day I think was the last day of our
38 meeting, as I recall. We have had no further discussions with potential contractors, potential
39 DOE employees that are already on board or potential new players to do the work. We have
40 scoped out the disciplines needed because this is a significant analytical.

41
42 MR. ALM: Let me ask the full board. I mean, how do you all feel about the study?

1 DR. SORENSON: I'm for it, but I don't think really that the deadline you've got, your
2 estimate of four or five people for one half year, this is --
3

4 DR. PAULSON: Well, we may need to talk about that on the side in the interest of
5 time, but this is primarily literature review, selected portions of all of these documents and
6 interviews, the way I see it. It's certainly not going into the field and collecting the data. Since
7 it's a review analytic function, I think it's doable, but we can talk about that after hours.
8

9 MR. ALM: Tim?
10

11 MR. FIELDS: I would, though, Glenn, probably what Jay is saying, it would be really
12 helpful for your subcommittee to make the recommendations about what ought to be done. I
13 think the literature search and documentation you've laid out is fine, but we need to also have
14 a game plan for what ought to be done beyond that in the future.
15

16 DR. PAULSON: Without prejudging what the committee report would be, I think we'd
17 be derelict if we didn't give prescriptions in a report to the board on future ways to collect data
18 and in that regard, by the way, we can pick up the template from the Academy's groundwater
19 report, which was very precise in the groundwater context on information to be gathered in the
20 future. We can generalize from that, I think quite easily. Again, I'm not -- the subcommittee
21 as a group has not discussed that prescriptive aspect of our work. We've been focusing on what
22 was known, were there results that would render this idea moot, that somebody had already done
23 it, and I think persuading ourselves that there wasn't. We were advised to do that, to build a
24 case, to ask DOE then for significant extra support to actually do the analysis.
25

26 MR. ALM: Glenn, when you're finished with this, will you actually have cost curves
27 that will show you the additional costs versus whatever environmental protection?
28

29 DR. PAULSON: That was our goal, but I fear the data sets will not allow us to do very
30 much of that.
31

32 MR. ALM: What do you think you'll have?
33

34 DR. PAULSON: I think -- well, at this moment now, the picture is so bad, I'm not sure
35 what will happen. What we may have, and I welcome views from any of the seasoned veterans
36 in the room, not necessarily those on the subcommittee but others as well. We will probably
37 have a relatively small number of case studies where there are actual costs, not estimated costs,
38 but actual expended costs for sites and a qualitative estimate of the risk avoided or risk reduced
39 estimate -- not actual risk reduced -- at those sites across a somewhere between one and two
40 handfuls of technologists. It might include some simple things as fencing. It certainly would
41 include capping, alternative water supply provision and things like that, but I don't know that
42 any of the data for any of those will be robust enough to draw what you and I would consider
43 a classic engineering cost curve. I think it's that grim. There's a lot of projected costs, a lot

1 of estimated costs in rods, a lot of estimates risks to be avoided, but we're looking for actual
2 real world costs where we can get them, real world or best professional judgment risks avoided.

3
4 MR. ALM: And what do you see the practical output of this exercise? Who's the
5 customer and for what purpose?

6
7 DR. PAULSON: Well, I think there are multiple customers, as I tried to show in one
8 of the viewgraphs, but I think if my hypothesis -- I think most of the subcommittee has this idea
9 as correct. A general conclusion may very well be that where you have current known or very
10 likely exposure paths through air, surface water, soil exposure or groundwater, there are off the
11 shelf approaches, standard technologies that can be used promptly at a reasonably definable cost
12 that will interdict those exposure paths for an extended period of time at a relatively low
13 investment. That would be a limited technical conclusion. Then the policy implication of that
14 will be if that's in fact the case, why not do that in all of those circumstances and then by the
15 time for future research to develop the techniques, hopefully not too expensive, that will
16 permanently interrupt those exposure paths. That's where the intersection comes with Tad's
17 committee. He's looking at innovative future technologies. This one is focusing on off the shelf
18 steps.

19
20 MR. GUIMOND: I wanted to ask down with that example, maybe get a little bit farther
21 into this. Are you, for example, talking about trying to assess the effectiveness of capping, and
22 if so, does that assessment require data through several years of post closure monitoring, or is
23 it a matter of expert judgment as to how effective the capping would be, coupled with modeling
24 again of how effective the cap was designed to be?

25
26 DR. PAULSON: We'd rather have actual data, but my concern is that even though
27 there's been a lot of caps put on old CERCLA sites -- I mean, you know, this is the 15th year
28 anniversary of CERCLA this December, and capping started in year three big time -- that there
29 may not be much post-capping air and groundwater exposure data to use.

30
31 MR. GUIMOND: Isn't that data likely to be rather bimodal, either going to detect it in
32 the wells or you aren't?

33
34 DR. PAULSON: Well, I'm afraid people haven't even looked properly, particular for
35 airborne dust exposures, which is one of the reasons to use a cap. I suspect we're going to find
36 the cap was put in and nobody checked more often than we're going to find somebody who's
37 gone back on the required quarterly basis and done air sampling. We don't want to get into a
38 bid modeling predictive exercise. There's ample examples of that, in rods and elsewhere.

39
40 MR. FIELDS: Yeah, most of them are, if I could just interject on that, 25 percent of
41 our sites are sites where we were doing capping because of the predominance of landfills on the
42 national priorities list. Most of the checking we do in the follow-up is associated with assuring
43 the integrity of the cap. We're not doing a detailed evaluation of air marks or anything and all
44 the other kinds of things that Glenn is talking about.

1 MR. ALM: Okay, any other questions?
2

3 DR. SORENSON: One last question. I see so much -- I'm for all of this. I heartily
4 support it, but I am concerned really about essentially studies that are going to emphasize the
5 uncertainty more than anything else. Since we're talking about going to mixed waste and
6 radioactive waste, you've got to really cut across areas of concern, and you're also talking about
7 technologies that are going to stabilize isolated contain, but that also may wear out maybe for
8 the end of the hazard, and all technologies really that do stabilize and contain but could leave
9 us in 20 or 30 or 40 years time into the future worse off than we are today. Is this -- I mean,
10 are you anticipating looking at this, or are you just looking at hard costs?
11

12 DR. PAULSON: We will look at the solidification containment technologies that have
13 been used, and there has been a lot solidification done in classical Superfund sites. My own
14 personal prediction, by the way, is that when we seek data where there's been capping done on
15 a dump with mixed or low level pure rad waste, we won't find many caps that have been done,
16 and for those that we do, we'll probably find a little bit of exposure data. The total universe
17 is going to be pretty small compared to caps over pure hazardous chemical wastes.
18

19 DR. SORENSON: So it's significant, statistically significant?
20

21 DR. PAULSON: I can't tell you. We may end up with a few well documented case
22 studies just like the Academy committee with a full time technical staff and other support and
23 a group of people when you see that had access to EPA, DOE, private sector cleanups and so
24 on, we were able to come up with at best a couple of dozen well documented, well character-
25 ized, technically solid case studies. Where pump and treat technology has been installed at I
26 would guess 600 NPL sites, and some multiple of that RCRA sites and some large multiple of
27 that private cleanup sites. We were able to get a couple of dozen well documented sites. I
28 mean, I think that's unfortunately the mental picture I have.
29

30 DR. SORENSON: I guess I just worry about generalizing as much as I fear --
31

32 DR. PAULSON: Well, you're on the committee so you can help us not do that.
33

34 MR. ALM: Gentlemen, I think we need to move on after this.
35

36 MR. BANGART: I wasn't clear on your conversation. Was that to find out whether
37 there is four or \$500,000 available that can be put in and placed to a contract in the next six
38 months?
39

40 DR. PAULSON: Yes.
41

42 MR. BANGART: Okay.
43

1 MR. ALM: I would appreciate you know, hearing from you if you're not able to get the
2 money and we'll just see where we go from there. I don't want to wait for three months for you
3 to come back and say there's no money without the committee having some sense of what's
4 going on.

5
6 DR. PAULSON: I appreciate that invitation, Mr. Chairman.

7
8 MR. ALM: Why don't we move on to the status of public involvement activity. Cindy
9 Kelly?

10
11 MS. KELLY: Thanks very much, Al. I know we're running out of time and I know
12 that there are folks that want to talk about specific issues. I will whiz through these because I
13 wanted to share with the committee sort of the spectrum of things we're working on, and as
14 you're thinking about your future roles and how you might help us out, I think that while the
15 technical aspects of the program are intriguing and certainly very important, a lot of the
16 decisions that are being made or will have to be made about the future of the former nuclear
17 weapons complex are more of a political, social, economic nature, and in order to insure that
18 we can deliver on the best of our scientific endeavors with the kinds of decisions we think are
19 the right ones, we've got to make sure we bring along with us all the constituencies.

20
21 At any rate, to sum it up, as we look across the country, I think you probably all agree
22 the future is a local decision. We have managed the Manhattan Project in the next 50 years in
23 a somewhat national way for national security interests, and that was very appropriate, but now
24 we're at a new phase, when we're looking at the country nationally, we have to do that for
25 efficiency and providing the best technical support to the sites, but really what happens at WIPP,
26 what happens at each of these sites is as much a local decision as it is a state and national one.

27
28 So, we have just -- I just made a pitch yesterday to our assistant managers for
29 Environmental Management, hence this slide, but it really could read the role of our site
30 managers, and the site people. They are our front line. We are looking to them as well as, you
31 know, to ourselves to help gain public trust and confidence and to provide the leadership. This
32 is a new role for DOE. We've been living behind our iron curtain of ourselves around our sites,
33 and you know, we have to change our behavior. We are trying to impress upon everyone that
34 we need very strong staff in this area to conduct the many meetings that the public need and
35 want and to experiment with different ways instead of just having formal hearings and inviting
36 and intimidating the public, to find games like monopoly which was picked up in the Wall Street
37 Journal in an article about Fernald a couple of weeks ago. You may already have that.

38
39 At any rate, you may want to play the game, but we're trying to make this fun,
40 interactive process. We're doing all of this at a time when the poor site managers are
41 struggling. We mentioned this transition. You are well aware there's a proliferation of
42 requirements, from the plutonium vulnerability studies and the FFCA and all the like, they're
43 under tremendous pressures to achieve efficiencies and to, looking forward, manage with a

1 declining or a flat budget. They're busy, but nonetheless, we're demanding more of them as
2 we launch into a new phase of doing business.
3

4 Our role is to try to facilitate all of this and help them provide national direction support.
5 As you know, one of our key activities has been trying to establish effective public participation,
6 and one component of that is clearly our site-specific advisory boards. We just passed around
7 the room an update for you. We have nine boards now up and running. We're not saying that
8 site specific advisory boards are the silver bullet. I think because they've gotten so much
9 attention that it's actually harmed us. People who are not on the board feel that they're going
10 to be left has been heightened, extensive anxiety on the part of many groups, and so it's made
11 the job actually more difficult to assure them that this isn't the only vehicle for decision making,
12 and in fact, these boards can only focus on a few issues meaningfully at each site and other
13 groups will have to be involved in a complementary way, as Ken well knows.
14

15 DR. FREUDENBURG: Cindy?

16
17 MS. KELLY: Yes?

18
19 DR. FREUDENBURG: Can I make a suggestion right now?

20
21 MS. KELLY: Sure.
22

23 MR. FIELDS: You're familiar with the handout that's coming out that we're getting that
24 goes along with the requirements -- if you would put X's in one of those --
25

26 MS. KELLY: Oh, sorry. Sites being formed are at Sandia and Oak Ridge. I just had
27 a meeting a couple of nights ago at Oak Ridge in which the public was involved and they
28 received the report of a steering committee that's been weighing how the community would best
29 want to go about that, and it looks like well, there won't be a comment period, but the meeting
30 seemed to indicate that people were favorably inclined to creating a site-specific advisory board
31 there.
32

33 MR. ALM: Cindy, are you saying that there is a SSAB at Rocky Flats?
34

35 MS. KELLY: Yes, there is. There's been -- I think they've had about five or six
36 meetings. It's been in the works for some time. There's a history. Did you hand it out, Don?
37 We just handed out a summary. I know you can't read everything while I'm trying to talk, but
38 it's there for you. Did you have a particular question on it?
39

40 MR. ALM: I'll talk to you after the meeting.
41

42 MS. KELLY: Okay. As the Secretary said at the Hanford Summit, the process of
43 setting up these boards can be messy, so we have witnessed that first hand at several sites, but
44 it's not surprising. We've just opened up the doors after 50 years of keeping people out, and

1 maybe that's not quite right but maybe 45 years of keeping people out. I mean, there's just a
2 lot of anxiety and frustration and struggling for who's going to be on the board and what role
3 each will have and so forth.
4

5 So, by and large, we're making progress. We've had some trouble sorting out the whole
6 FACA issue. I talked to you about that and the board graciously was going to let us use your
7 EMAB umbrella. We did use that on several occasions to convene some meetings, some pre-site
8 specific advisory board meetings. At some sites, we've sort of changed the paradigm. They
9 thought these were going to be independent boards. We were talking about ah, just ignore
10 FACA. That's before we got into long conversations with General Counsel, but they also
11 thought that they could have their own charters, and then we realized when we got into it further
12 that that wasn't going to be an option. Now some of the board members think that this is a
13 terrible imposition, it's a national control movement, it's going to undermine the effectiveness
14 of the board. Rocky Flats I think was one that wanted to pull out. I mean, it's just been I think
15 an overreaction.
16

17 We've been trying to communicate better what the restrictions are. We just handed out
18 to you a draft of Q's and A's. These are sample -- the leading questions we've been getting at
19 the sites as to what does this mean for us. Does this mean we can't form our own agendas?
20 Does it mean we can't chair our meetings? Does this mean we can't report to the EPA and the
21 state as we do DOE in giving our recommendations? At any rate, this is what we're trying to
22 communicate, despite the fact that we're having to live under this straightjacket of a law that
23 implies that you know, a number of restrictions. That's not the way we're going to play the
24 game, and we think that we can do what we've suggested in these answers.
25

26 MR. SMITH: Cindy, while you're right there on that point, wouldn't it be good to
27 explain to the sites that where they really have strong feelings that they are being restricted by
28 the advisory committee set up, the formal set-up that if they designed to set up an informal
29 system, one that operates outside of that they could still give advice to the Department of
30 Energy?
31

32 MS. KELLY: Yes, they can. What we ran into, in the case of Oak Ridge, there is the
33 local oversight committee is state funded, and under FACA, states can -- you know, that's sort
34 of -- they could define that this is providing it by state, and incidentally, we're listening in. I
35 mean, that's I suppose one way to do it. If you set up an independent board that DOE is
36 funding, our problem is we can't legally pay traveler per diem for any of the members unless
37 there's a FACA charter and many of the advisory committee members have wanted that
38 compensation. It's not compensation for their time but for travel and per diem.
39

40 The second thing, you can't have a standing committee that provides consensus
41 recommendations, so if they wanted to present the recommendations they're making to the
42 Department as the views of the board in a consensus way, not a bunch of 50 individual
43 recommendations, then technically they have to be chartered.
44

1 MR. SMITH: That seems like the tail is wagging the dog.
2

3 MS. KELLY: It is so difficult. We need to reform this law. It was written for a totally
4 different purpose, and we're just trying our best. Tim?
5

6 MR. ROSS: Just to let the board know that the Western Governors have gone on record
7 asking Congress to change that law such that these things can operate, as well as governors
8 could speak en masse to secretaries and that, and I'll send each of you a copy of that resolution,
9 and we will look for you to give us some support on the Hill and either get guidance out of the
10 committees that wrote that legislation or to change that legislation. It is just impractical.
11

12 MR. SMITH: Let us help you in Tennessee. We've got some strong feelings about it.
13

14 MR. CONNOR: Ron, does that cover Clinton's executive order as well, on limiting the
15 establishment of --
16

17 MR. ROSS: No, we didn't get into the limitation issue. We got into the legal issue
18 because there are certain things that government does with other governments, states do with the
19 federal government, locals do with the federal government, that need to be outside of this lockup
20 business. I'll send it out to you. It's quite limited in that it only opens a little bit of the door,
21 but it's enough to allow this kind of thing to occur without getting into this whole set of issues
22 in decision making.
23

24 DR. FREUDENBURG: Well, these people aren't necessarily government. They're
25 regular citizens.
26

27 MS. KELLY: Right.
28

29 MR. ROSS: But they're empaneled under some kind of charter of their own under the
30 sites, and we're not sure just how that's going to work out through the Congressional halls right
31 now, but we're working on that. Also, we'll see what we can do about getting some support.
32

33 MR. FIELDS: On that point, just on the legal issue, the new Superfund bill that is being
34 debated in Congress, which we talked about briefly this morning with Tom, community work
35 groups, it would specifically not require FACA delegation of these groups. It would say that
36 they exempt from FACA requirements, so that law does pass, which would be applicable to both
37 federal and non-federal facilities. Community work groups would not have to go through FACA
38 requirements under that new law.
39

40 MR. ALM: Jerry?
41

42 MR. CHRISTEAN: Cindy, did they resolve the problem of reimbursement for lost pay
43 in terms of that?
44

1 MS. KELLY: We have a memo sitting in General Counsel last I heard. Don, is it still
2 there?

3
4 MR. BECK: It's actually out for revising. Tom Grumbly decided that as a general
5 policy we would not compensate board members above and beyond travel and per diem.
6 However, there is the opportunity to make exceptions to that general policy on a case by case
7 basis, the criteria being if it's necessary to insure the board.

8
9 MS. KELLY: This is Don Beck. He's handling all these issues for me and doing a
10 terrific job.

11
12 MR. KUCERA: Cindy, we anticipated a lot of these problems with the SSAB, not
13 meaning that you should have gone forward with it, but for the alternative groups that may be
14 set up, that people who feel that they are left out, what are you doing to make them feel
15 comfortable that their expression of views is as important, or at least what we've taken into
16 account, just as much as the views coming from the SSAB.

17
18 MS. KELLY: Well, it probably varies site by site, but that's sort of a segue into the
19 next four slides, which is what we're trying to do with respect to governments, is to establish
20 stronger government to government relations, starting with tribes. STGWG is the State and
21 Tribal Government Working Group, and the tribe members of that met in June at Lapwai and
22 charted out kind of where they want us to go in the future. We had a good discussion. Charlie
23 Curtis is the under secretary who is over both the Defense Programs and the Environmental
24 Management programs which is key because many of these sites that we're dealing with are
25 largely defense sites, and the laboratories are Defense Programs laboratories, and yet they have
26 as much need to create better relationships with the tribes and everybody else as we do. It's
27 great to have someone like Charlie Curtis, who's committed to improving and opening the
28 program.

29
30 We just initiated a project with the four Los Alamos Pueblos that are closest to Los
31 Alamos and are going to be working with them to develop long terms plans and how they may
32 want to relate to the Los Alamos decision making process. In that vein, there will probably be
33 some kind of conference in the Southwest with all the tribes probably early next year, and we're
34 looking at all across the board to significantly increase a tribal funding so that they have the
35 capability, just as the states have funding from the Department so that they can oversee and
36 respond to the actions that were taken at the sites in terms of remediation programs and the like
37 that the tribes can participate. It's actually slowing the progress down now because the
38 governors of the Pueblos are among the few people in each Pueblo that have the authority or the
39 ability to participate in many of the meetings. When they get an environmental staff, it will help
40 all of us.

41
42 MS. FLAX: Cindy, does the government to government relationship with the tribes, is
43 that funded like if they were a state so that they would have separate funding to do their own
44 sampling or checking?

1 MS. KELLY: Well, we're trying to do things that makes sense, like the four Pueblos
2 are collaborating so that we don't have Pueblos that are five miles away, each with separate
3 monitoring equipment for air monitoring, but the one tribe will collaboratively sample the air,
4 and we don't have enough money to treat them all as if they were a state government with 30
5 million people. But we are trying to give them, you know, the capability to oversee and
6 participate.

7
8 We're also looking to build stronger relationships with our state governments. We had
9 a meeting here just last week -- last week? -- with representatives from eight states to share with
10 them our projections of the line. I had an earlier chart where the two diverged, the train wreck
11 issue. We are now at the point -- an objective would be to see if we could avoid a race to the
12 courthouse as we start missing more and more of these milestones for lack of funding. That's
13 a theory.

14
15 And what we need to do is first go through the numbers. Do they see that we have made
16 a fair assessment of what the costs will be, of what the new requirements that we see piling up
17 over the next five and 10 years are and so forth. So it's been a healthy start and we'll be
18 pursuing that and other issues.

19
20 One group that historically, I think, has been sort of overlooked in all of this is local
21 governments and what their role could be.

22
23 The local governments through the Energy Communities Alliance met with Secretary
24 O'Leary about two weeks ago and that was the first meeting that they had with the Secretary of
25 the Department after three years of getting refusals from Admiral Watkins. So they were
26 delighted to at least have a chance to meet with the Secretary and she committed to getting back
27 with them within a -- I've forgotten, 35 days or 10 days or something.

28
29 Anyway, we're working with Bob DeGrasse on a plan to figure out how to enhance the
30 wall of local governments and incorporate them as we are -- have been working with the tribes,
31 with the states. Local governments have a unique perspective and ability to contribute to the
32 future of these sites.

33
34 These are just an outline of some of their key concerns. This outlines the secretary.

35
36 And next we have launched -- our office has the lead on the environmental justice
37 strategy for Tom Grumbly for the environmental management. We have been working on a
38 draft strategy that is due August 11th. EPA has the overall lead for the Federal Government.

39
40 We have -- Tom committed last February to increasing minority contracting by 100
41 percent. We are struggling first to find out what the baseline is of how many contract dollars
42 are going out to minority firms now. But also very actively trying to improve the communica-
43 tion between the big firms that have all the work now at each site and the little guys are the, you
44 know, the minority firms that want a piece of the action.

1 We have hired a minority firm to go around to the sites and set up 10 workshops and
2 they're going to try to institutionalize it so that they get people who know what the ropes are
3 and can continue at each site to keep that communication going and make those opportunities
4 clear.

5
6 One of the Secretary's three top goals is to meet her target for funding historically black
7 colleges and universities. Our piece -- that is, Environmental Management's piece of that for
8 this year is \$19 million. So we are sifting through contract proposals and will be hopefully
9 meeting our mark. And it goes up next year. But this is an important commitment on the part
10 of the Secretary.

11
12 Finally, we have been working with LARAZA and the League of United Latin American
13 Communities, if I've got it right, LULAC. At any rate, to try to reach out to Hispanics. I have
14 Margaret Fernandez on my staff, who grew up in Argentina, so she's perfectly bilingual and is
15 just a terrific advocate and representative to a community that we have not really spent much
16 time and attention on, even though they are large populations around some of our sites.

17
18 Finally, one thing hopefully you know is that we have a 1-800 number and information
19 center right up the seat at L'Enfant Plaza. Melinda Downing is sitting right back there. She's
20 been the mother of this information center and has done a terrific job in getting it established.
21 We hope it will serve everyone well.

22
23 The public, our field offices, the site-specific advisory boards can call in and get the
24 latest charters for the site-specific advisory board. Tom Grumbly's latest testimony, the studies
25 that this committee comes up with and so forth will be readily available.

26
27 We are also hoping soon to have an electronic bulletin board system there so you can call
28 in and search and even have an interactive exchange. We have elaborate -- I shouldn't say
29 "elaborate" but we have an aggressive program to train the people in our field about public
30 participation.

31
32 It's not necessarily second nature to the folks that have been building the bombs to know
33 how to interact. So we think it's very important that we bring these people along and we've had
34 training sessions at all our sites. We're having one next week at Rocky Flats and around the
35 system.

36
37 Finally, we have a document that I know you got copies of, I hope you did, last year.
38 It's a beige-covered document called Environmental Management 1994. It is our attempt to
39 communicate in a user-friendly way what we are trying to do in this program site by site and
40 what did we do with your money so far. This is really aimed at Congress but anyone -- and
41 right now we are in the throes of updating that for next year so if you didn't like it, there's
42 something that we should add, expand, delete, we're putting it together now.

1 Finally, I think one of the biggest challenges that we all face that maybe EMAB could
2 help us with is trying to fit all these pieces together. I mean, you know the committee, briefing
3 after briefing, just looking through all of your issues, that there are a tremendous number of
4 issues going on just within this program that have relationships that aren't, because of their
5 historical nature, I mean, through congressional mandates, we're setting off on -- to do
6 CERCLA and RCRA. But that program is sometimes separate from FFCA and so forth.

7
8 I mean, there is a tremendous effort to try to put them all -- to piece these together. But
9 I think it is something we need to keep -- keep working on and need all the talent we can muster
10 to help us figure out how we can do things more efficiently and effectively.

11
12 So that was my spiel.

13
14 MR. CHRISTEAN: Cindy? Can I give you a suggestion?

15
16 Why did you draw that so that it showed a possibility that piece up there --

17
18 MS. KELLY: Because it fits. It's a good point. [Laughter.]

19
20 MR. ALM: As long as we're getting picky, we don't have enough pieces either.
21 [Laughter.]

22
23 MR. CONNOR: I think we have just reestablished why DOE needs this committee.
24 [Laughter.]

25
26 MR. McCALL: Cindy, that's an impressive presentation.

27
28 I would like to ask you to please keep in regular, if possible, weekly contact with our
29 subcommittee chair, Shira, and she will -- Shira Flax will make sure that the subcommittee
30 provides you timely comment back and forth.

31
32 MS. KELLY: Great.

33
34 MR. McCALL: The reason I ask that is you are the leader in the Federal Government
35 and DOE on public participation and we all have a tremendous vested interest in making this
36 work. You're also the lightning rod because you are so far ahead. And what I want to make
37 sure is that when we -- when we make our criticisms and our comments to you, that we -- we
38 remember that what we are doing here is we are all being partners in really the most important
39 thing that's happening in giving government to the people right now and we want to go in
40 that -- in that spirit.

41
42 I want to give you a couple of anecdotes how far the rest of the Federal Government has
43 to come. One of my -- one of my young officers that works for me came up to me and closed
44 the door today and said, Mr. McCall -- this is what happens when they start calling you "mister"

1 in the military -- this person said, I really admire your leadership style but I'm only a captain
2 in the Air Force and I don't want my career to be ruined. So I'm practicing openness in the
3 military.
4

5 I was down in Texas and we're trying to establish a much more luke warm type of
6 SSAB, which we call restoration advisory boards and I was talking to a major in command and
7 they said, well, where do these things work, show me an example of where they work. And
8 I said, well, they don't work anywhere yet because we don't have any of the damn things.
9

10 And I said, go to DOE, go to Pantex. I said, already at Hanford there has been a
11 successful experiment, it's working at Fernald, it's working all over the country. At DOE, we
12 have to study their example.
13

14 And as much as I speak about DOD, we're way ahead of Transportation or Agriculture
15 or Interior. So you are leading a new way and to lead it you need to stay in touch with Shira.
16 Alright? We want to work together with you.
17

18 Thank you.
19

20 MS. KELLY: Great. Thank you.
21

22 MR. ALM: Jay?
23

24 DR. SORENSON: Yes. I have a small request and a general comment.
25

26 At a Bob DeGrasse meeting on economic development, their quarterly meeting, Randy
27 Harris and Joe King gave a joint report on the site-specific advisory board and there's one
28 sentence in here and it says it also noted Department's Office of Public Accountability, EM-5,
29 is even now broadening the scope of the SSAB. A recent memo stating the SSAB's roles do
30 economic development.
31

32 Would it be possible to get a copy of the memo? That's the request.
33

34 MS. KELLY: We'll figure out where it is.
35

36 DR. SORENSON: I guess really in terms of the general comment, I would like to echo
37 Tad's remarks and state that I feel good progress is being made. There are still a number of
38 problems to address and some outstanding.
39

40 What you have here with the subcommittee that Shira chairs is a group of individuals
41 who have history and reputations in context that can be extremely meaningful and helpful in
42 terms of approaching people in both communities, government and public and in attacking some
43 of the problems that remain outstanding. And we've discussed this and I'm just reiterating the

1 point. I think even more headway can be made on problems that are still open. For example,
2 how you resolve conflict of interest problems.
3

4 And I guess what I would like to state is that we're counting on you. We need success
5 and we need it badly. And DOE is ahead in these areas and to that extent you people are to be
6 commended. But there are still some outstanding problems and I think we can be helpful.
7

8 MS. KELLY: We welcome your help.
9

10 MR. ALM: Shira, I'm glad that you raised your sign because I was going to ask you
11 if you could give a short report on your subcommittee.
12

13 MS. FLAX: Well, what has happened is we have, in the past few days, met twice with
14 Cindy and Don and they've both been very generous with their time. And what we have done,
15 what I have asked each subcommittee to do, is to assign themselves to an SSAB and to keep in
16 touch with that SSAB and we had a meeting last night where people reported back to the
17 subcommittee, you know, about their conversations with the SSAB chairs and then we shared
18 that with Cindy and Don.
19

20 MR. ALM: Can you share a little bit of that with us?
21

22 MS. FLAX: Sure.
23

24 I think that -- I think that -- that there is a remarkable challenge that DOE is -- that Cindy
25 and Don and the whole Department are facing because this has never really been done before.
26

27 There are SSABs. The SSAB composition is truly representative of the community in
28 a setting where the communities around DOE sites are very politicized. And so there's a real
29 challenge in trying to get the SSABs together in a consensus fashion to give advice to the
30 Department of Energy.
31

32 The second thing is that there is a very high expectation by the SSAB members that the
33 Department of Energy instantly do early and frequent public involvement. So that means that
34 a decision such as the decision to charter the SSABs as FACA committees, though it's a decision
35 that was discussed with significant input from the EMAB and certainly discussed extensively
36 elsewhere, to the -- and it was a decision that simply had to be made for legal reasons. And but
37 there was a -- there was a high expectation that the SSAB members should have had their views
38 solicited before this -- and, quite frankly, inevitable decision was made.
39

40 And because DOE was the first to do that, I think other federal agencies such as the
41 agency that I work for now have to learn that decisions that the Federal Government has to make
42 to be responsible, even those decisions have to be shared with the -- with the public. So that's
43 a big lesson learned.
44

1 MR. ALM: Okay. Any questions of Shira on what the committee is doing? [No
2 response.]

3
4 MR. ALM: It sounds like a very useful function for us to play.

5
6 Cindy, do you have any comments about the work of the committee?

7
8 MS. KELLY: We're happy to have them involved. We need to make sure that we
9 communicate to and work out exactly the roles so that the committees themselves are not
10 offended by, you know, who is this coming in. So we need to kind of make sure that we, you
11 know, get a joint statement out there quickly and make sure that they understand what your role
12 is and how you relate to our office and to Tom Grumbly and all of that so they don't think it's
13 confused.

14
15 MR. ALM: I think it's Ken, Bill and then Tim in that order. Ken.

16
17 MR. KORKIA: I don't know if anybody -- if you noticed that on my card I have a new
18 group that I work for. And I am now employed by the Rocky Flats Citizen Advisory Board,
19 which is the Rocky Flats site-specific advisory board. We are calling ours similar to some of
20 the other sites that have decided to call them a citizen advisory board.

21
22 But anyway, we hear a lot about -- there's been a lot of perceptions out about Rocky
23 Flats and I -- and how their group is going and I think there is really good news coming out
24 from Rocky Flats now that the group is in existence and it has a staff now and they have a
25 charter and bylaws and have gone through a lot of growing pains. Because Rocky Flats is, from
26 my perceptions of going to some of the other sites, is unique because of the extreme amounts
27 of public participation that's gone on connected with the sites.

28
29 There's a lot of groups that have been involved historically with Rocky Flats and they
30 were all kind of like niche players in the past and so suddenly you have a citizen advisory board
31 which is trying to pull different members from those different niches together and make them
32 sit together in one room. And it is a very interesting dynamic when you have a group of people
33 sitting around a table like this who -- you have your traditional environmental activist who has
34 his standard complaints or standard things that he wants to bring up and on the other side of the
35 room you have a plant employee who is able to give instant feedback and instant feedback from
36 the environmental activist and so it's a very interesting dynamics for what's happening.

37
38 I think it is a very exciting process and I am really excited to be involved with that. And
39 so it is something I will be working on every day and so I am going to be intimately involved
40 with a site-specific advisory board. And I hope to be able to continue my participation on the
41 advisory board here.

42
43 I have had discussions with the members of the advisory board back at Rocky Flats and
44 of course I can't be an official representative of their organization. They would like to have any

1 official representation be from their membership and not from their staff. But they believe my
2 participation here will be a valuable resource to them and so they would like me to continue with
3 that, although I can't be their official spokesman, so I am supposed to say that and I am very
4 willing to say that.

5
6 DR. FREUDENBURG: Three items fairly quickly.

7
8 The first is on the issue of EMAB and the various site-specific advisory boards. It was
9 actually something we discussed at some length that we wanted to support them but not get in
10 between the local citizens and local site. And I would like to request that be entered into the
11 minutes once more today and that the staff go through the minutes of our last three or four
12 meetings where it's come up and provide for you to hand out to the various boards that this is
13 something we thought about long and hard and were definitely on the same wavelength as they
14 are. We don't want to get in the way.

15
16 The second is that we're one day late. Bastille Day was yesterday, I think. But we
17 really are witnessing a revolution here. I've taught about this stuff for 10 or 12 years and I
18 believe this is the first time I have ever heard the Department of Energy singled out as a place
19 that is the leader in public involvement.

20
21 And, you know, you and Don seem to have created a miracle here if that actually
22 happens. And, boy, is my hat off to you.

23
24 Third thing is a small way in which you may be able to help this committee. A small
25 irritant for somebody like me who keeps serving on these committees that have multi-million
26 dollar budgets is that I always have to rack up the long distance phone call charges so I plan to
27 keep calling 800-7EM-DATA when I want to get through to the staff. There is a problem with
28 that, which is the last time I tried it, it was two months after we had changed our name to
29 EMAB and cancelled our May meeting and I got a recording that said EMAC will have its next
30 meeting in May.

31
32 So, you know, maybe some additional attention to that 800 number is warranted. But,
33 you know, that will help me too because when I am trying to get through to Paulene or one of
34 the staff people and I don't want to rack up another four dollars' worth of long distance calls,
35 that will help me to check the phone every now and then.

36
37 MR. ALM: Tim?

38
39 MR. CONNOR: Yes. I think you all are doing a great job. That's not a paragraph of
40 praise, but I think it's terrific the way these things have been implemented.

41
42 With all their problems, at least we've got a number of site boards up and we are
43 creating constituencies out there that we desperately need to keep these -- keep this movement --
44 these institutions alive.

1 I have two questions about the role of your office and two other initiatives. One, I don't
2 know how many of you notice that the Department now has an Office of Ombudsman that was
3 announced -- ombudsperson, excuse me -- in the current issue of DOE This Month.

4
5 We talked about this some last night, but I would appreciate --

6
7 MR. ALM: Who is --

8
9 MS. KELLY: Shirley Thomas?

10
11 MR. ALM: That was part of our PEIS subcommittee recommendation.

12
13 DR. FREUDENBURG: We've taken your advice. It was so easy.

14
15 MR. CONNOR: The office person is advertised in this article as being available to
16 employees and stakeholders that are concerned. So if you could explain that relationship.

17
18 The other relationship, and I am still not clear on this, is the relationship between the site
19 advisory board initiative and the community reuse organization initiatives. What's the internal
20 dialogue on that? How is that going to be coordinated, et cetera?

21
22 MS. KELLY: Okay. Again, I didn't have time to do any research this morning so my
23 answer is pretty much the same.

24
25 The Ombudsman's Office, as I understand it, was created primarily in response to
26 whistleblower concerns, the need to have someone in the office or in the Department who can
27 hear those in confidence and have direct access to the Secretary and try to deal with those
28 festering problems -- some of them go back decades -- that need attention.

29
30 I think the reason they said -- probably said workers and stakeholders is their number of
31 "downwinders" and others whom they were thinking of in that camp, people who had been
32 affected over time. We have had some people we have referred to the Ombudsman, but it's only
33 one person at this point that I know of and it's a job for 200. So we are using that with
34 discretion and generally our office gets a lot of calls from stakeholders of the type that we
35 usually think of. And I think they are thinking more in terms of the whistleblower, the
36 downwinder, the person who has been one of the persons experimented with plutonium and
37 that -- those categories rather than someone living around a site who is, you know, concerned
38 about the future.

39
40 Now, the sequence of relationship with community reuse organizations. Community
41 reuse organizations were, I think, a statutory -- but I'm not positive of that -- creation. But the
42 idea is to provide for some monies to a nonprofit in the DOE site area to help provide seed
43 money to entrepreneurs or other businesses who are trying to diversify the economy. And we
44 are trying -- I mean, I think in Rocky Flats, the community reuse organization is the Rocky Flats

1 Local Impact Initiative. They are receiving money. Bob DeGrasse who reports directly to the
2 Secretary has responsibility for that program.
3

4 There is a nexus we may be exploring in that one of the key players in those operations
5 are local governments. And as we try to figure out how we can get local governments involved
6 in the site future, we may be collaboratively working with Bob DeGrasse in his initiatives
7 looking at future use and future economic development.
8

9 We need to do more. We will have a meeting Tuesday to try to clarify better, and to
10 see where we can leverage each other and work most effectively.
11

12 MR. ALM: Dennis, you are next.
13

14 MR. BECHTEL: I am happy to report that the Nevada Community Advisory Board is
15 now operational, and we are off and running, and have some plans to do some good things. I
16 have had the opportunity to participate and have enjoyed it.
17

18 We had a question at the last meeting about just the distribution of funding among the
19 boards, and there was some comment that the funding levels would be based on the size of the
20 programs, and I wanted to give you -- you could perhaps clarify that?
21

22 MS. KELLY: Well, at the outset, we had set an upper limit but quickly -- our notion
23 was that these boards, once they get established, would, as an upper limit, require maybe \$350,
24 \$250,000, but the first year, because there is so much work to be done to get it established, it
25 might go as high as \$500,000.
26

27 But then we realized that there were some groups that were using far less. Fernald's
28 budget was \$165,000 for the first year, and three were petitions from many communities that
29 were very small whose scope, you know, while complex in some respects was much smaller
30 than, say, Hanford, where there are something like over a thousand operable units and it is half
31 the State of Rhode Island. There are many sites like Mound, and Paducah, and I can't think of
32 other examples offhand, but where there has been expression of interest for a site-specific
33 advisory board, and we had to negotiate hard with the office of management and budget to get
34 the FACA charter through to say the ceiling on all of this program was on the order of \$6.5
35 million.
36

37 If we start funding more than \$10 or \$12, and we fund them all at such a high level, we
38 are going to be out of money, and we saw what a good job Fernald is doing, and we thought,
39 we really -- you know, we are setting ourselves up because we are enticing people with this
40 large sum when, in fact, that is not what makes them successful or not successful, and what if
41 we put out publicly that, you know, you ought to be able to do it for less. Maybe it isn't based
42 on a gradation of size. We are trying to be flexible.
43

1 MR. ALM: Let me ask, Cindy, will you be around a little later? I would like to make
2 sure we get through the whole agenda. If anybody has an further questions, we can come back
3 to you at the end; is that okay?
4

5 MS. KELLY: Sure.
6

7 MR. ALM: I do want to get the report on the status of the spent fuel management, and
8 then we have on public comment.
9

10 MR. FREI: Good afternoon. I am Mark Frei from DOE's Office of Waste Manage-
11 ment. I work for Jill Lytle. I believe she made some presentations to you on the spent fuel
12 program back in March in St. Louis. What I would like to do today is give you an update on
13 a couple of the key areas that we have been involved with, particularly in the NEPA area,
14 certainly the theme this morning was on the Programmatic EIS. What I would like to do is
15 spend most of the time that I have on the agenda talking about the Spent Fuel EIS that we
16 recently issued as a draft, and also talk about the foreign fuel situation, both the urgent relief
17 program that we announced in April, and also then about where we are on the environmental
18 impact statement for the foreign research reactor fuel. So if that is how we would like to
19 proceed, then I will do so.
20

21 First of all, on the Spent Fuel EIS, we did release the draft on June 23rd. I believe all
22 of you have received a summary of that draft EIS, and I think Jim here has a full set. We
23 decided to be prudent in its distribution because it is about 4,250 pages. It costs \$210 to
24 reproduce and costs \$27.40 to mail. So if, in fact, you want a full set or partial set, we do have
25 an 800 number that we have in the summary, feel free to call it and just be ready to have some
26 bookshelf space, and the taxpayers will cover the postage and so forth.
27

28 As you may know from what Jill discussed at the last meeting, perhaps even the meeting
29 in December, of course, the Spent Fuel EIS really came out of the court order from the suit
30 from the State of Idaho in 1993 in which we took the portion of the PEIS that was dealing with
31 spent fuel management and pulled that out of the PEIS, and then combined it with the ongoing
32 Idaho EIS for both environmental restoration and waste management and combined those two
33 pieces, and that was done through our implementation plan that we issued last October, October
34 of 1993. So it is kind of a strange burden that we have kind of a programmatic piece to it that
35 is tied, if you will, to the PEIS, it is the portion of the Tom Grumbly program, and also then
36 has the site-specific piece for the Idaho site for not only spent fuel but all the waste that exists
37 there at the Idaho site.
38

39 Let me talk briefly about each of the two volumes, both the spent fuel piece and the
40 Idaho piece. We have five alternatives that are examined in the spent fuel portion of the EIS.
41 The timeframe that we examine in this part of the document is 40 years. It is basically from
42 1995 through 2035. We set that timeframe because we felt that was a reasonable time period
43 in which to bound our NEPA analysis so that we could not only make a determination of how
44 this fuel would be disposed in the United States, whatever that disposition strategy is, but we

1 would also then be able to implement that strategy, so it covers the point in time where we have
2 interim storage at the sites, wherever those sites may be, and then we prepare that fuel for its
3 disposition, and then we implement that disposition. We think 40 years basically covers the
4 spent fuel management program.

5
6 We are dealing with about 2,700 metric tons of fuel in our current inventory most of
7 that, of course, at Hanford from the N-reactor, about 80 percent of it. We expect to generate
8 about another 100 metric tons between now and 2035, some of that comes from the Nuclear
9 Navy operation, some from universities, some from non-DOE and DOE research reactors, and
10 some would come from the foreign research reactors if, in fact, the government implements that
11 proposed policy.

12
13 The five alternatives, quickly, obviously no action -- there was some discussion this
14 morning about no action. It is pretty close to no action in that we would just take the minimal
15 activities necessary to maintain safe, secure storage of the spent fuel where it is. There would
16 be no movement of fuel in the system under no action, other than about 200 shipments of naval
17 fuel from Newport shipbuilding yards down in Newport News over to the Norfolk shipyard
18 where it could be stored safely.

19
20 Then, in a way that is consistent with the PEIS, we are looking at decentralization, an
21 alternative. We are looking at a current planning basis, current being 1992-93, in which fuel
22 would continue to either go to Savannah River or Idaho, universities and research reactors would
23 ship to the appropriate DOE site. The naval program would continue to defuel at their ports and
24 then ship to Idaho for examination and disassembly and storage. We have a regionalization
25 alternative where we are looking at either grouping like fuels at storage facilities, for example,
26 aluminum fuels would be stored at Savannah River, nonaluminum fuels, treated fuels and so
27 forth would go to Idaho.

28
29 Another regionalizational alternative under this as a subset is looking at an east-west
30 regionalization concept where either we would have either Oak Ridge or Savannah River be the
31 eastern site and, in the west, we would either have Idaho, Hanford, or Nevada serve as the site.

32
33 Then, obviously, the last one, centralization, where we would have one site that would
34 conduct all spent fuel management activities for the Department. Obviously, in that alternative,
35 you have a lot more shipments, and I think it is on the order of 7,000 shipments, for example,
36 if the Nevada test site is the centralized site.

37
38 We have already mentioned those five sites. I know Ben Smith is real happy to be on
39 the list. His state is well represented.

40
41 MR. ALM: Made the last one also.

42
43 MR. ROSS: We just took a vote and all three of them did. [Laughter.]
44

1 MR. FREI: I know Ben in the last meeting indicated a desire to be more closely
2 connected with the Navy, and I am sure this is not what he meant.
3

4 But we did add the Oak Ridge site in Nevada in May after receiving extensive public
5 comment and also comment from the states of Idaho and South Carolina. We have indicated that
6 Nevada is not a preferred alternative. They have no recent spent fuel handling experience. It
7 has been some years since they did some demos with storage. I think that was back in the '70s,
8 and also they are, as you know, the site the Yucca Mountain site characterization program
9 through our Civilian Radioactive Waste Management Program.
10

11 Other sites that are considered from the standpoint of foreign research reactor fuel, I
12 know that came up this morning when Tom was here, in order to bound the environmental
13 impacts for the entire system, we have to include representative or bounding ports of entry for
14 foreign fuel that might come in our program, so we have included the urgent relief environmen-
15 tal assessment ports, which were Jacksonville, Florida; Charleston, South Carolina; Savannah,
16 Georgia; Wilmington, North Carolina; and the Army Military Ocean Terminal at Sunny Point.
17 Those five as well as, I believe, we use Oakland, California, as a western port to represent and
18 hopefully bound the impacts of transporting foreign fuel under the various alternatives to the
19 various storage sites.
20

21 Turning to Volume 2, which is the Idaho specific part of this EIS, we have four
22 alternatives there, including, again, no action, and this would be for the low-level and mixed
23 low-level, the transuranic, the spent fuel and the high-level waste, we would basically complete
24 near-term actions and projects and continue to operate the current facilities, but we take on no
25 new initiatives there.
26

27 Then consistent with the spent fuel '92-93 planning base, we have a current ten-year
28 plan. I should mention in this portion of EIS the planning horizon for environmental analysis
29 is ten years. We are looking at a ten-year horizon through the year 2005. So under the second
30 alternative in Volume 2 for Idaho, we are looking at the ten-year plan where we complete our
31 current projects, initiate new projects that are covered in this NEPA document and prior NEPA
32 documents.
33

34 Then we have two alternatives, if you will, that bound our spectrum of environmental
35 impacts. One is where we do minimum treatment storage and disposal, and the last alternative
36 is maximum treatment storage and disposal. Under the minimum alternative then, we do the
37 minimum amount to get waste disposed of so the high-level waste we would take the calcine
38 waste and convert it to glass or ceramic. We would dispose of low-level waste there onsite.
39 We would get the TRU waste ready to go to WIPP or wherever it is going to go as opposed to
40 the maximum case alternative where we would, in fact, not only treat the maximum of the waste
41 that already exists at Idaho, but we would be sending waste from the other DOE sites to Idaho
42 for it to be treated, stored and disposed. In the case of TRU waste, it would go to Idaho to be
43 treated and then back down to the Waste Isolation Pilot Plant.
44

1 So we believe with those alternatives we have bounded the possible alternatives so that
2 both in this and the spent fuel case when the record of decision is issued, we can make a choice
3 that is within the various alternatives considered.
4

5 Now, given all that, what kind of decisions can we made based on the EIS. We are not
6 making, obviously, any decisions with the draft. In fact, the Department does not have a
7 preferred alternative. It is one of those things where you are damned if you do and you are
8 damned if you don't. We have looked at the results of our environmental analysis on both the
9 spent fuel and the Idaho portions of the EIS. We saw no discriminators in terms of the
10 environmental impacts, they are all very low, and I am not going to be able to pull out numbers
11 of what the risks are in the number of latent cancer fatalities. They are all very low. You can
12 see that in the summary. So, given that, we felt that we could not identify a preferred
13 alternative for both the Idaho piece as well as the spent fuel piece.
14

15 But what kind of decisions can we expect to make when we get through the final EIS
16 process and then the record of decision. For the spent fuel portion what we believe we will be
17 able to decide on is really how do we want to store this fuel in terms of location. Should we
18 continue to leave fuel where it is, whether it be at universities, foreign research reactor sites,
19 at the major DOE sites, let the Navy deal with their fuel at their shipyards, should we consoli-
20 date it at fewer sites on a regional basis or by fuel type or, in fact, should we invest and
21 centralize all the fuel at one location. We believe we can make that decision given the analysis
22 that is in the EIS.
23

24 On the Idaho side, we can look at what kind of treatment technologies do we want to
25 implement, what kind of facilities we want to build to manage the waste at Idaho. Because we
26 don't have a preferred alternative on the DOE activities, we feel it is real crucial to get the
27 public input. We need the views of stakeholders as to what makes sense from their perspective
28 and your perspective.
29

30 Some of the things we feel we will need to have so we can make a prudent decision along
31 with input from the public is cost, schedule, impacts to mission. There is very little cost data
32 in the EIS, certainly on the spent fuel management side. The Navy has quite a bit of cost data
33 in their appendix, but not on the DOE side.
34

35 We are working on a cost evaluation report that will evaluate cost for each of the
36 alternatives so that our decisionmakers, Tom Grumbly and Hazel O'Leary, can understand the
37 cost consequences of the various alternatives.
38

39 We are planning to have a methodologies and assumptions document out for public
40 comment about a month from now, the middle of August, and the idea was to get this out so that
41 it is part of the 90-day comment period on the draft EIS, and people have an opportunity not
42 only to comment on the NEPA analysis but what we are intending to do on the cost analysis to
43 support the spent fuel portion of the EIS.
44

1 We will then put together -- based on finalizing our assumptions and methodologies
2 approach, issue a draft cost report at the end of this calendar year, and then finalize the cost
3 report some time in the spring, so it will be available to go along with the final EIS.
4

5 I do want to point out the Navy, as our cooperating agency on the EIS, has identified a
6 preferred alternative, and that is to continue their historic practice of sending their fuel, the spent
7 fuel, to Idaho to the examination core facility where they will examine the fuel and store the fuel
8 rather than some other approach, for example, of letting the fuel sit at the various shipyard sites.
9 So they have a preferred alternative based on the analysis that is in the EIS.
10

11 In terms of our public comment process, we are starting a series of public hearings. The
12 first one is Monday, both down in Newport News and Portsmouth. We have a number of Navy-
13 related sites first on the agenda, and then we have DOE sites. There will be public hearings
14 through early September, as I recall.
15

16 In the spirit of getting this information out, instead of just dumping this stuff in the DOE
17 reading rooms, we have EIS and supporting material in about 90 reading room locations across
18 the country. So hopefully most people, if they are interested in finding out about and reading,
19 they can either use the toll-free number or go to a local library and get the information.
20

21 In terms of schedule, under the court order we are to release the final EIS by April 30,
22 1995, and then the record of decision by June 1st, and certainly given the relationship of this
23 document with the PEIS and the discussion this morning on the timing of that, it is very likely
24 that the decisions that are issued in the spent fuel and Idaho EIS will be conditional on what
25 comes out of the PEIS and the FACA process. We will just have to see how that all plays out.
26 But certainly under the court order we have to issue a ROD by June 1st, and we intend to do
27 that.
28

29 Before we move on to the foreign fuel, I assume there must be some, given this
30 morning's -- I am assuming some comments and questions. So, if you would like, we can pause
31 here.
32

33 MR. ALM: Jay?
34

35 DR. SORENSON: I have one comment, a suggestion to you. I have just received the
36 full set and read of the EIS and know that nine out of ten people are never going to go through
37 it. Really what you also have in that little summary that was sent to us is also not really going
38 to work for you.
39

40 I don't know what you do, really, to meet the interest of the concerned public. I think
41 you may need to supplement both to get the kind of input that you want without some of the
42 conflict and concern that I think is going to be -- I think you have done a superb job. I think
43 that little summary is very good.
44

1 MR. FREI: What do you feel is lacking with these?
2

3 DR. SORENSON: It is not the question of what is lacking, it is the reader that you are
4 targeting.
5

6 MR. FREI: You know, it is interesting. We work so hard to make this readable and
7 understandable for the layman, and that was a real struggle with the more technical side of
8 people who work on EISs.
9

10 DR. SORENSON: Well, it is all rather intimidating. But I am not sure I know how to
11 help you, but I can tell you how I reacted.
12

13 MS. FLAX: I don't know whether you were able to join us earlier, but I asked Tom if
14 he could elaborate more on whether or not there is, on the spent fuel storage issues at INEL
15 because part of the INEL EIS was supposed to deal with that so I believe, the disposal of the
16 spent fuel?
17

18 MR. FREI: What this EIS deals with is the interim storage of the fuel.
19

20 MS. FLAX: I see.
21

22 MR. FREI: It discusses in Appendix J some of the different technologies which we
23 intend to consider in the future, you know, more safely managing the fuel and, in fact, waste
24 that we have at Idaho as well as the other sites in terms of spent fuel, and we talk about disposal
25 technologies. But where this document falls short, unfortunately is that, given we don't have
26 acceptance criteria for the first repository, let alone agreement that this fuel is going to the first
27 repository, we could not, in this document, do the analysis that would allow us to make a
28 decision that, yes, it is the ideal fuel as is when it is in some other form is going to Yucca
29 Mountain or is going to a second repository, is going somewhere else in some form.
30

31 MS. FLAX: Are you getting the cooperation you need from the Navy?
32

33 MR. FREI: The Navy, yes. The question really could be asked the other way around,
34 given the real pressure here is what if we don't succeed in getting out an EIS under the court
35 order, the ramifications really are that the Nuclear Navy Program basically would be shutdown,
36 and we are getting more than enough cooperation from the Navy, absolutely. [Laughter.]
37

38 If I may, it is an interesting point. I have been involved in a number of NEPA
39 documents, and the court order is kind of a thing you would like to avoid, obviously, in running
40 the program, but it was kind of a pleasure in that we had milestones to meet, and that meant you
41 didn't go through endless cycles of comments, and comments, and comments. I mean we
42 marched through a plan and we got it out. The question is, is it good enough? I mean time will
43 tell. So, from that standpoint, I kind enjoyed being under the court order.
44

1 MR. ALM: Let me just say, I am going to try and wrap up around 3:30. We have a
2 couple of comments. We have to approve the minutes at a minimum, in terms of business.

3
4 MR. SMITH: I will cut it short.

5
6 MR. ALM: Okay, go ahead.

7
8 MR. SMITH: On the Navy issue, we have been thinking about how it would work to
9 write a record of decision with the Navy involved. There is a scenario where, I guess, DOE
10 would be writing a record of decision that could essentially place the waste storage on Navy
11 installations.

12
13 MR. FREI: The Navy fuel on Navy installations.

14
15 MR. SMITH: The Navy fuel on Navy installations.

16
17 MR. FREI: That's correct.

18
19 MR. SMITH: Now is there a role for the Navy in writing the record of decision?

20
21 MR. FREI: Yes. I mean you have to understand, the Navy Nuclear Propulsion Program
22 wears two hats. One is, they report to the Navy, Admiral DeMars heads up that program. You
23 know, he is today's Rickover.

24
25 On the other hand, Admiral DeMars is also part of the DOE organization under the
26 Office of Nuclear Energy. So when our Secretary issues a ROD, as she issued this draft EIS,
27 she is speaking for the Navy as well. I mean, they are not going to be two separate decision
28 packages.

29
30 MR. ALM: Okay, Barry and then Jay.

31
32 MR. BREEN: Could you say a word about where this is in the Clean Air Act Section
33 309 Review of the EIS?

34
35 MR. FREI: Oh, boy.

36
37 MS. FLAX: He wants an answer.

38
39 MR. FREI: I am not even sure I understand the question. I apologize.

40
41 MR. BREEN: Okay. The EPA will review EISs and score them. Do you know where
42 we are in that process?
43

1 MR. FREI: All I can tell you is, I know that EPA issued their notice of availability to
2 kick off the comment period. I do not know where they are in any technical review. I will be
3 glad to get an answer for you and get back to you, but I don't know. I am sorry.
4

5 MR. LICHTMAN: Mark, do you want me to say a word about that?
6

7 MR. FREI: Stan, thank goodness, yes. There is a real NEPA ninja back here.
8

9 MR. LICHTMAN: I am with the Office of NEPA. The requirement you are referring
10 to is a requirement under the Clean Air Act, a couple of things, that EPA has a responsibility
11 to review the environment impact statements and, in fact, they rate them, and they do that during
12 the public review process. So that review is underway. A representative from your Office of
13 Federal Activities was here earlier.
14

15 MS. OFERDAHL: I am here now.
16

17 MR. LICHTMAN: She is still here. You can answer the question.
18

19 MS. OFERDAHL: We received 20 copies of it. I think the last was in June, and it has
20 gone out both internally at headquarters through its program offices and to all our regional
21 offices. So we will be commenting within the comment period. Everybody has it and is starting
22 to read it now.
23

24 MR. ALM: Okay.
25

26 MR. GUIMOND: Also, committee members asked this morning when Tom was
27 speaking, the rationale for using a military port for bringing back foreign fuel and also why
28 some of the fuel is being shipped by rail. I think they wanted a little amplification on that.
29

30 MR. FREI: Okay. Fine. Right.
31

32 The decision that was announced April 22nd was for a limited number of shipments,
33 maximum of three shipments, oceangoing shipments, to provide urgent relief to I believe it's
34 eight reactors in Europe who are facing in the next year or approximately year-and-a-half a
35 decision where they either shut down their reactor or would be forced to send their material for
36 reprocessing so that they continue to have some storage on site.
37

38 As part of that decision in the environmental assessment that was issued, we looked at
39 a range of ports that had to meet the criteria, had to be assessed against the criteria we were
40 given by Congress, which I believe Jill covered in the March meeting, which had to do with the
41 population density, proximity to the storage site, economic feasibility. I think there was one --
42 one other criteria.
43

1 Through public comment we got in through a number of the draft EAs, we included
2 looking at the DOD sites, in particular Sunny Point, which as I understand it is like, I think, this
3 country's largest ammunitions terminal, was heavily involved in Desert Storm. In fact, they had
4 upgraded their rail line during the Desert Storm campaign.
5

6 In doing the environmental analysis, Sunny Point was in there in terms of all of -- of the
7 criteria. In fact, certainly from a population standpoint around that port, I think Tom indicated
8 at the March meeting it was basically zero. It's pretty well isolated from Wilmington and
9 Southport.
10

11 And as a condo owner of Ocean Isle Beach not far from Southport, I feel comfortable
12 with this decision, for what it's worth, as a personal note.
13

14 So, from an environmental standpoint, Sunny Point was right in there. We felt that given
15 its experience with dangerous materials handling and also the rail line situation, we felt that it
16 was the appropriate choice to make among the ports.
17

18 As far as rail over truck, if you look in the EA, you have about a factor of 30 less public
19 exposures shipping by rail than by truck. Now, certainly, some of the workers in terms of
20 occupational dose from the inspectors and port people and so forth, you get a slightly higher
21 dose from handling the rail -- by rail, simply because there may be some truck-to-rail intermodal
22 handling operations, if you can't go directly from rail, for example, to Savannah River site
23 handling operation.
24

25 But from the public standpoint, the dose was lower, significantly, by rail. That and some
26 comments we had gotten from local and public officials who felt that rail was the preferred mode
27 of operation for getting it there.
28

29 And, in fact, meeting with the states that we have done in the last two months, they feel
30 comfortable. If there are going to be shipments, rail is their preferred way to go rather than
31 truck. And so we will be shipping over the CSX lines from Sunny Point down to the Savannah
32 River site.
33

34 MR. ALM: Do you want to just finish out about the foreign shipments. You were
35 beginning to talk about that.
36

37 MR. FREI: Yes. To wrap up this in terms of urgent relief, we're looking at it looks
38 like at this point two shipments. The first shipment, which would involve potentially six
39 reactors and eight casks would come over in early to mid-September so we are about two months
40 away from the first of the hopefully two shipments. And then, in the long run, we are working
41 on the environmental impact statement that will look at whether or not we should accept a policy
42 over a 10- to 15-year time frame to continue to receive this high-enriched uranium of U.S.
43 origin and some low-enriched uranium.
44

1 We are working on the implementation plan for that EIS and hopefully will have that out
2 in the next several weeks. I really don't know whether that's in two weeks, four weeks or six
3 weeks, but we are working on -- on the alternatives in that implementation plan so we have a
4 broad range of not only acceptance alternatives in terms of fee, in terms of number of years and
5 amounts, but also nonacceptance alternatives like providing technical and financial assistance to
6 the foreign countries, both the developed and developing, so that they can handle their problem
7 themselves in a manner we feel doesn't perturb us from a nonproliferation standpoint.

8
9 So we are looking at many alternatives that don't deal with us accepting the fuel and yet
10 still satisfies our nonproliferation objectives.

11
12 MR. ALM: Okay, questions, comments?

13
14 DR. SORENSON: Just a quick question.

15
16 Do you know very much about this GATT committee challenge to the NPT treaty and
17 the consent provision? That is really that it is in restraint of trade and how really, if you know
18 anything about it, would this bear really on --

19
20 MR. FREI: I'm afraid I don't. It sounds like something I need to get educated on.

21
22 DR. SORENSON: Me too.

23
24 MR. BANGART: Did you choose the absolute minimum number option where you
25 would use only partially filled casks or the -- number where you would have all the casks --

26
27 MR. FREI: We went with full casks. That was certainly something that was debated
28 pretty intensively, both, you know, with stakeholders as well as the proponents of nonprolifera-
29 tion, State Department and the Nuclear Control Institute.

30
31 It was decided to go with full casks. That while we were running those shipments, we'll
32 send them full and help the urgent relief situation that much more.

33
34 MR. ALM: Okay. Ben?

35
36 MR. SMITH: Just assume that the state of South Carolina doesn't get a restraining order
37 to stop the urgent relief shipments. How much time does that buy? You know, what's the next
38 most urgent bunch of fuel over there that has to come under the longer range policy? How
39 much pressure, in other words, is there going to be on this longer range piece of the issue?

40
41 MR. FREI: Well, internally within the Administration, the Secretary made a
42 commitment to Warren Christopher to have the EIS done and a record of decision by the end
43 of next calendar year so that the urgent relief window would expire the end of this coming
44 calendar year and then we would be ready to consider accepting more.

1 Certainly the attorneys representing the reactor operators are trying to put pressure on
2 us that, you know, there are reactors out there that were not covered by the EA and they're
3 desperate. The Department heard that before as they went through the various draft EAs. Some
4 of it is legitimate and some of it is probably not.

5
6 MR. SMITH: Some of it is driven by the regulatory environment in their own countries,
7 I think.

8
9 MR. FREI: That is correct. That's correct. But we certainly intend to go through the
10 full NEPA process. And I think you saw the way Tom operated, that we went through a
11 number of draft EAs, then we have a stakeholder forum. We extended the comment period and
12 I think we did the max we could in terms of going through the full NEPA process for that EA
13 and we'll do the same with the EIS.

14
15 MR. ALM: Jerry.

16
17 MR. CHRISTEAN: What can you tell us about the Russian fuel situation?

18
19 MR. FREI: Absolutely nothing.

20
21 I can't comment. I don't think there is anyone -- I'm afraid I can't answer that question.

22
23 MR. CHRISTEAN: Fair enough.

24
25 MR. ALM: All right. Other questions? [No response.]

26
27 Thank you very much.

28
29 MR. FREI: Thank you.

30
31 MR. ALM: Let me raise the issue of the last meeting's minutes. Have you all had a
32 chance to read the minutes? Any comments?

33
34 DR. FREUDENBURG: I found three comments attributed to me that I couldn't
35 recognize. I would like the opportunity to share some suggestions with the staff about how they
36 might be rewarded if anybody is ever going to look at these things again.

37
38 MR. ROSS: That's left over from the night before you don't remember either.
39 [Laughter.]

40
41 MR. ALM: Ben.

42
43 MR. SMITH: I just have a qualitative comment. And I am sort of sorry I didn't make
44 it this morning when I heard so many negative things flying around the table.

1 I felt better about that St. Louis meeting as a site visit than any site visit we had taken
2 previously in that Tom Grumbly was there, a program of action picked up right after the
3 meeting almost before we had gotten on the airplane to go home there was an implementation
4 plan being formed. And I see from the status reports past that date that -- that there is a
5 continued emphasis to get things done because of our site visit.
6

7 Now, I know we've got some problems on how to reinvent ourselves again and how to
8 deal with national issues but I do feel that meeting was a model on how this committee can
9 interface with site issues and deal with site issues. So it is a qualitative statement and it sort of
10 relates to our discussion this morning.
11

12 But I just don't see everything as being bleak. And that certainly, to me, was a bright
13 spot in this whole issue, whole business of the committee.
14

15 MR. ALM: Jerry?

16
17 MR. CHRISTEAN: I have a short comment about that. I don't remember anybody this
18 morning complaining about the quality of that meeting. I think we're all very satisfied with that
19 meeting.
20

21 The comments this morning were directed in other areas and so one does not necessarily
22 preclude the other from being accurate. So I think that everybody -- listen, anybody can argue
23 with me if they want to, but I think Tom Grumbly is doing a hell of a job, a good job. He's
24 trying to do the right things. We were trying to help him in how he does some things.
25

26 But what he's trying to do, I don't think anybody has got any arguments with. And
27 you're right, that meeting was typical of him, I think. He gets a problem in front of him and
28 he handles it and I think that's great. So I think the comments this morning were still the truth.
29

30 MR. SMITH: I didn't criticize the comments this morning --
31

32 MR. ALM: We will let the end of this meeting terminate on such a positive note.
33

34 Before that, do I have a motion to accept the minutes?
35

36 MR. CHRISTEAN: As amended.
37

38 DR. FREUDENBURG: Second.
39

40 MR. ALM: All those in favor signify by saying aye. [A chorus of ayes.]
41

42 MR. ALM: Opposed? [No response.]
43

44 MR. ALM: The ayes have it.

1 Another piece of business, I am going to hand out copies of these new members of the
2 executive committee. They are coming around.

3
4 These are the ones that Tom -- Tom mentioned orally.

5
6 Let me just -- Shira, let me just reiterate the group that's going to meet together to focus
7 on the three issues we talked about before and which are the issues we are going to undertake,
8 the kind of people we need to undertake those issues and how we work together.

9
10 And the participants are Shira Flax -- these are the volunteers -- Ron Ross, Ben Smith,
11 Dick Bangart and Jerry Christean. And I will personally get involved with this myself. And
12 then John Ahearne will try and get in one other -- one other person.

13
14 I guess we will work through Glen and Jim to try to get the meeting set up so it meets
15 everybody's schedules. Knowing -- knowing from experience this many people, finding one day
16 that's acceptable to all of them will be so far in the future that it won't help our retreat. So we
17 will do the best we can to get the maximum number of people we can. It's going to be
18 impossible to get everybody, I'm afraid.

19
20 MS. FLAX: Al, I just want to say that I'm just appalled that before we have -- that the
21 assistant secretary would already invite people to serve on the executive committee of this board.
22 Many of them are new to this board. Except for Glenn Paulson, none of the subcommittee
23 chairs -- and Ben. Except for Glenn and Ben, none of the subcommittee chairs are on the
24 executive committee. And this is an executive committee of new people who are supposed to
25 do -- supervise the work of the subcommittees.

26
27 I just want to say that I am greatly dismayed that we spent a whole morning talking about
28 the need to consult with us and then at the very end we're given a sheet of paper --

29
30 MR. ALM: I merely handed out the list of names because people wanted them as a
31 courtesy. The names Tom gave out orally. It didn't change anything nor does it change where
32 we're going in the future. It doesn't change anything. It's a courtesy.

33
34 DR. FREUDENBURG: What I heard him say this morning is these are the new people
35 he is contacting and who have agreed to serve with us.

36
37 What we are handed out this afternoon isn't that list this morning. This is the inner
38 sanctum.

39
40 MS. FLAX: Right.

41
42 MR. SMITH: I have a little problem with this list, too. I have had a conversation
43 about -- about this potential role on the executive committee but I haven't made a decision about
44 that yet.

1 MR. CHRISTEAN: Mr. Chairman, would a motion be in order? Would you like to get
2 the sense of this committee?

3
4 I would like to move that we write -- that we send a letter to Secretary Grumbly
5 indicating our displeasure with his announcement that this is the executive committee of this
6 advisory board.

7
8 If I can get a second?

9
10 DR. FREUDENBURG: I would like to second that provided we can make it that this
11 is unacceptable and we would like to discuss it further in September when we are all around the
12 same --

13
14 MR. CHRISTEAN: When we're bonding. [Laughter.]

15
16 DR. FREUDENBURG: I don't know if my distinguished colleague finds that
17 acceptable?

18
19 MR. ALM: No, that's fine. I mean, I'm --

20
21 MR. McCALL: There's a second, so could we have discussion?

22
23 MR. ALM: Yes.

24
25 MR. McCALL: I don't think this is -- I don't think this is the executive committee. I
26 think this is the new members of the executive committee.

27
28 MS. FLAX: That's not what it says, Tad.

29
30 MR. McCALL: I don't know that this is right. I don't know that the statement on the
31 top of the committee board. As just a point of information, I would like to then ask the Chair,
32 is this the executive committee? Are these additions to those people who are sitting here as --

33
34 MR. ALM: I think this is what Tom -- we ought to get Tom here, but I think it's what
35 he intended to be the executive committee.

36
37 MR. McCALL: Then I think there is a material misrepresentation that was made to us
38 this morning.

39
40 It was my understanding that there would be an executive committee and everybody on
41 this board would be extended and that these people would also be on the executive committee
42 with us.

1 I really enjoy serving on the committee and I enjoy the subcommittee but I am troubled
2 also with this announcement. He has a right to pick an executive committee but if it's a
3 committee that's to be part of his public committee, it just astounds me that we wouldn't be part
4 of the decision process.

5
6 MS. FLAX: It means that the members of the board are solely members of subcommit-
7 tees. The vast majority of the current board are solely members of subcommittees. And this
8 was not made clear to us this morning.

9
10 MR. ALM: Well, I suggest what we do is meet with Tom and clarify this thing, get
11 back. I mean, I don't think -- obviously, you can write a letter but let's find out what you
12 intended.

13
14 MR. CHRISTEAN: Mr. Chairman, as the maker of the motion which was duly
15 seconded, I am going to request -- I can't insist, but I do request that we do take some sort of
16 a little survey around the table so that Tom has a clear idea that this isn't one hell raiser on the
17 board that's unhappy, that there's more folks here that are dissatisfied with this.

18
19 And I don't care if it's in the form -- just so that there's some vote.

20
21 MR. ALM: Okay, what is the motion you would like to put forward?

22
23 MR. CHRISTEAN: I vote -- I would like to move that we just let Tom know that we
24 do not appreciate or really accept this designation as this being the executive committee of our
25 board.

26
27 We are shocked and dismayed.

28
29 DR. FREUDENBURG: And this ought to be topic number one for that September
30 meeting.

31
32 MS. FLAX: Al, how could Tom say he heard us when he said -- and he made a mistake
33 about not consulting fully with us if, at the very end of the meeting, he hands this out?

34
35 MR. FIELDS: I really think this is a misunderstanding on this part. I really think, as
36 a member who is named on the list, I really think Tad's understanding of this issue is what Tom
37 intended. I think these are new people that would be a part of the overall executive committee,
38 of which all of us are part.

39
40 I don't think that there was an attempt to single out these group of folks as excluding
41 others. That's not my understanding of what Tom said this morning.

42
43 MR. ALM: We need to clarify that, what he did say.

1 MR. CHRISTEAN: Mr. Chairman?

2
3 MR. ALM: Go ahead.

4
5 MR. CHRISTEAN: Allow me to rephrase my motion.

6
7 MR. ALM: Okay.

8
9 MR. CHRISTEAN: That we go on record as requesting a clarification. Let's give him
10 an out. A clarification on his listing of the executive --

11
12 (Whereupon Mr. Grumbly entered the room.)

13
14 DR. FREUDENBURG: Tom, we have a question.

15
16
17 MR. CONNOR: What was the word again, Jerry? Shocked and appalled?

18
19 MR. CHRISTEAN: Shocked and dismayed.

20
21 MR. GRUMBLY: So what's --

22
23 MR. McCALL: The ambiguity is whether this is the exclusive list --

24
25 MR. GRUMBLY: No, that's why I didn't give out the names.

26
27 MR. McCALL: These are the additional people that you have --

28
29 MR. GRUMBLY: These are -- the reason why I didn't hand out the names this morning
30 is because this is not a complete list of who --

31
32 MR. CHRISTEAN: Wait, he hasn't got it in front of him.

33
34 MR. GRUMBLY: Well, I wouldn't have read anybody's name out without having given
35 them a ring and asked them whether they'd be considered.

36
37 DR. DONATH: The question before us is, what constitutes the executive committee?
38 What do you have in mind to constitute the executive committee?

39
40 MS. FLAX: As opposed to the board.

41
42 DR. DONATH: As opposed to the board.

1 We all assumed it's a subset of the board, the executive committee is a subset of the
2 board; is that correct?

3
4 MS. FLAX: The supervising?

5
6 MR. GRUMBLY: I'm taking a lot of calibrating here. [Laughter.]

7
8 MR. McCALL: Let me put it to you, okay. There's two options.

9
10 One option is that these people and some other people that you have not yet identified
11 are the advisory board executive committee. We're not on it except for those that are identified.
12 The other option is that these people are on the advisory board executive committee with other
13 people that have not yet been identified and us.

14
15 MR. GRUMBLY: And then we come up with an executive committee. I mean, I think
16 the concept of an executive committee, the concept of an executive committee is that there is
17 going to be a subset of the larger group. This is working out the EPA model that there is a
18 subset of the overall committee that is designated the executive committee.

19
20 MS. DASTILLUNG: It says executive committee at the top here.

21
22 MR. GRUMBLY: I think that is -- I think that is -- the reason why I did not pass this
23 out was for a purpose, okay. Which is that I think that's an issue we ought to have on the table
24 for discussion.

25
26 DR. DONATH: Tom, would you briefly describe the process you envisage for
27 proceeding to identify these executive committee members?

28
29 MR. GRUMBLY: Well, after this morning's discussion, the process that we need to use
30 is a process where, when we get together in September, we sit down and ask ourselves what's
31 the purposes of the executive committee, what are the purposes of the subcommittees, and we
32 decide how large the executive committee is going to be and how large the subcommittee is
33 going to be, and then we try to work out some mutually acceptable way of determining who's
34 going to be on what. All right? That's the answer.

35
36 That's the reason why I didn't pass out the list at this point and that's where we're at.

37
38 I am glad I came back.

39
40 DR. FREUDENBURG: I am glad too. And I will no longer insist on a vote on the
41 motion that was on the floor.

42
43 MR. CHRISTEAN: I'd like to withdraw my motion -- [Laughter.]

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1 MR. GRUMBLY: Do we have any other good things -- [Laughter.]

2
3 You know what's interesting, I was sitting up there and I was saying to myself, I need
4 to go back down to that meeting. Because I just got out of -- well, there are some very
5 interesting things going on at the Department of Energy these days.
6

7 MR. McCALL: Tom, I had to leave this morning and I understand there were some
8 comments, some learning experience for you.
9

10 I would like to say, notwithstanding those, I think everybody on this committee is pretty
11 darned happy that we are going to look for a new format. I am particularly pleased as a
12 subcommittee chairman that we are going to go to a new format, whether I'm on executive
13 committee or not.
14

15 I just want to be able to do my thing on Subcommittee on Technology Innovation and
16 help America. And I think this going to be able to give us the ability to do it, so thank you.
17

18 MR. ROSS: Tom, you missed the points that Ben Smith made a few minutes ago and
19 I think he made the positive points. And that is we just went over the meeting in St. Louis and
20 you were given very high praises for the handling of that meeting, the response and also the
21 followup that has occurred. So I think you ought to hear that also.
22

23 MR. GRUMBLY: Thank you. It's taken me a long time to accept it.
24

25 MR. ROSS: And I think Jerry made a point that this is indicative of your leadership.
26 And I just want to make sure that it gets on the record.
27

28 MR. CHRISTEAN: I would like to point out that I didn't protest that comment.
29 [Laughter.]
30

31 MR. GRUMBLY: I do have the ability to learn from experience and so what I actually
32 came down was to make sure that at least for those people that want to continue with us, and
33 again I emphasize that I would like to have it be everyone, that we will try to get together for
34 a both structured but informal gathering in September where we can move this thing forward
35 in a way so that we can stay on a steady course for at least the next two-and-a-half years.
36

37 I also didn't want to leave the impression, which I perhaps did this morning, that I
38 thought that my tenure here would only be limited to the next two years, six months.
39 [Laughter.]
40

41 MR. GRUMBLY: Clearly, I have a lot of faults but hubris isn't one of them. You
42 know, I would like to continue to work this problem out into -- out into the future. But I was
43 told during the break that I had made news by saying -- by declaring how long my tenure was

1 going to be. Well, you know, if I have many more meetings like the one this morning --
2 [Laughter.]

3
4 But you know, I really do want to emphasize how important, potentially, I see this group
5 with, you know, an expanded set of folks on it, being to the future of this enterprise which, as
6 I indicated this morning, is -- you know, has become, for better or for worse, one of the largest
7 enterprises in the Federal Government and certainly one of the largest sources of controllable
8 resources. And that means we really need to kind of involve everybody seriously in the process.
9

10 And again, I am sure we will not agree all the time, but -- and there are, you know,
11 times when one has to make decisions but, you know, I want to be able to try to move forward
12 together.

13
14 So I appreciate all of your input. I appreciate your interest enormously. I would be
15 happy to answer any further questions about any of the subjects that people discuss today,
16 whether it's the spent fuel area or anything else that's on your mind substantively, as much as
17 I possibly can. If not, I would like to -- it's thundering and lightening outside. I would like to
18 welcome you to the Washington National Airport for several more hours.
19

20 MR. ALM: We've got one public speaker. I don't know when you -- do you have a
21 chance to stay around?

22
23 It's Phil Nigilski Eichmer.

24
25 MR. EICHMER: I always give gold stars to people who pronounce the name correctly.
26 Phil Nigilski Eichmer --
27

28 MR. ALM: Do I get a gold star?

29
30 MR. EICHMER: You do. And I've got one in my pocket. [Laughter.]
31

32 I just wanted to real briefly introduce myself and the organization I represent. We've
33 been out and about, getting ourselves acquainted with folks and in fact I notice a lot of friendly
34 faces that I interact with on a fairly regular basis around the table.
35

36 My organization is the Energy Communities Alliance, cities and counties that have the
37 Department of Energy facilities within their jurisdiction. We have, just so you know the
38 context, we don't have all the DOE sites represented but those that we do are Hanford, Idaho
39 Falls, Los Alamos, the Nevada test site, Yucca Mountain, Oak Ridge, Rocky Flats and Sandia.
40 We aspire to and I fully believe that we will be broadening that base even further.
41

42 These are, again, cities and counties that are significant -- are significantly impacted by
43 the current situation within the complex, both in terms of cleanup and the health and safety
44 considerations and also the economic transition.

1 My own, just real quickly, I have background in Oak Ridge within the city of Oak Ridge,
2 five years in the high-level waste program representing these local communities out in Texas
3 when they were considered a candidate site for high-level nuclear waste. And also currently
4 worked closely with Nye County, as they have to deal with the Yucca Mountain project and the
5 significant complex issues associated with that project.
6

7 Those of you who have heard my harangue, I am going to spare you. Tim, Jerry. Tim,
8 you're not going to get my harangue I've been giving the last couple of months about the
9 absence of local government at the table. There have just been a couple of instances where
10 significant impacts have resulted from their not being at the table and we are finding ourselves
11 having to swim upstream. We are tired of swimming upstream so I think we're going to swim
12 off to the side and just let the stream flow and we will do our own thing in this respect.
13

14 We are going to look at how local communities need to be represented by local
15 governments. We have had the harangue that we should be the representative of local
16 communities. I think we are beyond that harangue.
17

18 But I want to share with you, in fact, that there are very complex issues at the local level
19 and they're not going to be resolved by simply the site-specific advisory board concept, as
20 admirable as that concept is and as worthy as it is of its objective to continue to try to sustain.
21

22 The fact is that we have significant economic transition challenges, work force transition
23 challenges, cleanup from the standpoint of priority setting, remedy selection, cost efficiency.
24 Just the standing concept for sustaining support, long term, for cleanup. Issues of waste
25 management, the siting of waste management facilities and transportation. The -- those are key
26 issues that we are having to confront as local governments.
27

28 There are certain assumptions that we have to begin reconciling and we asked the board's
29 assistance in reconciling these assumptions. There is a belief out there that all parties are equal
30 and if you are on one side of the state, you have as much stake in the transition of a
31 community's resources as far as the Department of Energy as a resource for economic growth
32 and also in terms of the health and safety standards.
33

34 We believe that we have to have some reconciling of these assumptions. What does it
35 mean to be a local community versus a regional impact stakeholder versus a nationally impacted
36 or a nationally interested stakeholder.
37

38 Third, there is a very -- in our judgment, a very strong need to build local capacity and
39 we are going to again ask the board's assistance over time to hear us out on this.
40

41 The idea of having strong community involvement on the issues as complex as the ones
42 this board deals with and Mr. Grumbly's shop deals with requires a substantial amount of
43 capability at the local level to understand them.
44

1 Right now, site-specific advisory boards are targeted for being at kind of the center of
2 that. We think that there are other alternatives in addition to that and we think that there is an
3 overall dynamic there in terms of building local capacity.
4

5 I would reference to you the Nuclear Waste Policy Act as a way in which at least local
6 governments are involved in a very complex issue called high-level nuclear waste.
7

8 There is also -- so that we are looking at how the local governments fit into the technical
9 issues, how local governments fit into the issue of representing their constituents.
10

11 Finally, we are interested in the question of broadening the support for the cleanup
12 funding over a sustained period of time. We have heard various rumors about some numbers
13 that might be coming out that are extraordinarily sizeable. My gut is if any of us are concerned
14 about cleanup, it's going to be the local communities and certain of the local governments that
15 represent the community.
16

17 So local governments need to be part of that support base for political support base, to
18 be quite candid. The only way that they can be effective in being part of the political support
19 base is if they are part of the process that helps with the issues that I talked about earlier.
20

21 Our initiatives right now, we are developing an alternative model. When I say an
22 alternative model, it's not one that says one or the other, if you believe that there are a number
23 of models that are possible. But we are looking at an alternative model that has the local
24 government more integrated into the leadership role, providing community input to federal
25 agencies.
26

27 We have been in close -- attempt to be in close communication with both DOE and EPA
28 administrators, recently meeting with the Secretary to go through our list of issues that we would
29 request the secretary's office to begin dealing with, particularly one of government-to-
30 government relationships.
31

32 The third initiative is we are going to be taking on an initiative to eke out the other
33 stakeholders and to seek their advice as we proceed with this concept of developing alternative
34 models. And we would -- are welcoming and inviting the labor folks and the environmental
35 activist community to participate with us in that. And frankly, we are going to be increasing
36 our visibility in the political arena because we are very concerned about, again, this issue of
37 sustainability of support for cleanup.
38

39 I appreciate the opportunity just to kind of introduce ourselves to this group, because I
40 think as Tom probably pointed out this morning, you are going to play an important role in his
41 shop. We anticipate you will play an important role in the DOE future overall and we want to
42 have you recognize us, as I said, as a resource as you carry out your -- your responsibilities.
43

1 I would suggest, just to put an elected official on. You would find they would provide
2 a very valuable insight into things, the local situation.

3
4 MR. SMITH: Phil, as you're looking at those models, I trust that you will take a close
5 look at the local oversight committee that Governor McWherter established involving local
6 governments around the Oak Ridge site. We feel like that's a good way of getting local
7 governments involved in these issues and build that support base that's so badly needed out
8 there.

9
10 MR. SMITH: Thank you, Phil.

11
12 MR. CHRISTEAN: I've got a question to ask.

13
14 Not knowing your organization, it bothers me somewhat that it appeared to be supportive
15 of what the DOE is trying to accomplish and there is organizations set up in the local
16 communities, as you point out, site-specific boards. I am wondering why your folks can't
17 participate with the site-specific boards as part of it. I'm sure you're invited, an important part.

18
19 And the only experience I have is that we had a board meeting in St. Louis and several
20 local officials appeared in public, public session to give their comments. And as a result of their
21 comments to the assistant secretary, he changed right there on the spot a report that was going
22 to be issued, says we'd better rethink that, based on their comments.

23
24 It seems to me that you have all the input -- I mean, that was an example for me of input
25 because you got results just like that.

26
27 So I'm just wondering, is it a splinter group? Do you think it's going to draw away from
28 the support that we could be?

29
30 MR. EICHMER: There are a couple things behind your question. One is, you know,
31 who are these people and who do they think they are. And the fact is they are like the officials
32 or they are administrative management people who work for elected officials and elected officials
33 are elected. And so they come to the table, if you will, with some perspective, perhaps some
34 bias that they have the mandate to speak on behalf of the community.

35
36 But behind other parts of your question, are these people really involved with these issues
37 enough to provide meaningful input into the process? Some are and some aren't. There is an
38 opportunity to need to get the local government officials more intimately involved in these
39 complex issues.

40
41 The final point I would make is that -- we're looking not to be cast as an alternative to
42 but as finding a place -- the rightful place for local officials.

43
44 MR. GRUMBLY: I think it's an important issue that we need to work on.

1 MR. ALM: Alright. Any other business? Is there a motion for adjournment?

2
3 MR. LAPPING: Move it.

4
5 MR. WINSTON: Second.

6
7 MR. ALM: All those in favor signify by saying aye. [A chorus of ayes.]

8
9 MR. ALM: Opposed? [No response.]

10
11 [Whereupon, at 3:47 p.m., the above-entitled meeting was adjourned.]

**DATE
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9 / 7 / 94

END