

**PGDP Citizens Advisory Board
Long Range Strategy/Stewardship Task Force
May 8, 2003 * CAB Office**

CAB Members Present:

Mark Donham
Merryman Kemp
Ricky Ladd
Linda Long
Doug Raper
Jim Smart
Dorothy Starr
John Tillson

DOE Representatives Present:

David Dollins
Dianna Feireisel, Acting Paducah Site Manager
William Murphie, Manager of Paducah and
Portsmouth Office

Support Staff Present:

Lynn Link
Kendra Payne
Stacey Young

Public:

Bruce Ehleringer, Washington Group
Ruby English
Mary Hall
Kristi Hanson
Al Puckett

The meeting was called to order at 2:00 p.m.

FY03 and FY04 Budget Issues

Murphie discussed fiscal year (FY) 03 and 04 budget funding for Paducah at the subproject level. (See attached handout.) In answer to Donham's question as to whether all of the projects were under Environmental Management (EM), Murphie replied yes, but he wasn't certain about Safeguards and Security. Feireisel will provide an answer for the Board. Donham also asked whether the funds that control cylinder work are separate from EM, and Murphie answered no. Murphie requested clarification of a question (submitted in advance by Bill Tanner) on reindustrialization funding. Staff will contact Tanner who was unable to attend the meeting.

Raper asked if funds budgeted for FY03 could be utilized fully, and if not, if they would be carried over. Murphie replied that carryover is being carefully scrutinized by Congress and that they had already reduced the FY03 appropriation by \$25 million.

Murphie said that the projects listed in the handout were operational. However, he mentioned that the North-South Diversion Ditch (NSDD) schedule was probably going to be pushed back due to the landfill and sampling plan issues that were not resolved yet.

Murphie said that the projects they had agreement on with the regulators were progressing well. He listed the NSDD, Decontaminating and Decommissioning (D&D), Groundwater (Six-Phase Heating Treatability Study), and the Scrap Metal Removal projects. He stated the Scrap Metal Removal project would probably be impacted by the waste shipment moratorium.

In answer to Ladd's question regarding the future of D&D for the C-410 complex for FY03 and FY04, Murphie stated the Department of Energy's (DOE's) goal is to keep the project going. He said funds were not budgeted for the project in FY03 or FY04, but that FY02 carryover funds had been used to continue progress. He said a recommendation has been made to Jessie Roberson, Assistant Secretary, to allocate more funds for the project.

FFA Milestones for the Paducah Project

Murphie explained DOE is working on developing an agreement with the regulators by September 15 that will encompass the scope for the cleanup of the site. The agreement will involve scope, schedules, and funding to complete the cleanup. He said, historically, that DOE has functioned with an annual operating plan. He said it is DOE's intention to start working from the baseline for the operating plan from now through the completion of the cleanup. He said Roberson has concerns that the EM program has grown faster than actual cleanup efforts. Therefore, in the future, any change in scope that results in an increase of the total project cost or schedule of the job will require approval by headquarters. Donham expressed concern that the Board should get involved in this baseline process immediately since it would be difficult to change the scope in the future.

Murphie explained that there was a difference between enforceable decisions and baseline decisions. He stated baseline decisions made between now and September 15 would not necessarily preclude decisions involving Records of Decisions (RODs). He said that the September 15 agreement is only a plan of action detailing ways to reach that goal. He emphasized baseline decisions that were made could not dictate RODs since that process would be pre-decisional, but that some assumptions must be made in order to produce a budget and operating plan. He stressed the Board's emphasis should be to provide input to the RODs.

Murphie said that Bechtel Jacobs Company LLC (BJC) had invoked a temporary moratorium on Nevada Test Site waste shipments. He stated he was uncertain when they would restart shipments. He explained the moratorium involved a low-level waste shipping error that exceeded the Department of Transportation compliance levels, but did not exceed the Waste Acceptance Criteria.

Proposed DOE Reorganization

Murphie discussed the proposed Lexington office and his position as the Manager of Paducah and Portsmouth. He stated he was optimistic the office would be approved by FY04. He said he had been named the Contract Officer's Representative for both sites. He stated that the financial systems in Oak Ridge for Paducah and Portsmouth are being evaluated in order to return control back to headquarters. Murphie said DOE is working toward creating a Consolidated Business Center that would provide various administrative services (i.e., personnel, contractual issues, bill payment, etc.)

End Use of PGDP After Closure

Murphie encouraged the Long Range Strategy/Stewardship Task Force to focus on end use of the Paducah Gaseous Diffusion Plant. Kemp said the task force was preparing to invite area community leaders to get involved in this issue. Murphie emphasized that land-use assumptions and plans for the site after closure are one of the most important issues the Board should address. He stated the administration is dedicated to finishing cleanup of the site.

Other

Tillson expressed his concern regarding sampling issues not complying with Resource Conservation and Recovery Act (RCRA) regulations. Murphie stated DOE has submitted a proposal to comply with U.S. Environmental Protection Agency (EPA) standards used at other sites. He said they are waiting on approval from the state. He also said that a sampling workshop was proposed to provide all parties an opportunity to come to agreement on an acceptable sampling plan. Tillson stated he believed the state was requiring additional sampling because DOE did not follow RCRA regulations in pre-excavation sampling of the NSDD. Dollins stated he was meeting with regulators next week to clarify the technical and regulatory basis for sampling requests from them for the NSDD.

In regard to the NSDD, Murphie said since a ROD had already been signed, there was no benefit from debate over decisions already agreed upon by the regulators. He stated the excavation decisions had been made before he was involved, and wondered whether the public involvement process had been effective in this situation.

In response to a list of project-related questions from English, Murphie tasked Dollins to discuss them with English. He stated he was available for further discussion if English was not satisfied after meeting with Dollins.

Puckett expressed his concern that plant neighbors were not receiving proper attention regarding issues that could adversely affect their health. English stated letters from the Active Citizens of Truth (ACT) had been sent to the United States Enrichment Corporation (USEC) and other agencies in the fall requesting meetings with area citizens concerned about the proposed DOE Lexington office. She said citizens are concerned that local DOE representation would not be available for their issues and concerns.

English stated they had not received a response from USEC. Young suggested English contact USEC Public Affairs and said she will provide contact information to English.

Donham stated that the certification for USEC would expire in September and that they would be required to hold a public meeting.

Murphie stated he was not prepared to address contract issues between DOE and BJC at this time. He said the current contract with BJC would expire September 30. He said that sometimes contracts are negotiated with the risk transferred to the contractor. He said the more definitive a contract; the more DOE can transfer the risk to the contractor. However, he said he didn't foresee that happening much at Paducah because of the uncertainty at the site.

In discussion about the current Board support contract, Kemp mentioned the Board was unable to obtain budget information they requested. Donham stated that the current contract has a clause prohibiting this information from being made public. He said he had received a court ruling that procurement records were not considered agency records. He suggested that this clause be changed when negotiations begin for a new contract.

Murphie said DOE would work with the Board to provide the information they need for input in decisions that are in accord with the Board's charter. He said DOE would not share contractor proprietary information, but that the information could be sanitized and provided to the Board in a form that would not violate this issue. He said the Board should contact Dollins for future needs regarding budget information.

Ladd asked if the DUF₆ conversion facility would be Murphie's responsibility. Murphie replied the facility currently is under Oak Ridge, but he will take responsibility once the new office is established.

Due to the length of the meeting, proposed task force operations procedures were tabled until next month.

Kemp distributed copies of a letter from the Hanford Advisory Board to DOE regarding risk-based end states at their site.

The meeting adjourned at 4:05 p.m.

Action Items:

- Staff - contact Tanner for clarification of question regarding reindustrialization.
- Staff - provide English with USEC Public Affairs contact person.
- Staff - move Proposed Task Force Operations Procedures to next month's agenda.
- Dollins - provide English answers to list of submitted questions.