

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

PUBLIC MEETING MINUTES

**Hilton Alexandria Mark Center
5000 Seminary Road, Alexandria VA
September 12, 2017**

PROCEEDINGS

Board members present:

Ms. Jane Hedges, Consultant
Dr. Kimberlee Kearfott, University of Michigan
Mr. Frazer Lockhart, Stoller Newport News Nuclear
Ms. Tracey Mustin, Consultant
Mr. Josiah Pinkham, Nez Perce Tribe
Ms. Lessie Price, Aiken City Council
Dr. Beverly Ramsey, Desert Research Institute
Mr. Timothy Runyon, Consultant
Mr. David Swindle Jr., Federal Services/URS Corporation
Mr. Robert J. Thompson, Energy Communities Alliance
Ms. Shelly Wilson, SC DHEC, ECOS, NGA

Board members not present:

Mr. Paul Dabbar, J.P. Morgan Securities, Inc.
Dr. Carolyn Huntoon, Consultant

EMAB Designated Federal Officer:

Ms. Jennifer McCloskey, DOE-EM

Others present for all or part of the meeting:

Mr. James M. Owendoff, Acting Assistant Secretary for EM
Ms. Betsy Connell, Director, Office of Regulatory Intergovernmental and Stakeholder Engagement
Mr. Roger Jarrell, Senior Advisor to the Secretary
Mr. Mark Gilbertson, Deputy Assistant Secretary for Regulatory and Policy Affairs
Ms. Beth Lisann, DOE-EM
Mr. David Borak, DOE-EM
Mr. Robert Seifert, DOE-EM
Gov. James Mountain, Pueblo de San Ildefonso
Mr. Doug Shoop, EM, Richland Officer
Ms. Celinda Crawford, Richland EM Liaison
Mr. David Abelson, Abelson Partners
Mr. Jared Bierbach, e-Management
Ms. Alyssa Harris, e-Management

OPENING REMARKS

The Environmental Management Advisory Board (EMAB or Board) semi-annual public meeting was convened at 9:00 a.m. ET on Tuesday, September 12, 2017, in Alexandria, Virginia by EMAB Chair David Swindle, Jr. Mr. Swindle welcomed all attendees and reminded EMAB members to recuse themselves from any discussion topic that presented a conflict of interest. He also reminded attendees that any registered lobbyists must identify themselves when speaking during the public comment session. He encouraged those interested in learning more about the EMAB and its past work to visit www.em.doe.gov/emab.

Mr. Swindle noted that Mr. Paul Dabbar, who is a member of the board, but also the President's nominee for the Department's Undersecretary of Energy for Science, would not be participating given his pending confirmation hearing.

Mr. Swindle encouraged Board members to attend the National Cleanup Workshop being held in the same venue. He stated that the workshop was a great opportunity to hear directly from the communities around the complex and stakeholders affected by the EM program, as well as DOE senior managers from the field and headquarters.

The meeting was open to the public and conducted in accordance with the requirements of the Federal Advisory Committee Act (FACA). More information about EMAB can be found at <http://energy.gov/em/services/communication-engagement/environmental-management-advisory-board-emab>.

EM PROGRAM UPDATE

Mr. James Owendoff, Acting Assistant Secretary for Environmental Management, stated his appreciation for the EMAB and what it does. He discussed the challenges the program faced at the Rocky Flats Site, noting that plutonium needed to be moved to South Carolina in order to reduce guards and other security and maintenance costs at Rocky Flats. He said that secured carriers would come on a scheduled basis, but if there was another carrier that wasn't scheduled, but could make another trip, Rocky Flats would take any intermediate shipment at any time. He said that opportunities like these are how the job gets done sooner and at lesser cost to the taxpayer.

Mr. Owendoff stated that the EM budget is in very good shape due to support from the Administration. He stated that EM federal employees and contractors, with the support of the communities and stakeholders, must make more effective and efficient use of those budget dollars. He noted that during his travel with the Secretary and Deputy Secretary, he has had the opportunity to chat with them regarding the EM budget. He stated that the Secretary is very supportive of EM and has been very insightful.

Regarding the 45 Day Review, Mr. Owendoff said that looking back over the past 20 years, EM has not been good at making timely decisions. He noted his accountabilities and responsibilities to those voices and their input to make informed decisions going forward. He spoke of his plan

to get with the site managers and look at what decisions can be made quickly and efficiently. He noted some of the pressing decisions that need to be made at the sites, such as determining a disposal path for mercury at Oak Ridge, deciding how to handle the nitrate salts in drums at Los Alamos, and deciding what to do with TRU waste coming out of Idaho.

Mr. Owendoff recalled a time when EM waited for a technology to be completely viable before deciding to move forward with it. He suggested that time and money would have been saved if that decision had been made initially, before the extensive testing. In the 45 Day Review, Mr. Owendoff said he has been challenging site managers to continue working with stakeholders and to continue making informed decisions.

Discussion

Mr. Swindle said that the current budget signals the administration's recognition of the importance of continued progress with the EM cleanup, therefore it is important to deliver on these commitments. He asked Mr. Owendoff how EM can demonstrate risk reduction at sites like Hanford that haven't progressed forward in recent years. Mr. Owendoff responded that risk reduction is in the eye of the beholder, but the low activity waste must be the primary concern at Hanford. He stated that the Secretary has indicated that he wants to be able to deliver on a low activity waste solution by 2021. Mr. Owendoff said that he would like to see the C farm tanks grouted to reduce surveillance and maintenance costs. He stated that eventually, he would like to see the material on B&T farms blend with K basin sludge and go to WIPP, giving a disposal path for the sludge. He recognized the amount of work and cooperation it would take to make this happen. He noted that cesium and strontium capsules will still be pulled out of wet storage.

Mr. Frazer Lockhart asked if it is possible to get legislative support regarding the B&T tank farm and methods of treating waste based on characteristics rather than source. Mr. Owendoff responded that he doesn't find it necessary for the B&T farms, but looking at other waste that is designated as HLW, there can be a change in DOE Order 435 by submitting a 3116 similar to Savannah River. He stated that he is not trying to presuppose what the outcome will be, but engagement is necessary to see progress.

Mr. Swindle stated that ECA produced a white paper recommending ways to redefine HLW. He suggested that the Board look into this in more detail because it has relevance in their conversations about changing waste criteria to move things forward.

Mr. Robert Thompson stated that as the ECA representative, he has seen the recommendations and thinks they are in lockstep with Mr. Owendoff's vision. He noted that the mortgage costs paid by DOE are outrageous when it comes to actually getting the job done. He stated that the most crucial part of this is WIPP's potential volume increase, because if redefined, the waste still has to go somewhere. Mr. Owendoff responded that it takes many people to support progress and EM is doing their part, but it would be helpful to work with New Mexico to let them know about the support.

Mr. Tim Runyon asked whether Mr. Owendoff favors a change in how volume of record is calculated, or a change to the Land Withdrawal Act. Mr. Owendoff encouraged the Board to not rely on just one approach. He said that they are working on multiple paths.

LESSONS LEARNED DISCUSSION

Mr. David Swindle introduced Ms. Tracy Mustin and welcomed Mr. Roger Jarrell to the meeting. Ms. Mustin stated that the lessons learned at Rocky Flats and Fernald are very well documented and while each site is different, there are strategies that warrant consideration when looking at future closures. She recognized Mr. Frazer Lockhart and Mr. David Abelson for their contributions at Rocky Flats; Mr. Lockhart served as the site manager that closed the site in 2005 and Mr. Abelson was a local government representative who had worked on Rocky Flats continuously since 1995.

Ms. Mustin stated that there are three main lessons learned that should be evaluated when creating strategies for Hanford. First, everyone must share a common vision; everyone that thinks they are a stakeholder is a stakeholder. Second, the regulatory framework should be met with open-mindedness and flexibility. Third, the decision makers must be identified and have the ability to make decisions to keep the ball moving forward.

Mr. Lockhart noted that the Rocky Flats regulatory framework put in place in 1991 “utterly failed”. He stated that the process was being followed, but progress was not happening. This was remedied by putting forth an agreement that allowed cleanup progress where DOE, EPA, and the state could participate, followed by streamlining processes.

Mr. Swindle asked how to decide which stakeholders have a say in the decision-making process if everyone that thinks they are a stakeholder is actually a stakeholder. Mr. Abelson stated that the first half of a cleanup seems easy because there is a conceptual vision, and negotiating key decisions hasn’t occurred yet. He stated that at that point, everything shifts, and that’s when the Rocky Flats Coalition of Local Governments was formed. Mr. Abelson was the Executive Director. He noted that political decision makers must be at the front to work together on cleanup efforts, giving regulatory agencies a partner to help resolve issues. He stated that this doesn’t mean there isn’t a role for citizens’ advisory boards.

Mr. Lockhart agreed with Mr. Abelson, stating that DOE has budget and policy decisions that are more in step with local government leaders than the citizen advisory boards, even though these boards have their place and importance. He said that from his experience, if someone thinks they are a stakeholder, it is best to figure out how they are going to participate instead of whether or not they will participate.

Mr. Thompson noted that the visioning process hasn’t occurred yet at Hanford to get all stakeholders, DOE, and the state together to form a path forward. He asked how Rocky Flats got such a unique group of stakeholders to see eye to eye. Mr. Abelson responded that total agreement will never be a reality, and dealing with that dissension will be the main challenge. Mr. Lockhart noted that it was a very lengthy process that required vision and commitment. He

stated that after the vision was clearer, and as the communities learned more about how regulatory, technical, and political pieces must fit together, dissenting voices became more controlled by the communities instead of by DOE.

Mr. Abelson discussed the iterative and lengthy process of defining the end state of a site. Mr. Runyon added that the cleanup level discussion seems late in the process due to it being a budget driver. Mr. Lockhart agreed, stating that while the dialogue started very early in the process, the decisions were made very late. He noted that at Rocky Flats, the proximity of the nuclear disposal cell to Denver was at the core of cleanup decisions. He stated that piece by piece, the larger cleanup picture became clearer.

Mr. Runyon asked if there was a reasonable cleanup standard as a result of not committing to having the nuclear disposal cell, and if the EPA was on board. Mr. Lockhart responded yes to both questions. Mr. Abelson noted that if you can get your regulators to defend you, it becomes much easier to defend yourself.

Ms. Shelly Wilson added that SRS agreed on common goals and values with political decision makers as well as stakeholders with public comment windows along the way. Ms. Mustin noted that at Hanford, the overarching goal of closure is not currently clear to all parties.

Mr. Thompson added that around the Hanford site, both political parties have viewpoints on the site. He asked if Rocky Flats had liberal and conservative competing viewpoints. Mr. Lockhart responded that there were seven communities and two counties with different biases. Mr. Abelson stated that at the federal and local level, these weren't partisan issues, however, there were differing community values. Mr. Lockhart suggested that Hanford harness the frustrations of a slow cleanup and find some common ground with all parties.

Ms. Lessie Price discussed her communications background at SRS and how she was able to tailor their message in a diverse way by going out into the communities and building relationships in rural surrounding towns. She stated that she would bring in presenters that could communicate the concepts in simple terms to grow the general public's understanding. She noted that relationships are built by caring about the community's problems and finding solutions, as well as consistently engaging with them on a scheduled basis.

Mr. Abelson stated that the most important thing DOE can do is to recognize that regulatory requirements regarding communications are the absolute minimum and must be tailored to the community-specific needs. He noted that each site has a different level of understanding and a different desired engagement level.

Ms. Price stated that after a reduction in workforce, SRS went to the community and offered their excess computers and trailers to them. She noted that this was an excellent mechanism for building relationships.

Mr. Lockhart noted that at Rocky Flats, they would try to get a vision of what the community wanted. He stated that initially the community wanted complete restoration of the land to background level. He stated that after conceptualizing this with them, they realized that this

would mean digging down to fifteen feet in a three square mile area, which would take hundreds of thousands of truckloads of dirt out of the area, something the community did not want. He noted that this was helpful for the community to see that DOE was willing to talk and think through the options with them instead of dismissing them.

Ms. Price noted that sometimes communities are afraid of jobs being lost as a result of completing cleanup, leading to hesitancy and mixed feelings. She stated that there must be education of a plan for workforce restructuring. Mr. Abelson added that luckily, the Rocky Flats community was not reliant upon DOE for jobs or the need for redevelopment. He stated that convincing a workforce to “work themselves out of a job” led to one of the key lessons learned. Mr. Lockhart noted that while there are many jobs in the Denver metro area, there aren’t many for nuclear specific job seekers. Mr. Thompson noted that this discussion hasn’t happened yet at Hanford.

Mr. Lockhart stated that all decisions must fit into the shared vision in order to retain consistency over the many years of cleanup. Ms. Wilson stated that in South Carolina, there is political impetus to close for the purpose of redevelopment where select decision-makers work as a team. She stated that some teams have training on how to reach consensus.

Mr. Swindle noted that while stakeholders are constant, DOE has personnel turnover that may change some decisions. He asked how this played out at Rocky Flats. Mr. Lockhart responded that there was consistency within the site personnel which made it easy to have their voices heard by DOE management. He noted that Hanford’s staff has a similar long-term involvement, which is not the case at every DOE site.

Mr. Abelson asked Mr. Lockhart to discuss how to proceed without knowing the final answer, and how interim actions can help progress. Mr. Lockhart stated that they made very good use of this and that it contributed largely to the successful closure. He stated that there were only a few cases where interim actions had to be amended later. Ms. Hedges noted that Hanford has also used interim decisions. Mr. Lockhart noted the importance of elevating issues to prevent holding up progress. He stated that the most difficult part of laying out regulatory framework was keeping each entity’s lawyers happy.

Mr. Swindle asked when elevating issues is necessary and if it causes any animosity. Mr. Abelson responded that it is helpful to have someone in the district congressional office to know everything about the site and work all of the policy angles. Mr. Lockhart added that keeping the elected officials informed is important to prevent them from being surprised by what they might hear from their constituencies.

Ms. Mustin concluded by stating that this discussion highlighted the challenges and opportunities to fold in some of the key lessons learned.

HANFORD SITE CLOSURE STRATEGY DISCUSSION

Chairman Swindle introduced Mr. Thompson as the leader of the discussion. Mr. Thompson noted that Hanford cleanup efforts have been going on for at least 28 years and that the previous discussion was a great opportunity to think about lessons that can be applied at the Hanford site. He stated that he is very encouraged by this administration's lead in policy changes that will promote progress at the site. He added that there will not be a PowerPoint for this discussion. Mr. Doug Shoop discussed creating the 2015 vision to clean the river corridor and socializing the plan with the community and contractors. He stated that the contractors were incentivized to be innovative because for every dollar saved, 20 cents went to the contractor. He noted that significant progress was made on the 2015 vision even though not everything was completed. He added that the final project, a burial ground, will be finished ahead of schedule this year. He emphasized the importance of having a common set of priorities with EPA, the state, and the stakeholders.

Mr. Thompson asked if Mr. Shoop still believed that DOE needs to lead the visioning process. Mr. Shoop responded yes, in partnership with the state and EPA. He added that bringing competing interests together is essential to the success of remediation.

Mr. Thompson asked Mr. Shoop about resources for future meetings with the community and tribes. Mr. Shoop stated that he believes DOE has the resources and noted that this is not a new discussion; DOE has been meeting with the tribal nations on a weekly basis. Mr. Thompson stated that the state, the local government, and the tribal groups don't meet together at once. He stated that having this helpful discussion was a lesson learned at Rocky Flats because it helps everyone have a deeper understanding. Mr. Shoop responded that the time is right for all groups to meet together as one to focus on the central plateau.

Mr. Thompson mentioned the Purex Tunnel collapse at Hanford and credited the state and DOE for their quick response and resolution. He asked if there are any regulatory hurdles following the incident. Mr. Shoop responded that the regulatory path in the central plateau is much more complex than that of the river corridor. He added that priorities must be set to streamline the regulatory process at this point.

Mr. Thompson asked if Mr. Shoop sees a regulatory challenge from the state regarding pilot projects. Mr. Shoop responded that this is part of a larger discussion on the priorities of the central plateau.

Mr. Gilbertson, Mr. Abelson and Mr. Shoop discussed how to build on a comprehensive land use plan and dissention of views regarding ideal future land use. Mr. Thompson noted that these plans are about who will manage the land and multiple parties are vying for that control. He stated that stakeholders want the opportunity for engagement in this decision.

Ms. Price asked Mr. Owendoff who takes the first step of action after this meeting. Mr. Owendoff noted that it can be complex. He stated that there must be an agreement on grouting tanks, and decision-making should not be hindered by worrying about tanks that may not be addressed in the next 20 years.

Mr. Josiah Pinkham stated that for humanity to survive, we must have a sensitive relationship with the landscape. He added that this is important to this work because tribes have a deeper intimacy with the land than simply enjoying the views; they consume the roots and animals for subsistence, as well as gather plants for medicinal use. He noted that while he understands the limitations in finances, personnel, and technology, the tribes intervene as much as they can to push for the best possible outcome to benefit future generations.

Mr. Owendoff noted that the final result of the land is a tricky topic because it depends on if the land is to be remediated to the way it was 30-40 years ago, or 200 years ago. He asked what is DOE's responsibility and who does DOE hand it over to in the end. Mr. Thompson responded that there is room to have both dialogues, for the short-term and long-term goals. He added that he has concerns about the DOE leading these discussions because there isn't a perfect relationship between DOE and the tribal groups and local government. Mr. Owendoff warned against this because the discussions won't lead to any real decisions or agreements.

Mr. Abelson discussed the difference of conceptual future use and what that means in real terms. He used examples from Rocky Flats where different parties believed in a different conceptual future use.

Mr. Pinkham stated that there are a variety of perspectives that require collaboration before getting to an end point. He recognized Mr. Shoop for being an exemplary leader with transparency and a genuine interest in hearing new ideas.

Mr. Owendoff suggested that Mr. Norm Dicks should get involved with facilitating issues at Hanford. Mr. Runyon asked Mr. Abelson who played this role at Rocky Flats. Mr. Abelson responded that the lieutenant governor stepped in to assist with regulatory agreements.

Mr. Shoop suggested that there should be a meeting between tribal governments, elected officials, and the state.

Mr. Jarrell related a story about the Secretary's meeting with the Hanford tribes. He stated that the Secretary grew up in rural Texas as a poor tenant farmer, but viewed the land as his own, always trying to make it better. He stated that DOE is the steward here, and an open, honest discussion will lead to regulatory progress.

Mr. Swindle recognized Mr. Owendoff as being very useful in this discussion and announced a 15 minute break.

PUBLIC COMMENT PERIOD

Mr. Swindle noted for the record that the floor is open to any members of the public to make any comments. He noted that no one had registered for comment.

SUBCOMMITTEE REPORTS AND BOARD BUSINESS

Mr. Swindle stated that the knowledge management and excess facilities and infrastructure topics that were discussed last meeting are being wrapped up. Ms. Jennifer McCloskey stated that Melody Bell has taken up knowledge management moving forward and will make sure that the recommendations from the Board are implemented.

Mr. Swindle asked Mr. Lockhart to give an update on excess facilities. Mr. Lockhart discussed the scope of the excess facilities committee's report. He stated that research was conducted to produce ideas to improve the decision-making and prioritization processes, as well as alternate financing ideas. He noted that some ideas have been tried by EM, and some will be new. He stated that there is a draft of the final report, and the committee will close out after the report is finalized. Mr. Swindle noted that the board is standing down from this endeavor; any conclusions will be communicated to the Assistant Secretary as part of the product. Mr. Gilbertson added that the interim product was helpful for factoring in opportunities for the 45-day review. He thanked Mr. Lockhart for his hard work.

Ms. McCloskey stated that the next EMAB meeting is likely to be in April and the date has yet to be determined. She said that since Mr. Owendoff is focused on Hanford, that may be a good location for the next meeting.

Mr. Swindle noted that the previous meeting's minutes are up for review and approval. Mr. Thompson motioned to approve the meeting minutes. Mr. Lockhart seconded this motion. None opposed.

Mr. Swindle stated an observation that there is a great opportunity, with EM's leadership, to make progress on the C tank closure.

Dr. Beverly Ramsey suggested an observation that Hanford's local and state government representatives and tribal organizations should convene to discuss the short-term and long-term immediate uses of land, and secondly to find commonality regarding the central plateau cleanup and continued work. Mr. Swindle added that DOE will act as a steward and not a manager. Ms. Mustin agreed to draft this observation.

Mr. Swindle noted that the Energy Communities Alliance (ECA) released recommendations and an assessment on redefining high-level waste. He encouraged the Board to communicate to the Secretary that the EMAB embraces the principles of ECA's recommendations. Dr. Ramsey added that this assessment is also helpful for ongoing operations and how to deal with waste management long-term. The Board discussed a way to tactfully word this communication, given the complexity of the recommendations.

CLOSING REMARKS AND ADJOURNMENT

Mr. Swindle brought the meeting to a close and thanked everyone for a productive discussion. The meeting was adjourned at 3:45 pm.