PADUCAH GASEOUS DIFFUSION PLANT
SITE SPECIFIC ADVISORY BOARD

Chartered under the Federal Advisory Committee Act

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MEMORANDUM
SITE SPECIFIC ADVISORY BOARD

TO: SSAB Members
Ex Officio Members

FROM: Mark Donham
Vicki Jones

DATE: February 8, 1999

SUBJECT: **MEETING REMINDER**

The next meeting will be held February 18, 1999, at the Information Age Park Resource Center at 5:30 p.m.

Tentative agenda for the February 18, 1999, meeting:

- Public Comments from Guests
- Minutes
- Information (Handouts)
- EM&EF Project Updates
- Vortec Update
- Depleted UF_6 Programmatic Environmental Impact Statement Update
- SSAB Evaluations — Judith Bradbury
- Northeast and Northwest Plume Pump and Treat Facilities — Bill Tanner
- Groundwater Operable Unit Feasibility Study
- Cumulative Effects on the Site
- DOE Response to SSAB Recommendations — Jimmie Hodges
- Administrative Plans for the Board
  - Review of the SSAB Draft Workplan
  - Financial Update
  - Web Page Update
  - SSAB Membership

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Action Items

- John Volpe to provide the data from the AIP vegetable study to Mark Donham and Tuss Taylor to provide the AIP annual report to SSAB members.
- Jimmie Hodges to provide Mark Donham a copy of the report on the Vortec test at Fernald.
- Nola Courtney to be placed on the distribution list for regulator comments on WAG 22 documents.
- Dennis Hill to e-mail Craig Rhodes the addresses of other SSAB web sites.

PADUCAH GASEOUS DIFFUSION PLANT SITE SPECIFIC ADVISORY BOARD
U.S. DEPARTMENT OF ENERGY
ENVIRONMENTAL MANAGEMENT & ENRICHMENT FACILITIES
PROJECT UPDATES
FEBRUARY 18, 1999

BURIAL GROUNDS PROJECT FY 99

Waste Area Group 3/burial grounds

WAG 3 is composed of three burial grounds within the PGDP security fence — C-747 Contaminated Burial Yard (SWMU 4), C-746-F Classified Burial Yard (SWMU 5) and C-747-B Burial Yard (SWMU 6). The yards, located in the western section of PGDP, contain natural and slightly depleted uranium, Technetium-99, magnesium fluoride, uranium-contaminated solid waste, security-classified weapons components, radionuclide-contaminated scrap metal, and slag from nickel and aluminum smelters.

WAG 3 is being combined with WAGs 8 and 28. The Site Evaluation and Remedial Investigation tasks for these projects are being combined into one program for the completion of field work and report writing. The revised proposal addressing the WAGs 3/8/28 Data Gaps tasks was received Dec. 3 and is being evaluated.

Waste Area Group 22/SWMU 2

This project includes the investigation of burial grounds in the west-central portion of the plant. Original plans included installation of a cap at SWMU 2, the C-749 Uranium Burial Ground, but investigation activities have determined that the buried material was saturated in the water table, indicating a cap would have limited effect. In addition, KDEP prefers excavation of the burial ground as the only acceptable alternative addressed in the D1 Feasibility Study.

The SWMU 2 D1/D2 Feasibility Study presents four potential remedial alternatives 1) No Action, 2) In-situ containment with soil cap and subsurface barriers, 3) In-situ containment utilizing low-pressure permeation grouting, and 4) Bulk waste excavation. Current issues between DOE and the regulators are associated with the pre-selection of alternative 4 (excavation) by regulators as the preferred remedial alternative.

The preferred remedy outline in DOE's Proposed Plan for SWMU 2 is No further action (continued institutional controls and groundwater monitoring of the RGA). KDEP rejected the Proposed Plan on Dec. 7, 1998, and additional comments were received from the Radiation Control Branch on the Feasibility Study.

The Proposed Plan will not be revised until the regulatory agencies have approved the PGDP Land Use Controls Assurance Plan, projected for June 1999. This delay will preempt the development of the Record of Decision previously scheduled for late Spring 1999.

Waste Area Group 22/SWMU 7&30

This project includes the investigation of burial grounds in the northwest corner of the plant. The Feasibility Study for SWMUs 7 & 30 (the C-747-A Uranium Burial Ground and C-747-A Burn Area), was issued to regulatory agencies for review in March, proposing four remedial alternatives: 1) No action, 2) Limited action (installation of additional monitoring wells and long-term groundwater monitoring), 3) Soil cover and groundwater monitoring with additional monitoring wells, and 4) Surface soil removal and groundwater monitoring with additional monitoring wells.

Regulatory comments on the FS have been received and responded to, but as per the new regulatory agreements, all other activities following the issuance of the D2 FS will be deferred.

Northwest Plume Interim Remedial Action Pilot Plant

More than 345 million gallons of water have been treated at the Northwest Plume Groundwater Treatment Facility since operations began Sept. 1, 1995. The facility operates to contain a high contamination zone of the degreaser trichloroethylene and the man-made radionuclide technetium- 99.

Northeast Plume Interim Containment System
The Northeast Plume project includes extraction wells in the northeast quadrant of DOE property with an underground pipeline running to the existing PGDP cooling towers as part of the containment system.

Routine operations began in March 1997, with more than 178 million gallons of groundwater treated to date. The system was down for 11 hours and 38 minutes Jan. 21 due to a power outage during severe weather.

Lasagna™ demonstration
With EPA's signature of the Record of Decision for Solid Waste Management Unit 91 (the former cylinder drop test site) the Paducah site will give the Lasagna™ soil remediation technology its first go at full-scale remediation.

A subcontractor proposal was issued Nov. 9 and the subcontract was scheduled to be awarded in December. However, the subcontract award was delayed due to problems associated with paying a license fee to Monsanto, which caused a two-month slip in the schedule. Issues associated with paying a license fee to Monsanto have been resolved, and the award should take place this week.

Groundwater Operable Unit/Waste Area Group 6/Trichloroethylene spill site
The C-400 TCE spill site is a major source of TCE in the groundwater and soil. The Industrial Hydrogeologic Study focused on piping, utilities and building foundations in the C-400 building area to determine how these man-made structures and systems influence groundwater infiltration and flow.

Following the completion of the WAG 6, 27 and 28 Remedial Investigations, all data will be used for developing a Feasibility Study for the Groundwater Operable Unit. (WAG 6, 27, 28). Following the Feasibility Study, a Proposed Plan and Record of Decision for the selected remedial action will be developed. The selected remedial action will be designed and implemented after the ROD is signed.

The D1 Remedial Investigation Report is still under state regulatory review. Comments were due Dec. 16, but an extension through Feb. 15 was requested.

Two additional documents have since been submitted to the regulators, the D1 GWOU Feasibility Study Work Plan (Feb. 5) and the D1 Treatability Studies reports (on chemical oxidation and surfactant flushing) for WAG 6/C-400 Chemical Cleaning Facility area (Feb. 11).

The Innovative Treatment Remediation Demonstration process was kicked off Feb. 10-11 for the GWOU Feasibility Study. The scope of this process includes a cooperative public-private partnership developed to significantly reduce remediation schedules and costs by accelerating the acceptance and use of new technologies. The program coordinates DOE, EPA, industry and regulatory agencies in evaluating, implementing and validating innovative remediation technologies at selected DOE sites.

Waste Area Groups 8 & 28
WAG 8 includes SWMUs 82 (C-531 Electrical Switchyard), 83 (C-533 Electrical Switchyard), 84 (C-535 Electrical Switchyard), 85 (C-537 Electrical Switchyard) and the C-340 building area (reduction and metals facility).

WAG 28 includes SWMUs 99 (C-745 Kellogg Building site), 183 (McGraw Underground Storage Tank), 193 (McGraw construction facilities), 194 (McGraw Construction facilities) and Area of

Concern 204.

The concern at WAGs 8 & 28 is potential groundwater contamination in the RGA, upper McNairy and other sources of contamination that may be contributing to the Northeast Plume.

The FY 99 scope for this project includes initiation of the Site Evaluation field activities for WAG 8 and the completion of Remedial Investigation field activities for WAG 28.

Waste Area Groups 9 & 11
WAGs 9 and 11 are being investigated to determine if there have been contaminant releases from buried tanks, vaults and pits around the PGDP. This project is being combined with two petroleum underground storage tank (UST) investigations, and the collection of six groundwater samples from the C-747-A burial yards.

WAG 9 consists of the C-722 acid neutralization tank, off the northeast corner of the C-720 maintenance facility; the C-712 acid neutralization tank, off the southwest corner of the C-710 laboratory; the C-616-L Pipeline and vault soil contamination area; and the C-729 Acetylene building drain pits, just east of C-720.

WAG 11 consists of the C-410-B hydrofluoric acid (HF) neutralization sludge lagoon; the C-410-E HF emergency holding pond; and the C-410-C HF neutralization tank.

A site investigation was completed in FY 98 and the Site Evaluation Report was distributed to the Environmental Protection Agency and Kentucky Department for Environmental Protection on Dec. 23, 1998.

Comments from the state were due Feb. 1.

Based on the data and subsequent risk screening calculations, a "no further action" status has been recommended for the four SWMUs in WAG 9. As to WAG 11, DOE is recommending that a risk assessment be performed on the three SWMUs in this WAG. Any activities beyond these recommendations will be deferred to the Surface Soil Operable Unit.

Waste Area Group 16 & 19/PCB sites
WAGs 16 & 19 are considered low-risk PCB sites. WAG 16 includes a PCB spill site, inactive PCB transformer area, PCB soil contamination and an outfall ditch. WAG 19 includes PCB spill sites and soil contamination.

The D1 Work Plan issued to KDEP July 10 is still under review, but the Site Evaluation Report is still scheduled for FY 99.

Waste Area Group 23/Polychlorinated Biphenyls (PCBs) Spill Sites
Excavation of approximately 175 cubic yards of contaminated soil at several PCB sites was completed earlier this year. The excavation and temporary on-site storage of the contaminated soil was necessary to eliminate risk to workers from contact with soil.

These sites include eight SWMUs inside the security fence, and one outside the fence, located near the C-611 Water Treatment Facility fence. One of the SWMUs is actually a part of WAG 27, but has been grouped with the WAG 23 SWMUs because it has similar physical characteristics and contamination present.

Past use of PCBs and subsequent accidental spills and leaks of oils that contain PCBs caused the surface soil contamination at the SWMUs.

A No Further Action Proposed Plan was submitted to regulators Nov. 6. EPA comments were received dated Dec. 17, and additional data has been supplied to the state to aid in their review of the document. A 45-day comment period for the Proposed Plan is tentatively scheduled to begin April 26, and the Record of Decision is still on schedule for FY 99.

Waste Area Group 27/Potential trichloroethylene sources

Remaining field tasks on WAG 27 (demobilization and waste management) are wrapping up and Data Assessment is continuing. The RI Report is developing on schedule. The final version of the fieldwork and sample analysis report of the SWMU 196 septic tanks and the SWMU 1 oil landfarm test pits were incorporated into the RI Report as an appendix.

WAG 27 consists of potential or known sources of TCE on the west side of PGDP suspected of contributing to groundwater contamination. WAG 27 includes the C-747-C Oil Land Farm, SWMU 91 (the cylinder drop test area), SWMU 196 (C-746-A Warehouse septic systems) and the C-720 maintenance facility. SWMU 1 is part of WAG 27, but excavation work was recently completed at this SWMU to remove dioxin contamination as part of the WAG 23 removal actions.

The WAG 27 Remedial Investigation Report (D0) was transmitted to DOE on Nov. 4 and to regulators on Dec. 23, 1998, 11 days ahead of the commitment milestone. The agencies have until March 26 to comment.

Surface Water Operable Unit

Hazardous constituents utilized in PGDP production processes and from handling of historic waste have been released into the sediments and surface water and may pose unacceptable risks to human health and the environment at downgradient exposure points.

The scope of this project includes the investigation of contamination in the surface water, stream sediments, plant ditches and outfalls, and soils within the 500-year floodplain at Bayou and Little Bayou Creeks.

A Remedial Investigation/Feasibility Study Scoping Document is now being prepared and will consist of the following main sections:

SWOU Scope
Data Quality Objectives
Review of historic database
Conceptual site model
Applicable Relevant and Appropriate Requirements (ARAR)

This scoping document will be delivered to regulators and the SSAB on March 30 for a 15-day review. Following the review period, scoping meetings will be held April 14-15 to review and discuss the document.

The Risk Assessment (RA) for the SWOU is scheduled to include a baseline human health risk assessment (BHHRA) and a comprehensive baseline ecological risk assessment (BERA).

PLEASE SIGN IN

Paducah Gaseous Diffusion Plant
Site Specific Advisory Board

Name	Affiliation
Shelley Hawkins	Jacobs
Jeannie Brandstetter	EnSafe
Jim Smart	SSAB
Linda Jones	SSAB
Angela Jones	SSAB
Nola Courtney	SSAB
Mark Donham	SSAB
Gregory Waldrop	SSAB
John D Skipped	DOE
Vicki Jones	SSAB
Ray McCann	SSAB
Ed Dutton	SSAB

February 18, 1999

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Meeting Minutes

February 18, 1999

The February 18, 1999, Site Specific Advisory Board (SSAB) meeting took place at the Information Age Park Resource Center in Paducah at 5:30 p.m.

The following board members were present: Nola Courtney, Mark Donham, Edward Duff, Angela Farmer, Vicki Jones, Linda Long, Ray McLennan, Jim Smart, and Gregory Waldrop. The facilitator present was Steve Kay. The United States Department of Energy (DOE) federal coordinator present was John Sheppard. Also present were the following members of the public and employees, contractors, and subcontractors of the DOE: Judith Bradbury, Kristi Branch, Jeannie Brandstetter, Bryan Clayton, Keith Feather, Shelley Hawkins, Dennis Hill, Pat Hopper, Norm Jetta, Jimmy Massey, and Janice Tucker.

Agenda

Steve Kay called the meeting to order and asked if there were any modifications to the agenda. Ray McLennan proposed adding a discussion of the Paducah-Area Community Reuse Organization (PACRO) meeting. Dennis Hill said Shelley Hawkins had added a folder containing information on PACRO activities to the SSAB library in the office. Mark Donham proposed adding a discussion on the draft Environmental Assessment (EA) for the shipment of Fernald uranium. Both items were added after the cumulative effects discussion. The amended agenda was approved.

Minutes

The January 21, 1999, meeting minutes were approved by consensus.

Information Handouts

John Sheppard said he attended the national SSAB chairs' meeting this week at the Savannah River Site. He said Fernald is hosting a waste transportation conference May 20 through 23, 1999, in Cincinnati. Sheppard said he anticipated the board might like to have representation at this conference. The national chairs' conference is scheduled for September 1999, possibly at Hanford. Sheppard said the Oak Ridge SSAB is hoping to sponsor a stewardship workshop in October or November 1999. This workshop would focus on the process for ensuring sites are safe decades from now.

Environmental Management and Enrichment Facilities Project Updates

Members received a handout on the Environmental Management and Enrichment Facilities (EM&EF) updates. Jeannie Brandstetter referred to the Surface Water Operable Unit (SWOU) as a new item on the update. She said there is a SWOU scoping document that will be issued at the end of March. Brandstetter said some information on the SWOU could be brought to the March meeting for the SSAB members. Donham asked if the SWOU is included in the Site Management Plan (SMP). Sheppard said the SWOU is one of the four key operable units. Donham asked if it includes areas where there could be runoff, and Sheppard said yes.

Vortec Update

Hill referred to a fact sheet given to the members at the meeting on the Fluor Daniel Fernald Proof-of-Principle Program report. Hill said this report that Donham had requested has not been published yet; however, the board would receive a copy when it is published. He said the Vortec Corporation prepared the fact sheet and it contains general information on the test performed at Fernald.

Depleted Uranium Hexafluoride Programmatic Environmental Impact Statement Update

Hill said there is nothing new to report except there have been some personnel changes in Washington with the program. Donham asked about the implementation of the bill passed by Senator McConnell. Hill said the money has not been appropriated at this point. Sheppard said the DOE is still working on its conversion plan report to Congress and suggested the SSAB keep the update on its agenda because the DOE is moving toward budget deadlines. Donham asked about the timeline on implementation. Sheppard said it would probably be no later than April 1999. Donham asked if the SSAB would receive a copy of the report when it is released and Sheppard said yes. Donham said the bill requires that the conversion plan comply with the National Environmental Policy Act (NEPA) and asked if the DOE intends to use the Environmental Impact Statement (EIS) that is being written now to comply with the bill. Jimmy Massey said he recalled the bill to state that the proper NEPA process would be executed in the period of time before the conversion facility is built. Janice Tucker said the appropriations subcommittee said that the DOE had requested money for Fiscal Year 2000 for the implementation of the NEPA process for the conversion facility.

Site Specific Advisory Board Evaluation

Judith Bradbury and Kristi Branch of the Pacific Northwest National Laboratory (PNNL) discussed the final evaluation of the SSABs that they had recently completed. Bradbury said the final report includes an overview report and an individual report that includes all the sites. She encouraged the members to read the overview report first and then the individual report. Bradbury said the evaluation is required by Congress and committees were set up by the DOE to include the PNNL authors and a representative from each of the boards. She said during this time, the Paducah SSAB had not yet been established. Bradbury said the DOE's basic purpose for the establishment of the SSABs is to receive input from a diversity of viewpoints and demographics in the community.

Bradbury identified the following factors listed in the report that contribute to effective boards: community context; board composition; purpose, goals, and commitment to consensus; internal processes and functions, public engagement, and DOE and regulator engagement. Bradbury said the Paducah board does a great job in having diversity of members. She said Paducah, however, does not have the time for social interaction that other boards have. She said this interaction can help build closer relationships between members. Bradbury said it is very important to take time and consider how the board is doing. She suggested self evaluations at retreats or after each meeting. Bradbury also stressed the importance of having technical support. She said the extent to which the DOE participates and values the board's input also is important. Bradbury said the evaluation was done solely to help the SSABs and provide feedback, not to be a scoreboard.

Linda Long asked when Bradbury was in Paducah to collect data for the report. Bradbury said during the July 1998 meeting. Long asked how many people Bradbury interviewed and Bradbury said she would have to check her record and get back with Long, but said she was here for an entire week. Long said she felt the Paducah SSAB was unfairly criticized. She said the Paducah SSAB deals with a public that is not interested, news media that prefer to keep people in the dark, and an environment that has been so badly damaged that it cannot really be restored. Long said a lot of people on the SSAB have not even been on DOE property. Bradbury suggested the board take a tour of the site. Donham said when the Alliance for Nuclear Accountability (ANA) came to Paducah, its tour of the plant was more extensive than the one for the SSAB. Brandstetter said this might have been due to time, since the ANA was here for an entire day.

Jim Smart said the evaluation had a lot of good suggestions; however, he would like to have seen some specific recommendations for Paducah on the final report. Bradbury said she thought it was important for the evaluation not to provide recommendations so the board could work together to create solutions. Bradbury offered to help with this if requested. Gregory Waldrop said the three main issues in which the Paducah SSAB needs work include public engagement, technical support, and team-building and leadership. Angela Farmer said it would be beneficial for the SSAB to have a brainstorming session. She said the SSAB may have the technical support it needs with its own members.

McLennan asked Bradbury what her observations were on the co-chairs. Bradbury said co-chairs often have been a problem because they are most likely chosen because of their differing

viewpoints. Co-chairs can be helpful, however, because it keeps one person's view from dominating the board. She said the co-chairs are sometimes needed when the board is first starting, but if the co-chairs disagree too often, it can prevent team-building. Bradbury said Pantex is the only other board with co-chairs. She said it is important for the board to consider whether having co-chairs furthers the purpose of the board.

Donham said he was not very happy with the draft evaluation because it labeled him as a critic of the DOE and he felt the evaluation was unfair and unprofessional. Bradbury said the evaluation was not intended to criticize. She said drafts were sent out in order to receive comments back from the members. She said in the final report, PNNL took into account Donham's comments, stating that people who were critical were needed on the board. Branch said they took a careful look at the issue of labeling people and it carried consequences that had not been considered before, so the issue was rectified in the final report. Donham said he thought the recommendations made by the SSAB were not given enough credit in the report. He said the Paducah SSAB is spending a small fraction of its budget compared to what the other SSABs are spending. He said there were a lot of good things that have come out of the SSAB that had not been reported in the evaluation. Branch said with the scope of the evaluation, they wanted to focus more on the internal processes of the board because this proved more feasible within the timeframe of the report. Bradbury said some of the accomplishments were listed at the end of the report. She said there have been a lot of positive changes with the Paducah SSAB since their visit last year.

Some of the members agreed that a tour of the plant would be helpful. Sheppard said as key proposals come up, there may be events to see at the plant that would benefit the board. Nola Courtney and Sheppard agreed to work on selecting a time for a tour of the plant for the board. Smart suggested the establishment of a committee to make recommendations from the evaluation to the board. Vicki Jones, Waldrop, and Smart agreed to serve on the committee and meet before the March meeting to review the evaluation and present suggestions.

Northeast and Northwest Plumes Pump and Treat Facilities

Bill Tanner was not able to attend the meeting. Hawkins said she had been in contact with Tanner and that they are working on sending out letters to qualified parties requesting technical support for the board.

Groundwater Operable Unit

Bryan Clayton, Bechtel Jacobs Company LLC task leader, gave fact sheets to the board that detailed the progress of the Groundwater Operable Unit (GWOU). Clayton said the GWOU combines Waste Area Groups (WAGs) 6, 27, and 28 into one operable unit. He said the D1 Treatability Study reports on chemical oxidation and surfactant flushing of WAG 6 soils were submitted to the regulators February 15, 1999. The generalized chemical oxidation results included that bench-scale testing conducted on the Regional Gravel Aquifer soils using Hydrogen Peroxide. It was determined that using Hydrogen Peroxide was more effective than using Potassium Permanganate. Farmer asked what molar concentrations were used for the testing.

Clayton said he did not know because the test was done by PNNL, but he could get that information for Farmer. Clayton said the generalized findings were that the recycling of surfactants may increase the cost of implementation of *in situ* flushing.

Clayton said a Feasibility Study (FS) Workplan on the GWOU was issued to the regulators in early February 1999. He said an Information Brief on the GWOU has been completed for vendors that may have remedial technologies. This provides some basic information on the site. Clayton said the final project consists of identifying the Innovative Treatment Remediation Demonstration (ITRD). He said the ITRD is a group of individuals that are remediation specialists, and the organization is sponsored by the United States Environmental Protection Agency (EPA) and the DOE. The intent of the ITRD is to assist in the FS for the GWOU and evaluate remedial alternatives and potential actions.

Cumulative Effects on the Site

Donham said a good place to start with this issue would be on the draft EA for Fernald. He read the portion on cumulative impacts from the draft. McLennan said he would like for the Accelerating Cleanup Plan to have property restoration as the future use scenario. He said if the goal is to make the property unusable, this changes all the current cleanup goals. Massey said the future use scenario for plant is continued industrial use, ensuring a safe environment for the workers onsite. Sheppard said the plan includes a recreational use scenario for outside the fence. Farmer said she is concerned with the water coming out of the plant and considers this a larger impact.

Waldrop said the GWOU is one response to the notion of a more comprehensive look at cumulative impacts. Donham said a sitewide EIS on the SMP should be done and it should include plans for cylinders and cleanup. Donham recommended that the new members receive a copy of the Federal Facilities Agreement (FFA) and the SMP because these documents are the major regulatory drivers for the site. Donham said cleanup standards have not even been set yet. Waldrop asked if it would require an EIS to get alternatives for the cleanup of the site. Donham said the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) analysis is supposed to look at alternatives. He said the NEPA analysis is supposed to be incorporated into CERCLA to save paperwork.

Sheppard said there was an error in the Fernald EA in that transportation issues were not included and he said an addendum has been issued and will be provided to the members. Sheppard said the comment period also has been extended until March 4, 1999.

Waldrop said there seemed to be some resistance to a sitewide EIS and Jones said it may be because of the high cost of an EIS. Massey said a comprehensive record of decision (ROD) considers cumulative effects at the site; however, issues are addressed individually. Courtney asked at what point will a final sitewide ROD be issued. Massey said around 2010 or 2012. Donham said this would be procedurally incorrect because it would come after decisions are made on the operable units. Sheppard said there is give and take on what is the best alternative because technology is changing so rapidly. Donham said that as long as parts of the plan are

analyzed individually, findings of no significant impacts (FONSIs) will probably be issued. Donham said FONSIs and categorical exclusions for individual projects within large sites are referred to as segmenting in the absence of a sitewide EIS or comprehensive study of cumulative effects.

Donham said the public has leverage in certain cases because the DOE is bound to respond to public comments. Donham said environmental reports from the plant, however, are not subject to public scrutiny. Donham said most of the major sites have done their own sitewide EIS and he said the NEPA regulations specifically provide for this. Massey said it might be interesting to see how many other sites have their own sitewide EISs and if they were useful. Donham said maybe the board members could be provided with copies of these EISs. Jones suggested contacting other SSABs to see their opinions on the EISs. Hawkins said she would contact the document centers of other sites to see if the EISs were available. Sheppard said the SSAB might want to place an agenda item on the monthly conference call for SSAB members concerning questions about EISs done at other sites.

Waldrop asked if it would be helpful to hire an environmental firm to conduct an intensive, projected evaluation short of a comprehensive EIS for the site. He said the SSAB could then provide the DOE with actual issues that may be at stake and would give the SSAB a concentrated look at a sitewide EIS for Paducah. Farmer said she is concerned about involving so much paperwork. The members agreed that obtaining EISs from other sites would be a good initial step in this issue and that the consideration of hiring someone to conduct a study should be delayed until the board has had time to review the other EISs. This issue was placed on the agenda for March.

Draft Environmental Assessment for Fernald

Donham said Fernald has a regulatory document such as an FFA under Superfund with legally binding timelines. Donham said it seems absurd for the EPA to fine the DOE. He said in order to avoid fines, the DOE must move the uranium at Fernald. Donham asked if this was an adequate justification of doing something that might cost more later. He said moving the uranium does not provide any permanent or long-term relief. McLennan said he feels strongly about not moving the uranium. Massey said there is a trend to consolidate materials from defense programs. This would reduce costs to the DOE by having materials in one location.

Farmer asked what the long-term plan was for the uranium. Massey said if the uranium comes to Paducah or Portsmouth, a uranium storage/conversion program would be in place. Sheppard said the Fernald plan includes off-site disposition of the uranium and a significant portion of the low-level waste would stay onsite at Fernald. Donham said that Paducah is still in the process of building new cylinder yards so cylinders can be placed on concrete pads, and asked if there was a place for the new cylinders. Massey said the DOE would have to build facilities if the uranium came to Paducah. Sheppard said the material being considered for transportation is not uranium hexafluoride (UF_6) in general — it is an array of uranium materials including ingot and other things. He said each site includes different options for the same array of materials.

McLennan asked how far Fernald was from Portsmouth. Sheppard said about 120 miles. Waldrop asked about the timeline on moving the uranium and Sheppard said September 1999. Jones gave SSAB members a copy of her comments on the Fernald EA. Farmer said Paducah has a lot of contaminated materials also and it does not seem fair that Paducah should receive someone else's contamination. Sheppard said Paducah has ongoing plans for off-site disposition of its waste. He said the uranium material from Fernald is considered a resource to the government that requires special management and is not considered a waste. Donham said he would like to propose that the Fernald uranium not be sent to Paducah. Smart asked if the uranium could be an economic asset to the area or if it could be beneficial if properly managed. Waldrop said Paducah is a long shot for receiving the Atomic Vapor Laser Isotope Separation technology and that the plant is going to need a viable economic connection. Farmer asked that if the uranium is an economic benefit, why is Fernald wanting to get rid of it. Massey said Fernald is a cleanup site only, and the DOE is trying to meet the FFA requirements and consolidate waste.

Waldrop said the seismic possibilities at Paducah should be a concern. Sheppard said he is concerned about combining the UF_6 conversion facility and the Fernald material because it is so different. Sheppard asked Massey if the PACRO has said anything about receiving the material as an attractive idea to the area. Massey said the issue was not on the PACRO agenda for its meeting this week. Donham asked if consolidating the material here was not a major consideration since the majority of the material is not UF_6. Sheppard said the conversion plant is a congressional directive, completed independently of the Fernald material. Smart said with the chemical plants in Calvert City, this area has a lot of toxins already. He said since all of this will not go away, we need to learn how to manage the materials properly. Courtney said it does not seem like there is that much economic potential in receiving the uranium. She said she prefers for the uranium to not come to Paducah, but she also did not think that the SSAB should specify where it should go. McLennan said the uranium should be moved to the closest site because this would put less communities in between at risk.

Donham said one alternative is for Fernald to amend its FFA. Jones said if the DOE had more time under the regulations, the DOE could look at commercial facilities for disposal of the uranium. The proposal made by the SSAB was to accept Jones' comments on the Fernald EA. In addition, the SSAB recommended that the appropriate regulatory documents at Fernald be amended to allow the Fernald site to retain the uranium, pending the development of a long-term strategy for disposal of the material. Also, the SSAB proposed the comment that if the uranium is moved temporarily, it should be moved to the nearest feasible site to reduce the environmental impact of transportation to surrounding communities. The comments were approved by the SSAB and will be sent to David Allen in Oak Ridge before the March 4, 1999, deadline.

Paducah-Area Community Reuse Organization

Massey said the PACRO received the results from the Lockwood Greene and ELR consultants on the report on the transition plan. He said the PACRO is asking for $8 million to support its efforts for workforce transition in western Kentucky. Massey said the PACRO is looking at a broader economic development basis for the area and what needs to be done to offset the impact of layoffs.

DOE Response to SSAB Recommendations

Sheppard said there was nothing pending in this area.

Site Specific Advisory Board Workplan

The SSAB Workplan was updated. Sheppard said the DOE is waiting for state and EPA comments for WAGs 9 and 11. This item was added to the March agenda. Decontamination and decommissioning was moved to June 1999. State comments also are due for the WAG 6 Remedial Investigation and Waldrop proposed adding this to the March agenda. Courtney proposed adding WAG 22 to the agenda for DOE's response to regulator comments. Sheppard said there is a risk profile document for Paducah being developed by a DOE complex group that will be out for comment in March. He suggested adding this to the agenda. Donham suggested adding an update on the progress of the FFA to the agenda in March. He said it would be good to have a review on the status of deliverables and milestones.

Waldrop said transportation is an important issue that needs to be considered on the agenda at some point. Sheppard said the waste transportation workshop that will be hosted by Fernald is May 20 through 23, 1999, and said members need to look at what transportation issues are at Paducah so they can make a contribution to the workshop. Waldrop said the chairs' conference is a good place to tackle issues that are common across the sites. Sheppard suggested the members consider who they want to represent the SSAB at the waste transportation conference in Cincinnati. Sheppard said the following four questions were presented at the chairs conference for input from different sites on waste issues.

1. What are the key transportation issues, challenges, and decisions at your site?
2. What are the key transportation areas you would like to learn at this workshop?
3. Where can stakeholders be most helpful in the transportation issue resolution process?
4. What results from the workshop would you like to see?

Financial Update

The SSAB received a financial report containing the budgets and amounts spent from Jacobs Engineering and Roberts and Kay, Inc. Hill said the hours and dollars had been broken down in this spreadsheet for Jacobs Engineering and the latest invoice from Roberts and Kay had been included. Hill said he would be glad to discuss the report with anyone after they had time to review the report.

Site Specific Advisory Board Web Page

Hill said all of the files for the web page have been transferred to the DOE Oak Ridge office. Some of the graphics in the web page will need to be resent. Hill said the web page should be on the Internet soon and Hawkins would inform the members of the address.

EXECUTIVE SESSION

Site Specific Advisory Board Membership

The board members reviewed five applications for membership. The SSAB elected the following five applicants to be accepted for membership: Randy (Kit) Atkinson, Merryman Kemp, Douglas Raper, Rosa Scott, and Pat Stephenson.

The next meeting will be held March 18, 1999, at the Information Age Park Resource Center at 5:30 p.m. The meeting was adjourned.

Tentative agenda for the March 18, 1999, meeting:

- Facilitator's Orientation on Procedures to New Members
- Public Comments from Guests
- Minutes
- Information (Handouts)
- EM&EF Project Updates
- Vortec Update
- Depleted UF_6 Programmatic EIS Update
- Transportation of Wastes/Hazardous Materials
- WAG 6 — Gregory Waldrop
- WAG 22, SWMUs 2 and 3 — Nola Courtney
- WAGs 9 and 11
- FFA Review — John Morgan
- Recommendations from SSAB Evaluation Subcommittee — Jim Smart
- Northeast and Northwest Plume Pump and Treat Facilities — Bill Tanner
- Cumulative Effects on the Site
- Comments on Risk Profile Document
- DOE Response to SSAB Recommendations — Jimmie Hodges
- Administrative Issues for the Board
  - Review of the SSAB Draft Workplan
  - Financial Update
  - Web Page Update

Action Items

- Nola Courtney and John Sheppard to determine a timeframe for a tour of the plant for the SSAB members.
- Jim Smart, Vicki Jones, and Gregory Waldrop to meet before the March meeting to review the SSAB Evaluation and make recommendations to present at the March meeting.
- Bryan Clayton to provide Angela Farmer with information on molar concentrations used for the Potassium Permanganate testing at PNNL for the WAG 6 Treatability Study. **(Complete)**
- Shelley Hawkins to provide new board members with a copy of the FFA and the SMP. **(Complete)**
- Shelley Hawkins to provide Jim Smart with the Internet address for the FFA. **(Complete)**
- Dennis Hill to provide SSAB with a copy of the addendum for the Fernald EA. **(Complete)**
- Dennis Hill and Shelley Hawkins to contact other sites and obtain copies of sitewide EISs for the office along with information such as cost and effectiveness for SSAB members. **(Complete)**
- John Sheppard to place a discussion of the effectiveness sitewide EISs on the agenda for the national chairs meeting.
- Dennis Hill to provide new SSAB members with a copy of DOE's NEPA regulations. **(Complete)**

Date: 1/28/99

To: David Allen

From: W. D. Tidwell

Subject: National Environmental Policy Act (NEPA) Categorical Exclusion (CX) For Treatment and Removal of Legacy Acidic and Basic Wastes at the Paducah Site, Paducah, Kentucky, CX-PAD-99-1

The Department of Energy (DOE) proposes to treat high-risk legacy waste so that it would meet the acceptance criteria for disposal facilities. The waste is currently stored at the Paducah Site near Paducah, Kentucky. The waste proposed for treatment is liquid waste that is either acidic or basic. The waste is considered a high storage risk due to its acidic and basic characteristic and resultant capability to corrode the storage container. Storage container corrosion by a similar acidic waste caused a drum rupture in building C-746-Q at the Paducah Site in 1997.

The waste would be treated primarily by neutralization. All of the waste is radioactively contaminated. In order to perform the treatment safely, a temporary facility will be purchased and placed within the C-752-A waste management building. This temporary facility will be an enclosure approximately 40 feet long by 20 feet wide, although the exact dimensions will depend on commercial availability. Electricity and other utilities may be connected to or provided near the enclosure. The enclosure would be connected to a ventilation system that will provide all the required air pollution control systems. The structure will provide containment to help prevent the potential spread of contamination during the waste treatment. After the waste is treated it would be packaged and transported to an appropriate disposal facility.

The proposed containment structure would be placed in the southern portion of C-752-A. As a result, an access road and building entrance would be constructed if funding is available. Construction of the access road would involve the placement of dense grade aggregate on the existing grade. A small culvert may be installed to assist drainage. The installation of the access road would not affect any sensitive resources, including areas identified as potential wetlands in "Identifications of Sensitive Ecological Resources Inside the Paducah Gaseous Diffusion Plant" August 1994, CDM Federal, 7916-003-FR-BBRY. Construction of the access road may require a Solid Waste Management Unit notification to the U.S. Environmental Protection Agency and Commonwealth of Kentucky.

C-752-A is currently used for waste storage and treatment. The building would be modified to accommodate the treatment activity. A door may be installed in the southern portion of the building and ramps constructed over the secondary containment dike. Utility lines including power and water may be extended from other locations within the building to the area of the enclosure.

The proposed waste treatment would result in the workers receiving a minimal dose. The amount of dose the workers receive will be minimized through "As Low As Reasonably Achievable" principles. The worker dose would be controlled to much less than DOE standards. A small amount of radioactive particles may be released in the exhaust of the enclosure exiting the building. Control and monitoring of the radioactive emissions will comply with the Clean Air Act National Emission Standard for Hazardous Air Pollutants for radiological emissions and implementation of any necessary mitigative measures would ensure compliance with DOE Order 5400.5.

Non-radioactive air emissions may also be exhausted from the building. These emissions would comply with Kentucky Emissions Standards and Regulations for Air Toxics and Hazardous Air Pollutants. The Paducah Site hazardous waste permit would be modified to allow waste treatment in C-752-A. A small amount of

secondary hazardous waste may be generated by the treatment activities. This waste will be managed in accordance with the appropriate regulations until it can be sent to a disposal facility. A storm water control plan would be prepared for the access road.

The proposed actions would pose no threat of significant individual or cumulative environmental effects. The described action would not be part of an ongoing environmental assessment or environmental impact statement. No extraordinary circumstances would be related to this action, and the proposal would not be connected to other actions with potentially significant impacts.

This description accurately describes the proposed action. This proposed waste treatment activities fulfill the requirements of the categorical exclusion B6.1 "Small-scale, short-term cleanup actions, under RCRA, Atomic Energy Act, or other authorities, less than approximately 5 million dollars in cost and 5 years duration, to reduce risk to human health or the environment from the release or threat of release of a hazardous substance other than high level radioactive waste and spent nuclear fuel, including treatment (e.g. incineration), recovery, storage, or disposal of wastes at existing facilities currently handling the type of waste involved in the action. ...□ in DOE NEPA Implementing Procedures, 10 CFR 1021, Subpart D, Appendix B as amended August 8, 1996. Therefore, I recommend that the proposed action be categorically excluded from further NEPA review and documentation.

_____ _____

W.D. Tidwell, DOE PAD, Program Manager Date

Based on my review and the recommendation of the DOE Program Manager, I have determined that the proposed action is categorically excluded from further NEPA review and documentation.

_____ _____

David R. Allen, DOE ORO NEPA Compliance Officer Date

c: S. E. Knaus/Kevil

DOE NEWS

NEWS MEDIA CONTACT:
Steven L. Wyatt, (423) 576-0885

January 22, 1999

DOE CONSIDERING TRANSFER OF FERNALD URANIUM

OAK RIDGE, TN -- The U.S. Department of Energy is considering a plan to transfer up to 3,800 metric tons of uranium currently stored at the Fernald Site in Ohio to other government facilities in Kentucky, Ohio, and Tennessee.

The uranium has both commercial and military value and will be reused or sold. Potential commercial uses include use as a shielding material and the development of special alloy metal applications. The uranium stored at Fernald consists of both metal and an inert and insoluble powder. These uranium compounds contain both depleted and slightly enriched uranium.

The Fernald Site, a former uranium refinery that produced uranium metal for the nation's nuclear weapons program, is scheduled to be remediated and closed by 2006. To support agreements with the State of Ohio, the Department of Energy (DOE) has a goal to move the uranium from Fernald by September 30, 1999.

The potential storage sites include the Oak Ridge Y-12 Plant and East Tennessee Technology Park in Oak Ridge, Tennessee, the Portsmouth Gaseous Diffusion Plant in Portsmouth, Ohio, and the Paducah Gaseous Diffusion Plant in Paducah, Kentucky. The two gaseous diffusion facilities are owned by DOE, but operated by the U.S. Enrichment Corporation.

DOE is currently preparing an environmental assessment to evaluate the potential impact of receiving and storing the uranium. The assessment will be available for public comment in February 1999.

-DOE-

Additional information on Oak Ridge Operations can be found at our WWW Homepage located at http://www.oakridge.doe.gov

R-99-002

DOE FACTS

FY 2000 DOE BUDGET — PADUCAH GASEOUS DIFFUSION PLANT

About $53 million is proposed to be spent by the U.S. Department of Energy at the Paducah Gaseous Diffusion Plant in Fiscal Year 2000. $37.6 million is designated for environmental management work. Planned FY 2000 DOE activities include:

• Operation and maintenance of the LASAGNA™ electro-osmosis technology to remediate contamination at the former Cylinder Drop Test Area.

• Construction of the Vortec vitrification technology system. Evaluation of results from demonstration for full-scale operation of on-site treatment of legacy waste to meet enforceable milestones.

• A major feasibility study evaluating remedial alternatives for off-site groundwater contamination and contributing source areas.

• Selection of a preferred alternative Removal Action for the management of approximately 65,000 tons of scrap metal currently stored at PGDP.

• Waste treatment, storage and disposal operations, with emphasis on off-site disposal.

• Surveillance and maintenance of interim groundwater treatment systems, operation and maintenance of interim remedial actions and post-closure systems, operation and maintenance of interim remedial actions, post-closure monitoring of remedial sites and maintenance of off-site water policy for affected residents.

• Surveillance and maintenance for the C-410 Feed Plant Complex and the C-340 Metals Reduction Plant Complex, the facilities in PGDP's Decontamination and decommissioning program.

The remaining funds, about $15 million, will be used to manage cylinders of depleted uranium hexafluoride (DUF-6) stored at the site. About two-thirds of that total comes from the United States Enrichment Corporation under agreements with DOE.

BUDGET COMPARISON, FISCAL YEARS 1998-2000

	1998	1999	2000
Environmental Management	39.5M	36.1M	37.6M
Enrichment Facilities	14.3M	5.1M	5.8M
Work for others	0	8.2M	9.5M
TOTAL	**53.8M**	**49.4M**	**52.9M**

A.M. BRIEFING
MONEY

OHIO URANIUM MAY COME TO PADUCAH

The U.S. Department of Energy is preparing an environmental assessment of a plan to transfer as much as 3,800 metric tons of uranium stored at its closed Fernald plant in Ohio to other facilities, including the Paducah Gaseous Diffusion Plant.

The assessment will be available for public comment in February. DOE's Fernald site is a former refinery producing uranium metal for the nation's nuclear weapons program. Cleanup of the site is expected to be finished by 2006. To support agreements with the state of Ohio, DOE wants to move the uranium by Sept. 30.

Potential storage sites are uranium enrichment plants here and in Portsmouth, Ohio, as well as a DOE weapons plant and the East Tennessee Technology Park in Oak Ridge, Tenn.

DOE said the uranium, which has commercial and military value, will be used or sold. Possible uses are as shielding material and in the development of special alloy application.

The uranium consists of metal and an inert, insoluble powder. Those compounds contain depleted and slightly enriched uranium.

INCOME TAXES, COSTS CUT USEC EARNINGS

USEC Inc. earned $32.1 million, or 32 cents per share, for the second fiscal quarter ending Dec. 31, compared with $41.7 million during the same time a year ago.

Although revenue rose from $322.3 million to $422.4 million during the comparative periods, USEC had $95 million more in sales-related costs, according to its income statement.

Other factors lowering net income were $8.8 million in interest expense on money USEC borrowed for a public stock offering last July and $16.3 million in provision for income taxes.

Before becoming a public company, USEC was a government corporation excluded from income taxes. Before-tax income for the second quarter of 1998 was $48.4 million.

Net income for the six-month period ending Dec. 31 was $40.7 million, or 41 cents per share.

William H. Timbers Jr., president and chief executive officer, said USEC took steps in the second quarter to generate new sales; assume direct control of its uranium enrichment plants in Paducah and Portsmouth, Ohio; reorganize its corporate structure, and complete a $500 million public debt offering to refinance part of its bank debt.

PADUCAH GASEOUS DIFFUSION PLANT
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Chartered under the Federal Advisory Committee Act

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Tentative agenda for the February 18, 1999, meeting:

- Public Comments from Guests
- Minutes
- Information (Handouts)
- EM&EF Project Updates
- Vortec Update
- Depleted UF_6 Programmatic Environmental Impact Statement Update
- SSAB Evaluations — Judith Bradbury
- Northeast and Northwest Plume Pump and Treat Facilities — Bill Tanner
- Groundwater Operable Unit Feasibility Study
- Cumulative Effects on the Site
- DOE Response to SSAB Recommendations — Jimmie Hodges
- Administrative Plans for the Board
  - Review of the SSAB Draft Workplan
  - Financial Update
  - Web Page Update
  - SSAB Membership

Action Items

- John Volpe to provide the data from the AIP vegetable study to Mark Donham and Tuss Taylor to provide the AIP annual report to SSAB members.
- Jimmie Hodges to provide Mark Donham a copy of the report on the Vortec test at Fernald.
- Nola Courtney to be placed on the distribution list for regulator comments on WAG 22 documents.
- Dennis Hill to e-mail Craig Rhodes the addresses of other SSAB web sites.

Printed on recycled paper

MEMORANDUM

DATE: **February 2, 1999**

TO: **Angela Farmer**
Judy Ingram
Jim Smart

FROM: **Shelley Hawkins, SSAB Secretary** SH

SUBJECT: **SSAB Evaluation**

There will be a discussion at the February 18, 1999, SSAB meeting on the board evaluation conducted by Judith Bradbury, Pacific Northwest National Laboratory. Board members received the evaluation in November 1998. I have enclosed a copy of the evaluation along with a section for the Paducah evaluation for you reference during the February discussion. Please give me a call at 462-2550 if you have any questions or need additional information. Thanks!

Date: 1/28/99

To: David Allen

From: W. D. Tidwell

Subject: National Environmental Policy Act (NEPA) Categorical Exclusion (CX) For Treatability Studies of Wastes at the Paducah Site, Paducah, Kentucky, CX-PAD-99-2

The Department of Energy (DOE) proposes to conduct treatability studies of waste currently stored at the Paducah Site near Paducah, Kentucky. The treatability studies would determine if a successful treatment process could be developed for each type of waste. Additional NEPA review would be conducted for each waste treatment activity that could result from these treatability studies.

A small amount of each waste type, normally one drum, would be transported to appropriate offsite facilities to conduct the studies. The treatments that may be evaluated include, be are not limited to, precipitation, neutralization, reduction, oxidation, and stabilization. Typical waste to be studied include glass beads and other sandblast media, nickel stripper sludge, photographic developer solution, and high radiological content solids and sludges. Other wastes would be studied as needed. Most of the waste types would be radioactively contaminated. The waste generated by the treatability studies would be returned to the Paducah Site for further evaluation. The facilities that would perform the studies would have and comply with the appropriate permits, licenses, and approvals. The waste would be transported in accordance with the Department of Transportation regulations.

The proposed treatability studies may result in the workers receiving a minimal dose. A small amount of airborne radiological particles may potentially be released during the treatability study. The amount of worker and public exposure resultant from the treatability studies would be controlled to limit exposure to less than the appropriate NRC or DOE standards. The facilities performing the treatability studies would comply with the appropriate safety guidelines, such as OSHA, to control exposure to hazardous chemicals.

The treatability studies would not affect any sensitive resources. No facility construction or modifications would be required to conduct the treatability studies. The proposed actions would pose no threat of significant individual or cumulative environmental effects. The described action would not be part of an ongoing environmental assessment or environmental impact statement. No extraordinary circumstances would be related to this action, and the proposal would not be connected to other actions with potentially significant impacts.

This description accurately describes the proposed action. This proposed waste treatment activities fulfill the requirements of the categorical exclusion B3.6 "Siting, construction (or modification), operation, and decommissioning of facilities for indoor bench-scale research projects and conventional laboratory operations; small-scale research and development projects (generally less than two years) conducted to verify a concept before demonstration actions. Construction (or modification) will be within or contiguous to an already developed area (where active utilities and currently used roads are readily accessible)." in DOE NEPA Implementing Procedures, 10 CFR 1021, Subpart D, Appendix B as amended August 8, 1996. Therefore, I recommend that the proposed action be categorically excluded from further NEPA review and documentation.

_____ _____

W.D. Tidwell, DOE PAD, Program Manager Date

Based on my review and the recommendation of the DOE Program Manager, I have determined that the proposed action is categorically excluded from further NEPA review and documentation.

David R. Allen, DOE ORO NEPA Compliance Officer _____ Date _____

c: S. E. Knaus/Kevil

(Issued 2-18-99)

FACT SHEET

Vortec Corp. Test for Fluor Daniel Fernald

Proof of Principle Program

During the week of November 30, 1998, Vortec successfully completed a 72 hour, continuous vitrification proof-of-principle test. During this test, approximately 20,000 pounds of the demonstration slurry (30% solids and 70% water) was vitrified. The Vortec glass melter realized a system availability of 99.58%. About 6,000 pounds of glass was produced. The data sampling was done in accordance with EPA protocols for treatability testing. All the glass passed the Toxicity Characteristic Leaching Procedure (TCLP) test as required by Fluor Daniel Fernald.

The test was conducted as part of a Proof-of-Principle Program that Vortec has with Fluor Daniel Fernald to establish a method for treating the waste at the Department of Energy-Fernald, Ohio facility. The test, at Vortec's Vitrification Pilot Plant in Harmarville, PA, used a surrogate that chemically represents the Fernald waste. The Fernald waste is contaminated with low level radioactivity and RCRA metals. Representative radioactive elements are actinium, thorium, radium, and polonium.

The test was witnessed by representatives of Fluor Daniel Fernald, Department of Energy, US EPA-Region 5, State of Ohio-EPA, and the Fernald Stakeholders Group.

The success of the test for Fluor Daniel Fernald is significant for the DOE Paducah Gaseous Diffusion Plant. This is the same vitrification technology which Vortec will use to demonstrate the capability for treating the Paducah Gaseous Diffusion Plant waste soil.

Hill, Dennis A. (H9I)

From: ekx@ornl.gov
Sent: Monday, February 15, 1999 10:12 AM
To: hillda@cosmail1.ctd.ornl.gov
Subject: Approved CXs

Dennis,

Oak Ridge has approved two NEPA Categorical Exclusions (CXs).

1. Treatability Studies (CX-PAD-99-2)
2. Treatment and Removal of Acidic and Basic Wastes (CX-PAD-99-1)

GROUNDWATER OPERABLE UNIT FEASIBILITY STUDY
February 18, 1999

Remedial Investigation Status

- WAG 6 Remedial Investigation Report currently under review by the State. Comments on the D1 document have been received from the USEPA.
- WAG 27 Remedial Investigation Report D1 was issued for review on December 23, 1998.
- WAG 28 Remedial Investigation is currently mobilizing for beginning field activities in early April.

Treatability Studies

- Submitted D1 Treatability Study Reports on Chemical Oxidation and Surfactant Flushing on 2/15/99.
- Generalized Chemical Oxidation results were:
  - Bench-scale testing of Hydrogen Peroxide and Potassium Permanganate as in-situ chemical oxidation agents was performed using Regional Gravel soil and water.
  - Hydrogen Peroxide determined to be more effective than Potassium Permanganate.
  - Hydrogen Peroxide requires the formation pH to be altered to a 2-3 from its natural state of 6-7.
  - Chemical Oxidation determined to not be effective on TCE DNAPL concentrations. However, the in-situ oxidation process may be suitable as a finishing action.
- Generalized Surfactant Flushing results were:
  - Approximately 100 surfactants and cosolvents and combinations were bench-scale tested for potential effectiveness in in-situ flushing remediation using Regional Gravel Aquifer soil and water.
  - Two combinations showed promise in removing DNAPL TCE concentrations after flushing with about 10 pore volumes.
  - Recycling of surfactants may economically impact implementation of in-situ flushing.

Feasibility Study

- Currently, area and volume calculations for TCE and Tc-99 are being developed for WAG 6 and WAG 27. These volume and area estimates will be used for the feasibility study.
- The Feasibility Study Workplan was issued to the regulators (and SSAB) on February 5, 1999. The FS Workplan outlines the strategy for completing the Groundwater Operable Unit feasibility study and risk assessment. The GWOU FS will combine information from the WAG 6, WAG 27, and WAG 28 remedial investigations as well as other site data (such as monitoring well analyses).
- An information brief for the GWOU has been completed. This brief which summarizes the GWOU information will be provided to consultants/vendors for background information.
- Work on the well-by-well baseline human health risk assessment is continuing.

- Preliminary technology tables have been prepared for the vadose zone, Upper Continental Recharge System, and the Regional Gravel Aquifer.
- Work on the Paducah site groundwater flow and transport model is continuing.

Innovative Treatment Remediation Demonstration (ITRD)

- Remediation specialists from USEPA Research Laboratories, DOE National Laboratories, Industry, State and Federal Regulators and Paducah Site Personnel tasked to assist the site with the Groundwater Operable Unit Feasbility Study.
- These remediation specialists provide a broad knowledge base on environmental remediation techniques.

JACOBS
ENGINEERING
Engineers and Constructors

Groundwater Operable Unit Feasibility Study Workplan Overview

February 18, 1999

Presented By
Jacobs EM Team

JACOBS
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Project Team

Gary Bodenstein.....DOE Program Manager
Bryan Clayton.....Bechtel Jacobs Program Manager
Richard Bonczek.....University of Tennessee

Jacob EM Team Members:
Christie Connelly.....Regulatory Specialist
Ken Davis.....Hydrogeologist
Bruce Ford.....Engineer
Sarah Maudlin.....Task Manager
David Shehee.....Risk Assessor

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Feasibility Study Workplan

Due to the complexity of the GWOU project, the FS Workplan was prepared to provide a strategy for conducting the Feasibility Study.

The document consists of the following main sections:

- Groundwater Operable Unit Scope
- Risk Assessment
- Feasibility Study
- Development of Alternatives
- Screening of Alternatives
- Detailed Analysis of Alternatives
- Reporting

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Remedial Action Strategy

- The remedial action strategy was restructured to meet site-wide remedial objectives as opposed to the original strategy that emphasized a SWMU-by-SWMU approach.
- The basis for the new strategy is protection of human health and the environment through implementation of various actions focused on accomplishing four remedial objectives.

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Remedial Action Strategy

Sitewide Remedial Objectives

(1) Protection of off-site residents from consumption of contaminated groundwater

(2) Protection of recreational user associated with Bayou/Little Bayou Creeks and the Western Kentucky Wildlife Management Area

(3) Protection of industrial workers

(4) Protection of ecosystems

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Remedial Action Strategy

The following four operable units will meet the site-wide remedial action objectives:

- **Groundwater Operable Unit**
- **Surface Water Operable Unit**
- **Surface Soils Operable Unit**
- **Burial Grounds Operable Unit**

After all OUs are completed, a Comprehensive Site Wide Operable Unit study will be conducted to evaluate any remaining residual contamination and the cumulative effects from all media.

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Groundwater Operable Unit Strategy

- Address primary sources of off-site groundwater and affected media
- Emphasis on trichloroethene (TCE) dense nonaqueous phase liquid (DNAPL) and technetium (^{99}Tc)

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Groundwater Operable Unit Strategy

To meet the site-wide objectives, the GWOU FS will do the following:

- Evaluate remedial action strategies that will lead to a remedial action for groundwater at the PGDP;
- Evaluate alternatives designed to met the remedial action objectives (RAOs) by considering both contaminant source reduction and containment technologies on an equal basis (unless, at a later date, modeling or other quantitative evaluation indicates otherwise);
- Identify final disposition of the Northwest Plume and Northeast Plume pump and treat actions;
- Identify final disposition of the water policy; and
- Add to the scope of the GWOU any new contaminant sources that have been identified based on information collected during the FS (particularly during the compilation of data for the risk assessment.

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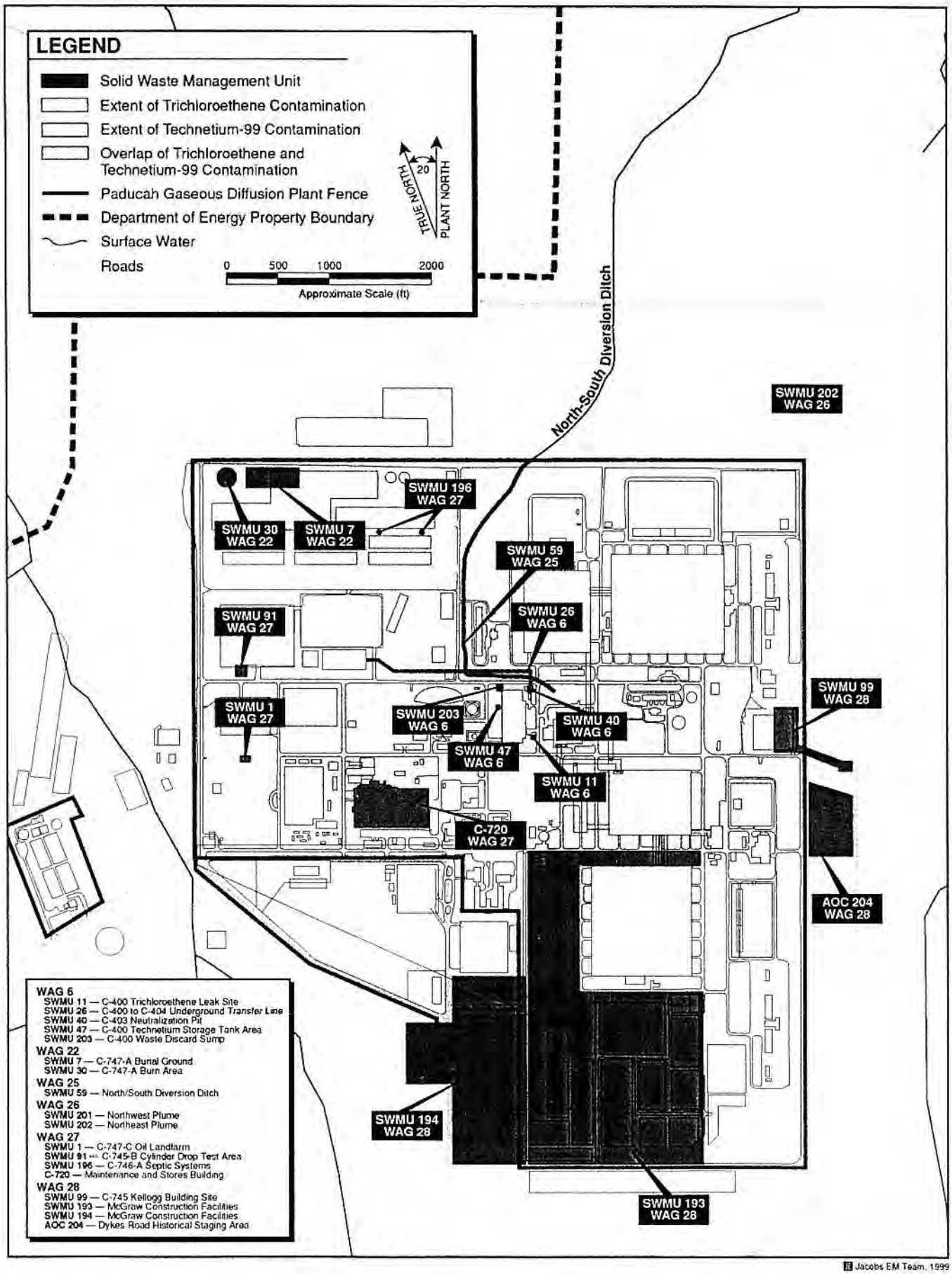
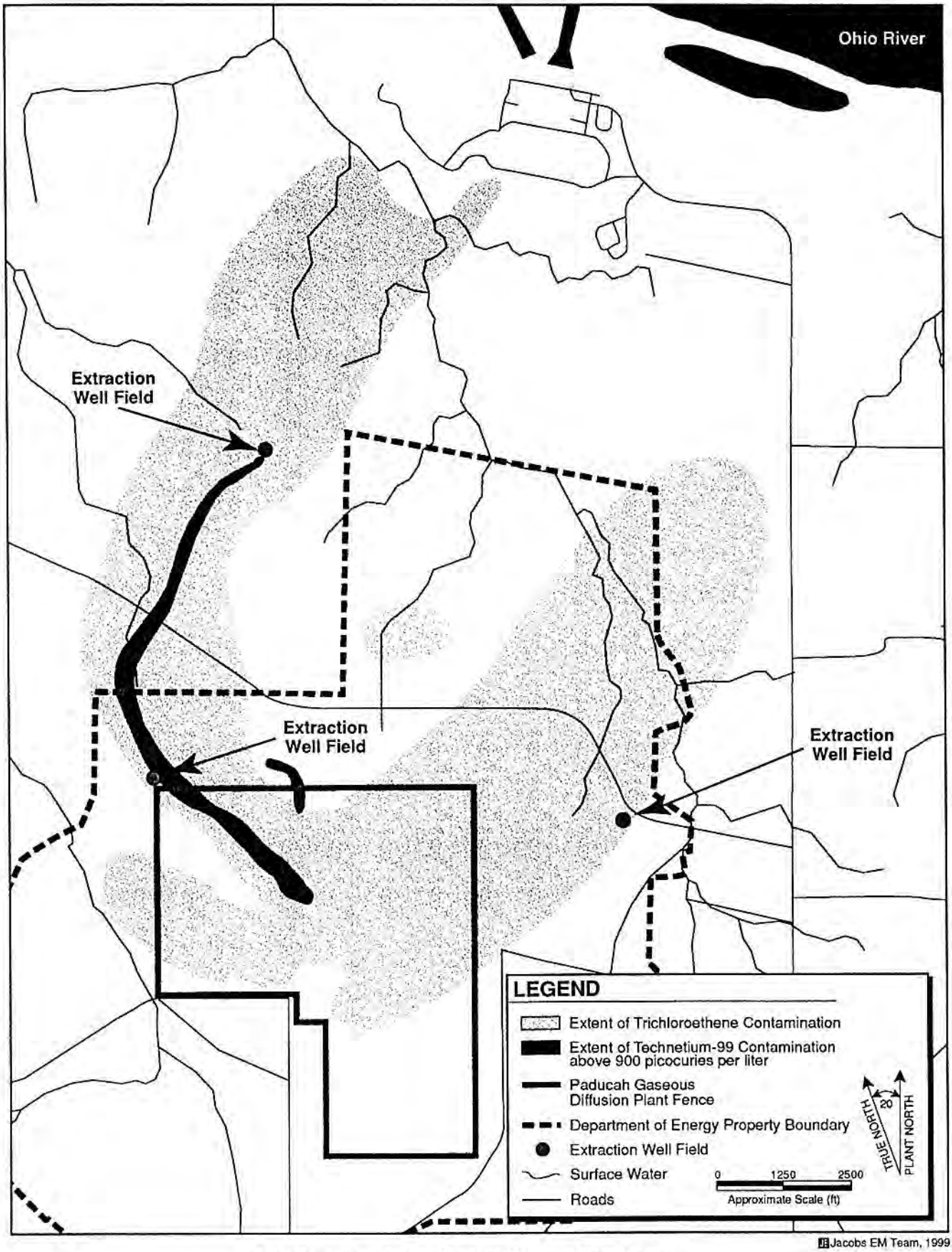
Groundwater Operable Unit Strategy

The GWOU contains the following:

- **All SWMUs within WAG 6, WAG 26, WAG 27, and WAG 28**
- **Secondary DNAPL sources from SWMUs 7 and 30**
- **SWMU 59 - the North-South Diversion Ditch within the plant security fence**



Solid Waste Management Unit Locations at the Paducah Gaseous Diffusion Plant



Northeast and Northwest Plume Locations

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Risk Assessment

(Continued)

- Provide a basis for determining whether remedial actions are necessary;
- Provide the information needed to determine to what level the concentrations of contaminants of concern must be reduced to protect human health and the environment; and
- Provide a baseline to which the level of protection offered by the various remedial actions can be compared.

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Risk Assessment

(Continued)

The Baseline Human Health Risk Assessment will

- Summarize information found in earlier assessments that is relevant to the GWOU;
- Identify chemicals of potential concern (COPCs);
- Assess pathways of exposure under rural residential, industrial, and recreational use;
- Assess the toxicity of the COPCs; characterize the risk posed by COPCs; select chemicals of concern (COCs), pathways of concern, and use scenarios of concern;
- Discuss the uncertainties affecting risk estimates; and
- Calculate remedial goal options (RGOs) for COCs.

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Risk Assessment

(Continued)

Because the BHHRA will be for an integrator unit, this assessment will contain analyses not seen in recently completed source unit BHHRAs. These analyses include:

- Characterization of risks to human health by well, including maps depicting the level of risk for each area;
- Identification of potential source areas using the aforementioned maps;
- Characterization of risks to human health by geographical area; and
- Consideration of changes in contaminant concentrations over time.

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Risk Assessment

(Continued)

The Baseline Ecological Risk Assessment will

- Summarize information relevant to the GWOU found in earlier assessments;
- Identify chemicals of potential ecological concern (COPECs);
- Assess pathways of exposure to a representative set of nonhuman receptors;
- Assess the toxicity of the COPECs; and
- Determine whether additional action to address the COPECs may be warranted as part of the investigation of the surface water integrator unit and in the FS.

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Development of Alternatives

Preliminary Remedial Action Objectives for the GWOU

- Protect a potential groundwater user north of the Terrace Gravel from contamination in excess of maximum contaminant levels (MCLs) and ensure that the cumulative excess lifetime cancer risk (ELCR) does not exceed 1×10^{-4} and that the cumulative hazard index (HI) does not exceed 1.
- Protect potential surface-water receptors from discharges of groundwater that could pose a threat to human health or the ecology. Concentrations must be low enough to ensure that the cumulative ELCR does not exceed 1×10^{-4} and that the cumulative HI does not exceed 1 for human receptors.

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Development of Alternatives

Identify and Screen Technology Types and Process Options

- Identify all potentially applicable technology types and process options.
- Evaluate process options against one another with respect to effectiveness, implementablility, and cost.
- Due to complexity of the GWOU, it is highly likely that two or more representative process options will result from this screening.

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Development of Alternatives

Identify and Screen Technology Types and Process Options (Continued)

- Focused technology studies will be conducted on these process options that will center on advantages, disadvantages, and differences of the process options.
- Assemble remedial alternatives.

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Screening of Alternatives

- Develop alternatives definition, which includes:
  - Technology sizing requirements;
  - Remediation time frames; and
  - Interactions among media.
  - Alternatives most likely will consist of a combination of several technologies.
- Conduct engineering studies. These studies will focus upon
  - The interactions and compatibility of process options, and
  - Time frames in which RAOs can be achieved.
- Screen alternatives against the criteria of effectiveness, implementability, and cost to a manageable number.

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Detailed Analysis of Alternatives

Individual Analysis of alternatives using the nine criteria

- Overall protection of human health and the environment
- Compliance with ARARs
- Long-term effectiveness and permanence
- Reduction of toxicity, mobility, or volume through treatment
- Short-term effectiveness
- Implementability
- Cost
- State acceptance
- Community acceptance

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Detailed Analysis of Alternatives

Overall Protection of Human Health and the Environment

- Assessed after other criteria are evaluated to determine if remediation levels are achieved.

Compliance with ARARs

- Chemical-specific ARARs for the GWOU may be identical to those identified for other remedial actions conducted at the PGDP; however, the application of the ARARs may differ.

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Detailed Analysis of Alternatives

Compliance with ARARs (Continued)

Preliminary strategies that may be implemented include:

- MCLs may be applied at point of exposure;
- Alternatives will be evaluated as to when compliance with MCLs can be achieved; and
- Complexity, type of contamination, and potential impracticability of complete remediation of DNAPL may require an ARAR waiver for certain MCLs.

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Detailed Analysis of Alternatives

Long-term Effectiveness and Permanence

- Will be evaluated using information collected during the technology and alternative engineering studies and modeling.
- Since remedial actions for the GWOU may extend over a long period of time, adequacy and reliability of controls will be very important in determining an alternative's performance.

Reduction of Toxicity, Mobility, or Volume through Treatment

- Will be evaluated using information collected during the technology and alternative engineering studies and modeling.

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Detailed Analysis of Alternatives

Short-term Effectiveness

- One important component of this criterion is the time required for an alternative to achieve RAOs. Groundwater transport modeling will be used in the assessment.
- An estimate and comparison of which sources are contributing the greatest risks to off-site receptors will be completed.

Implementability

- Alternatives for the GWOU may consist of several technologies used in series or parallel. Some of the uses of the technologies may be innovative and historical data may be limited.

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Detailed Analysis of Alternatives

Cost

- Alternatives will be complex and will continue for long durations.
- Significant calculations will be required to prepare the cost estimates.

State and Community Acceptance

- Typically these are addressed in the ROD once comments on the FS Report and proposed plan have been received. Due to the complexity of the project, periodic meetings may facilitate the review process.

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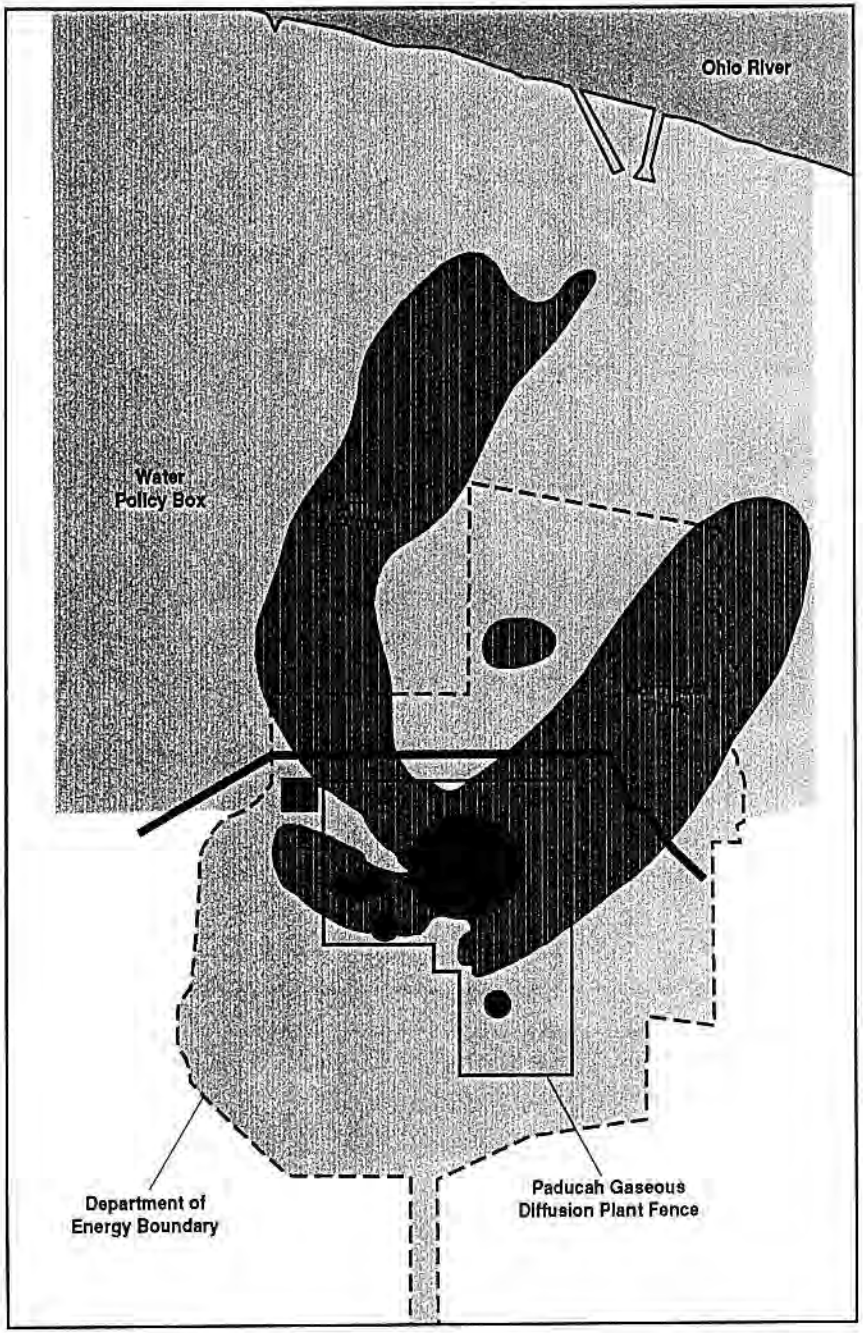
Detailed Analysis of Alternatives

Comparative Analysis

- This analysis will allow the alternatives to be compared against one another so that advantages and disadvantages of each alternative, with respect to one another, may be identified.
- Decision analysis will be used to provide a quantitative evaluation of the alternatives.



Snapshot of Alternative X

RAOs	Remedial Actions	Components
Protect potential groundwater users	Institutional Controls	• Five-year reviews
	Containment (of TCE plumes at DOE boundary)	• 50 hydraulic containment (i.e., groundwater extraction) wells including 50 RGA monitoring wells and 100 piezometers • TCE and ^{99}Tc water treatment plant with discharge to outfalls
	Source reduction (of TCE DNAPL zones)	• Dynamic Underground Stripping • TCE and ^{99}Tc water treatment plant with discharge to outfalls
Protect...	Action A Action B, etc.	• Component i • Component ii, etc.

Evaluation Criteria	Summary Comments	Score
Overall protection	Achieved; risk reduced to 4.3×10^{-6}	—
ARARs compliance	May be met without ARAR waivers	—
Long-term effectiveness	Source concentrations reduced to acceptable risk levels...	7.0
Reduction of toxicity, mobility, or volume through treatment	Wastes from sources treated to reduce toxicity...	7.2
Short-term effectiveness	Risks to workers, public, and environment are minimal...	6.8
Implementability	Technically and administratively feasible to implement; licensed DUS vendors are minimal...	6.3
Cost	$40,000K capital; $2K/year O&M	4.2
State and community acceptance	To be determined following issuance of the proposed plan	—

Jacobs EM Team, 1999

Figure 10. Example Snapshot of Alternative X

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GWOU Project Schedule

- Kick-off GWOU Project.....10/98
- Develop FS workplan, information brief, areas and volumes, and compile technology information.....10/98 to 3/99
- Preliminary GWOU Risk Assessment.....1/99
- Submittal of FS Workplan to Regulators.....2/99
- Screen Technologies and Develop Alternatives.....3/99 to 5/99
- Screen Alternatives/Perform Engineering Evaluations.....5/99 to 10/99

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GWOU Project Schedule

(Continued)

- Detailed Evaluation of Alternatives....10/99 to 12/99
- DOE Internal Review.....2/15/00 to 3/15/00
- Submit GWOU D1 FS to Regulators.....6/18/00

An Evaluation of the Effectiveness of Local Site-Specific Advisory Boards for U.S. Department of Energy Environmental Restoration Programs:

Paducah Gaseous Diffusion Plant Site-Specific Advisory Board

Judith A. Bradbury
Kristi M. Branch

Pacific Northwest National Laboratory

February 1999

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PADUCAH GASEOUS DIFFUSION PLANT
SITE-SPECIFIC ADVISORY BOARD

Introduction

This report details the results from the Paducah portion of a U.S. Department of Energy (DOE) study that was initiated to understand factors contributing to the effectiveness of the DOE local Site-Specific Advisory Boards (SSABs) and to provide information useful for the boards and DOE in their continuing efforts at improvement. The *Overview* report that accompanies the individual site reports discusses findings across nine DOE sites and provides background on the goals, methodology, and rationale for the framework used in the study. It also serves as a template for the findings presented in this site report.

The report for the Paducah Gaseous Diffusion Plant SSAB is thus structured according to the six factors that were found to be important in assessing local SSAB effectiveness. As emphasized in the *Overview,* the study was designed to assist DOE and the boards in assessing how well the boards were fulfilling DOE's basic purpose in establishing the boards, and to provide information that would be useful to DOE and the boards in achieving this purpose. Specifically, DOE established the boards to obtain independent, consensus, policy advice and recommendations that drew on the range of local and regional stakeholder perspectives. The underlying rationale was that advice that reflected agreement among very different viewpoints would also be more likely to be acceptable to nearby communities and thus would provide a firm basis for developing policies that were not only technically sound but also could be implemented. Accordingly, the focus of the study was on board processes that enhanced the boards' ability to provide independent, broadly based policy advice, rather than on the recommendations per se.

This report describes the Paducah Gaseous Diffusion Plant SSAB as it was operating at the time of the researchers' visit in July 1998. The description is provided in terms of the six factors found to contribute to board effectiveness (community context; board composition; purpose, goals, and commitment to consensus; internal processes and functions; public engagement; and DOE and regulator engagement). It begins by highlighting key features of the site context that pose particular challenges facing the Paducah SSAB. The two subsequent sections discuss the board's composition, including diversity of viewpoints represented on the board, and the board's sense of purpose, goals, and commitment to consensus. The next section examines the board's internal processes and functions, including how board members accomplish agenda building, issues management, and team building; how facilitation, brokering, and leadership roles are taken and performed; and how administrative and technical support is provided. The following section, on public engagement, details the board's effectiveness in providing opportunities for public participation and in outreach and information gathering. The next section discusses the relationship between the board and DOE, and between the board and site regulators. The final section lists important issues that members

mentioned and provides the researchers' assessment of the accomplishments and challenges facing the Paducah SSAB.

As emphasized in the *Overview,* the purpose of this study is to provide an outsider's perspective, based on a review of boards across the complex, and to encourage the boards to reflect on their own strengths and weaknesses and learn from one another's accomplishments and challenges.

Community Context

The Paducah Gaseous Diffusion Plant (PGDP) is located approximately 15 miles west of the City of Paducah, which sits on the southern bank of the Ohio River in McCracken County, Western Kentucky. DOE property consists of 3,600 acres of which 750 sit inside the PGDP security fence. The area population is predominantly blue collar, mostly employed in light industry and service jobs.

The gaseous diffusion plant is a significant employer in the region, although its activities were largely unacknowledged from commencement of operations in 1952 until the 1970s. The uranium enrichment activities at Paducah have recently been privatized under the 1992 Energy Policy Act and are now the responsibility of the United States Enrichment Corporation (USEC) and its Management and Integration (M&I) contractor, Lockheed Martin Utility Services, which employs 1,718 people in enrichment activities. An additional 133 Bechtel Jacobs Company LLC employees and about 100 of their subcontractors work for DOE's Environmental Management and Enrichment Facilities Program. DOE maintains a small site office administered by the Oak Ridge Operations Office. The Paducah office of DOE has stewardship responsibility for a large residue of depleted uranium hexafluoride that is contained in approximately 35,000 cylinders (more than at any other DOE site) and for supervision of site monitoring, decontamination, and restoration activities.

The Paducah SSAB faces several challenges in terms of the contextual factors that the study has shown to influence development of a SSAB (mission, salience of the issues, diversity, and previous civic engagement). Mission, to date, does not appear to have posed problems such as those at other sites, where issues of concern to the community related to continuing production, yet not within the board's scope, have spilled over into board discussions and relationships. Other factors, however, do pose a challenge to the board's development. A particular problem is the relatively low salience (i.e., central importance) of issues to the community that makes it difficult to recruit and maintain membership interest. In addition, a lack of previous community experience and knowledge of DOE issues and government procedures provides a limited foundation in collaborative problem solving. Paducah also reports to the Oak Ridge Office of DOE, which introduces an additional set of decision makers who are not residents of the local area.

Site activities achieved salience for the local population in the 1980s when it was revealed that groundwater pollution from the plant was affecting the well-water supply of

some local residents. This concern was assuaged by DOE providing alternative city water supplies to the affected properties. Attention was also focused on possible loss of jobs at the plant in the mid-1980s when it was under consideration for closure. The continuing operation of uranium enrichment activities provides employment that is valued by many in the community.

Current issues are the disposition of the cylinders containing depleted uranium hexafluoride, migration of the contaminated groundwater towards the Ohio River, and the Vortec waste vitrification process to convert solid waste into a glass product. However, board members, DOE staff, and M&I contractor employees all agreed that these issues do not seem to have attracted very much attention in the surrounding communities at large. Although business and philanthropic civic organizations function in the area, there has been limited political or environmental activism in the community, particularly in relation to DOE activities. Paducah SSAB members who were interviewed reported that most of the environmental interest that has occurred in the region seems to have been focused on industrial pollution at Calvert City and forest management issues.

Prior to formation of the Paducah SSAB, DOE at Paducah had established two organizations: a Neighborhood Council (established as a result of the well-water issues) to keep local residents informed of plant activities that could affect the local area, and a panel of regional academic advisors. The Neighborhood Council still functions under the auspices of Lockheed Martin Utility Services and USEC. Although the Council is not a DOE or Bechtel Jacobs organization, DOE or its M&I contractor attend meetings, answer questions, and present regular updates of DOE activities at the site. These DOE and community interactions provided limited experience in collaborative problem solving. The SSAB provides a valuable opportunity for individual and community learning; however, this learning process has started later than at some sites where a foundation of citizen organization had already been laid. In Paducah, the majority of members have had to become knowledgeable about the plant and government procedures and regulations as well as developing effective working relationships with other members, DOE, and the regulators, after becoming members of the board.

Board Composition

Recruitment represents a hybrid of organizational, demographic, and individual approaches. The SSAB was set up using a working group (recruited largely through advertisements and a mailing list) and a paid facilitator hired by DOE. This group generated a charter for the SSAB and invited volunteers to join the board. Initially it was proposed to recruit representatives from existing local area organizations; however, this proved to be impracticable as there were not many such organizations interested in the site management issues. It was therefore proposed that the board be recruited to be representative of 15 demographic and interest categories such as county officials, business persons, environmental activists, health professionals, ethnic minorities, and union members. The process of establishing the board took almost one and a half years, beginning in May of 1995. The board was chartered in September 1996 and held its first official meeting in October 1996.

Recruitment proved to be – and remains – a challenge, and five members of the working group have continued to the present time as SSAB members. In particular, it has proven difficult to recruit an elected public official to the board (the sole public official who was a member at the time of the site visit in July has now resigned) or to retain the participation of the local business community. Recent recruitment has mostly been through personal networking by current board members. Board meeting attendance is uneven.

There is moderate diversity in demographics and viewpoints. At the time of the site visit, the board consisted of 12 members – three were associated with the plant (one is a union worker), eight were male, and one was black. Two members had contact with a network in the environmental community. Two members were "plant neighbors" who were personally affected by the well-water contamination that was discovered in the 1980s, and three members lived across the river in southern Illinois, in close proximity to air emissions from the plant.

Purpose, Goals, and Commitment to Consensus

Many of the participants expressed similar goals for the board, although these goals are in no sense shared or arrived at by common process of deliberation or consensus. Expressed goals were largely individual and community consciousness raising and learning how to become an effective, independent advisor and watchdog for DOE. Both DOE and the board members emphasized that the board was in an early stage of development and had yet to generate a track record of shared achievements around which members can coalesce.

The board's charter calls for members to attempt to reach consensus on all issues and to include dissenting views in its recommendations. At least three of the board's five sets of recommendations indicate consensus. However, a search for common areas of agreement did not appear to be a priority for most members interviewed.

Internal Process and Functions

A number of functions must be fulfilled for a group of people to work together effectively, particularly when they are convened to represent different perspectives. These include agenda building and issues management processes that emphasize searching for common areas of agreement among diverse views; leadership, particularly by the chair and/or executive committee; facilitation, both for meeting planning and implementation and for brokering technical and interpersonal issues; team-building processes, which may be formal or informal; and administrative and technical support, including technical assistance to facilitate participation by non-technical members and reduce members' workload.

Agenda Building and Issues Management

The development of an agenda that meets the priorities of the members and focuses the work of the board makes an essential contribution to effectiveness. The Paducah SSAB's agenda is currently based on a 12-month rolling work plan that was developed at a planning session held as part of a regular meeting. The current work plan contains 28 items, for which a dozen items carry expected board actions of reviewing documents, monitoring, and advising "as appropriate." Board members described it as "mostly a hodgepodge." The agenda for future meetings is reviewed and modified by the board at each meeting. Members suggest issues for the agenda. Several issues proposed by one of the co-chairs have been adopted, but in the absence of agreed-on criteria for prioritization and a committee structure to promote follow through, prioritization seems to be ad hoc.

The board does not have a differentiated committee structure, but, prompted by criticism from one of the regulators, three individuals have recently adopted the role of "issue managers." These persons have agreed to take responsibility for researching and monitoring issues on behalf of the board. This development provides an opportunity to enhance the board's focus. It also provides an opportunity to expand the number of members who are knowledgeable about the issues and can bring different perspectives to bear on them during focussed discussions. It also enables the board to use its leverage as a SSAB to engage DOE more effectively.

As of July 1998, the board had issued five sets of recommendations to DOE, mostly concerned with procedural issues of public information and consultation. In a May 5, 1998, recommendation, the SSAB proposed that DOE not use a "Finding of No Significant Impact" (FONSI) determination pursuant to the Vortec Environmental Assessment to proceed with the 30-day Vortec system demonstration, but instead develop an Environmental Impact Statement that will include cumulative impacts from other sources. No system is in place at this stage of the board's development to track the status of board recommendations and DOE responses.

Leadership

Key functions of leadership for the advisory boards include emphasizing values; searching for agreement; maintaining the balance between technical and policy orientations; setting a conducive atmosphere for work; and networking. The Paducah SSAB does not have the benefit of strong unifying leadership to perform these essential leadership functions, but has attempted to provide a balance of power between those who oppose and those who support (or defend) DOE, by having two co-chairs.

The board appointed co-chairs are drawn from the opponents and supporters of DOE in an effort to provide balance among different viewpoints. However, the polarization persists. One co-chair is an articulate advocate of positions that are opposed to DOE based on its past performance, particularly on issues of informing the public and issues of governance; the other co-chair supports DOE and in fact is employed by the M&I contractor. The chairs do not work directly with each other to establish a consensual

agenda and do not interact outside of board meetings. One of the co-chairs has raised conflict of interest concerns about the other's employment by the M&I contractor. These have not been fully resolved.

The Paducah SSAB has no executive committee to help plan strategy or to mediate between the positions of the co-chairs. To date, no other formal leadership has emerged.

Facilitation

The board has the benefit of a professional facilitator who has been involved in the development of the SSAB from the beginning of the working group, although there is a perception among some board members that he is too close to DOE and too distant from the local community. The facilitator manages the meeting process well, keeping to schedule, and ensuring that all who wished to be heard have ample opportunity to do so. However, his attempts to expand his scope to play a mediator role, intervening outside of meetings to regulate the tone of email exchanges, was perceived among some members as exceeding his legitimate role. There appears to be no other person to fulfill the role of acting as broker on interpersonal issues or differing interpretations of technical and policy issues.

Team Building

The board has not engaged in any formal or organized team building activities such as consensus training or group retreats, and has not conducted a self-evaluation. Such techniques, especially when used in combination with self-evaluation, can help facilitate the process of reflecting critically on successes and problems, providing self-correction and redirection where needed, and promoting a sense of group identity and shared purpose. One interviewee commented that members' reported sense of isolation could be alleviated by attendance at other SSABs' meetings and discussion about processes used effectively elsewhere.

Opportunities for informal social interaction are limited by the short meeting time – since meetings are scheduled once a month in the evening, members do not have the opportunity for interaction that is available to members of boards where meetings are scheduled over a two-day period with an overnight stay. One member, however, observed that DOE should make a greater effort to provide refreshments to members, most of whom come to board meetings straight from work to contribute many hours of volunteer time.

Most interviewees reported that the board essentially functioned more like a focus group of concerned individuals and some commented on the limited communication among members outside of board meetings. In this sense, the board may be close to being a "stable operating system," but it is far from operating as an integrated team – one interviewee emphasized the need for members and board officers to engage in discussion of members' roles and responsibilities and clarification of board goals. Team building has not been enhanced by disputes between the co-chairs over conflict of interest concerns.

Administrative and Technical Support

The board's administrative and technical support has been provided by M&I contractor personnel. Some members see this support as questionable; in response, DOE has recently provided funding for the board to hire its own secretary and open its own office space in premises not under the control of DOE or an M&I contractor.

There is no independent technical assistance presently available for the board. Members have discussed the possibility of hiring a technical consultant to provide independent peer review; however, no action has been taken, in part because of the difficulty of finding a suitable candidate. The board apparently has not discussed hiring a technical assistant to review technical documents, identify key issues, and prepare and distill information to help members get up to speed.

Process Summary

Observation of the meeting, combined with a review of the meeting minutes, indicate that the quality of discourse and the ability of the board to effectively advise DOE is constrained by several factors. Limited community experience with environmental activism or participatory political processes reduces the available pool of potential board members already possessing the skills necessary for the advisory board to operate effectively – these skills are having to be learned more or less from scratch. The majority of members has had no previous knowledge of DOE processes and procedures and is unfamiliar with the technical and policy issues related to the site. As a result, introduction and detailed discussion of issues related to a particular topic often are left primarily to one member who has more understanding of technical issues. Since this member is opposed to DOE, the focus of discussion is what DOE is doing wrong, rather than working collaboratively as a group.

There is little awareness among board members about how to translate objections to DOE actions (or inaction) into board recommendations to DOE. What is needed, and what is perhaps emerging, is leadership that is capable of combining the two perspectives represented on the board into a single agenda around which members can unite and on which they can focus. The appointment of issue managers to monitor and provide feedback to the board on key projects may help provide more balance in members' ability to contribute to board discussions. One interviewee also suggested that this process may be aided by the facilitator encouraging members to voice their views.

Public Engagement

Outreach and Information Gathering

All participants in the SSAB process, be they members, DOE staff, or M&I contractor personnel, agreed that the Paducah SSAB had not yet reached the state of operational development that would enable it to engage in successful public outreach. DOE staff emphasized, however, that this would be essential for the board to be able to perform the

role DOE envisaged for it. From DOE's perspective, a group composed of individuals who are not representative of and responsive to the public offers no substantial improvement over existing mechanisms for individual public comment. This view is not necessarily shared by DOE's opponents on the board, who tend to regard their role as more of a public watchdog or oversight committee at least as much as an advisory group seeking consensual solutions.

The extent of seeking input and reporting back to civic organizations appears to be limited. The board does not have an operational mailing list of interested individuals, a newsletter, website, or public comment line.

Opportunities for Public Participation in Board Activities

Although board meetings are open to the public, attendance by non-members is almost unheard of. There are no committee meetings in which the public can participate. Indeed, given the difficulties encountered in recruiting members to the board, public interest in participation may be minimal unless or until some kind of precipitating event occurs (such as the groundwater contamination issue in the 1980s).

DOE and Regulator Engagement

The environmental restoration program is the major concern of the DOE site office. DOE has continued to provide support for the board processes, while expressing the view (in common with board members) that the board is still in its formative stages and that its true value remains a potential to be fully realized. The site office has a limited number of staff, and participation in the SSAB represents a proportionately larger effort than at larger DOE sites.

DOE Level of Participation

DOE is represented at SSAB meetings by its most senior Paducah official as well as by its Communications Department, although, because of other responsibilities, the senior official cannot always attend meetings. He and his staff respond openly to questions and requests for information, while apparently taking care to keep relationships on an appropriately formal level. An issue for some members is that the Paducah site is administered by the Oak Ridge Operations Office and subject to an additional bureaucratic layer. They believe that the local office has limited influence on many of the key decisions related to budget and prioritization of projects.

Empowerment by DOE

DOE has attempted to balance the board's desire for independence with agency bureaucratic procedures and needs. In response to members' concerns about undue DOE influence, DOE has supported opening an office in separate premises and hiring a part-time secretary who is not an M&I employee.

DOE Responsiveness

At the time of the site visit, five sets of board recommendations had been issued (a sixth one has since been issued). DOE initially responded orally to recommendations but has since begun responding in writing. There is a feeling among some members that DOE is slow and not very explicit in responding to these substantive issues; this may be attributable, in part, to personnel changes at DOE. In addition to opening an office and hiring a secretary, DOE has shown responsiveness by making changes in DOE presentations, when some board members complained that DOE had previously overwhelmed the board with technical presentations, described by one member as "viewgraph culture," the number and scope of technical presentations were reduced.

Role of the Regulators

The regulators who usually participate in board meetings were not present during the observation of the board meeting in July. Therefore it was impossible to observe the level and type of interaction that usually occurs. Members gave mixed assessments of the regulators' role. Some observed that the State of Kentucky had strongly supported establishment of a SSAB and that the state regulator had contributed, through his criticism of the board, to the decision to appoint the issue managers.

Issues and Observations

Issues Raised by Members Concerning the Paducah Gaseous Diffusion Plant SSAB

- Although it has been in existence for two years, the board was frequently referred to as being "in the early days." Its real value was viewed as a potential one.
- Several persons interviewed expressed concern about the board being polarized.
- Several persons also highlighted a problem of lack of trust in DOE that prevents the board from moving forward.
- Some of the board members expressed strong concern about an appearance of conflict of interest.
- Uneven attendance by some members causes problems in continuity.
- Several members expressed a sense of isolation and concern that decisions about Paducah are made by the Oak Ridge Operations Office.

Researchers' Assessment of Primary Accomplishments and Challenges Facing the Paducah Gaseous Diffusion Plant SSAB

Accomplishments

- The board provides a useful mechanism for citizen input and information that was not previously available. It may also be viewed as a prototype for community dialogue, providing indirect benefit to the community as well as to DOE.
- There is strong DOE support for the board processes.
- Board meetings are well run by a professional facilitator who helps keep the board moving forward.
- The appointment of issue managers provides an opportunity to balance members' knowledge levels and contributions, as well as providing more focus on issues.

Challenges

- Several contextual factors pose a particular challenge for the Paducah board. In particular:
  - the absence of strongly salient issues results in difficulty in recruiting and maintaining a high level of interest as well as obtaining feedback from the community.
  - the community has very limited experience in public involvement, particularly in collaborative problem-solving approaches that provide a foundation for the SSAB.
  - there is limited prior knowledge of DOE issues and government procedures.
- There is limited awareness among members about how to leverage the board's legitimacy with DOE to affect DOE policy and procedures.
- Lack of leadership to unify competing agendas is a serious constraint.
- The facilitator lacks legitimacy to fill the leadership gap.

JEG Paducah Site Office

FACSIMILE TRANSMITTAL COVER SHEET

From: Shelley Hawkins

Jacobs Engineering Group Inc.
Paducah Site Office
Fax: (502) 462-2551
Telephone: (502) 462-2550

DATE: February 12, 1999

TO:

NAME: Heidi Eyer

COMPANY: Rep. Ed Whitfield

FAXED

LOCATION:

FAX: 442-6805

TELEPHONE 442-6901

NO. OF PAGES 2 (including cover sheet)

ACTION:

FYI ☑ PLEASE REVIEW ☐ PLEASE HANDLE AS WE DISCUSSED ☐

PLEASE TELEPHONE ☐ NOT FOR DISTRIBUTION ☐

COMMENTS:

Current list of SSAB and ex officio members.
Please call me if you have any questions.

Thanks,
Shelley

JE Jacobs Engineering Group Inc.

Mailing Address: 175 Freedom Blvd. • Kevil, KY 42053

Paducah Site Specific Advisory Board Members and *Ex Officio* Members

Mark Donham, SSAB co-chair
Vicki Jones, SSAB co-chair
Nola Courtney, SSAB member
Edward Duff, SSAB member
Angela Farmer, SSAB member
David Fuller, SSAB member
Judy Ingram, SSAB member
Ronald Lamb, SSAB member
Linda Long, SSAB member
Ray McLennan, SSAB member
Craig Rhodes, SSAB member
Jim Smart, SSAB member
Bill Tanner, SSAB member
Gregory Waldrop, SSAB member
Wayne Davis, *ex officio* member (Kentucky Division of Fish and Wildlife)
Carl Froede, *ex officio* member (Environmental Protection Agency, Region IV)
Tuss Taylor, *ex officio* member (Kentucky Division for Waste Management)
John Volpe, *ex officio* member (Radiation Control Branch)
Jimmie Hodges, *ex officio* member (Department of Energy, Paducah Site)
John Sheppard, SSAB federal coordinator (Department of Energy, Paducah Site)
Steve Kay, SSAB facilitator (Robertson Kay, Inc.)
Dennis Hill, project manager (Bechtel Jacobs Company LLC)
Shelley Hawkins, secretary (Jacobs Engineering)

JEG Paducah Site Office

FACSIMILE TRANSMITTAL COVER SHEET

From: Shelley Hawkins

Jacobs Engineering Group Inc.
Paducah Site Office
Fax: (502) 462-2551
Telephone: (502) 462-2550

DATE: February 15, 1999

TO:

NAME: Heidi Eyer

COMPANY: Rep. Ed Whitfield

LOCATION: Paducah

FAX: 442-6805

TELEPHONE 442-6901

NO. OF PAGES 7 (including cover sheet)

ACTION:

FYI ☑ PLEASE REVIEW ☐ PLEASE HANDLE AS WE DISCUSSED ☐

PLEASE TELEPHONE ☐ NOT FOR DISTRIBUTION ☐

COMMENTS:

Dennis Hill asked me to send you some background information on the SSAB to accompany the membership list I sent last Friday. Please call me if you have any questions.

Thanks,
Shelley

JE Jacobs Engineering Group Inc.

Mailing Address: 175 Freedom Blvd. • Kevil, KY 42053

BACKGROUND

The Paducah Site Specific Advisory Board (SSAB) was formed in 1996 and chartered under the Federal Advisory Committee Act. It is a stakeholders' board that provides advice and recommendations to the Department of Energy (DOE), U.S. Environmental Protection Agency (EPA), and the Commonwealth of Kentucky on Environmental Management and Enrichment Facilities (EMEF) programs at the Paducah Site.

The board was originally composed of 12 members who reflected the diversity of gender, race, and interests of persons surrounding the Paducah Gaseous Diffusion Plant (PGDP). Board members were chosen by a Working Group/Selection Committee using applications received during a membership drive. Membership was increased to 18 by September 1997.

Non-voting, ex officio members include representatives from the Paducah Site DOE Office, the EPA, and the Commonwealth. These members advise the SSAB on their agencies' policies and views.

Board Meetings: The SSAB meets monthly to hear from persons working on relevant environmental efforts, listen to and discuss input from concerned citizens, form advice and recommendations to submit to DOE, and conduct business. All meeting are open to the public.

Standing Committees: The SSAB established standing committees:

- Nominations/Membership
- Community Outreach
- Budget and Finance
- Policy and Personnel
- Training and Programs

Paducah Gaseous Diffusion Plant
Site Specific Advisory Board (SSAB)

PROPOSED MISSION, SCOPE AND OPERATING PROCEDURES

Mission Statement

The Paducah Gaseous Diffusion Plant (PGDP) Site Specific Advisory Board (SSAB) is an independent, nonpartisan, broadly representative organization consisting of a balanced mix of the diverse interests with concerns related to PGDP environmental restoration and waste management (ERWM) activities. The mission does not apply to ongoing production activities at the plant. The SSAB's primary mission is to provide informed recommendations and advice on major policy issues regarding environmental restoration and waste management and related PGDP activities to the U.S. Department of Energy (DOE), the U.S. Environmental Protection Agency, and the Kentucky Department for Environmental Protection (hereafter referred to as the "Agencies").

Goal

The goal of the PGDP SSAB (hereafter referred to as the "Board") is to ensure high quality, timely, meaningful, and effective public participation in decisions regarding environmental restoration, waste management and related DOE activities at PGDP.

Purposes

The Board's purposes include the following:

1. Review issues and make informed recommendations to the U.S. Department of Energy Paducah Site Office, the U.S. Environmental Protection Agency Region IV, and the Kentucky Department for Environmental Protection (hereafter collectively referred to as the "Agencies") on decisions to be made in the areas of environmental restoration, waste management, and related DOE activities at PGDP. Specific areas of focus will include, but not be limited to:

    a. cleanup of contaminated media (i.e. soil, groundwater, hazardous waste spills) including site characterization, remedy selection, and cleanup design;

    b. waste management issues, including the treatment, storage, and disposal of all solid, hazardous, radioactive, and mixed waste currently at the site;

    c. waste reduction targets and waste minimization plans, stressing pollution prevention over pollution controls;

    d. transportation of wastes and hazardous materials to and from the site;

e. the maintenance, restart, or decontamination and decommissioning of contaminated facilities;

f. determination of future land uses and the release of DOE lands for other uses;

g. economic impact on the community;

h. the protection and restoration of natural resources and ecological values;

i. protection of workers and local/regional public health and safety;

j. technology development and transfer;

k. strategies for effectively and meaningfully involving the public in decisions regarding ERWM at the site;

l. cost effectiveness.

2. Prioritize key and timely issues, with consideration to broad site programs and public concerns. Provide written recommendations to the Agencies on these issues.

3. Advise the Agencies and the public of Board and subcommittee deliberations and recommendations.

4. Review the budgeting and funding of specific Paducah ERWM activities.

Functions

The mission and purposes of the Board shall be achieved in the following ways.

1. On an annual basis and in conjunction with DOE's budget cycle, determine with the Agencies what issues the Board will consider, prioritize them and make recommendations. Coordinate with the Agencies in establishing the Board's meeting agendas and work program.

2. Coordinate with DOE in developing an annual board budget based on available funding. Request additional funding, if needed.

3. Work with the Agencies to identify and request information as needed.

4. Seek and receive information sufficiently early in the decision-making process to ensure that the Board's recommendation can actually influence the decision-making process.

5. Draw on subject experts and other knowledgeable sources as needed to obtain balanced and full information in areas of interest.

6. Provide for public involvement in the Board's advisory process in the following ways:

   a. Conduct regular Board meetings which are open to the public, and assure broad notification to encourage public participation. Provide opportunities for the public to comment at appropriate agenda points during meetings, including a provision for written comments. Incorporate all public comments into the written record of the Board minutes.

   b. Document Board and subcommittee activities and ensure that these records and pertinent information are maintained in repositories available to the public.

   c. Serve as an interface with other groups dealing with site issues to share information and avoid unwanted duplication of effort.

7. Develop specific operating procedures and undergo requisite training to ensure that there are constructive methods for resolving conflict, reaching consensus, and dealing with minority opinions.

8. Remain mindful of the various stakeholder interests and ensure that they continue to be adequately and equitably represented.

Responsibility and Accountability

The Agencies agree to make the following commitments.

1. Define and clearly communicate to the Board their respective decision-making processes.

2. Provide timely access to information pertinent to ERWM and related decision-making at the site.

3. Provide sufficient notice to the Board regarding processes, programs, projects, activities, emerging issues and imminent policy decisions to enable the Board to choose whether to provide recommendations and advice on the decision and/or the manner in which the broader public should be involved in the decision.

4. Review Board recommendations within 60 days, or other reasonable time period requested by the Board. Provide a written response, when requested, explaining the basis for the Agencies respective decisions and how accepted recommendations will be implemented. This explanation should include regulatory, technical, budgetary and all other relevant influences on the Agencies decision-making processes. It should also include the manner in which Board recommendations were incorporated into agency decision-making processes and, if applicable, the reason(s) why Board recommendations were not adopted or followed, and how that advice might be changed to become acceptable.

5. Designate one ex officio representative and one alternate from each Agency to attend Board meetings, participate in discussions, and serve as the point of contact for providing information.

6. DOE will designate a person and one alternate to assist the Board in administering its operations.

7. Establish with the Board a mechanism for recourse or conflict resolution, if actions or needs of the Board are not met or responded to within 60 days or other reasonable time period as specified by the Board.

8. Encourage employees who participate on the Board, subcommittees, or during the public portions of meetings to speak freely even if their opinions are not in accord with those of their management.

9. Work with the Board to provide funds for independent technical assistance, staff and other administrative support, facilitators, and access to information and agency personnel that the Board determines are needed to fulfill its mission.

10. Help Board members develop clear and understandable information to Board members constituents and to the general public.

The board, including each of its members, agrees to make the following commitments:

1. Devote the time necessary to attend meetings, review materials, receive training and fully participate in Board matters.

2. Respond to concerns and questions raised by the public.

3. Handle in a responsible manner information and materials provided by the Agencies, particularly early drafts developed for the Agencies in-house use which may need significant revision as part of the Agencies working practices.

4. Ensure establishment of an information distribution process to meet the diverse needs of the public.

5. Provide a written record of all Board and subcommittee meetings within 30 days of their occurrence. Publish an annual status report. Ensure that these records and pertinent information are maintained in repositories available to the public.

6. Work collaboratively with other members of the Board and in the best interests of the Board and the public.

7. Improve open communications between and among Board members, the sponsoring agencies, and the public.

8. Provide broader, more robust definitions of problems, priorities and alternatives.

9. Provide a forum that can compliment and help focus, but not duplicate or supplant other site public involvement activities.

10. Advise agencies on how to coordinate and carry out these activities in ways that maximize public involvement opportunities, minimize unnecessary duplication and conflicts in scheduling, and contribute to agency decisions that better reflect the principles and values of all of the diverse PGDP interests.

JEG Paducah Site Office

FACSIMILE TRANSMITTAL COVER SHEET

From: Shelley Hawkins

Jacobs Engineering Group Inc.
Paducah Site Office
Fax: (502) 462-2551
Telephone: (502) 462-2550

DATE: February 15, 1999

TO:

NAME: Dennis Hill

COMPANY: Bechtel Jacobs

LOCATION: Kevil

FAX: 441-5101

TELEPHONE 441-5099

NO. OF PAGES 8 (including cover sheet)

FAXED

ACTION:

FYI ☑ PLEASE REVIEW ☐ PLEASE HANDLE AS WE DISCUSSED ☐

PLEASE TELEPHONE ☐ NOT FOR DISTRIBUTION ☐

COMMENTS:

Here's the information I sent to Heidi Eyer at Rep. Whitfield's office.

JE Jacobs Engineering Group Inc.

Mailing Address: 175 Freedom Blvd. • Kevil, KY 42053

ATTACHED IS THE ADDENDUM TO THE FERNALD NUCLEAR MATERIAL EA, COVERING TRANSPORTATION ISSUES.

DOE-FEMP NEPA COVERAGE FOR DISPOSITION OF NUCLEAR MATERIAL INVENTORY: An Addendum to the Draft Environmental Assessment for the U. S. Department of Energy, Oak Ridge Operations Receipt and Storage of Uranium Materials from the Fernald Environmental Management Project site (DOE/ORO-2078)

This addendum is provided to demonstrate that the analysis for packaging and transportation of FEMP uranium materials was included in previous NEPA and other environmental evaluations.

The Department of Energy - Fernald Environmental Management Project (DOE-FEMP) has addressed compliance with the National Environmental Policy Act for disposition of nuclear material from the Fernald Site to off-site locations pursuant to DOE's NEPA Implementing Regulations at 10 CFR 1021. The disposition of nuclear material inventories from the Fernald Site was initiated as part of Removal Actions #12, Safe Shutdown of the former production facilities at the FEMP. DOE determined that the implementation of the Safe Shutdown Removal Action (including material disposition) was excluded from requiring a detailed NEPA evaluation (e.g., an Environmental Assessment).[1]

In 1994, DOE-FEMP developed an integrated Proposed Plan-Environmental Assessment (PP-EA) that identified the dismantling and decontamination of all structures contained within Operable Unit (OU) 3 as an appropriate Interim Remedial Action at the FEMP. The PP-EA followed the process required by 10 CFR 1021 for preparation of Environmental Assessments, including public involvement. The PP-EA identified a number of removal actions that required completion as part of the remediation of Operable Unit 3. One of the removal actions was the Safe Shutdown which included the disposition of nuclear materials from the FEMP to off-site receptors. The public was provided an opportunity to comment on the PP/EA during the public review period held in 1994. An Interim Record of Decision[2] was approved in July of 1994 for implementation of the Interim Remedial Action after completion of the public involvement process.

In 1996, DOE-FEMP developed an Integrated Remedial Investigation/Feasibility Study which evaluated the appropriate final remedial action for Operable Unit 3. Pursuant to DOE's revised policy statement on NEPA issued in June, 1994, NEPA values were incorporated into the Integrated RI/FS and the public involvement process pursuant to CERCLA was followed. The integrated RI/FS did not reconsider decisions made in previous documents (e.g., OU 3 IROD), but it once again identified the Removal Actions (including Safe Shutdown) that required completion as part of the remediation of OU 3. The final ROD[3] for OU 3 was approved in September of 1996 after completion of the public involvement process.

The disposition of nuclear materials is a fundamental component of the CERCLA actions being conducted at the FEMP. The DOE's NEPA Implementing Regulations consider transportation as an activity that is necessary and included within the scope of CERCLA Removal Actions. All material shipped from the FEMP will be packaged in accordance with Title 49 Code of Federal Regulations. Although DOE excludes CERCLA Removal Actions from requiring detailed NEPA documentation, two separate integrated CERCLA/NEPA processes (with full public involvement) were carried out at the FEMP which identified the disposition of nuclear material as a fundamental component of the remediation of OU 3.

The documents referenced above are available in the Fernald Public Environmental Information Center at (513) 648-7480.

The outbound shipments from ORO will move in DOE approved packaging, subject to DOE radiation, contamination or fissile controls and other DOE Federal or State requirements.

1. Letter; Kim Hayes to Thomas Rowland, April 12, 1993; subject: Safe Shutdown Environmental Assessment.

2. June 1994; Operable Unit 3 Record of Decision for Interim Remedial Action. Fernald Environmental Management Project, Fernald Ohio.

3. August 1996; Operable Unit 3 Record of Decision for Final Remedial Action. Fernald Environmental Management Project, Fernald Ohio.

or part of the debt is not past-due or not legally enforceable along with the notification required by paragraph (a) of this section. Failure to submit the notification and evidence within 60 days will result in an automatic referral of the debt to the IRS without further action by DOE.

(c) *Review of the evidence.* DOE will consider all available evidence related to the debt. Within 30 days, if feasible, DOE will notify the debtor whether DOE has sustained, amended, or cancelled its determination that the debt is past-due and legally enforceable.

§ 1018.6 Departmental determination.

(a) Following review of the evidence, DOE will issue a written decision which will include the supporting rationale for the decision.

(b) If DOE either sustains or amends its determination, it shall notify the debtor of its intent to refer the debt to the IRS for offset against the debtor's Federal income tax refund. If DOE cancels its original determination, the debt will not be referred to IRS.

§ 1018.7 Stay of offset.

If the debtor timely notifies the DOE that he or she is exercising the right described in § 1018.5(a) of this part and timely submits evidence in accordance with § 1018.5(b) of this part, any notice to the IRS will be stayed until the issuance of a written decision which sustains or amends its original determination.

PART 1021—NATIONAL ENVIRONMENTAL POLICY ACT IMPLEMENTING PROCEDURES

Subpart A—General

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1021.105 Oversight of Agency NEPA activities.

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APPENDIX B TO SUBPART D TO PART 1021—CATEGORICAL EXCLUSIONS APPLICABLE TO SPECIFIC AGENCY ACTIONS
APPENDIX C TO SUBPART D TO PART 1021—CLASSES OF ACTIONS THAT NORMALLY REQUIRE EAS BUT NOT NECESSARILY EISS
APPENDIX D TO SUBPART D TO PART 1021—CLASSES OF ACTIONS THAT NORMALLY REQUIRE EISS

AUTHORITY: 42 U.S.C. 7254; 42 U.S.C. 4321 *et seq.*

SOURCE: 57 FR 15144, Apr. 24, 1992, unless otherwise noted.

Subpart A—General

§ 1021.100 Purpose.

The purpose of this part is to establish procedures that the Department of Energy (DOE) shall use to comply with

section 102(2) of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4332(2)) and the Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508). This part supplements, and is to be used in conjunction with, the CEQ Regulations.

§ 1021.101 Policy.

It is DOE's policy to follow the letter and spirit of NEPA; comply fully with the CEQ Regulations; and apply the NEPA review process early in the planning stages for DOE proposals.

§ 1021.102 Applicability.

(a) This part applies to all organizational elements of DOE except the Federal Energy Regulatory Commission.

(b) This part applies to any DOE action affecting the quality of the environment of the United States, its territories or possessions. DOE actions having environmental effects outside the United States, its territories or possessions are subject to the provisions of Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions" (3 CFR, 1979 Comp., p. 356; 44 FR 1957, January 4, 1979), DOE guidelines implementing that Executive Order (46 FR 1007, January 5, 1981), and the Department of State's "Unified Procedures Applicable to Major Federal Actions Relating to Nuclear Activities Subject to Executive Order 12114" (44 FR 65560, November 13, 1979).

§ 1021.103 Adoption of CEQ NEPA Regulations.

DOE adopts the regulations for implementing NEPA published by CEQ at 40 CFR parts 1500 through 1508.

§ 1021.104 Definitions.

(a) The definitions set forth in 40 CFR part 1508 are referenced and used in this part.

(b) In addition to the terms defined in 40 CFR part 1508, the following definitions apply to this part:

Action means a project, program, plan, or policy, as discussed at 40 CFR 1508.18, that is subject to DOE's control and responsibility. Not included within this definition are purely ministerial actions with regard to which DOE has no discretion. For example, ministerial actions to implement congressionally mandated funding for actions not proposed by DOE and as to which DOE has no discretion (i.e., statutorily mandated, congressionally initiated "passthroughs").

Advance NOI means a formal public notice of DOE's intent to prepare an EIS, which is published in advance of an NOI in order to facilitate public involvement in the NEPA process.

American Indian tribe means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska native entity, which is recognized as eligible for the special programs or services provided by the United States because of their status as Indians.

Categorical exclusion means a category of actions, as defined at 40 CFR 1508.4 and listed in appendix A or B to subpart D of this part, for which neither an EA nor an EIS is normally required.

CEQ means the Council on Environmental Quality as defined at 40 CFR 1508.6.

CEQ Regulations means the regulations issued by CEQ (40 CFR parts 1500–1508) to implement the procedural provisions of NEPA.

CERCLA-excluded petroleum and natural gas products means petroleum, including crude oil or any fraction thereof, that is not otherwise specifically listed or designated as a hazardous substance under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. 9601.101(14)) and natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel or of pipeline quality (or mixtures of natural gas and such synthetic gas).

Contaminant means a substance identified within the definition of contaminant in section 101(33) of CERCLA (42 U.S.C. 9601.101(33)).

Day means a calendar day.

DOE means the U.S. Department of Energy.

DOE proposal (or *proposal*) means a proposal, as discussed at 40 CFR 1508.23 (whether initiated by DOE, another Federal agency, or an applicant), for an

action, if the proposal requires a DOE decision.

EA means an environmental assessment as defined at 40 CFR 1508.9.

EIS means an environmental impact statement as defined at 40 CFR 1508.11, or, unless this part specifically provides otherwise, a Supplemental EIS.

EPA means the U.S. Environmental Protection Agency.

FONSI means a Finding of No Significant Impact as defined at 40 CFR 1508.13.

Hazardous substance means a substance identified within the definition of hazardous substances in section 101(14) of CERCLA (42 U.S.C. 9601.101(14)). Radionuclides are hazardous substances through their listing under section 112 of the Clean Air Act (42 U.S.C. 7412) (40 CFR part 61, subpart H).

Host state means a state within whose boundaries DOE proposes an action at an existing facility or construction or operation of a new facility.

Host tribe means an American Indian tribe within whose tribal lands DOE proposes an action at an existing facility or construction or operation of a new facility. For purposes of this definition, *tribal lands* means the area of "Indian country," as defined in 18 U.S.C. 1151, that is under the tribe's jurisdiction. That section defines Indian country as:

(i) All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

(ii) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and

(iii) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

Interim action means an action concerning a proposal that is the subject of an ongoing EIS and that DOE proposes to take before the ROD is issued, and that is permissible under 40 CFR 1506.1: Limitations on actions during the NEPA process.

Mitigation Action Plan means a document that describes the plan for implementing commitments made in a DOE EIS and its associated ROD, or, when appropriate, an EA or FONSI, to mitigate adverse environmental impacts associated with an action.

NEPA means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

NEPA document means a DOE NOI, EIS, ROD, EA, FONSI, or any other document prepared pursuant to a requirement of NEPA or the CEQ Regulations.

NEPA review means the process used to comply with section 102(2) of NEPA.

NOI means a Notice of Intent to prepare an EIS as defined at 40 CFR 1508.22.

Notice of Availability means a formal notice, published in the FEDERAL REGISTER, that announces the issuance and public availability of a draft or final EIS. The EPA Notice of Availability is the official public notification of an EIS; a DOE Notice of Availability is an optional notice used to provide information to the public.

Pollutant means a substance identified within the definition of pollutant in section 101(33) of CERCLA (42 U.S.C. 9601.101(33)).

Program means a sequence of connected or related DOE actions or projects as discussed at 40 CFR 1508.18(b)(3) and 1508.25(a).

Programmatic NEPA document means a broad-scope EIS or EA that identifies and assesses the environmental impacts of a DOE program; it may also refer to an associated NEPA document, such as an NOI, ROD, or FONSI.

Project means a specific DOE undertaking including actions approved by permit or other regulatory decision as well as Federal and federally assisted activities, which may include design, construction, and operation of an individual facility; research, development, demonstration, and testing for a process or product; funding for a facility, process, or product; or similar activities, as discussed at 40 CFR 1508.18(b)(4).

ROD means a Record of Decision as described at 40 CFR 1505.2.

Scoping means the process described at 40 CFR 1501.7; "public scoping process" refers to that portion of the scoping process where the public is invited to participate, as described at 40 CFR 1501.7 (a)(1) and (b)(4).

Site-wide NEPA document means a broad-scope EIS or EA that is programmatic in nature and identifies and assesses the individual and cumulative impacts of ongoing and reasonably foreseeable future actions at a DOE site; it may also refer to an associated NEPA document, such as an NOI, ROD, or FONSI.

Supplement Analysis means a DOE document used to determine whether a supplemental EIS should be prepared pursuant to 40 CFR 1502.9(c), or to support a decision to prepare a new EIS.

Supplemental EIS means an EIS prepared to supplement a prior EIS as provided at 40 CFR 1502.9(c).

The Secretary means the Secretary of Energy.

[57 FR 15144, Apr. 24, 1992, as amended at 61 FR 36239, July 9, 1996]

§ 1021.105 Oversight of Agency NEPA activities.

The Assistant Secretary for Environment, Safety and Health, or his/her designee, is responsible for overall review of DOE NEPA compliance. Further information on DOE's NEPA process and the status of individual NEPA reviews may be obtained upon request from the Office of NEPA Policy and Assistance, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0119.

[61 FR 36239, July 9, 1996]

Subpart B—DOE Decisionmaking

§ 1021.200 DOE planning.

(a) DOE shall provide for adequate and timely NEPA review of DOE proposals, including those for programs, policies, projects, regulations, orders, or legislation, in accordance with 40 CFR 1501.2 and this section. In its planning for each proposal, DOE shall include adequate time and funding for proper NEPA review and for preparation of anticipated NEPA documents.

(b) DOE shall begin its NEPA review as soon as possible after the time that DOE proposes an action or is presented with a proposal.

(c) DOE shall determine the level of NEPA review required for a proposal in accordance with § 1021.300 and subpart D of this part.

(d) During the development and consideration of a DOE proposal, DOE shall review any relevant planning and decisionmaking documents, whether prepared by DOE or another agency, to determine if the proposal or any of its alternatives are considered in a prior NEPA document. If so, DOE shall consider adopting the existing document, or any pertinent part thereof, in accordance with 40 CFR 1506.3.

§ 1021.210 DOE decisionmaking.

(a) For each DOE proposal, DOE shall coordinate its NEPA review with its decisionmaking. Sections 1021.211 through 1021.214 of this part specify how DOE will coordinate its NEPA review with decision points for certain types of proposals (40 CFR 1505.1(b)).

(b) DOE shall complete its NEPA review for each DOE proposal before making a decision on the proposal (e.g., normally in advance of, and for use in reaching, a decision to proceed with detailed design), except as provided in 40 CFR 1506.1 and §§ 1021.211 and 1021.216 of this part.

(c) During the decisionmaking process for each DOE proposal, DOE shall consider the relevant NEPA documents, public and agency comments (if any) on those documents, and DOE responses to those comments, as part of its consideration of the proposal (40 CFR 1505.1(d)) and shall include such documents, comments, and responses as part of the administrative record (40 CFR 1505.1(c)).

(d) If an EIS or EA is prepared for a DOE proposal, DOE shall consider the alternatives analyzed in that EIS or EA before rendering a decision on that proposal; the decision on the proposal shall be within the range of alternatives analyzed in the EA or EIS (40 CFR 1505.1(e)).

(e) When DOE uses a broad decision (such as one on a policy or program) as a basis for a subsequent narrower decision (such as one on a project or other site-specific proposal), DOE may use

tiering (40 CFR 1502.20) and incorporation of material by reference (40 CFR 1502.21) in the NEPA review for the subsequent narrower proposal.

§ 1021.211 Interim actions: Limitations on actions during the NEPA process.

While DOE is preparing an EIS that is required under § 1021.300(a) of this part, DOE shall take no action concerning the proposal that is the subject of the EIS before issuing an ROD, except as provided at 40 CFR 1506.1. Actions that are covered by, or are a part of, a DOE proposal for which an EIS is being prepared shall not be categorically excluded under subpart D of these regulations unless they qualify as interim actions under 40 CFR 1506.1.

§ 1021.212 Research, development, demonstration, and testing.

(a) This section applies to the adoption and application of programs that involve research, development, demonstration, and testing for new technologies (40 CFR 1502.4(c)(3)). Adoption of such programs might also lead to commercialization or other broad-scale implementation by DOE or another entity.

(b) For any proposed program described in paragraph (a) of this section, DOE shall begin its NEPA review (if otherwise required by this part) as soon as environmental effects can be meaningfully evaluated, and before DOE has reached the level of investment or commitment likely to determine subsequent development or restrict later alternatives, as discussed at 40 CFR 1502.4(c)(3).

(c) For subsequent phases of development and application, DOE shall prepare one or more additional NEPA documents (if otherwise required by this part).

§ 1021.213 Rulemaking.

(a) This section applies to regulations promulgated by DOE.

(b) DOE shall begin its NEPA review of a proposed rule (if otherwise required by this part) while drafting the proposed regulation, and as soon as environmental effects can be meaningfully evaluated.

(c) DOE shall include any relevant NEPA documents, public and agency comments (if any) on those documents, and DOE responses to those comments, as part of the administrative record (40 CFR 1505.1(c)).

(d) If an EIS is required, DOE will normally publish the draft EIS at the time it publishes the proposed rule (40 CFR 1502.5(d)). DOE will normally combine any public hearings required for a proposed rule with the public hearings required on the draft EIS under § 1021.313 of this part. The draft EIS need not accompany notices of inquiry or advance notices of proposed rulemaking that DOE may use to gather information during early stages of regulation development. When engaged in rulemaking for the purpose of protecting the public health and safety, DOE may issue the final rule simultaneously with publication of the EPA Notice of Availability of the final EIS in accordance with 40 CFR 1506.10(b).

(e) If an EA is required, DOE will normally complete the EA and issue any related FONSI prior to or simultaneously with issuance of the proposed rule; however, if the EA leads to preparation of an EIS, the provisions of paragraph (d) of this section shall apply.

§ 1021.214 Adjudicatory proceedings.

(a) This section applies to DOE proposed actions that involve DOE adjudicatory proceedings, excluding judicial or administrative civil or criminal enforcement actions.

(b) DOE shall complete its NEPA review (if otherwise required by this part) before rendering any final adjudicatory decision. If an EIS is required, the final EIS will normally be completed at the time of or before final staff recommendation, in accordance with 40 CFR 1502.5(c).

(c) DOE shall include any relevant NEPA documents, public and agency comments (if any) on those documents, and DOE responses to those comments, as part of the administrative record (40 CFR 1505.1(c)).

§ 1021.215 Applicant process.

(a) This section applies to actions that involve application to DOE for a

permit, license, exemption or allocation, or other similar actions, unless the action is categorically excluded from preparation of an EA or EIS under subpart D of this part.

(b) The applicant shall:

(1) Consult with DOE as early as possible in the planning process to obtain guidance with respect to the appropriate level and scope of any studies or environmental information that DOE may require to be submitted as part of, or in support of, the application;

(2) Conduct studies that DOE deems necessary and appropriate to determine the environmental impacts of the proposed action;

(3) Consult with appropriate Federal, state, regional and local agencies, American Indian tribes and other potentially interested parties during the preliminary planning stages of the proposed action to identify environmental factors and permitting requirements;

(4) Notify DOE as early as possible of other Federal, state, regional, local or American Indian tribal actions required for project completion to allow DOE to coordinate the Federal environmental review, and fulfill the requirements of 40 CFR 1506.2 regarding elimination of duplication with state and local procedures, as appropriate;

(5) Notify DOE of private entities and organizations interested in the proposed undertaking, in order that DOE can consult, as appropriate, with these parties in accordance with 40 CFR 1501.2(d)(2); and

(6) Notify DOE if, before DOE completes the environmental review, the applicant plans to take an action that is within DOE's jurisdiction that may have an adverse environmental impact or limit the choice of alternatives. If DOE determines that the action would have an adverse environmental impact or would limit the choice of reasonable alternatives under 40 CFR 1506.1(a), DOE will promptly notify the applicant that DOE will take appropriate action to ensure that the objectives and procedures of NEPA are achieved in accordance with 40 CFR 1506.1(b).

(c) For major categories of DOE actions involving a large number of applicants, DOE may prepare and make available generic guidance describing the recommended level and scope of environmental information that applicants should provide.

(d) DOE shall begin its NEPA review (if otherwise required by this part) as soon as possible after receiving an application described in paragraph (a) of this section, and shall independently evaluate and verify the accuracy of information received from an applicant in accordance with 40 CFR 1506.5(a). At DOE's option, an applicant may prepare an EA in accordance with 40 CFR 1506.5(b). If an EIS is prepared, the EIS shall be prepared by DOE or by a contractor that is selected by DOE and that may be funded by the applicant, in accordance with 40 CFR 1506.5(c). The contractor shall provide a disclosure statement in accordance with 40 CFR 1506.5(c), as discussed in § 1021.312(b)(4) of this part. DOE shall complete any NEPA documents (or evaluation of any EA prepared by the applicant) before rendering a final decision on the application and shall consider the NEPA document in reaching its decision, as provided in § 1021.210 of this part.

§ 1021.216 Procurement, financial assistance, and joint ventures.

(a) This section applies to DOE competitive and limited-source procurements, to awards of financial assistance by a competitive process, and to joint ventures entered into as a result of competitive solicitations, unless the action is categorically excluded from preparation of an EA or EIS under subpart D of this part. Paragraphs (b), (c), and (i) of this section apply as well to DOE sole-source procurements of sites, systems, or processes, to noncompetitive awards of financial assistance, and to sole-source joint ventures, unless the action is categorically excluded from preparation of an EA or EIS under subpart D of this part.

(b) When relevant in DOE's judgment, DOE shall require that offeror's submit environmental data and analyses as a discrete part of the offeror's proposal. DOE shall specify in its solicitation document the type of information and level of detail for environmental data and analyses so required. The data will be limited to those reasonably available to offerors.

(c) DOE shall independently evaluate and verify the accuracy of environmental data and analyses submitted by offerors.

(d) For offers in the competitive range, DOE shall prepare and consider an environmental critique before the selection.

(e) The environmental critique will be subject to the confidentiality requirements of the procurement process.

(f) The environmental critique will evaluate the environmental data and analyses submitted by offerors; it may also evaluate supplemental information developed by DOE as necessary for a reasoned decision.

(g) The environmental critique will focus on environmental issues that are pertinent to a decision on proposals and will include:

(1) A brief discussion of the purpose of the procurement and each offer, including any site, system, or process variations among the offers having environmental implications;

(2) A discussion of the salient characteristics of each offeror's proposed site, system, or process as well as alternative sites, systems, or processes;

(3) A brief comparative evaluation of the potential environmental impacts of the offers, which will address direct and indirect effects, short-term and long-term effects, proposed mitigation measures, adverse effects that cannot be avoided, areas where important environmental information is incomplete and unavailable, unresolved environmental issues and practicable mitigating measures not included in the offeror's proposal; and

(4) To the extent known for each offer, a list of Federal, Tribal, state, and local government permits, licenses, and approvals that must be obtained.

(h) DOE shall prepare a publicly available environmental synopsis, based on the environmental critique, to document the consideration given to environmental factors and to record that the relevant environmental consequences of reasonable alternatives have been evaluated in the selection process. The synopsis will not contain business, confidential, trade secret or other information that DOE otherwise would not disclose pursuant to 18 U.S.C. 1905, the confidentiality requirements of the competitive procurement process, 5 U.S.C. 552(b) and 41 U.S.C. 423. To assure compliance with this requirement, the synopsis will not contain data or other information that may in any way reveal the identity of offerors. After a selection has been made, the environmental synopsis shall be filed with EPA, shall be made publicly available, and shall be incorporated in any NEPA document prepared under paragraph (i) of this section.

(i) If an EA or EIS is required, DOE shall prepare, consider and publish the EA or EIS in conformance with the CEQ Regulations and other provisions of this part before taking any action pursuant to the contract or award of financial assistance (except as provided at 40 CFR 1506.1 and §1021.211 of this part). If the NEPA process is not completed before the award of the contract, financial assistance, or joint venture, then the contract, financial assistance, or joint venture shall be contingent on completion of the NEPA process (except as provided at 40 CFR 1506.1 and §1021.211 of this part). DOE shall phase subsequent contract work to allow the NEPA review process to be completed in advance of a go/no-go decision.

Subpart C—Implementing Procedures

§ 1021.300 General requirements.

(a) DOE shall determine, under the procedures in the CEQ Regulations and this part, whether any DOE proposal:

(1) Requires preparation of an EIS;

(2) Requires preparation of an EA; or

(3) Is categorically excluded from preparation of either an EIS or an EA.

DOE shall prepare any pertinent documents as required by NEPA, the CEQ Regulations, or this part.

(b) Notwithstanding any other provision of these regulations, DOE may prepare a NEPA document for any DOE action at any time in order to further the purposes of NEPA. This may be done to analyze the consequences of ongoing activities, support DOE planning, assess the need for mitigation, fully disclose the potential environmental consequences of DOE actions, or for any other reason. Documents

prepared under this paragraph shall be prepared in the same manner as DOE documents prepared under paragraph (a) of this section.

§ 1021.301 Agency review and public participation.

(a) DOE shall make its NEPA documents available to other Federal agencies, states, local governments, American Indian tribes, interested groups, and the general public, in accordance with 40 CFR 1506.6, except as provided in § 1021.340 of this part.

(b) Wherever feasible, DOE NEPA documents shall explain technical, scientific, or military terms or measurements using terms familiar to the general public, in accordance with 40 CFR 1502.8.

(c) DOE shall notify the host state and host tribe of a DOE determination to prepare an EA or EIS for a DOE proposal, and may notify any other state or American Indian tribe that, in DOE's judgment, may be affected by the proposal.

(d) DOE shall provide the host state and host tribe with an opportunity to review and comment on any DOE EA prior to DOE's approval of the EA. DOE may also provide any other state or American Indian tribe with the same opportunity if, in DOE's judgment, the state or tribe may be affected by the proposed action. At DOE's discretion, this review period shall be from 14 to 30 days. DOE shall consider all comments received from a state or tribe during the review period before approving or modifying the EA, as appropriate. If all states and tribes afforded this opportunity for preapproval review waive such opportunity, or provide a response before the end of the comment period, DOE may proceed to approve or take other appropriate action on the EA before the end of the review period.

(e) Paragraphs (c) and (d) of this section shall not apply to power marketing actions, such as rate-setting, in which a state or American Indian tribe is a customer, or to any other circumstances where DOE determines that such advance information could create a conflict of interest.

§ 1021.310 Environmental impact statements.

DOE shall prepare and circulate EISs and related RODs in accordance with the requirements of the CEQ Regulations, as supplemented by this subpart. DOE shall include in draft and final EISs a disclosure statement executed by any contractor (or subcontractor) under contract with DOE to prepare the EIS document, in accordance with 40 CFR 1506.5(c).

[61 FR 36239, July 9, 1996]

§ 1021.311 Notice of intent and scoping.

(a) DOE shall publish an NOI in the FEDERAL REGISTER in accordance with 40 CFR 1501.7 and containing the elements specified in 40 CFR 1508.22 as soon as practicable after a decision is made to prepare an EIS. However, if there will be a lengthy period of time between its decision to prepare an EIS and the time of actual preparation, DOE may defer publication of the NOI until a reasonable time before preparing the EIS, provided that DOE allows a reasonable opportunity for interested parties to participate in the EIS process. Through the NOI, DOE shall invite comments and suggestions on the scope of the EIS. DOE shall disseminate the NOI in accordance with 40 CFR 1506.6.

(b) If there will be a lengthy delay between the time DOE has decided to prepare an EIS and the beginning of the public scoping process, DOE may publish an Advance NOI in the FEDERAL REGISTER to provide an early opportunity to inform interested parties of the pending EIS or to solicit early public comments. This Advance NOI does not serve as a substitute for the NOI provided for in paragraph (a) of this section.

(c) Publication of the NOI in the FEDERAL REGISTER shall begin the public scoping process. The public scoping process for a DOE EIS shall allow a minimum of 30 days for the receipt of public comments.

(d) Except as provided in paragraph (g) of this section, DOE shall hold at least one public scoping meeting as part of the public scoping process for a DOE EIS. DOE shall announce the location, date, and time of public scoping

meetings in the NOI or by other appropriate means, such as additional notices in the FEDERAL REGISTER, news releases to the local media, or letters to affected parties. Public scoping meetings shall not be held until at least 15 days after public notification. Should DOE change the location, date, or time of a public scoping meeting, or schedule additional public scoping meetings, DOE shall publicize these changes in the FEDERAL REGISTER or in other ways as appropriate.

(e) In determining the scope of the EIS, DOE shall consider all comments received during the announced comment period held as part of the public scoping process. DOE may also consider comments received after the close of the announced comment period.

(f) A public scoping process is optional for DOE supplemental EISs (40 CFR 1502.9(c)(4)). If DOE initiates a public scoping process for a supplemental EIS, the provisions of paragraphs (a) through (f) of this section shall apply.

[57 FR 15144, Apr. 24, 1992, as amended at 61 FR 36239, July 9, 1996]

§ 1021.312 [Reserved]

§ 1021.313 Public review of environmental impact statements.

(a) The public review and comment period on a DOE draft EIS shall be no less than 45 days (40 CFR 1506.10(c)). The public comment period begins when EPA publishes a Notice of Availability of the document in the FEDERAL REGISTER.

(b) DOE shall hold at least one public hearing on DOE draft EISs. Such public hearings shall be announced at least 15 days in advance. The announcement shall identify the subject of the draft EIS and include the location, date, and time of the public hearings.

(c) DOE shall prepare a final EIS following the public comment period and hearings on the draft EIS. The final EIS shall respond to oral and written comments received during public review of the draft EIS, as provided at 40 CFR 1503.4. In addition to the requirements at 40 CFR 1502.9(b), a DOE final EIS shall include any Statement of Findings required by 10 CFR part 1022, "Compliance with Floodplain/Wetlands Environmental Review Requirements."

(d) DOE shall use appropriate means to publicize the availability of draft and final EISs and the time and place for public hearings on a draft EIS. The methods chosen should focus on reaching persons who may be interested in or affected by the proposal and may include the methods listed in 40 CFR 1506.6(b)(3).

§ 1021.314 Supplemental environmental impact statements.

(a) DOE shall prepare a supplemental EIS if there are substantial changes to the proposal or significant new circumstances or information relevant to environmental concerns, as discussed in 40 CFR 1502.9(c)(1).

(b) DOE may supplement a draft EIS or final EIS at any time, to further the purposes of NEPA, in accordance with 40 CFR 1502.9(c)(2).

(c) When it is unclear whether or not an EIS supplement is required, DOE shall prepare a Supplement Analysis.

(1) The Supplement Analysis shall discuss the circumstances that are pertinent to deciding whether to prepare a supplemental EIS, pursuant to 40 CFR 1502.9(c).

(2) The Supplement Analysis shall contain sufficient information for DOE to determine whether:

(i) An existing EIS should be supplemented;

(ii) A new EIS should be prepared; or

(iii) No further NEPA documentation is required.

(3) DOE shall make the determination and the related Supplement Analysis available to the public for information. Copies of the determination and Supplement Analysis shall be provided upon written request. DOE shall make copies available for inspection in the appropriate DOE public reading room(s) or other appropriate location(s) for a reasonable time.

(d) DOE shall prepare, circulate, and file a supplement to a draft or final EIS in the same manner as any other draft and final EISs, except that scoping is optional for a supplement. If DOE decides to take action on a proposal covered by a supplemental EIS, DOE shall prepare a ROD in accordance with the provisions of § 1021.315 of this part.

(e) When applicable, DOE will incorporate an EIS supplement, or the determination and supporting Supplement Analysis made under paragraph (c) of this section, into any related formal administrative record on the action that is the subject of the EIS supplement or determination (40 CFR 1502.9(c)(3)).

§ 1021.315 Records of decision.

(a) No decision may be made on a proposal covered by an EIS during a 30-day "waiting period" following completion of the final EIS, except as provided at 40 CFR 1506.1 and 1506.10(b) and § 1021.211 of this part. The 30-day period starts when the EPA Notice of Availability for the final EIS is published in the FEDERAL REGISTER.

(b) If DOE decides to take action on a proposal covered by an EIS, a ROD shall be prepared as provided at 40 CFR 1505.2 (except as provided at 40 CFR 1506.1 and § 1021.211 of this part).

(c) DOE RODs shall be published in the FEDERAL REGISTER and made available to the public as specified in 40 CFR 1506.6, except as provided in 40 CFR 1507.3(c) and § 1021.340 of this part.

(d) No action shall be taken until the decision has been made public. DOE may implement the decision before the ROD is published in the FEDERAL REGISTER if the ROD has been signed and the decision and the availability of the ROD have been made public by other means (e.g., press release, announcement in local media).

(e) DOE may revise a ROD at any time, so long as the revised decision is adequately supported by an existing EIS. A revised ROD is subject to the provisions of paragraphs (b), (c), and (d) of this section.

[57 FR 15144, Apr. 24, 1992, as amended at 61 FR 36239, July 9 1996]

§ 1021.320 Environmental assessments.

DOE shall prepare and circulate EAs and related FONSIs in accordance with the requirements of the CEQ Regulations, as supplemented by this subpart.

§ 1021.321 Requirements for environmental assessments.

(a) *When to prepare an EA.* As required by 40 CFR 1501.4(b), DOE shall prepare an EA for a proposed DOE action that is described in the classes of actions listed in appendix C to subpart D of this part, and for a proposed DOE action that is not described in any of the classes of actions listed in appendices A, B, or D to subpart D, except that an EA is not required if DOE has decided to prepare an EIS. DOE may prepare an EA on any action at any time in order to assist agency planning and decisionmaking.

(b) *Purposes.* A DOE EA shall serve the purposes identified in 40 CFR 1508.9(a), which include providing sufficient evidence and analysis for determining whether to prepare an EIS or to issue a FONSI. If appropriate, a DOE EA shall also include any floodplain/wetlands assessment prepared under 10 CFR part 1022 and may include analyses needed for other environmental determinations.

(c) *Content.* A DOE EA shall comply with the requirements found at 40 CFR 1508.9. In addition to any other alternatives, DOE shall assess the no action alternative in an EA, even when the proposed action is specifically required by legislation or a court order.

§ 1021.322 Findings of no significant impact.

(a) DOE shall prepare a FONSI only if the related EA supports the finding that the proposed action will not have a significant effect on the human environment. If a required DOE EA does not support a FONSI, DOE shall prepare an EIS and issue a ROD before taking action on the proposal addressed by the EA, except as permitted under 40 CFR 1506.1 and § 1021.211 of this part.

(b) In addition to the requirements found at 40 CFR 1508.13, a DOE FONSI shall include the following:

(1) Any commitments to mitigations that are essential to render the impacts of the proposed action not significant, beyond those mitigations that are integral elements of the proposed action, and a reference to the Mitigation Action Plan prepared under § 1021.331 of this part;

(2) Any "Statement of Findings" required by 10 CFR part 1022, "Compliance with Floodplain/Wetlands Environmental Review Requirements";

(3) The date of issuance; and

(4) The signature of the DOE approving official.

(c) DOE shall make FONSIs available to the public as provided at 40 CFR 1501.4(e)(1) and 1506.6; DOE shall make copies available for inspection in the appropriate DOE public reading room(s) or other appropriate location(s) for a reasonable time.

(d) DOE shall issue a proposed FONSI for public review and comment before making a final determination on the FONSI if required by 40 CFR 1501.4(e)(2); DOE may issue a proposed FONSI for public review and comment in other situations as well.

(e) Upon issuance of the FONSI, DOE may proceed with the proposed action subject to any mitigation commitments expressed in the FONSI that are essential to render the impacts of the proposed action not significant.

(f) DOE may revise a FONSI at any time, so long as the revision is supported by an existing EA. A revised FONSI is subject to all provisions of paragraph (d) of this section.

[57 FR 15144, Apr. 24, 1992, as amended at 61 FR 36239, July 9, 1996]

§ 1021.330 Programmatic (including Site-wide) NEPA documents

(a) When required to support a DOE programmatic decision (40 CFR 1508.18(b)(3)), DOE shall prepare a programmatic EIS or EA (40 CFR 1502.4). DOE may also prepare a programmatic EIS or EA at any time to further the purposes of NEPA.

(b) A DOE programmatic NEPA document shall be prepared, issued, and circulated in accordance with the requirements for any other NEPA document, as established by the CEQ Regulations and this part.

(c) As a matter of policy when not otherwise required, DOE shall prepare site-wide EISs for certain large, multiple-facility DOE sites; DOE may prepare EISs or EAs for other sites to assess the impacts of all or selected functions at those sites.

(d) DOE shall evaluate site wide NEPA documents prepared under § 1021.330(c) at least every five years. DOE shall evaluate site-wide EISs by means of a Supplement Analysis, as provided in § 1021.314. Based on the Supplement Analysis, DOE shall determine whether the existing EIS remains adequate or whether to prepare a new site-wide EIS or supplement the existing EIS, as appropriate. The determination and supporting analysis shall be made available in the appropriate DOE public reading room(s) or in other appropriate location(s) for a reasonable time.

(e) DOE shall evaluate site-wide EAs by means of an analysis similar to the Supplement Analysis to determine whether the existing site-wide EA remains adequate, whether to prepare a new site-wide EA, revise the FONSI, or prepare a site wide EIS, as appropriate. The determination and supporting analysis shall be made available in the appropriate DOE public reading room(s) or in other appropriate location(s) for a reasonable time.

§ 1021.331 Mitigation action plans.

(a) Following completion of each EIS and its associated ROD, DOE shall prepare a Mitigation Action Plan that addresses mitigation commitments expressed in the ROD. The Mitigation Action Plan shall explain how the corresponding mitigation measures, designed to mitigate adverse environmental impacts associated with the course of action directed by the ROD, will be planned and implemented. The Mitigation Action Plan shall be prepared before DOE takes any action directed by the ROD that is the subject of a mitigation commitment.

(b) In certain circumstances, as specified in § 1021.322(b)(2), DOE shall also prepare a Mitigation Action Plan for commitments to mitigations that are essential to render the impacts of the proposed action not significant. The Mitigation Action Plan shall address all commitments to such necessary mitigations and explain how mitigation will be planned and implemented. The Mitigation Action Plan shall be prepared before the FONSI is issued and shall be referenced therein.

(c) Each Mitigation Action Plan shall be as complete as possible, commensurate with the information available regarding the course of action either directed by the ROD or the action to be covered by the FONSI, as appropriate.

DOE may revise the Plan as more specific and detailed information becomes available.

(d) DOE shall make copies of the Mitigation Action Plans available for inspection in the appropriate DOE public reading room(s) or other appropriate location(s) for a reasonable time. Copies of the Mitigation Action Plans shall also be available upon written request.

§ 1021.340 Classified, confidential, and otherwise exempt information.

(a) Notwithstanding other sections of this part, DOE shall not disclose classified, confidential, or other information that DOE otherwise would not disclose pursuant to the Freedom of Information Act (FOIA) (5 U.S.C. 552) and 10 CFR 1004.10(b) of DOE's regulations implementing the FOIA, except as provided by 40 CFR 1506.6(f).

(b) To the fullest extent possible, DOE shall segregate any information that is exempt from disclosure requirements into an appendix to allow public review of the remainder of a NEPA document.

(c) If exempt information cannot be segregated, or if segregation would leave essentially meaningless material, DOE shall withhold the entire NEPA document from the public; however, DOE shall prepare the NEPA document, in accordance with the CEQ Regulations and this part, and use it in DOE decisionmaking.

§ 1021.341 Coordination with other environmental review requirements.

(a) In accordance with 40 CFR 1500.4(k) and (o), 1502.25, and 1506.4, DOE shall integrate the NEPA process and coordinate NEPA compliance with other environmental review requirements to the fullest extent possible.

(b) To the extent possible, DOE shall determine the applicability of other environmental requirements early in the planning process, in consultation with other agencies when necessary or appropriate, to ensure compliance and to avoid delays, and shall incorporate any relevant requirements as early in the NEPA review process as possible.

§ 1021.342 Interagency cooperation.

For DOE programs that involve another Federal agency or agencies in related decisions subject to NEPA, DOE will comply with the requirements of 40 CFR 1501.5 and 1501.6. As part of this process, DOE shall cooperate with the other agencies in developing environmental information and in determining whether a proposal requires preparation of an EIS or EA, or can be categorically excluded from preparation of either. Further, where appropriate and acceptable to the other agencies, DOE shall develop or cooperate in the development of interagency agreements to facilitate coordination and to reduce delay and duplication.

§ 1021.343 Variances.

(a) *Emergency actions.* DOE may take an action without observing all provisions of this part or the CEQ Regulations, in accordance with 40 CFR 1506.11, in emergency situations that demand immediate action. DOE shall consult with CEQ as soon as possible regarding alternative arrangements for emergency actions having significant environmental impacts. DOE shall document, including publishing a notice in the FEDERAL REGISTER, emergency actions covered by this paragraph within 30 days after such action occurs; this documentation shall identify any adverse impacts from the actions taken, further mitigation necessary, and any NEPA documents that may be required.

(b) *Reduction of time periods.* On a case-by-case basis, DOE may reduce time periods established in this part that are not required by the CEQ Regulations. If DOE determines that such reduction is necessary, DOE shall publish a notice in the FEDERAL REGISTER specifying the revised time periods and the rationale for the reduction.

(c) *Other.* Any variance from the requirements of this part, other than as provided by paragraphs (a) and (b) of this section, must be soundly based on the interests of national security or the public health, safety, or welfare and must have the advance written approval of the Secretary; however, the Secretary is not authorized to waive or grant a variance from any requirement

of the CEQ Regulations (except as provided for in those regulations). If the Secretary determines that a variance from the requirements of this part is within his/her authority to grant and is necessary, DOE shall publish a notice in the FEDERAL REGISTER specifying the variance granted and the reasons.

Subpart D—Typical Classes of Actions

§ 1021.400 Level of NEPA review.

(a) This subpart identifies DOE actions that normally:

(1) Do not require preparation of either an EIS or an EA (are categorically excluded from preparation of either document) (appendices A and B to this subpart D);

(2) Require preparation of an EA, but not necessarily an EIS (appendix C to this subpart D); or

(3) Require preparation of an EIS (appendix D to this subpart D).

(b) Any completed, valid NEPA review does not have to be repeated, and no completed NEPA documents need to be redone by reasons of these regulations, except as provided in § 1021.314.

(c) If a DOE proposal is encompassed within a class of actions listed in the appendices to this subpart D, DOE shall proceed with the level of NEPA review indicated for that class of actions, unless there are extraordinary circumstances related to the specific proposal that may affect the significance of the environmental effects of the proposal.

(d) If a DOE proposal is not encompassed within the classes of actions listed in the appendices to this subpart D, or if there are extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal, DOE shall either:

(1) Prepare an EA and, on the basis of that EA, determine whether to prepare an EIS or a FONSI; or

(2) Prepare an EIS and ROD.

§ 1021.410 Application of categorical exclusions (classes of actions that normally do not require EAs or EISs).

(a) The actions listed in appendices A and B to this subpart D are classes of actions that DOE has determined do not individually or cumulatively have a significant effect on the human environment (categorical exclusions).

(b) To find that a proposal is categorically excluded, DOE shall determine the following:

(1) The proposal fits within a class of actions that is listed in appendix A or B to this subpart D;

(2) There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal. Extraordinary circumstances are unique situations presented by specific proposals, such as scientific controversy about the environmental effects of the proposal; uncertain effects or effects involving unique or unknown risks; or unresolved conflicts concerning alternate uses of available resources within the meaning of section 102(2)(E) of NEPA; and

(3) The proposal is not "connected" (40 CFR 1508.25(a)(1)) to other actions with potentially significant impacts, is not related to other proposed actions with cumulatively significant impacts (40 CFR 1508.25(a)(2)), and is not precluded by 40 CFR 1506.1 or § 1021.211 of this part.

(c) All categorical exclusions may be applied by any organizational element of DOE. The sectional divisions in appendix B to this subpart D are solely for purposes of organization of that appendix and are not intended to be limiting.

(d) A class of actions includes activities foreseeably necessary to proposals encompassed within the class of actions (such as associated transportation activities and award of implementing grants and contracts).

APPENDIX A TO SUBPART D TO PART 1021—CATEGORICAL EXCLUSIONS APPLICABLE TO GENERAL AGENCY ACTIONS

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A1. Routine administrative/financial/personnel actions
A2. Contract interpretations/amendments/modifications, clarifying or administrative
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A4. Interpretations/rulings for existing regulations
A5. Rulemaking (interpreting/amending), no change in environmental effect
A6. Rulemakings, procedural
A7. Transfer of property, use unchanged
A8. Award of contracts for technical support/management and operation/personal services
A9. Information gathering/data analysis/document preparation/dissemination
A10. Reports or recommendations on non-DOE legislation
A11. Technical advice and assistance to organizations
A12. Emergency preparedness planning
A13. Procedural Orders, Notices, and guidelines
A14. Approval of technical exchange arrangements
A15. Umbrella agreements for cooperation in energy research and development

A1 Routine actions necessary to support the normal conduct of agency business, such as administrative, financial, and personnel actions.

A2 Contract interpretations, amendments, and modifications that are clarifying or administrative in nature.

A3 Adjustments, exceptions, exemptions, appeals, and stays, modifications, or rescissions of orders issued by the Office of Hearings and Appeals.

A4 Interpretations and rulings with respect to existing regulations, or modifications or rescissions of such interpretations and rulings.

A5 Rulemaking interpreting or amending an existing rule or regulation that does not change the environmental effect of the rule or regulation being amended.

A6 Rulemakings that are strictly procedural, such as rulemaking (under 48 CFR part 9) establishing procedures for technical and pricing proposals and establishing contract clauses and contracting practices for the purchase of goods and services, and rulemaking (under 10 CFR part 600) establishing application and review procedures for, and administration, audit, and closeout of, grants and cooperative agreements.

A7 Transfer, lease, disposition, or acquisition of interests in personal property (e.g., equipment and materials) or real property (e.g., permanent structures and land), if property use is to remain unchanged; i.e., the type and magnitude of impacts would remain essentially the same.

A8 Award of contracts for technical support services, management and operation of a government-owned facility, and personal services.

A9 Information gathering (including, but not limited to, literature surveys, inventories, audits), data analysis (including computer modelling), document preparation (such as conceptual design or feasibility studies, analytical energy supply and demand studies), and dissemination (including, but not limited to, document mailings, publication, and distribution; and classroom training and informational programs), but not including site characterization or environmental monitoring. (Also see B3.1.)

A10 Reports or recommendations on legislation or rulemaking that is not proposed by DOE.

A11 Technical advice and planning assistance to international, national, state, and local organizations.

A12 Emergency preparedness planning activities, including the designation of onsite evacuation routes.

A13 Administrative, organizational, or procedural Orders, Notices, and guidelines.

A14 Approval of technical exchange arrangements for information, data, or personnel with other countries or international organizations, including, but not limited to, assistance in identifying and analyzing another country's energy resources, needs and options.

A15 Approval of DOE participation in international "umbrella" agreements for cooperation in energy research and development activities that would not commit the U.S. to any specific projects or activities.

[57 FR 15144, Apr. 24, 1992, as amended at 61 FR 36239, July 9, 1996]

APPENDIX B TO SUBPART D TO PART 1021—CATEGORICAL EXCLUSIONS APPLICABLE TO SPECIFIC AGENCY ACTIONS

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B1.3 Routine maintenance/custodial services for buildings, structures, infrastructures, equipment
B1.4 Installation/modification of air conditioning systems for existing equipment
B1.5 Improvements to cooling water systems within existing building, structure
B1.6 Installation/modification of retention tanks, small basins to control runoff, spills
B1.7 Acquisition/installation/operation/removal of communication systems, data processing equipment
B1.8 Modifications to screened water intake/outflow structures
B1.9 Placement of airway safety markings/painting (not lighting) of existing lines, antennas
B1.10 Routine onsite storage of activated material at existing facility

B1.11 Fencing, no adverse effect on wildlife movement/surface water flow
B1.12 Detonation/burning of failed/damaged high explosives or propellants
B1.13 Construction/acquisition/relocation of onsite pathways, short onsite access roads/railroads
B1.14 Refueling of a nuclear reactor
B1.15 Siting/construction/operation of support buildings/support structures
B1.16 Removal of asbestos from buildings
B1.17 Removal of polychlorinated biphenyl-containing items from buildings, other aboveground locations
B1.18 Siting/construction/operation of additional/replacement water supply wells
B1.19 Siting/construction/operation of microwave/radio communication towers
B1.20 Protect/restore/improve fish and wildlife habitat
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B1.22 Relocation of buildings
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B1.24 Transfer of structures/residential, commercial, industrial use
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B1.26 Siting/construction/operation/decommissioning of small water treatment facilities, less than approximately 250,000 gallons per day capacity
B1.27 Disconnection of utilities
B1.28 Minor activities to place a facility in an environmentally safe condition, no proposed uses
B1.29 Siting/construction/operation/decommissioning of small onsite disposal facility for construction and demolition waste
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B3.7 Siting/construction/operation of new infill exploratory, experimental oil/gas/geothermal wells
B3.8 Outdoor ecological/environmental research in small area
B3.9 Certain Clean Coal Technology Demonstration Program activities
B3.10 Siting/construction/operation/decommissioning of particle accelerators, including electron beam accelerators, primary beam energy less than approximately 100 MeV
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B4.2 Export of electric energy.
B4.3 Electric power marketing rate changes, within normal operating limits.
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B4.6 Additions/modifications to electric power transmission facilities within previously developed area.
B4.7 Adding/burying fiber optic cable
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B4.10 Deactivation, dismantling and removal of electric powerlines and substations.
B4.11 Construction or modification of electric power substations.
B4.12 Construction of electric powerlines approximately 10 miles in length or less, not integrating major new sources.
B4.13 Reconstruction and minor relocation of existing electric powerlines approximately 20 miles in length or less.

B5 Categorical exclusions applicable to conservation, fossil, and renewable energy activities
B5.1 Actions to conserve energy
B5.2 Modifications to oil/gas/geothermal pumps and piping
B5.3 Modification (not expansion)/abandonment of oil storage access/brine injection/gas/geothermal wells, not part of site closure
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B6.4 Siting/construction/operation/decommissioning of facility for storing packaged hazardous waste for 90 days or less
B6.5 Siting/construction/operation/decommissioning of facility for characterizing/sorting packaged waste, overpacking waste
B6.6 Modification of facility for storing, packaging, repacking waste (not high-level, spent nuclear fuel)
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B7 Categorical exclusions applicable to international activities
B7.1 Emergency measures under the International Energy Program
B7.2 Import/export of special nuclear or isotopic materials

B. Conditions That Are Integral Elements of the Classes of Actions in Appendix B

B. The classes of actions listed below include the following conditions as integral elements of the classes of actions. To fit within the classes of actions listed below, a proposal must be one that would not:

(1) Threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, including requirements of DOE and/or Executive Orders.

(2) Require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators), but the proposal may include categorically excluded waste storage, disposal, recovery, or treatment actions.

(3) Disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases; or

(4) Adversely affect environmentally sensitive resources. An action may be categorically excluded if, although sensitive resources are present on a site, the action would not adversely affect those resources (e.g., construction of a building with its foundation well above a sole-source aquifer or upland surface soil removal on a site that has wetlands). Environmentally sensitive resources include, but are not limited to:

(i) Property (e.g., sites, buildings, structures, objects) of historic, archeological, or architectural significance designated by Federal, state, or local governments or property eligible for listing on the National Register of Historic Places;

(ii) Federally-listed threatened or endangered species or their habitat (including critical habitat), Federally- proposed or candidate species or their habitat, or state-listed endangered or threatened species or their habitat;

(iii) Wetlands regulated under the Clean Water Act (33 U.S.C. 1344) and floodplains;

(iv) Areas having a special designation such as Federally- and state-designated wilderness areas, national parks, national natural landmarks, wild and scenic rivers, state and Federal wildlife refuges, and marine sanctuaries;

(v) Prime agricultural lands;

(vi) Special sources of water (such as sole-source aquifers, wellhead protection areas, and other water sources that are vital in a region); and

(vii) Tundra, coral reefs, or rain forests.

B1. *Categorical Exclusions Applicable to Facility Operation*

B1.1 Rate increases for products or services marketed by parts of DOE other than

Power Marketing Administrations and approval of rate increases for non-DOE entities that do not exceed the change in the overall price level in the economy (inflation), as measured by the Gross National Product (GNP) fixed weight price index published by the Department of Commerce, during the period since the last rate increase. (Also see B4.3.)

B1.2 Training exercises and simulations (including, but not limited to, firing-range training, emergency response training, fire fighter and rescue training, and spill cleanup training).

B1.3 Routine maintenance activities and custodial services for buildings, structures, rights-of-way, infrastructures (e.g., pathways, roads, and railroads), vehicles and equipment, and localized vegetation and pest control, during which operations may be suspended and resumed. Custodial services are activities to preserve facility appearance, working conditions, and sanitation, such as cleaning, window washing, lawn mowing, trash collection, painting, and snow removal. Routine maintenance activities, corrective (that is, repair), preventive, and predictive, are required to maintain and preserve buildings, structures, infrastructures, and equipment in a condition suitable for a facility to be used for its designated purpose. Routine maintenance may result in replacement to the extent that replacement is in kind and is not a substantial upgrade or improvement. In kind replacement includes installation of new components to replace outmoded components if the replacement does not result in a significant change in the expected useful life, design capacity, or function of the facility. Routine maintenance does not include replacement of a major component that significantly extends the originally intended useful life of a facility (for example, it does not include the replacement of a reactor vessel near the end of its useful life). Routine maintenance activities include, but are not limited to:

(a) Repair of facility equipment, such as lathes, mills, pumps, and presses;

(b) Door and window repair or replacement;

(c) Wall, ceiling, or floor repair;

(d) Reroofing;

(e) Plumbing, electrical utility, and telephone service repair;

(f) Routine replacement of high-efficiency particulate air filters;

(g) Inspection and/or treatment of currently installed utility poles;

(h) Repair of road embankments;

(i) Repair or replacement of fire protection sprinkler systems;

(j) Road and parking area resurfacing, including construction of temporary access to facilitate resurfacing;

(k) Erosion control and soil stabilization measures (such as reseeding and revegetation);

(l) Surveillance and maintenance of surplus facilities in accordance with DOE Order 5820.2, "Radioactive Waste Management";

(m) Repair and maintenance of transmission facilities, including replacement of conductors of the same nominal voltage, poles, circuit breakers, transformers, capacitors, crossarms, insulators, and downed transmission lines, in accordance, where appropriate, with 40 CFR part 761 (Polychlorinated Biphenyls Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions);

(n) Routine testing and calibration of facility components, subsystems, or portable equipment (including but not limited to, control valves, in-core monitoring devices, transformers, capacitors, monitoring wells, lysimeters, weather stations, and flumes); and

(o) Routine decontamination of the surfaces of equipment, rooms, hot cells, or other interior surfaces of buildings (by such activities as wiping with rags, using strippable latex, and minor vacuuming), including removal of contaminated intact equipment and other materials (other than spent nuclear fuel or special nuclear material in nuclear reactors).

B1.4 Installation or modification of air conditioning systems required for temperature control for operation of existing equipment.

B1.5 Minor improvements to cooling water systems within an existing building or structure if the improvements would not: (1) Create new sources of water or involve new receiving waters; (2) adversely affect water withdrawals or the temperature of discharged water; or (3) increase introductions of or involve new introductions of hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products.

B1.6 Installation or modification of retention tanks or small (normally under one acre) basins and associated piping and pumps for existing operations to control runoff or spills (such as under 40 CFR part 112). Modifications include, but are not limited to, installing liners or covers.

B1.7 Acquisition, installation, operation, and removal of communication systems, data processing equipment, and similar electronic equipment.

B1.8 Modifications to screened water intake and outflow structures such that intake velocities and volumes and water effluent quality and volumes are consistent with existing permit limits.

B1.9 Placement of airway safety markings and painting (but excluding lighting) of existing electrical transmission lines and antenna structures in accordance with Federal Aviation Administration standards

B1.10 Routine, onsite storage at an existing facility of activated equipment and material (including lead) used at that facility, to allow reuse after decay of radioisotopes with short half-lives.

B1.11 Installation of fencing, including that for border marking, that will not adversely affect wildlife movements or surface water flow.

B1.12 Detonation or burning of explosives or propellants that failed in outdoor tests (i.e., duds) or were damaged in outdoor tests (e.g., by fracturing) in outdoor areas designated and routinely used for explosive detonation or burning under an existing permit issued by state or local authorities.

B1.13 Construction, acquisition, and relocation of onsite pathways and short onsite access roads and railroads.

B1.14 Refueling of an operating nuclear reactor, during which operations may be suspended and then resumed.

B1.15 Siting, construction (or modification), and operation of support buildings and support structures (including, but not limited to, trailers and prefabricated buildings) within or contiguous to an already developed area (where active utilities and currently used roads are readily accessible). Covered support buildings and structures include those for office purposes; parking; cafeteria services; education and training; visitor reception; computer and data processing services; employee health services or recreation activities; routine maintenance activities; storage of supplies and equipment for administrative services and routine maintenance activities; security (including security posts); fire protection; and similar support purposes, but excluding facilities for waste storage activities, except as provided in other parts of this appendix.

B1.16 Removal of asbestos-containing materials from buildings in accordance with 40 CFR part 61 (National Emission Standards for Hazardous Air Pollutants), subpart M (National Emission Standard for Asbestos); 40 CFR part 763 (Asbestos), subpart G (Asbestos Abatement Projects); 29 CFR part 1910, subpart I (Personal Protective Equipment), §1910.134 (Respiratory Protection); subpart Z (Toxic and Hazardous Substances), §1910.1001 (Asbestos, tremolite, anthophyllite and actinolite); and 29 CFR part 1926 (Safety and Health Regulations for Construction), subpart D (Occupational Health and Environmental Controls), §1926.58 (Asbestos, tremolite, anthophyllite, and actinolite), other appropriate Occupational Safety and Health Administration standards in title 29, chapter XVII of the CFR, and appropriate state and local requirements, including certification of removal contractors and technicians.

B1.17 Removal of polychlorinated biphenyl (PCB)-containing items, such as transformers or capacitors, PCB-containing oils flushed from transformers, PCB-flushing solutions, and PCB-containing spill materials from buildings or other aboveground locations in accordance with 40 CFR part 761 (Polychlorinated Biphenyls Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions).

B1.18 Siting, construction, and operation of additional water supply wells (or replacement wells) within an existing well field, or modification of an existing water supply well to restore production, if there would be no drawdown other than in the immediate vicinity of the pumping well, no resulting long-term decline of the water table, and no degradation of the aquifer from the new or replacement well.

B1.19 Siting, construction, and operation of microwave and radio communication towers and associated facilities, if the towers and associated facilities would not be in an area of great visual value.

B1.20 Small-scale activities undertaken to protect, restore, or improve fish and wildlife habitat, fish passage facilities (such as fish ladders or minor diversion channels), or fisheries.

B1.21 Noise abatement measures, such as construction of noise barriers and installation of noise control materials.

B1.22 Relocation of buildings (including, but not limited to, trailers and prefabricated buildings) to an already developed area (where active utilities and currently used roads are readily accessible).

B1.23 Demolition and subsequent disposal of buildings, equipment, and support structures (including, but not limited to, smoke stacks and parking lot surfaces).

B1.24 Transfer, lease, disposition or acquisition of interests in uncontaminated permanent or temporary structures, equipment therein, and only land that is necessary for use of the transferred structures and equipment, for residential, commercial, or industrial uses (including, but not limited to, office space, warehouses, equipment storage facilities) where, under reasonably foreseeable uses, there would not be any lessening in quality, or increases in volumes, concentrations, or discharge rates, of wastes, air emissions, or water effluents, and environmental impacts would generally be similar to those before the transfer, lease, disposition, or acquisition of interests. Uncontaminated means that there would be no potential for release of substances at a level, or in a form, that would pose a threat to public health or the environment.

B1.25 Transfer, lease, disposition or acquisition of interests in uncontaminated land for habitat preservation or wildlife management, and only associated buildings that support these purposes. Uncontaminated means that there would be no potential for release of substances at a level, or in a form,

that would pose a threat to public health or the environment.

B1.26 Siting, construction (or expansion, modification, or replacement), operation, and decommissioning of small (total capacity less than approximately 250,000 gallons per day) wastewater and surface water treatment facilities whose liquid discharges are externally regulated, and small potable water and sewage treatment facilities.

B1.27 Activities that are required for the disconnection of utility services such as water, steam, telecommunications, and electrical power after it has been determined that the continued operation of these systems is not needed for safety.

B1.28 Minor activities that are required to place a facility in an environmentally safe condition where there is no proposed use for the facility. These activities would include, but are not limited to, reducing surface contamination, and removing materials, equipment or waste, such as final defueling of a reactor, where there are adequate existing facilities for the treatment, storage, or disposal of the materials, equipment or waste. These activities would not include conditioning, treatment, or processing of spent nuclear fuel, high-level waste, or special nuclear materials.

B1.29 Siting, construction, operation, and decommissioning of a small (less than approximately 10 acres) onsite disposal facility for construction and demolition waste which would not release substances at a level, or in a form, that would pose a threat to public health or the environment. These wastes, as defined in the Environmental Protection Agency's regulations under the Resource Conservation and Recovery Act, specifically 40 CFR 243.101, include building materials, packaging, and rubble.

B1.30 Transfer actions, in which the predominant activity is transportation, and in which the amount and type of materials, equipment or waste to be moved is small and incidental to the amount of such materials, equipment, or waste that is already a part of ongoing operations at the receiving site. Such transfers are not regularly scheduled as part of ongoing routine operations.

B1.31 Relocation of machinery and equipment, such as analytical laboratory apparatus, electronic hardware, maintenance equipment, and health and safety equipment, including minor construction necessary for removal and installation, where uses of the relocated items will be similar to their former uses and consistent with the general missions of the receiving structure.

B1.32 Traffic flow adjustments to existing roads at DOE sites (including, but not limited to, stop sign or traffic light installation, adjusting direction of traffic flow, and adding turning lanes). Road adjustments such as widening or realignment are not included.

B2. Categorical Exclusions Applicable to Safety and Health

B2.1 Modifications of an existing structure to enhance workplace habitability (including, but not limited to: improvements to lighting, radiation shielding, or heating/ventilating/air conditioning and its instrumentation; and noise reduction).

B2.2 Installation of, or improvements to, building and equipment instrumentation (including, but not limited to, remote control panels, remote monitoring capability, alarm and surveillance systems, control systems to provide automatic shutdown, fire detection and protection systems, announcement and emergency warning systems, criticality and radiation monitors and alarms, and safeguards and security equipment).

B2.3 Installation of, or improvements to, equipment for personnel safety and health, including, but not limited to, eye washes, safety showers, radiation monitoring devices, and fumehoods and associated collection and exhaust systems, provided that emissions would not increase.

B2.4 Development and implementation of Equipment Qualification Programs (under DOE Order 5480.6, "Safety of DOE-owned Nuclear Reactors") to augment information on safety-related system components or to improve systems reliability.

B2.5 Safety and environmental improvements of a facility, including replacement and upgrade of facility components, that do not result in a significant change in the expected useful life, design capacity, or function of the facility and during which operations may be suspended and then resumed. Improvements may include, but are not limited to: Replacement/upgrade of control valves, in-core monitoring devices, facility air filtration systems, or substation transformers or capacitors; addition of structural bracing to meet earthquake standards and/or sustain high wind loading; and replacement of aboveground or belowground tanks and related piping if there is no evidence of leakage, based on testing that meets performance requirements in 40 CFR part 280, subpart D (40 CFR part 280.40). This includes activities taken under RCRA, subtitle I; 40 CFR part 265, subpart J; 40 CFR part 280, subparts B, C, and D; and other applicable state, Federal and local requirements for underground storage tanks. These actions do not include rebuilding or modifying substantial portions of a facility, such as replacing a reactor vessel.

B2.6 Packaging, transportation, and storage of radioactive materials from the public

domain, in accordance with the Atomic Energy Act upon a request by the Nuclear Regulatory Commission or other cognizant agency, which would include a State that regulates radioactive materials under an agreement with the Nuclear Regulatory Commission or other agencies that may, under unusual circumstances, have responsibilities regarding the materials that are included in the categorical exclusion. Covered materials are those for which possession and use by Nuclear Regulatory Commission licensees has been categorically excluded under 10 CFR 51.22(14) or its successors. Examples of these radioactive materials (which may contain source, byproduct or special nuclear materials) are density gauges, therapeutic medical devices, generators, reagent kits, irradiators, analytical instruments, well monitoring equipment, uranium shielding material, depleted uranium military munitions, and packaged radioactive waste not exceeding 50 curies.

B3. *Categorical Exclusions Applicable to Site Characterization, Monitoring, and General Research*

B3.1 Onsite and offsite site characterization and environmental monitoring, including siting, construction (or modification), operation, and dismantlement or closing (abandonment) of characterization and monitoring devices and siting, construction, and associated operation of a small-scale laboratory building or renovation of a room in an existing building for sample analysis. Activities covered include, but are not limited to, site characterization and environmental monitoring under CERCLA and RCRA. Specific activities include, but are not limited to:

(a) Geological, geophysical (such as gravity, magnetic, electrical, seismic, and radar), geochemical, and engineering surveys and mapping, including the establishment of survey marks;

(b) Installation and operation of field instruments, such as stream-gauging stations or flow-measuring devices, telemetry systems, geochemical monitoring tools, and geophysical exploration tools;

(c) Drilling of wells for sampling or monitoring of groundwater or the vadose (unsaturated) zone, well logging, and installation of water-level recording devices in wells;

(d) Aquifer response testing;

(e) Installation and operation of ambient air monitoring equipment;

(f) Sampling and characterization of water, soil, rock, or contaminants;

(g) Sampling and characterization of water effluents, air emissions, or solid waste streams;

(h) Installation and operation of meteorological towers and associated activities, including assessment of potential wind energy resources;

(i) Sampling of flora or fauna; and

(j) Archeological, historic, and cultural resource identification in compliance with 36 CFR part 800 and 43 CFR part 7.

B3.2 Aviation activities for survey, monitoring, or security purposes that comply with Federal Aviation Administration regulations.

B3.3 Field and laboratory research, inventory, and information collection activities that are directly related to the conservation of fish or wildlife resources and that involve only negligible habitat destruction or population reduction.

B3.4 Drop, puncture, water-immersion, thermal, and fire tests of transport packaging for radioactive or hazardous materials to certify that designs meet the requirements of 49 CFR §§173.411 and 173.412 and requirements of severe accident conditions as specified in 10 CFR §71.73.

B3.5 Tank car tests under 49 CFR part 179 (including, but not limited to, tests of safety relief devices, pressure regulators, and thermal protection systems).

B3.6 Siting, construction (or modification), operation, and decommissioning of facilities for indoor bench-scale research projects and conventional laboratory operations (for example, preparation of chemical standards and sample analysis); small-scale research and development projects; and small-scale pilot projects (generally less than two years) conducted to verify a concept before demonstration actions. Construction (or modification) will be within or contiguous to an already developed area (where active utilities and currently used roads are readily accessible). See also C12.

B3.7 Siting, construction, and operation of new infill exploratory and experimental (test) oil, gas, and geothermal wells, which are to be drilled in a geological formation that has existing operating wells.

B3.8 Outdoor ecological and other environmental research (including siting, construction, and operation of a small-scale laboratory building or renovation of a room in an existing building for sample analysis) in a small area (generally less than five acres) that would not result in any permanent change to the ecosystem.

B3.9 Demonstration actions proposed under the Clean Coal Technology Demonstration Program, if the actions would not increase the quantity or rate of air emissions. These demonstration actions include, but are not limited to:

(a) Test treatment of 20 percent or less of the throughput product (solid, liquid, or gas) generated at an existing and fully operational coal combustion or coal utilization facility;

(b) Addition or replacement of equipment for reduction or control of sulfur dioxide, oxides of nitrogen, or other regulated substances that requires only minor modification to the existing structures at an existing coal combustion or coal utilization facility for which the existing use remains unchanged; and

(c) Addition or replacement of equipment for reduction or control of sulfur dioxide, oxides of nitrogen, or other regulated substances that involves no permanent change in the quantity or quality of coal being burned or used and involves no permanent change in the capacity factor of the coal combustion or coal utilization facility, other than for demonstration purposes of two years or less in duration.

B3.10 Siting, construction, operation, and decommissioning of a particle accelerator, including electron beam accelerator with primary beam energy less than approximately 100 MeV, and associated beamlines, storage rings, colliders, and detectors for research and medical purposes, within or contiguous to an already developed area (where active utilities and currently used roads are readily accessible), or internal modification of any accelerator facility regardless of energy that does not increase primary beam energy or current.

B3.11 Outdoor tests and experiments for the development, quality assurance, or reliability of materials and equipment (including, but not limited to, weapon system components), under controlled conditions that would not involve source, special nuclear, or byproduct materials. Covered activities may include, but are not limited to, burn tests (such as tests of electric cable fire resistance or the combustion characteristics of fuels), impact tests (such as pneumatic ejector tests using earthen embankments or concrete slabs designated and routinely used for that purpose), or drop, puncture, water-immersion, or thermal tests.

B3.12 Siting, construction (or modification), operation, and decommissioning of microbiological and biomedical diagnostic, treatment and research facilities (excluding Biosafety Level-3 and Biosafety Level-4; reference: Biosafety in Microbiological and Biomedical Laboratories, 3rd Edition, May 1993, U.S. Department of Health and Human Services Public Health Service, Centers of Disease Control and Prevention, and the National Institutes of Health (HHS Publication No. (CDC) 93-8395)) including, but not limited to, laboratories, treatment areas, offices, and storage areas, within or contiguous to an already developed area (where active utilities and currently used roads are readily accessible). Operation may include the purchase, installation, and operation of biomedical equipment, such as commercially available cyclotrons that are used to generate radioisotopes and radiopharmaceuticals, and commercially available biomedical imaging and spectroscopy instrumentation.

B3.13 Performing magnetic fusion experiments that do not use tritium as fuel, with existing facilities (including necessary modifications).

B4. *Categorical Exclusions Applicable to Power Marketing Administrations and to All of DOE with Regard to Power Resources*

B4.1 Establishment and implementation of contracts, marketing plans, policies, allocation plans, or acquisition of excess electric power that does not involve: (1) the integration of a new generation resource, (2) physical changes in the transmission system beyond the previously developed facility area, unless the changes are themselves categorically excluded, or (3) changes in the normal operating limits of generation resources.

B4.2 Export of electric energy as provided by Section 202(e) of the Federal Power Act over existing transmission systems or using transmission system changes that are themselves categorically excluded.

B4.3 Rate changes for electric power, power transmission, and other products or services provided by a Power Marketing Administration that are based on a change in revenue requirements if the operations of generation projects would remain within normal operating limits.

B4.4 Power marketing services, including storage, load shaping, seasonal exchanges, or other similar activities if the operations of generating projects would remain within normal operating limits.

B4.5 Temporary adjustments to river operations to accommodate day-to-day river fluctuations, power demand changes, fish and wildlife conservation program requirements, and other external events if the adjustments would occur within the existing operating constraints of the particular hydrosystem operation.

B4.6 Additions or modifications to electric power transmission facilities that would not affect the environment beyond the previously developed facility area including, but not limited to, switchyard rock grounding upgrades, secondary containment projects, paving projects, seismic upgrading, tower modifications, changing insulators, and replacement of poles, circuit breakers, conductors, transformers, and crossarms.

B4.7 Adding fiber optic cable to transmission structures or burying fiber optic cable in existing transmission line rights-of-way.

B4.8 New electricity transmission agreements, and modifications to existing transmission arrangements, to use a transmission facility of one system to transfer power of and for another system, if no new generation projects would be involved and no physical changes in the transmission system would be

made beyond the previously developed facility area.

B4.9 Grant or denial of requests for multiple use of a transmission facility rights-of-way, such as grazing permits and crossing agreements, including electric lines, water lines, and drainage culverts.

B4.10 Deactivation, dismantling, and removal of electric powerlines, substations, switching stations, and other transmission facilities, and right-of-way abandonment.

B4.11 Construction of electric power substations (including switching stations and support facilities) with power delivery at 230 kV or below, or modification (other than voltage increases) of existing substations and support facilities, that could involve the construction of electric powerlines approximately 10 miles in length or less, or relocation of existing electric powerlines approximately 20 miles in length or less, but not the integration of major new generation resources into a main transmission system.

B4.12 Construction of electric powerlines approximately 10 miles in length or less that are not for the integration of major new generation resources into a main transmission system.

B4.13 Reconstruction (upgrading or rebuilding) and/or minor relocation of existing electric powerlines approximately 20 miles in length or less to enhance environmental and land use values. Such actions include relocations to avoid right-of-way encroachments, resolve conflict with property development, accommodate road/highway construction, allow for the construction of facilities such as canals and pipelines, or reduce existing impacts to environmentally sensitive areas.

B5. *Categorical Exclusions Applicable to Conservation, Fossil, and Renewable Energy Activities*

B5.1 Actions to conserve energy, demonstrate potential energy conservation, and promote energy-efficiency that do not increase the indoor concentrations of potentially harmful substances. These actions may involve financial and technical assistance to individuals (such as builders, owners, consultants, designers), organizations (such as utilities), and state and local governments. Covered actions include, but are not limited to: programmed lowering of thermostat settings, placement of timers on hot water heaters, installation of solar hot water systems, installation of efficient lighting, improvements in generator efficiency and appliance efficiency ratings, development of energy-efficient manufacturing or industrial practices, and small-scale conservation and renewable energy research and development and pilot projects. The actions could involve building renovations or new structures in commercial, residential, agricultural, or industrial sectors. These actions do not include rulemakings, standard-settings, or proposed DOE legislation.

B5.2 Modifications to oil, gas, and geothermal facility pump and piping configurations, manifolds, metering systems, and other instrumentation that would not change design process flow rates or affect permitted air emissions.

B5.3 Modification (but not expansion) or abandonment (including plugging), which is not part of site closure, of crude oil storage access wells, brine injection wells, geothermal wells, and gas wells.

B5.4 Repair or replacement of sections of a crude oil, produced water, brine, or geothermal pipeline, if the actions are determined by the Army Corps of Engineers to be within the maintenance provisions of a DOE permit under section 404 of the Clean Water Act.

B5.5 Construction and subsequent operation of short crude oil, steam, geothermal, or natural gas pipeline segments between DOE facilities and existing transportation, storage, or refining facilities within a single industrial complex, if the pipeline segments are within existing rights-of-way.

B5.6 Removal of oil and contaminated materials recovered in oil spill cleanup operations in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and disposed of in accordance with local contingency plans in accordance with the NCP.

B5.7 Approval of new authorization or amendment of existing authorization to import/export natural gas under section 3 of the Natural Gas Act that does not involve new construction and only requires operational changes, such as an increase in natural gas throughput, change in transportation, or change in storage operations.

B5.8 Approval of new authorization or amendment of existing authorization to import/export natural gas under section 3 of the Natural Gas Act involving a new cogeneration powerplant (as defined in the Powerplant and Industrial Fuel Use Act) within or adjacent to an existing industrial complex and requiring less than 10 miles of new gas pipeline.

B5.9 The grant or denial of any temporary exemption under the Powerplant and Industrial Fuel Use Act of 1978 for any electric powerplant.

B5.10 The grant or denial of any permanent exemption under the Powerplant and Industrial Fuel Use Act of 1978 of any existing electric powerplant other than an exemption under (1) section 312(c) relating to cogeneration, (2) section 312(l) relating to scheduled equipment outages, (3) section 312(b) relating to certain state or local requirements, and (4) section 312(g) relating to certain intermediate load powerplants.

B5.11 The grant or denial of a permanent exemption from the prohibitions of Title II

of the Powerplant and Industrial Fuel Use Act of 1978 for any new electric powerplant to permit the use of certain fuel mixtures containing natural gas or petroleum.

B5.12 Workover (operations to restore production, such as deepening, plugging back, pulling and resetting lines, and squeeze cementing) of an existing oil, gas, or geothermal well to restore production when workover operations will be restricted to the existing wellpad and not involve any new site preparation or earth work that would adversely affect adjacent habitat.

B6. *Categorical Exclusions Applicable to Environmental Restoration and Waste Management Activities*

B6.1 Small-scale, short-term cleanup actions, under RCRA, Atomic Energy Act, or other authorities, less than approximately 5 million dollars in cost and 5 years duration, to reduce risk to human health or the environment from the release or threat of release of a hazardous substance other than high-level radioactive waste and spent nuclear fuel, including treatment (e.g., incineration), recovery, storage, or disposal of wastes at existing facilities currently handling the type of waste involved in the action. These actions include, but are not limited to:

(a) Excavation or consolidation of contaminated soils or materials from drainage channels, retention basins, ponds, and spill areas that are not receiving contaminated surface water or wastewater, if surface water or groundwater would not collect and if such actions would reduce the spread of, or direct contact with, the contamination;

(b) Removal of bulk containers (for example, drums, barrels) that contain or may contain hazardous substances, pollutants, contaminants, CERCLA-excluded petroleum or natural gas products, or hazardous wastes (designated in 40 CFR part 261 or applicable state requirements), if such actions would reduce the likelihood of spillage, leakage, fire, explosion, or exposure to humans, animals, or the food chain;

(c) Removal of an underground storage tank including its associated piping and underlying containment systems in compliance with RCRA, subtitle I; 40 CFR part 265, subpart J; and 40 CFR part 280, subparts F and G if such action would reduce the likelihood of spillage, leakage, or the spread of, or direct contact with, contamination;

(d) Repair or replacement of leaking containers;

(e) Capping or other containment of contaminated soils or sludges if the capping or containment would not affect future groundwater remediation and if needed to reduce migration of hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products into soil, groundwater, surface water, or air;

(f) Drainage or closing of man-made surface impoundments if needed to maintain the integrity of the structures;

(g) Confinement or perimeter protection using dikes, trenches, ditches, diversions, or installing underground barriers, if needed to reduce the spread of, or direct contact with, the contamination;

(h) Stabilization, but not expansion, of berms, dikes, impoundments, or caps if needed to maintain integrity of the structures;

(i) Drainage controls (for example, run-off or run-on diversion) if needed to reduce offsite migration of hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum or natural gas products or to prevent precipitation or run-off from other sources from entering the release area from other areas;

(j) Segregation of wastes that may react with one another or form a mixture that could result in adverse environmental impacts;

(k) Use of chemicals and other materials to neutralize the pH of wastes;

(l) Use of chemicals and other materials to retard the spread of the release or to mitigate its effects if the use of such chemicals would reduce the spread of, or direct contact with, the contamination;

(m) Installation and operation of gas ventilation systems in soil to remove methane or petroleum vapors without any toxic or radioactive co-contaminants if appropriate filtration or gas treatment is in place;

(n) Installation of fences, warning signs, or other security or site control precautions if humans or animals have access to the release; and

(o) Provision of an alternative water supply that would not create new water sources if necessary immediately to reduce exposure to contaminated household or industrial use water and continuing until such time as local authorities can satisfy the need for a permanent remedy.

B6.2 The siting, construction, and operation of temporary (generally less than 2 years) pilot-scale waste collection and treatment facilities, and pilot-scale (generally less than one acre) waste stabilization and containment facilities (including siting, construction, and operation of a small-scale laboratory building or renovation of a room in an existing building for sample analysis) if the action: (1) Supports remedial investigations/feasibility studies under CERCLA, or similar studies under RCRA, such as RCRA facility investigations/corrective measure studies, or other authorities, and (2) would not unduly limit the choice of reasonable remedial alternatives (by permanently altering substantial site area or by committing large amounts of funds relative to the scope of the remedial alternatives).

B6.3 Improvements to environmental monitoring and control systems of an existing building or structure (for example, changes to scrubbers in air quality control systems or ion-exchange devices and other filtration processes in water treatment systems) if during subsequent operations (1) any substance collected by the environmental control systems would be recycled, released, or disposed of within existing permitted facilities and (2) there are applicable statutory or regulatory requirements or permit conditions for disposal, release, or recycling of any hazardous substance or CERCLA-excluded petroleum natural gas products that are collected or released in increased quantity or that were not previously collected or released.

B6.4 Siting, construction (or modification or expansion), operation, and decommissioning of an onsite facility for storing packaged hazardous waste (as designated in 40 CFR part 261) for 90 days or less or for longer periods as provided in 40 CFR 262.34 (d), (e), or (f) (e.g., accumulation or satellite areas).

B6.5 Siting, construction (or modification or expansion), operation, and decommissioning of an onsite facility for characterizing and sorting previously packaged waste or for overpacking waste, other than high-level radioactive waste, if operations do not involve unpacking waste. These actions do not include waste storage (covered under B6.4, B6.6, B6.10, and C16) or the handling of spent nuclear fuel.

B6.6 Modification (excluding increases in capacity) of an existing structure used for storing, packaging, or repacking waste other than high-level radioactive waste or spent nuclear fuel, to handle the same class of waste as currently handled at that structure.

B6.7 Under the Low-Level Radioactive Waste Policy Amendments Act of 1985 (5(c)(5)), granting of a petition qualified under 10 CFR 730.6 for allocation of commercial disposal capacity for an unusual or unexpected volume of commercial low-level radioactive waste or denying such a petition when adequate storage capacity exists at the petitioner's facility.

B6.8 Minor operational changes at an existing facility to minimize waste generation and for reuse of materials. These changes include, but are not limited to, adding filtration and recycle piping to allow reuse of machining oil, setting up a sorting area to improve process efficiency, and segregating two waste streams previously mingled and assigning new identification codes to the two resulting wastes.

B6.9 Small-scale temporary measures to reduce migration of contaminated groundwater, including the siting, construction, operation, and decommissioning of necessary facilities. These measures include, but are not limited to, pumping, treating, storing, and reinjecting water, by mobile units or facilities that are built and then removed at the end of the action.

B6.10 Siting, construction (or modification), operation, and decommissioning of a small upgraded or replacement facility (less than approximately 50,000 square feet in area) at a DOE site within or contiguous to an already developed area (where active utilities and currently used roads are readily accessible) for storage of waste that is already at the site at the time the storage capacity is to be provided. These actions do not include the storage of high-level radioactive waste, spent nuclear fuel or any waste that requires special precautions to prevent nuclear criticality. See also B6.4, B6.5, B6.6, and C16.

B7. Categorical Exclusions Applicable to International Activities

B7.1 Planning and implementation of emergency measures pursuant to the International Energy Program.

B7.2 Approval of import or export of small quantities of special nuclear materials or isotopic materials in accordance with the Nuclear Non-Proliferation Act of 1978 and the "Procedures Established Pursuant to the Nuclear Non Proliferation Act of 1978" (43 FR 25326, June 9, 1978).

[57 FR 15144, Apr. 24, 1992, as amended at 61 FR 36239-36242, July 9, 1996; 61 FR 64608, Dec. 6, 1996]

EFFECTIVE DATE NOTE: At 61 FR 64608, Dec. 6, 1996, Appendix B to Subpart D to Part 1021 was amended by revising the Table of Contents entries for B4.1, B4.2, B4.3, B4.6, B4.10, B4.11, B4.12, and B4.13 and by revising paragraphs B4.1, B4.2, B4.3, B4.6, B4.10, B4.11, B4.12 and B4.13, effective Jan. 6, 1997. For the convenience of the user, the superseded text is set forth as follows:

APPENDIX B TO SUBPART D TO PART 1021—CATEGORICAL EXCLUSIONS APPLICABLE TO SPECIFIC AGENCY ACTIONS

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* * * * *

B4.1 Contracts/marketing plans/policies for the short term
B4.2 Export of electricity over existing transmission lines
B4.3 Power marketing rate changes less than inflation

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B4.6 Additions/modifications to transmission facilities within previously developed area

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B4.10 Dismantling and removal of transmission lines

B4.11 Construction or modification of substations

B4.12 Construction of tap lines (less than 10 miles in length), not integrating major new sources

B4.13 Minor relocations of existing transmission lines (less than 10 miles in length)

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B4. *Categorical Exclusions Applicable to Power Marketing Administrations and to All of DOE with Regard to Power Resources*

B4.1 Establishment and implementation of short-term contracts, marketing plans, policies, annual operating plans, allocation plans, or acquisition of excess power, the terms of any of which do not exceed five years and would not cause changes in the normal operating limits of generating projects, and if transmission would occur over existing transmission systems.

B4.2 Export of electricity over existing transmission lines as provided by section 202(e) of the Federal Power Act.

B4.3 Changes in rates for electric power, power transmission, and other products or services provided by a Power Marketing Administration that are based on a change in revenue requirements that does not exceed the change in the overall price level in the economy (inflation), as measured by the GNP fixed weight price index published by the Department of Commerce, during the period since the last rate adjustment for that product or service or, if the rate change does exceed the change in the GNP fixed weight price index, the rate change would have no potential for affecting the operation of power generation resources.

* * * * *

B4.6 Additions or modifications to transmission facilities that would not affect the environment beyond the previously developed facility area, including tower modifications, changing insulators, and replacement of poles, circuit breakers, transformers, and crossarms.

* * * * *

B4.10 Dismantling and removal of transmission lines and right-of-way abandonment.

B4.11 Construction or modification of substations (including switching stations) with power delivery at 230 kV or below and/or support facilities, that would not involve the construction or relocation of more than 10 miles of transmission lines or the integration of a major new resource.

B4.12 Construction of tap lines (less than 10 miles in length) that are not for the integration of major new sources of generation into a main transmission system.

B4.13 Minor relocations of existing transmission lines (less than 10 miles in length) made to enhance existing environmental and land use conditions. Such actions include relocations to avoid right-of-way encroachments, resolve conflict with property development, accommodate road/highway construction, allow for the construction of facilities such as canals and pipelines, or reduce existing impacts to environmentally sensitive areas.

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APPENDIX C TO SUBPART D TO PART 1021—CLASSES OF ACTIONS THAT NORMALLY REQUIRE EAS BUT NOT NECESSARILY EISS

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C1. [Reserved]

C2. Rate increases more than inflation, not power marketing

C3. Electric power marketing rate changes, not within normal operating limits.

C4. Reconstructing and constructing electric powerlines.

C5. Implementation of Power Marketing Administration systemwide vegetation management program

C6. Implementation of Power Marketing Administration systemwide erosion control program

C7. Allocation of electric power, no major new generation resource/major changes in operation of generation resources/major new loads.

C8. Protection of fish and wildlife habitat

C9. Field demonstration projects for wetlands

C10. [Reserved]

C11. Siting/construction/operation/decommissioning of low- or medium-energy particle acceleration facility with primary beam energy greater than approximately 100 MeV

C12. Siting/construction/operation of energy system prototypes

C13. Import/export natural gas, minor new construction (other than a cogeneration powerplant)

C14. Siting/construction/operation of water treatment facilities greater than approximately 250,000 gallons per day capacity

C15. Siting/construction/operation of research and development incinerators/nonhazardous waste incinerators

C16. Siting/construction/operation/decommissioning of large waste storage facilities

C1 [Reserved]

C2 Rate increases for products or services marketed by DOE, except for electric power, power transmission, and other products or services provided by the Power Marketing Administrations, and approval of rate increases for non-DOE entities, that exceed the change in the overall price level in the economy (inflation), as measured by the GNP fixed weight price index published by the Department of Commerce, during the period since the last rate increase for that product or service.

C3 Rate changes for electric power, power transmission, and other products or services provided by Power Marketing Administrations that are based on changes in revenue requirements if the operations of generation projects would not remain within normal operating limits.

C4 Reconstructing (upgrading or rebuilding) existing electric powerlines more than approximately 20 miles in length or constructing new electric powerlines more than approximately 10 miles in length.

C5 Implementation of a Power Marketing Administration system-wide vegetation management program.

C6 Implementation of a Power Marketing Administration system-wide erosion control program.

C7 Establishment and implementation of contracts, policies, marketing plans, or allocation plans for the allocation of electric power that do not involve (1) the addition of new generation resources greater than 50 average megawatts, (2) major changes in the operating limits of generation resources greater than 50 average megawatts, or (3) service to discrete new loads of 10 average megawatts or more over a 12 month period. This applies to power marketing operations and to siting, construction, and operation of power generating facilities at DOE sites.

C8 Protection, restoration, or improvement of fish and wildlife habitat, fish passage facilities, and fish hatcheries if the proposed action may adversely affect an environmentally sensitive resource.

C9 Field demonstration projects for wetlands mitigation, creation, and restoration.

C10 [Reserved]

C11 Siting, construction (or modification), operation, and decommissioning of a low- or medium-energy (but greater than approximately 100 MeV primary beam energy) particle acceleration facility, including electron beam acceleration facilities, and associated beamlines, storage rings, colliders, and detectors for research and medical purposes, within or contiguous to an already developed area (where active utilities and currently used roads are readily accessible).

C12 Siting, construction, and operation of energy system prototypes including, but not limited to, wind resource, hydropower, geothermal, fossil fuel, biomass, and solar energy pilot projects.

C13 Approval or disapproval of an application to import/export natural gas under section 3 of the Natural Gas Act involving minor new construction (other than a cogeneration powerplant), such as adding new connections, looping, or compression to an existing natural gas pipeline or converting an existing oil pipeline to a natural gas pipeline using the same right-of-way.

C14 Siting, construction (or expansion), operation, and decommissioning of wastewater, surface water, potable water, and sewage treatment facilities with a total capacity greater than approximately 250,000 gallons per day, and of lower capacity wastewater and surface water treatment facilities whose liquid discharges are not subject to external regulation.

C15 Siting, construction (or expansion), and operation of research and development incinerators for any type of waste and of any other incinerators that would treat nonhazardous solid waste (as designated in 40 CFR Part 261.4(b)).

C16 Siting, construction (or modification to increase capacity), operation, and decommissioning of packaging and unpacking facilities (that may include characterization operations) and large storage facilities (greater than approximately 50,000 square feet in area) for waste, except high-level radioactive waste, generated onsite or resulting from activities connected to site operations. These actions do not include storage, packaging, or unpacking of spent nuclear fuel. See also B6.4, B6.5, B6.6, and B6.10.

[57 FR 15144, Apr. 24, 1992, as amended at 61 FR 36242, July 9, 1996; 61 FR 64608, Dec. 6, 1996]

EFFECTIVE DATE NOTE: At 61 FR 64608, Dec. 6, 1996, Appendix C to Subpart D to Part 1021 was amended by revising the Table of Contents entries for C3, C4, and C7 and by revising paragraphs C3, C4, and C7, effective Jan. 6, 1996. For the convenience of the user, the superseded text is set forth as follows:

APPENDIX C TO SUBPART D TO PART 1021—CLASSES OF ACTIONS THAT NORMALLY REQUIRE EAS BUT NOT NECESSARILY EISS

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C3. Rate increases more than inflation, power marketing

C4. Upgrading (reconstructing) an existing transmission line

* * * * *

C7. Allocation of power for five years or longer, no major new generation resource/major new loads/major changes in operation of power generation resources

* * * * *

C3 Rate changes for electric power, power transmission, and other products or services provided by Power Marketing Administrations that are based on changes in revenue requirements that exceed the change in the overall price level in the economy (inflation), as measured by the GNP fixed weight price index published by the Department of Commerce, during the period since the last rate change for that power or service and have potential for affecting the operation of power generation resources.

C4 Upgrading (reconstructing) an existing transmission line.

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C7 Establishment and implementation of contracts, policies, marketing plans, or allocation plans for the allocation of power for periods of five years or longer that do not involve (1) the addition of major (greater than 50 average megawatts) new generation resources, (2) service to discrete major (10 average megawatts or more over a 12 month period) new loads, or (3) major changes in the operating parameters of power generation resources.

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APPENDIX D TO SUBPART D TO PART 1021—CLASSES OF ACTIONS THAT NORMALLY REQUIRE EISS

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D1. Strategic Systems
D2. Siting/construction/operation/decommissioning of nuclear fuel reprocessing facilities
D3. Siting/construction/operation/decommissioning of uranium enrichment facilities
D4. Siting/construction/operation/decommissioning of reactors
D5. Main transmission system additions
D6. Integrating transmission facilities
D7. Allocation of electric power, major new generation resources/major changes in operation of generation resources/major loads.
D8. Import/export of natural gas, involving major new facilities
D9. Import/export of natural gas, involving significant operational change
D10. Siting/construction/operation/decommissioning of major treatment, storage, and disposal facilities for high-level waste and spent nuclear fuel
D11. Siting/construction/expansion of waste disposal facility for transuranic waste
D12. Siting/construction/operation of incinerators (other than research and development, other than nonhazardous solid waste)

D1 Strategic Systems, as defined in DOE Order 430.1, "Life-Cycle Asset Management," and designated by the Secretary.

D2 Siting, construction, operation, and decommissioning of nuclear fuel reprocessing facilities.

D3 Siting, construction, operation, and decommissioning of uranium enrichment facilities.

D4 Siting, construction, operation, and decommissioning of power reactors, nuclear material production reactors, and test and research reactors.

D5 Main transmission system additions (that is, additions of new transmission lines) to a Power Marketing Administration's main transmission grid.

D6 Integrating transmission facilities (that is, transmission system additions for integrating major new sources of generation into a Power Marketing Administration's main grid).

D7 Establishment and implementation of contracts, policies, marketing plans or allocation plans for the allocation of electric power that involve (1) the addition of new generation resources greater than 50 average megawatts, (2) major changes in the operating limits of generation resources greater than 50 average megawatts, or (3) service to discrete new loads of 10 average megawatts or more over a 12 month period. This applies to power marketing operations and to siting construction, and operation of power generating facilities at DOE sites.

D8 Approval or disapproval of an application to import/export natural gas under section 3 of the Natural Gas Act involving major new natural gas pipeline construction or related facilities, such as construction of new liquid natural gas (LNG) terminals, regasification or storage facilities, or a significant expansion of an existing pipeline or related facility or LNG terminal, regasification, or storage facility.

D9 Approval or disapproval of an application to import/export natural gas under section 3 of the Natural Gas Act involving a significant operational change, such as a major increase in the quantity of liquid natural gas imported or exported.

D10 Siting, construction, operation, and decommissioning of major treatment, storage, and disposal facilities for high-level waste and spent nuclear fuel, including geologic repositories, but not including onsite replacement or upgrades of storage facilities for spent nuclear fuel at DOE sites where such replacement or upgrade will not result in increased storage capacity.

D11 Siting, construction (or expansion), and operation of a disposal facility for transuranic (TRU) waste and TRU mixed waste

(TRU waste also containing hazardous waste as designated in 40 CFR part 261).

D12 Siting, construction, and operation of incinerators, other than research and development incinerators or incinerators for non-hazardous solid waste (as designated in 40 CFR part 261.4(b)).

[57 FR 15144, Apr. 24, 1992, as amended at 61 FR 36243, July 9, 1996; 61 FR 64608, Dec. 6, 1996]

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APPENDIX D TO SUBPART D TO PART 1021—CLASSES OF ACTIONS THAT NORMALLY REQUIRE EISS

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D7, Allocation of power for five years or longer, major new generation resources/major loads/major changes in operation of power generation resources

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D7 Establishment and implementation of contracts, policies, marketing plans, or allocation plans for periods of five years or longer that involve (1) the addition of major (greater than 50 average megawatts) new generation resources, (2) service to discrete, major (10 average megawatts or more over a 12 month period) new loads, or (3) major changes in the operating parameters of power generation resources.

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PART 1022—COMPLIANCE WITH FLOODPLAIN/WETLANDS ENVIRONMENTAL REVIEW REQUIREMENTS

Subpart A—General

Sec.

1022.1 Background.
1022.2 Purpose and scope.
1022.3 Policy.
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1022.5 Applicability.

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1022.11 Floodplain/wetlands determination.
1022.12 Floodplain/wetlands assessment.
1022.13 Applicant responsibilities.
1022.14 Public review.
1022.15 Notification of decision.
1022.16 Requests for authorizations or appropriations.
1022.17 Follow-up.
1022.18 Timing of floodplain/wetlands actions.
1022.19 Selection of a lead agency and consultation among participating agencies.
1022.20 Public inquiries.
1022.21 Updating regulations.

AUTHORITY: E.O. 11988 (May 24, 1977); and E.O. 11990 (May 24, 1977).

SOURCE: 44 FR 12596, Mar. 7, 1979, unless otherwise noted.

Subpart A—General

§ 1022.1 Background.

Executive Order (E.O.) 11988—Floodplain Management (May 24, 1977), requires each Federal agency to issue or amend existing regulations and procedures to ensure that the potential effects of any action it may take in a floodplain are evaluated and that its planning programs and budget requests reflect consideration of flood hazards and floodplain management. Guidance for implementation of the Order is provided in the Floodplain Management Guidelines of the U.S. Water Resources Council (40 FR 6030, Feb. 10, 1978). Executive Order 11990—Protection of Wetlands (May 24, 1977), requires all Federal agencies to issue or amend existing procedures to ensure consideration of wetlands protection in decisionmaking. It is the intent of both Executive orders that Federal agencies implement the floodplain/wetlands requirements through existing procedures such as those established to implement the National Environmental Policy Act (NEPA) of 1969. In those instances where the impacts of actions in floodplains and/or wetlands are not significant enough to require the preparation of an environmental impact statement (EIS) under section 102(2)(C) of NEPA, alternative floodplain/wetlands evaluation procedures are to be established.

National Environmental Policy Act

David R. Allen
NEPA Compliance Officer

U. S. Department of Energy
Oak Ridge Operations Office

DOE NEPA Compliance Program The Framework

- National Environmental Policy Act (NEPA)
- Council on Environmental Quality(CEQ) Regulations
- CEQs Forty Most Asked Questions

National Environmental Policy Act

- Passed by Congress in 1969
- Basic National Policy for the Environment (Sections 2 and 101)
- Established Council on Environmental Quality (CEQ) (Title II)

National Environmental Policy Act

- Action-forcing provisions {Section 102(2)}
  - Detailed statement for "major Federal actions significantly affecting the quality of the human environment" {Section 102(2)(C)}
  - To ensure environmental values considered in decision making with economic, technical considerations {Section 102(2)(B)}

CEQ REGULATIONS 40 CFR 1500-1508

- Implement Section 102(2) of NEPA
- First issued 1978; binding on all Federal Agencies
- Necessitated Accurate Scientific Analysis, Expert Agency Comments, and Public Scrutiny

CEQ REGULATIONS 40 CFR 1500-1508

- Emphasized making better decisions, based on understanding of environmental consequences
- Amended July 1, 1986 to withdraw requirement for worst case analysis, add approach for evaluating reasonably foreseeable significant adverse impacts when information is incomplete or unavailable (40 CFR 1502.22)

CEQ REGULATIONS 40 CFR 1500-1508

- Three Levels of NEPA Review
  - Environmental Impact Statement (EIS)
    - Detailed Statement Required for Proposed Actions with Potentially Significant Effects
  - Environmental Assessment (EA)
    - Analysis to determine whether to prepare an EIS or a Finding of No Significant Impact (FONSI)
  - Categorical Exclusion (CX)
    - Class of actions with no individual or cumulative significant effects
    - Established for Agency Use Through Public Review and Comment Process, Consultation with CEQ

CEQs Forty Most Asked Questions (46 FR 18026, March 23, 1981)

- What is meant by "range of alternatives"? How many alternatives when infinite number possible?
- Must agency analyze alternatives outside its capability or jurisdiction?
- What does the "no action" alternative include?
- What is the "agency's preferred alternative"? What is the "environmentally preferable alternative"?

DOE NEPA Compliance Program The Tools

- DOE NEPA Regulations (10 CFR 1021)
- DOE Order 451.1A(NEPA Compliance Program)
- Secretarial Policy Statement on NEPA
- Other DOE Tools

DOE NEPA Regulations 10 CFR 1021

- Effective May 26, 1992 (Published April 24, 1992, 57 FR 15122)
- Revised 1980 DOE NEPA Guidelines (as amended) to incorporate SEN-15-90 initiatives
- Policy for site-wide NEPA documents

DOE NEPA Regulations 10 CFR 1021

- Enhanced opportunities for Public and State Participation in NEPA Process
  - Required EIS Scoping Meeting, draft EIS Hearing
  - Public availability of EIS Implementation Plan, supplement Analysis
  - State Pre-approval review of EAs
- Expanded list of Categorical Exclusions

DOE NEPA Regulations 10 CFR 1021

- Also amended on July 9, 1996
  - Deleted requirement for EIS Implementation Plan
  - Added Additional Categorical Exclusions

DOE Order 451.1A

- Established Internal DOE Authorities, Responsibilities, and Procedures to Implement DOEs NEPA Regulations
- Issued June 5, 1997
- Requires Internal Scoping Procedures, Quality Assurance Plans, and Public Participation Plans
- Annual Planning Summaries

DOE Order 451.1A

- ORO Manager has EA/FONSI Authority
- NEPA Compliance Officer has CX Authority
- Incorporate NEPA Values In CERCLA Documents
- Mitigation Tracking and Reporting
- Lessons Learned System
- NEPA Document Managers

Other DOE Tools

- Effective Public Participation Under NEPA
- Directory of Potential Stakeholders for DOE Actions Under NEPA
- DOE NEPA Compliance Guide
- NEPA Contracting Reform Guidance
- Recommendations for the Preparation of EAs and EISs

Special Topics In The NEPA Process

Integrating Other Environmental Review Requirements Into NEPA Reviews

NEPA and Other Reviews

- CEQs NEPA regulations state that agencies shall integrate the requirements of NEPA with other environmental review procedures
- Procedures should run CONCURRENTLY rather than CONSECUTIVELY

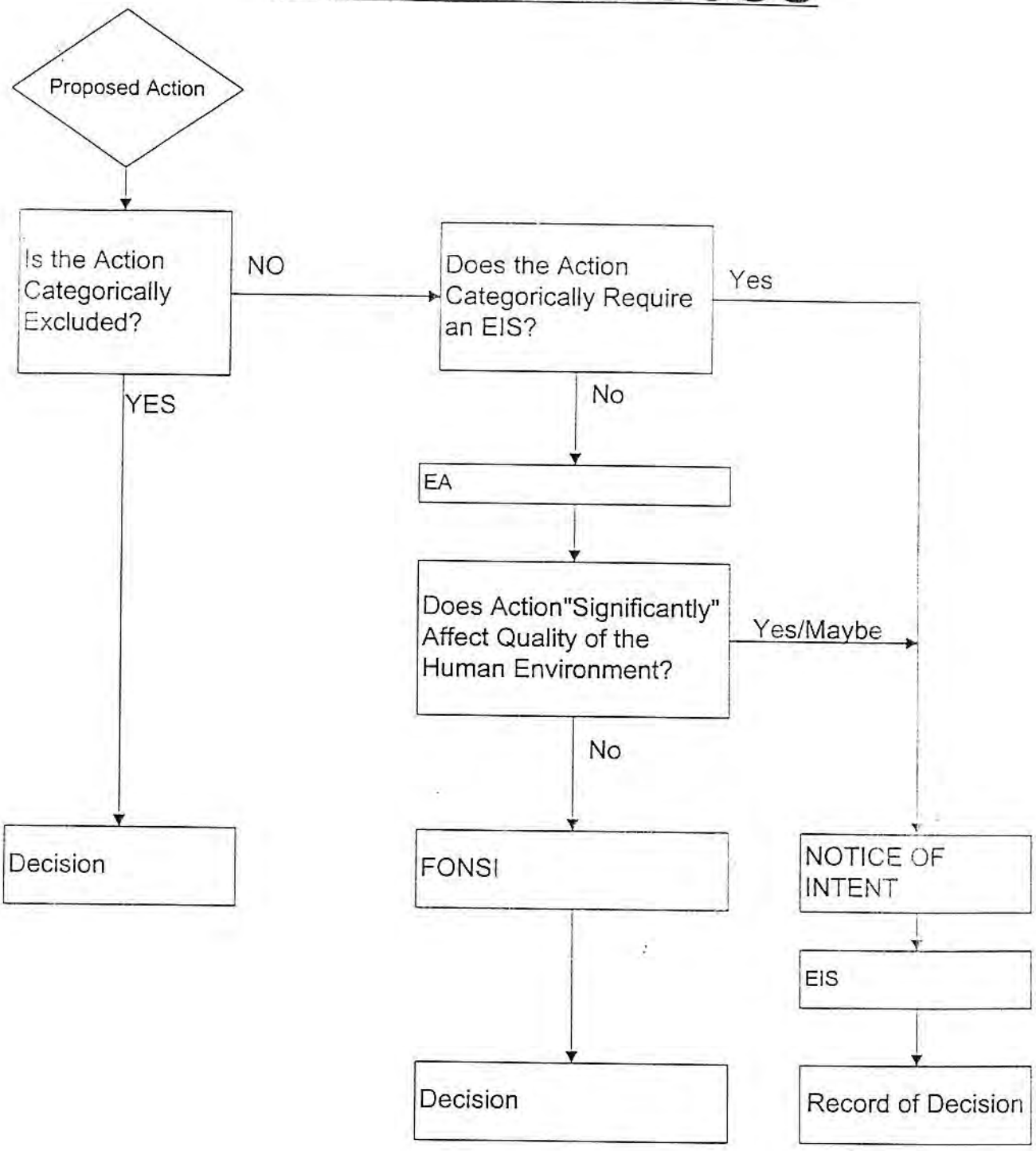
Other Laws and Executive Orders

- Endangered Species Act
- Floodplain Wetlands EOs and Regulations
- Fish and Wildlife Coordination Act
- Coastal Zone Management Act
- Farmland Protection Policy Act
- National Historic Preservation Act
- American Indian Religious Freedom Act
- Wild and Scenic Rivers Act

Environmental Laws with Permit Requirements

- For example CAA, CWA and Safe Drinking Water Act
- However, fulfilling the permit requirements under these laws does not mean that NEPA requirements have been fulfilled

NEPA Process



BECHTEL JACOBS
Bechtel Jacobs Company LLC

PRESS RELEASE

MEDIA CONTACT:
Dennis Hill, 502-441-5099

FOR IMMEDIATE RELEASE
Feb. 9, 1999

BECHTEL JACOBS AWARDS SUBCONTRACT FOR ENVIRONMENTAL SERVICES

KEVIL, Ky. — Bechtel Jacobs Company has awarded a subcontract to Camp Dresser and McKee (CDM) Federal Programs to perform various environmental activities at the U.S. Department of Energy's Paducah Gaseous Diffusion Plant. The contract is for three years, with two 18-month options. The value of the contract, with options, is approximately $8 million.

Under the contract, CDM Federal will perform routine environmental monitoring activities, which include groundwater, surface water and soils. It also involves environmental reporting and maintaining environmental permits.

CDM teamed with LAN Associates, GEO Consultants, Pro-2-Serve, and Hydrovision to bid on the contract. LAN and Pro-2-Serve are classified as small businesses, GEO is a woman-owned small business, and Hydrovision is a small, disadvantaged business.

The contract involves Workforce Transition, a process which allows current Bechtel Jacobs Co. employees who are performing the same or similar work, to be given right of first refusal for the jobs created under the subcontract.

The contract is scheduled to take effect April 1, 1999.

Bechtel Jacobs is DOE's management and integration contractor for environmental management work at Paducah, Portsmouth, Ohio and three sites in Oak Ridge, Tenn.

—30—

e-mailed to Jim Malone 9:27 a.m. 2-9-98
See attached

The Paducah Sun
02/07/99 - P. 4A

VIEWPOINTS

Speak out against DOE's plan to move uranium to Paducah

EDITOR:

In the Jan. 25 issue of the Sun, there was a report that the U.S. Department of Energy is preparing to move as much as 3,800 metric tons of uranium stored in Ohio to other facilities, including the Paducah Gaseous Diffusion Plant. This is because Ohio doesn't want it and the DOE agreed to move it.

We don't want it either. The Paducah site already has 28,351 cylinders in storage, some more than 40 years old.

Kentucky, Paducah, McCracken County citizens (this means you) — speak out and do not let this happen. In fact, speak out and let's get DOE to move what we have somewhere else.

TREVA COURTER
Kevil

The Paducah Sun
02/06/99 - P. 2D

DOE may convert byproduct here

FROM STAFF, WIRE REPORTS

The Department of Energy's agreement to remove or convert uranium hexafluoride in 7,000 cylinders at Oak Ridge, Tenn., could mean more work for a conversion facility to be built at the Paducah Gaseous Diffusion Plant.

A deal was signed with the state of Tennessee on Tuesday that requires DOE to do something about the material, known as UF6, in the Oak Ridge nuclear reservation by Dec. 31, 2009. If the deadline is not met, DOE agreed to pay the state a $50,000-per-day fine.

UF6 is a byproduct of producing fuel for nuclear bombs. When exposed to air, it becomes a toxic gas. Rusting, 14-ton cylinders full of UF6 are stored on the western edge of the Oak Ridge property.

Also a byproduct of enriching uranium for nuclear fuel, UF6 is stored in tens of thousands of cylinders at the Paducah plant and a sister plant near Portsmouth, Ohio. Last year, Congress appropriated $400 million to build facilities at the plants to convert UF6 to something more stable and safe.

Dennis Hill, spokesman for DOE contractor Bechtel-Jacobs in Kevil, declined to speculate on the potential work because it is premature and his firm may not be involved.

The 1998 law specifies that conversion plants are to be built here and in Portsmouth starting in 2004, making them the only two facilities of their type. About 30,000 cylinders are expected to be converted at Paducah and about 15,000 at Portsmouth.

DOE has a deadline of July 31 to inform the state of its plans for the UF6 at Oak Ridge. More immediately, it has agreed to pay Tennessee in excess of $200,000. The money will be used to clean up a contaminated landfill in Anderson County and help disadvantaged youth there, with almost $93,000 going to the Tennessee Environmental Protection Fund.

In exchange, the state agreed to smaller fines from the DOE for breaking several of Tennessee's environmental laws in 1998.

The Paducah Sun
2/2/99 - P. A6

NRC recertifies USEC's 2 plants

The U.S. Nuclear Regulatory Commission has issued five-year recertifications to the United States Enrichment Corporation for the two uranium enrichment plants it manages in Paducah and Portsmouth, Ohio.

The certificates represent the NRC's conclusion that both plants comply with its safety and security requirements.

The initial NRC certificates of compliance for the two plants were issued in November 1996.

"We are pleased ... not only with regard to NRC regulatory compliance, but also in the areas of production, efficiency and meeting customer demands," USEC executive vice president James Miller said.

The Paducah Sun
2/2/99 - P. A1

BUDGET 2000

DOE retraining

Proposal includes funds to help DOE workers

BY JOE WALKER
SUN BUSINESS EDITOR

The Clinton budget proposal includes $5 million to begin research and development of a process to convert nuclear waste in tens of thousands of cylinders in Paducah and Portsmouth, Ohio, for commercial use.

The money is part of $385 million transferred from USEC Inc. to the U.S. Department of Energy last year to help offset the loss of 600 jobs at uranium enrichment plants here and in Portsmouth. After much wrangling in Washington about the money, federal lawmakers from Kentucky and Indiana passed legislation to preserve it.

Although the budget request only mentions a fraction of the money, the remaining $380 million is set aside for the conversion project, according to information from Sen. Mitch McConnell's office.

USEC gave the money to DOE last summer when USEC became a private company. USEC oversees production at the plants, which it leases from DOE, and had collected the funds as a surcharge on uranium for nuclear fuel.

The cylinders — about 47,000 at Paducah — contain depleted uranium hexafluoride (UF6) from the plant's enrichment process. The conversion facility would transform the UF6 into material that could be used commercially.

DOE spokesman Dennis Hill said last year's legislation requires the department to submit a plan to Congress by March on how the $385 million will be used. Once the plan is approved, the money will be appropriated, he said.

Please see **PROPOSAL** / 2A

Continued from 1A

Clinton also is requesting $30 million to continue the DOE Office of Worker and Community Transition, another program to help displaced enrichment workers find jobs. Bob DeGrasse, office director, said the request is roughly the same as the current budget amount.

In 1998, USEC agreed to allocate an additional $20 million to help offset jobs losses at Paducah and Portsmouth, DeGrasse said, which his office can use.

The total of $50 million is more than ample to honor Energy Secretary William Richardson's promise to provide $6 million to the Paducah Area Community Reuse Organization, DeGrasse said. PACRO was established under the Worker and Community Transition program to study ways to stimulate jobs for displaced workers.

"We're not sure exactly how we'll meet the commitment," he said, "but we know for sure we have the ability to meet the commitment."

However, DeGrasse's program continues under extreme scrutiny by some members of Congress who would rather use its budget money for something else. DeGrasse said DOE must submit a report on how the office would be dismantled in the event funding is cut off. Also required was an independent audit, done last year, which showed no significant problems and good reason to continue funding the program, he said.

The Clinton budget request includes nearly $53 million for ongoing environmental cleanup and other DOE work at the Paducah plant. That is about $2.5 million more than for the current fiscal year.

Planned work for fiscal year 2000, which starts Oct. 1, includes:

- Operation and maintenance of a process called Lasagna to clean up contaminated soil at the plant. The system gets its name from treating layers of soil.
- Construction of another system, known as Vortec, to melt waste at high temperatures and allow it to cool into a solid.
- A major feasibility study of how to clean up contaminated groundwater at the plant as a whole, rather than piecemeal.
- Selection of a preferred way to manage about 65,000 tons of scrap metal stored at the plant.
- Continued management of depleted UF6 cylinders.

Secrecy keeps status of plant unknown

Continued from 1C

plant manager to take a job in Denver, Steve Polston said if USEC decides to close one of the plants, Paducah has two advantages — more reliable equipment and better labor-management teamwork.

"It's awful easy to discount the people factor if you're a numbers cruncher," he said. "I hope Paducah doesn't forget that advantage. It's hard to put a number on that."

Although Paducah has many economic advantages, notably low power costs, its trump card is stable, dedicated workers, Sens. Mitch McConnell and Jim Bunning and Rep. Ed Whitfield said in a letter Thursday to USEC Board Chairman James Mellor. The lawmakers reminded the board that the Paducah plant was named one of Industry Week magazine's 10 best plants in 1997.

"We firmly believe that Paducah offers USEC the best opportunity to utilize and apply this new technology to secure a competitive edge in the production of enriched uranium for the United States," the letter said.

Factors in the new site selection are environmental and socioeconomic compatibility; low construction and operating costs, including electrical power; conditions favoring quick licensing and construction, and community acceptance and support.

People involved in recruiting AVLIS say the striking difference between 1992 and now is the secrecy. The U.S. Department of Energy, which owns the plants, is a public agency that openly shared the process as candidates were eliminated. USEC, a private firm that leases the plants from DOE, has a competitive stance to protect and the stated objective of keeping politics out of the selection.

Some, like Richard Miller, policy analyst for the atomic workers union, point to the bigger picture. His organization represents about 2,000 hourly workers at Paducah and Portsmouth.

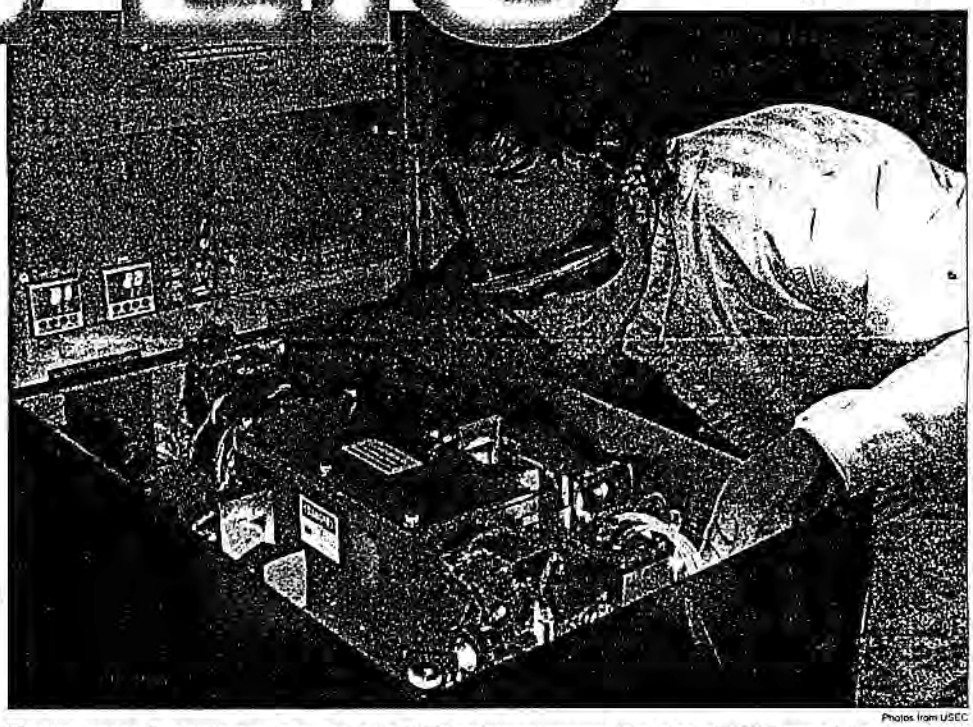
"The hope is that you can pin this down to Paducah and/or Portsmouth," Miller said when the selection work began. "It would be nice, politically, to split AVLIS because it is a modular process. When the two states put their heads together and focus on a problem they seem to be able to get a lot done. I'm not sure that's true if they're competing.

"If Paducah or Portsmouth loses, one of those two states winds up with a zero."

AVLIS

Paducah Sun
business front
1-31-99

Paducah is still in the running, but because of secrecy no one can say exactly **where we stand.**



Photos from USEC

The process: Solid-state lasers are used in the AVLIS enrichment process. (Top of page) USEC uses a full-scale separator system to enrich uranium at its pilot plant in Livermore, Calif.

BY JOE WALKER
SUN BUSINESS EDITOR

People who have worked long and hard to land AVLIS in Paducah hope that silence is golden.

The process is cloaked in secrecy, led by private company USEC Inc. and sealed by confidentiality agreements with those who submitted incentive packages trying to lure the $2 billion plant that will use lasers to enrich uranium for nuclear fuel.

Getting AVLIS could well mean saving most of the 1,800 jobs at the Paducah Gaseous Diffusion Plant, whose 50-year-old technology is expensive and becoming outdated. The laser plant will employ at least 1,300, but is expected to create another 1,900 construction jobs.

Local recruiters — including a who's who of government, business and civic leaders — say they are confident that Paducah's sales pitch, backed by a Gov. Paul Patton-led delegation, was the best it could be. But they say they can't, and won't, discuss details.

Those sources also say they don't know who the competition is or exactly how far along USEC is in its decision-making. They aren't sure if the company will name finalists or simply announce the winner.

"We're bound by that (confidentiality agreement) and we intend to honor it fully," said Joe Frampton, chairman of the Greater Paducah Economic Development Council. "I'm confident that every effort is being made. I think the community and the state have done everything possible to continue our interest in this."

David Fuller, president of the 850-member atomic workers union local and part of the recruitment group, said he knows little more than the public.

"My original understanding was they were going to reduce the group to three, but I'm not sure now," he said. "Our committee hasn't met for a while. We're just waiting."

Elizabeth Stuckle, USEC communications director, would not confirm reports that the process started with 13 sites and would be narrowed to three before picking a site.

"We're looking at multiple sites across the country and site selection will be announced in late spring," she said. "I can't be any more specific than that."

What local and state leaders do know is the AVLIS recruitment is as crucial as it gets. Because of changing market conditions, USEC clearly does not need two gaseous diffusion plants — the other is in Portsmouth, Ohio — to produce the enriched uranium it can sell.

Together, Paducah and Portsmouth make about 13 million units of enriched uranium yearly, which is about what USEC sells to nuclear power plants. But USEC is buying the equivalent of 5 million to 6 million units, or about 40 percent of its supply, yearly in uranium from dismantled Russian nuclear warheads. Add to that a laser plant with an 8.7 million-unit capacity and you have met production needs.

In its registration statement to privatize, USEC said AVLIS is "expected to be able to displace some or all of the production of the gaseous diffusion plants" by 2006. The corporation said it will study issues such as market demand and other enriched uranium supply sources before deciding what to do with the plants.

The statement says USEC will keep both plants open until 2005 unless certain "significant events" happen. One is an operating margin that drops below 10 percent for 12 straight months. Another is if the long-term market price per unit of enriched uranium drops below $80. Various experts have said the operating margin may already be at or below 10 percent and an $80 market price could happen this year with increased competition and oversupply of enriched uranium.

USEC appears to be holding true to its announcement that it will cut 600 jobs at the two plants by later this year in an effort to become more competitive. Last fall, 250 positions were eliminated at the plants through voluntary layoffs; another 250 cuts are foreseen for this summer. Also, 100 more jobs will be reduced through attrition.

When the two plants ran a virtual dead heat seven years ago for the AVLIS site, production costs and construction were considered the leading factors. Portsmouth held a slight advantage, but Paducah has since made great strides in reducing its enrichment costs. Much of the improvement has been in using cheaper power at night and on weekends.

After resigning last year as Paducah

Please see **SECRECY**/ 3C

The facts of AVLIS:

What: AVLIS (Atomic Vapor Laser Isotope Separation) uses lasers to vaporize uranium metal and extract the U-235 isotope for use in nuclear fuel. It is seen as the future technology for enriching uranium. An AVLIS plant will be built somewhere and site selection continues.

Who: USEC Inc., which operates gaseous diffusion plants in Paducah and Portsmouth, Ohio, may eventually close one or both plants as AVLIS is phased in. Although the plants have made great strides in efficiency, they are nearly 50 years old, huge and very costly to run.

When: USEC began site selection in October and will pick the winner by late spring. Final design and detailed cost estimate for the plant should be finished in 2002. Nuclear Regulatory Commission licensing and other approvals are expected to be obtained during this phase.

The next phase includes buying equipment, building the facility, starting it, testing it and training staff. Operation is forecast for 2005.

Where: USEC is reviewing an undisclosed number of candidates nationwide — some say the list is 13 potential sites — and confirms that Paducah and Portsmouth are vying. Other sites reportedly include Oak Ridge, Tenn., which has a closed gaseous diffusion plant; South Carolina's Savannah River nuclear facility near Augusta, Ga., and a 450-acre site in New Mexico bid by a Texas-based hazardous waste company and backed by New Mexico Sen. Pete Domenici, who with retired Kentucky Sen. Wendell Ford sponsored legislation to privatize USEC.

Paducah and Portsmouth were considered virtually deadlocked as the two finalists for AVLIS in a site-selection process that was tabled in 1992 in favor of creating USEC to run the enrichment industry more like a business.

Why: USEC's market share has slipped to about 40 percent and it needs every advantage it can get to compete with foreign countries in enriching uranium. Power costs account for nearly 60 percent of total production expense and the diffusion plants use almost $500 million a year in electricity, as much as some major U.S. cities. AVLIS uses 90 percent less power and 20 to 30 percent less natural uranium than gaseous diffusion.

Jobs and area economy are at stake. The Paducah plant employs about 1,800 people whose wages are among the highest in the area, funneling millions of dollars into the region. Also, scores of small businesses depend on the plant for income from goods and services. The AVLIS facility would create 1,900 construction jobs, employ 1,300 people and continue needing business support — all displacing the economic devastation that closing the diffusion plant would cause.

The Seattle workshop featured sessions on:

- the remediation of organics, led by Larry Murdoch of Clemson University;
- the remediation of metals and radionuclides, led by Kim Phelan of Sandia National Laboratory;
- containment, led by Dave Daniels of the University of Illinois, and;
- performance monitoring, led by Eric Lindgren of Sandia National Laboratory.

The workshop attracted about 60 participants from DOE laboratories, universities, private industry, the U.S. Environmental Protection Agency and state regulatory agencies.

Tom French, program manager for the book project and Westinghouse Savannah River Company manager for focus area programs at the Savannah River Technology Center, which is coordinating the publication of the book, said 150 case studies are being considered for inclusion in the book, which officials hope to publish by September. Jim Wright, lead office manager for the SCFA, reported a follow-up meeting will be held in February to present the results of the workshops to DOE Richland Operations officials.◄

UNKNOWN TOXIN DISCOVERED IN WATER AT PADUCAH PLANT

Water samples collected in December from a pipe draining a depleted uranium hexafluoride cylinder storage yard at the Department of Energy's Paducah, Ky. gaseous diffusion plant contained unknown toxins in concentrations greater than state law permits, DOE Oak Ridge Operations officials have revealed. The water was collected from a storm drainage outfall by DOE workers during routine sampling. The outfall discharges rain water into Big Bayou Creek.

Fleas, Minnows Exposed

Tests conducted at the Oak Ridge National Laboratory (ORNL), in which water fleas and minnows were exposed to the water samples, revealed the toxicity of the water was high enough to harm the fleas, but did not injure the minnows. ORNL scientists determined the toxicity level for the samples by assessing deformities and reproduction rates of the water fleas and the survivability of the minnows. The test is not designed to identify the toxins. DOE officials maintain the pollution does not pose a threat to human health and declared the contamination was an isolated incident, though the source and identity of the toxin remains a mystery. No traces of depleted uranium were found in an initial test for metals, a DOE spokesman reported.

No State Action Contemplated

Joe Devers, an environmental engineer for the Kentucky Department of Environmental Protection's water division, does not consider the contamination to be a major problem. He pointed out that if uranium hexafluoride was leaking from a storage cylinder, the reaction of the chemical with moisture in the air would "create a visible fog," which has not been observed. Furthermore, he said, subsequent visual observations of Big Bayou Creek have revealed no obvious negative effects. Devers reported the state is not likely to take official action, such as issuing a notice of violation, against DOE because of the contamination. If the department "comes back into compliance next month, all is forgiven," Devers added, but warned if the violation is repeated, the state may take action.

DOE officials notified the state's Cabinet for Natural Resources and Environmental Protection of the contamination problem on Dec. 28. The department's Kentucky Pollution Discharge Elimination System permit stipulates a plan to identify toxins must be presented to the state within 30 days of that notification. A spokesman for Bechtel Jacobs, DOE's environmental management contractor in Oak Ridge, said a draft plan will be presented to the state this week (Jan. 25). The Paducah plant is managed from the Oak Ridge Operations office. The Oak Ridge National Laboratory will perform the tests necessary to identify the pollutant, the Bechtel Jacobs spokesman added. There is no time frame for completing the tests, in part because subsequent sampling will depend on rainfall, and also because narrowing down the identity of the toxin will be time-consuming, the spokesman explained. Bechtel Jacobs will manage any necessary remediation activities.◄

EPA ADDS NEW JERSEY FUSRAP SITE TO SUPERFUND

The U.S. Environmental Protection Agency has added the Middlesex Sampling Plant in Middlesex, N.J., to the National Priorities (Superfund) List. The site, used from 1943 to 1967 to sample, store and ship radioactive ores for the nuclear weapons program, is being cleaned up by the U.S. Army Corps of Engineers under the Formerly Used Site Remedial Action Program. The site's buildings

OAK RIDGE RESERVATION

Environmental Management

SITE SPECIFIC ADVISORY BOARD

FEB 10 1999

recd. FEB 10 1999 Jeannie B.

January 25, 1999

Dear Oak Ridge Reservation Stakeholder:

The Oak Ridge Reservation Environmental Management Site Specific Advisory Board (ORREMSSAB) invites you to join with us in a broad-based community participation process to provide stakeholder input to the Department of Energy as it develops a stewardship program for the Oak Ridge Reservation.

In July 1998, the Stewardship Committee of the End Use Working Group in collaboration with the Stewardship Committee of the Friends of Oak Ridge National Laboratory published the Stakeholder Report on Stewardship. The Report discusses the need for and basic elements of a stewardship program and its application to contaminated areas on the Reservation. The Stewardship Report was distributed widely and has received favorable comments from organizations and individuals across the United States.

In October 1998, some former members of the Stewardship Committee met to informally initiate a Stewardship Working Group (SWG). Enclosed is the initial description of the SWG goals. The kick-off meeting of this newly forming stewardship group is at 7:00 p.m., February 18, in the Club Room of the Oak Ridge Mall (between Penney's and GNC). We look forward to your participation in stewardship for the Oak Ridge Reservation.

Sincerely,

William M Pardue

William M. Pardue

WMP/sb

Enclosure

Oak Ridge Reservation Environmental Management Site Specific Advisory Board • P.O. Box 2001, EM 90 • Oak Ridge, TN 37831
Phone 423-241-3665; 1-800-382-6938 • Fax 423-576-5333 • E-mail: BlackSL@oro.doe.gov • Web: http://www.oakridge.doe.gov/em/ssab/

The Stewardship Working Group
January 14, 1999

The Stewardship Working Group (SWG) was informally initiated in October 1998 by former members of the End Use Working Group's Stewardship Committee. The SWG is a broad-based stakeholder group whose purpose is to ensure that the Department of Energy (DOE) develops a stewardship program for the Oak Ridge Reservation. In the EUWG Stakeholder Report on Stewardship, July 1998, a Citizens' Oversight Board is proposed, to be preceded by a temporary Stewardship Transition Team. If appropriate, the SWG may serve as the Stewardship Transition Team to solicit and provide stakeholder input to DOE until a public oversight role is formalized.

Tentatively, the SWG's goals are to:

- encourage DOE development of and funding for a stewardship program for remediated sites with residual contamination;
- ensure that citizen involvement is included in the DOE stewardship program;
- work with the State of Tennessee, the Environmental Protection Agency (EPA) Region 4, and the DOE to ensure that the stewardship program meets agency requirements including the EPA Region 4 Land Use Control Assurance Plan;
- work with the City of Oak Ridge so that it becomes an active participant in stewardship planning and implementation;
- conduct community outreach to inform the public of stewardship activities and solicit public participation;
- initiate intersite coordination of DOE stewardship activities; and
- participate in congressional hearings on stewardship amendments to CERCLA.

The SWG is modeled on the EUWG. It is open to all interested stakeholders and operates without formal rules. However, because the SWG has the Stakeholder Report on Stewardship for guidance, it is anticipated that the level of effort will be less demanding than that of the EUWG. The SWG intends to complete its tasks within a year but success will depend on the cooperation of DOE and the dedication of the group.

Procedurally, the Stewardship Special Project Team (SSPT) of the Oak Ridge Reservation Environmental Management Site Specific Advisory Board (ORREMSSAB) is the interface between the SWG and DOE. (Members of the SWG and others are invited to be non-voting members of the SSPT.) Stewardship advice and recommendations developed by the SWG will, when appropriate, be submitted to DOE via the SSPT. However, this does not preclude SWG members and other interested stakeholders from independently submitting recommendations to DOE. Lorene Sigal was elected chair of the SSPT at its November 23rd meeting. Financial and administrative support for the SWG is provided by the ORREMSSAB.

A well-publicized stewardship public meeting is planned for mid-February 1999. At that time DOE, EPA Region 4, the State, and the City of Oak Ridge will be asked to discuss their approach to stewardship and describe their current activities and plans for long-term stewardship on the Oak Ridge Reservation. The public will be invited to join the SWG.

SIDE A

Paducah Gaseous Diffusion Plant (PGDP)
Site Specific Advisory Board (SSAB)
1998/1999 Workplan

ISSUE	EXPECTED ACTIONS	STATUS/APPROACH	Nov 98	Dec 98	Jan 99	Feb 99	Mar 99	Apr 99	May 99	Jun 99	Jul 99	Aug 99	Sep 99	Oct 99
Waste Management		Transuranic Waste												
Waste Minimization/ Pollution Prevention	Review documents	Monitor and provide suggestions as appropriate												
Transportation of Wastes/ Hazardous Materials		Discuss Hanford shipment	✔											
Decontamination & Decommissioning	Review documents	Monitor and provide suggestions as appropriate					✔							
Economic Impact on Community	Monitor	Monitor and provide suggestions as appropriate												
Protection/Restoration of Natural Resources & Ecological Values	Review documents	Monitor and provide suggestions as appropriate												
Protection of Workers, Public Health, and Safety	Monitor projects	Monitor and provide suggestions as appropriate												
Technology Development and Transfer	Review documents	Monitor and provide suggestions as appropriate												
Strategies for Effective and Meaningful Public Input	Work 2 DOE/ CRP	Monitor and provide suggestions as appropriate												
Cost Effectiveness	Review documents	Monitor and provide suggestions as appropriate												
WAG 6	Review documents	Monitor and provide suggestions as appropriate	✔ RI Rpt.		✔									
WAG 22, SWMUs 2 and 3	Review documents	Monitor and provide suggestions as appropriate	✔ SWMU 2		✔ SWMU 2									
WAG 22, SWMUs 7 and 30	Review documents	Monitor and provide suggestions as appropriate			✔									
WAGs 9 & 11 Preliminary Assessment/Site Inspection (PA/SI) Process Site Evaluation Report					✔									
WAG 17		Record of Decision (ROD) signed 9/29/97												
Lasagna														
Drum Mountain (WAG 24)	Review documents	Monitor and provide suggestions as appropriate												
Site Treatment Plan Annual Report														

February 2, 1999

SIDE B

Paducah Gaseous Diffusion Plant (PGDP)
Site Specific Advisory Board (SSAB)
1998/1999 Workplan

ISSUE	EXPECTED ACTIONS	STATUS/APPROACH	Nov 98	Dec 98	Jan 99	Feb 99	Mar 99	Apr 99	May 99	Jun 99	Jul 99	Aug 99	Sep 99	Oct 99
Federal Facilities Agreement (FFA)		Strategies												
Integrated Waste Management Plan		IWMP yearly update completed 12/15/97												
Vortec	Receive update		✔		✔	✔	✔	✔	✔	✔	✔	✔	✔	✔
Board Evaluation		Judith Bradbury's response to comments				✔								
Bechtel Jacobs M&I														
National Environmental Protection Act (NEPA)														
Environmental Report														
Accelerating Cleanup Plan - Paths to Closure	Review documents	Monitor and provide suggestions as appropriate												
Depleted UF_6 PEIS	Receive update	Review budget	✔		✔	✔	✔	✔	✔	✔	✔	✔	✔	✔
Northeast and Northwest Plumes Pump and Treat Facilities		Discuss hiring technical support	✔		✔	✔								
Training Options for SSAB	Review catalog	Discuss hiring technical support	✔											
DOE Rulemaking Process														
Membership and Public Outreach		Review membership applications	✔		✔					✔				
Paducah-Area Community Reuse Organization (PACRO)		Discuss how PACRO relates to the SSAB	✔		✔									
Risk Assessment		Receive training and relate to WAGs 6 and 22			✔									
Cumulative Effects on the Site		Open discussion				✔								
Groundwater Operable Unit	Review Feasibility Study	Monitor and provide suggestions as appropriate				✔								

February 2, 1999

PADUCAH GASEOUS DIFFUSION PLANT
SITE SPECIFIC ADVISORY BOARD

Chartered under the Federal Advisory Committee Act

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mdonham@igc.org

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Rev. Gregory Waldrop
4141 Buckner Lane
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waldrop4@sunsix.infi.net

MEMORANDUM

DATE: **March 4 1999**

TO: **David Allen, Oak Ridge Operations NEPA Compliance Officer**

FROM: **Paducah Site Specific Advisory Board**

SUBJECT: **Comments on the Fernald Environmental Assessment**

At a regular meeting of the Site Specific Advisory Board (SSAB) held February 18, 1999, the board identified comments on the draft *Environmental Assessment for the U.S. Department of Energy, Oak Ridge Operations Receipt and Storage or Uranium Materials from the Fernald Environmental Management Project Site.*

General Comments:

The Paducah SSAB recommends that Fernald pursue amendments to the appropriate regulatory documents allowing the uranium materials to be retained at the Fernald site pending resolution of the long-term disposition strategy. Nothwithstanding this recommendation, if the DOE decides to move the uranium materials, the Paducah SSAB recommends that the uranium materials should be moved the least distance possible to reduce the environmental impact of transportation hazards.

Printed on recycled paper

Specific Comments:

1. Page 2-7: Drawing is out of date even though it says rev. 1/20/99. There are buildings and pads in the general area designated for the storage area.
2. Page 2-11, Paragraph 1: What is the benefit of using a combination of sites?
3. Page 2-11, Paragraph 2: The first sentence appears to be poor planning, not a justification for not considering commercial facilities.
4. Page 2-11, Paragraph 4: "to support compliance with regulatory requirement" seems to use this as an excuse for poor planning and as a hammer to make something happen.
5. Page 3-6, Paragraph 4: Change "PGDP" to "DOE reservation."
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9. Page 3-7, Paragraph 2: Check on numbers of plumes — believe there are 3 now (major or minor?).
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11. Page 3-8, Paragraph 4: Sewage is treated "onsite" not "offsite."
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13. Page 4-5, Paragraph 4: What about waste from the construction/site preparation. I believe soil in that area is PCB contaminated. There are buildings and pads that are not depicted on your map, will their existence change preferred location?
14. Page 4-9, Paragraph 3: I believe USEC might disagree that cleanup is the major priority at the site. I would like the source of the baseline identified and a list of "future changes."
15. Page 5-1: Why wasn't up-to-date information about Paducah used?
16. Page 6-1: Appears "walk-downs" were performed at Portsmouth and Fernald, why not Paducah and Oak Ridge?
17. Page B-9, Paragraph 6: What goes in the blank?

The information used was significantly out of date, and in some cases, totally incorrect. The general impression of this project is that Fernald has a regulatory driver and it will be met. How long has this project been going on? It appears this part of the project is being rushed.

Department of Energy

Oak Ridge Operations Office
P.O. Box 2001
Oak Ridge, Tennessee 37831—

February 2, 1999

Mr. James E. Bickford
Secretary, Kentucky Cabinet for Natural Resources
and Environmental Protection
Capital Plaza Tower, Fifth Floor
Frankfort, Kentucky 40601

Dear Secretary Bickford:

DRAFT ENVIRONMENTAL ASSESSMENT FOR PROPOSED RECEIPT AND STORAGE OF URANIUM MATERIALS FROM THE FERNALD ENVIRONMENTAL MANAGEMENT PROJECT SITE

The United States Department of Energy (DOE) is proposing to receive and store uranium materials from the Fernald Environmental Management Project (FEMP) site. DOE has prepared an Environmental Assessment (EA) to analyze the potential environmental consequences of this proposed action and its alternatives. This EA has been prepared in accordance with the requirements of the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations implementing NEPA, and the DOE NEPA regulations.

Pursuant to DOE NEPA regulation 10 CFR 1021.301(d), DOE intends to foster early and open communication between DOE and affected States and Native American tribes. Accordingly, I am providing you with a copy of this EA for review prior to DOE approval. The EA will concurrently be made available to the public for review.

Although we normally allow 30 days for State review, this EA is under tight schedule restrictions because of the need to remove the material off the FEMP site, and we will need comments within 14 days from your receipt of this letter. Comments sent within this period will be considered before approval of the EA. Comments sent after that will be considered to the extent practicable. Please inform me if you do not have any comments.

If you or your staff wish to receive further information about the proposal, or the NEPA process at the DOE Oak Ridge Operations Office (ORO), please contact Jim Elmore at (423) 576-0938. Thank you in advance for your considerations.

Sincerely,

David R. Allen
ORO NEPA Compliance Officer

Enclosure

cc w/enclosure:
Bob Logan, Commissioner
DOE Paducah Site Reading Room

Hawkins, Shelley

From: Hawkins, Shelley
To: 'Donham, Mark'; 'Jones, Vicki'
Cc: 'Hill, Dennis'; 'Sheppard, John (DOE)'
Subject: Comments on Fernald EA
Date: Monday, February 22, 1999 3:55PM

I have attached the text of the comments on the Fernald Environmental Assessment to be submitted by the SSAB. I plan to print the comments on SSAB letterhead. It would be helpful to have your review before I send the comments to David Allen in Oak Ridge. Please let me know if I need to make any revisions to the text or if there are other changes to format, etc. that I should make. Thanks for your time.

Shelley

At a regular meeting of the Site Specific Advisory Board (SSAB) held February 18, 1999, the board identified comments on the draft Environmental Assessment for the U.S. Department of Energy, Oak Ridge Operations Receipt and Storage or Uranium Materials from the Fernald Environmental Management Project Site.

Comments:

1. Page 2-7: Drawing is out of date even though it says rev. 1/20/99. There are buildings and pads in the general area designated for the storage area.
2. Page 2-11, Paragraph 1: What is the benefit of using a combination of sites?
3. Page 2-11, Paragraph 2: The first sentence appears to be poor planning, not a justification for not considering commercial facilities.
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9. Page 3-7, Paragraph 2: Check on numbers of plumes -- believe there are 3 now (major or minor?).
10. Page 3-7, Paragraph 5: List source of the identification of the federally listed species. A 1994 Corp Study did not list the evening bat in this area and identified the pearly mussel as endangered. Also, none of these species were identified on the DOE Reservation. I think a list of the Kentucky E&T species should be included.
11. Page 3-8, Paragraph 4: Sewage is treated "onsite" not "offsite."
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16. Page 6-1: Appears "walk-downs" were performed at Portsmouth and Fernald, why not Paducah and Oak Ridge?
17. Page B-9, Paragraph 6: What goes in the blank?

The information used was significantly out of date, and in some cases, totally incorrect. The general impression of this project is that Fernald has a regulatory driver and it will be met. How long has this project been going on? It

appears this part of the project is being rushed.

The SSAB recommends an amendment to the appropriate regulatory documents, allowing the Fernald Site to ~~pertain~~ retain the uranium, pending a long-term strategy. If the uranium is to be moved temporarily; however, the uranium should be moved to the closest possible site to reduce the environmental impact.

ENVIRONMENTAL ASSESSMENT for the US DOE, ORO Receipt and Storage of Uranium Materials from the Fernald Environmental Management Project Site

Page	Paragraph	Comment
2-7		Drawing is out of date even though it says rev. 1/20/99. There are buildings and pads in the general area designated for the storage area.
2-11	1	What is the benefit of using a combination of sites?
2-11	2	The first sentence appears to be poor planning not a justification for not considering commercial facilities.
2-11	4	"to support compliance with regulatory requirement" seems to use this as an excuse for poor planning and as a hammer to make something happen
3-6	4	Change "PGDP" to "DOE reservation"
3-6	5	Where did these numbers come from? Is this 1992 data?
3-6	6	Using 1992 data seems outdated.
3-6	7	Why not look at 1998 or even 1997 radionuclides sources we rather than 1992? If you bother checking, I believe you will find the vapor degreasers in C-400 are no longer operating. Didn't anyone visit the site or talk to the people at the Paducah Site?
3-7	2	Check on number of plumes - believe there are 3 now (major or minor?)
3-7	5	List source of the identification of the federally listed species. A 1994 Corp Study did not list the evening bat in this area and identified the pearly mussel as endangered. Also, none of these species were identified on the DOE Reservation. I think a list of the Kentucky E & T species should be included.
3-8	4	Sewage is treated "onsite" not 'offsite".
3-8	5	The Corp **has** performed a cultural resources survey. I believe it was completed in 1994.

4-5	4	What about waste from the construction/site preparation. I believe soil in that area is PCB contaminated. There are buildings and pads that are not depicted on your map, will their existence change preferred location?
4-9	3	I believe USEC might disagree that cleanup is the major priority at the site. I would like the source of the baseline identified and a list of "future changes".
5-1		Why wasn't up to date information about Paducah used?
6-1		Appears "walk-downs" were performed at Portsmouth and Fernald, why not Paducah and Oak Ridge?
B-9	6	What goes in the blank?

I only reviewed the Paducah sections since that is what I am most familiar with. I can only hope that you did a better job on the other sites than you did Paducah. The information used was significantly out of date, and in some cases totally incorrect.

My general impression of this project is that Fernald has a regulatory driver and it will be met. How long has this project been going on? It appears this part of the project is being rushed.

Vicki Jones

Hawkins, Shelley

From: sheppardjd@ornl.gov
To: Hawkins, Shelley
Cc: 'Jones, Vicki'; 'Donham, Mark'; 'Hill, Dennis'
Subject: Re: Comments on Fernald EA
Date: Tuesday, February 23, 1999 8:33AM

Shelley:

I have a suggested restatement of your last paragraph to clarify points that I thought were part of the Board's deliberation. Whatever language that you and Mark and Vickie agree on is what should be sent. My comments are only suggestions.

Consider..."The Paducah SSAB recommends that Fernald persue ammendments to the appropriate regulatory documents allowing the uranium materials to be retained at the Fernald site pending resolution of the long-term disposition strategy. If the uranium materials are required to be stored temporarily at another site, the Paducah SSAB recommends that the uranium should be moved to the closest possible site to reduce the environmental impact of transporation hazards.

DOE

Vicki's comment

John

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>comments to David Allen in Oak Ridge. Please let me know if I need to make
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>
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>
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>should be moved to the closest possible site to reduce the environmental
>impact.
>
>

Hawkins, Shelley

From: Hill, Dennis A. (H9I)
To: 'Hawkins, Shelley'
Subject: RE: Comments on Fernald EA
Date: Tuesday, February 23, 1999 5:56AM

Shelley,

The only thing I found was in the last recommendation, the word "pertain" should be "retain." Otherwise it looked okay to me.

Dennis A. Hill
Public Affairs Manager
Bechtel Jacobs Co. LLC
761 Veterans Ave.
Kevil, KY 42053
Ph: (502) 441-5099
Fax: (502) 441-5101

-----Original Message-----
From: Hawkins, Shelley [SMTP:Shelley.Hawkins@Jacobs.com]
Sent: Monday, February 22, 1999 5:55 PM
To: 'Jones, Vicki'; 'Donham, Mark'
Cc: 'Hill, Dennis'; 'Sheppard, John (DOE)'
Subject: Comments on Fernald EA
Importance: High

I have attached the text of the comments on the Fernald Environmental Assessment to be submitted by the SSAB. I plan to print the comments on SSAB letterhead. It would be helpful to have your review before I send the comments to David Allen in Oak Ridge. Please let me know if I need to make any revisions to the text or if there are other changes to format, etc. that I should make. Thanks for your time.

Shelley

At a regular meeting of the Site Specific Advisory Board (SSAB) held February 18, 1999, the board identified comments on the draft Environmental Assessment for the U.S. Department of Energy, Oak Ridge Operations Receipt and Storage or Uranium Materials from the Fernald Environmental Management Project Site.

Comments:

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Hawkins, Shelley

From: sheppardjd@ornl.gov
To: Hawkins, Shelley
Cc: h9i@bechteljacobs.org
Subject: RE: SSAB
Date: Friday, February 26, 1999 12:36PM

Thank you, Shelley. You should probably try to call them Monday if you haven't heard from them so that we don't miss the deadline.

A thought on the organization of the comments is that you might consider putting what are now "closing comments" up front under the title "General Comments" and follow them with Vickie's "Specific Comments". Call me if this is confusing.

Thanks--John

At 02:40 PM 2/26/99 -0800, you wrote:
>John:
>
>I'm still waiting to hear from Vicki and Mark on the Fernald comments. I
>tried to contact them today and will also ask them if they received your
>comment by e-mail. I hope to send the comments to David Allen Monday.
>
>The May meeting was rescheduled because Steve Kay had a previous commitment
>to facilitate at an annual conference. He asked the SSAB if they preferred
>to reschedule or have someone else facilitate that week, and the board voted
>to reschedule.
>
>I'll see you Monday at 11:00.
>
>Shelley
> ----------
>From: sheppardjd@ornl.gov
>To: Shelley.Hawkins@Jacobs.com
>Subject: SSAB
>Date: Friday, February 26, 1999 9:24AM
>
>Shelley:
>
>Couple of items. Have the SSAB comments on the Fernald Uranium Materials
>EA gone out yet? Just curious about progress.
>
>I remember that the Board changed the May meeting date from the third
>Thursday to the second Thursday. Can you remind me why they changed it?
>
>Thanks--John
>
>

Hawkins, Shelley

From: Hawkins, Shelley
To: 'Donham, Mark'
Subject: Comments on Fernald EA
Date: Tuesday, March 02, 1999 9:54AM

Mark,

I had deleted the original e-mails from last week, so I have included the text from my e-mail and John's e-mail. Please let me know if you have any revisions. I hope to send the comments to Oak Ridge later this afternoon

Thanks,
Shelley

John's comment:

I have suggested a restatement of your last paragraph to clarify points that I thought were part of the Board's deliberation. Whatever language that you and Mark and Vicki agree on is what should be sent. My comments are only suggestions.

Consider ... "The Paducah SSAB recommends that Fernald persue ammendments to the appropriate regulatory documents allowing the uranium materials to be retained at the Fernald site pending resolution of the long-term disposition strategy. If the uranium materials are required to be stored temporarily at another site, the Paducah SSAB recommends that the uranium should be moved to the closest possible site to reduce the environmental impact of transportation hazards."

A thought on the organization of comments is that you might consider putting what are now "closing comments" up front under the title "General Comments" and follow them with Vicki's "Specific Comments."

Text of comment:

At a regular meeting of the Site Specific Advisory Board (SSAB) held February 18, 1999, the board identified comments on the draft Environmental Assessment for the U.S. Department of Energy, Oak Ridge Operations Receipt and Storage or Uranium Materials from the Fernald Environmental Management Project Site.

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9. Page 3-7, Paragraph 2: Check on numbers of plumes -- believe there are 3 now (major or minor?).

Hawkins, Shelley

From: Hill, Dennis A. (H9I)
To: 'Hawkins, Shelley'
Cc: Sheppard, John D. (Q8Q) ; Wattier, Debbie S. (DSI)
Subject: RE: Comments on Fernald EA
Date: Wednesday, March 03, 1999 5:49AM

I don't see a problem with waiting until Thursday, as Mark requested, if we can send the comments to David Allen electronically before the close of business on that day. John said he would give David a heads-up that they are coming. We can send hard copies via fed-ex or plant mail at the same time. I'm sure missing the deadline by a day would not create too much heartburn, but I would prefer they arrived, at least in electronic form, on March 4. Do you agree, John? Call me if you have any questions.

Dennis A. Hill
Public Affairs Manager
Bechtel Jacobs Co. LLC
761 Veterans Ave.
Kevil, KY 42053
Ph: (502) 441-5099
Fax: (502) 441-5101

-----Original Message-----
From: Hawkins, Shelley [SMTP:Shelley.Hawkins@Jacobs.com]
Sent: Tuesday, March 02, 1999 6:23 PM
To: 'Hill, Dennis'
Subject: FW: Comments on Fernald EA

I don't think you got copied on this. Should I wait until Thursday to send the comments to see if other members have suggestions?

Shelley

From: mark&kristi
To: 'Hawkins, Shelley'
Cc: 'Jones, Vicki West (VWJ) '; ncourtney@bhsi.com; chce@idd.net; waldrop4@sunsix.infi.net; padssab@apex.net; mclennan@pad-uky.campus.mci.net; crhodes@midwest.net; jsmart@engr.uky.edu; 'John Sheppard'
Subject: RE: Comments on Fernald EA
Date: Tuesday, March 02, 1999 12:48PM

Shelly,

Thank you for contacting me. As I explained I have been out of town for over a week. There is one slight change I would make in the language. I would change the sentence:

"If the uranium materials are required to be stored temporarily at another site, the Paducah SSAB recommends that the uranium should be moved to the closest possible site to reduce the environmental impact of transportation hazards."

I believe the intent of the board was more like, "nothwithstanding this recommendation, if the DOE decides to move the materials, the materials should be moved the least distance possible."

I'm ccing this to some board members. we have two days to get this in, so maybe we should hold off a day or so on sending them in. we can always email them on Thursday if necessary.

Thanks again.

Mark Donham
Kristi Hanson
RACE/Heartwood
RR # 1, Box 308
Brookport, IL 62910
618-564-3367(H)
502-443-3082(W)

-----Original Message-----
From: Hawkins, Shelley [mailto:Shelley.Hawkins@Jacobs.com]
Sent: Tuesday, March 02, 1999 11:54 AM
To: 'Donham, Mark'
Subject: Comments on Fernald EA

Mark,

I had deleted the original e-mails from last week, so I have included the text from my e-mail and John's e-mail. Please let me know if you have any revisions. I hope to send the comments to Oak Ridge later this afternoon

Thanks,
Shelley

John's comment:

I have suggested a restatement of your last paragraph to clarify points that I thought were part of the Board's deliberation. Whatever language that you and Mark and Vicki agree on is what should be sent. My comments are only

suggestions.

Consider ... "The Paducah SSAB recommends that Fernald persue ammendments to the appropriate regulatory documents allowing the uranium materials to be retained at the Fernald site pending resolution of the long-term disposition strategy. If the uranium materials are required to be stored temporarily at another site, the Paducah SSAB recommends that the uranium should be moved to the closest possible site to reduce the environmental impact of transportation hazards."

A thought on the organization of comments is that you might consider putting what are now "closing comments" up front under the title "General Comments" and follow them with Vicki's "Specific Comments."

Text of comment:

At a regular meeting of the Site Specific Advisory Board (SSAB) held February 18, 1999, the board identified comments on the draft Environmental Assessment for the U.S. Department of Energy, Oak Ridge Operations Receipt and Storage or Uranium Materials from the Fernald Environmental Management Project Site.

Comments:

1. Page 2-7: Drawing is out of date even though it says rev. 1/20/99. There are buildings and pads in the general area designated for the storage area.
2. Page 2-11, Paragraph 1: What is the benefit of using a combination of sites?
3. Page 2-11, Paragraph 2: The first sentence appears to be poor planning, not a justification for not considering commercial facilities.
4. Page 2-11, Paragraph 4: "to support compliance with regulatory requirement" seems to use this as an excuse for poor planning and as a hammer to make something happen.
5. Page 3-6, Paragraph 4: Change "PGDP" to "DOE reservation."
6. Page 3-6, Paragraph 5: Where did these numbers come from? Is this 1992 data?
7. Page 3-6, Paragraph 6: Using 1992 data seems outdated.

8. Page 3-6, Paragraph 7: Why not look at 1998 or even 1997 radionuclides sources rather than 1992? If you bother checking, we believe you will find the vapor degreasers in C-400 are no longer operating. Didn+t anyone visit the site or talk to the people at the Paducah Site?

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10. Page 3-7, Paragraph 5: List source of the identification of the federally listed species. A 1994 Corp Study did not list the evening bat in this area and identified the pearly mussel as endangered. Also, none of these species were identified on the DOE Reservation. I think a list of the Kentucky E&T species should be included.

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16. Page 6-1: Appears "walk-downs" were performed at Portsmouth and Fernald, why not Paducah and Oak Ridge?

17. Page B-9, Paragraph 6: What goes in the blank?

The information used was significantly out of date, and in some cases, totally incorrect. The general impression of this project is that Fernald has a regulatory driver and it will be met. How long has this project been going on? It appears this part of the project is being rushed.

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uranium to the closest possible site to reduce the environmental impact.

Hawkins, Shelley

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To: 'Hawkins, Shelley'
Cc: 'Jones, Vicki West (VWJ) '; ncourtney@bhsi.com; chce@idd.net; waldrop4@sunsix.infi.net; padssab@apex.net; mclennan@pad-uky.campus.mci.net; crhodes@midwest.net; jsmart@engr.uky.edu; 'John Sheppard'
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Hawkins, Shelley

From: mark&kristi
To: shelley.hawkins@jacobs.com
Subject: fernald uranium EA
Date: Thursday, March 04, 1999 7:32AM

Shelley, I only got one response from my proposed language on the fernald EA comments, and it was supportive, so I would use the language i wrote and email them in today. By the way, do you have DAvid Allen's email address? Feel free to contact me if you have any questions.

Mark Donham
Kristi Hanson
RACE/Heartwood
RR # 1, Box 308
Brookport, IL 62910
618-564-3367(H)
502-443-3082(W)

Hawkins, Shelley

From: System Administrator
To: Shelley.Hawkins@Jacobs.com
Subject: Delivered: Comments on the Fernald EA
Date: Thursday, March 04, 1999 1:17PM
Priority: High

<<Comments on the Fernald EA>> Your message

To: 'Allen, David'
Cc: 'bassettac@ornl.gov'; 'elmorejl@oro.doe.gov'; 'Hill, Dennis'; 'Jones, Vicki'; 'Donham, Mark'; 'Sheppard, John (DOE)'
Subject: Comments on the Fernald EA
Sent: Thu, 4 Mar 1999 18:07:00 -0500

was delivered to the following recipient(s):

Elmore, James L on Thu, 4 Mar 1999 16:20:50 -0500
MSEXCH:MSExchangeMTA:ORO:ORO-FBBE-MXNTS