



Many Voices Working for the Community

Oak Ridge Site Specific Advisory Board

April 13, 2007

Mr. Steve McCracken
Assistant Manager for Environmental Management
DOE-Oak Ridge Operations
P.O. Box 2001, EM-90
Oak Ridge, TN 37831

Dear Mr. McCracken:

Recommendation 156: Recommendation on the FY 2009 Department of Energy Environmental Management Budget Request

At our April 11, 2007 meeting, the Oak Ridge Site Specific Advisory Board (ORSSAB) approved the enclosed recommendation. We appreciate your consideration of our recommendations and look forward to receiving your written response by July 11, 2007.

We appreciate the opportunity to provide input on the DOE Environmental Management budget process. However, while we appreciate the opportunity to participate, the information provided, and the briefings provided by DOE, ORSSAB finds that the level of information presented lacked sufficient detail to fully assess the impacts of funding levels. Additional follow-up detail will be requested to meet the intent of the Environmental Management Site Specific Advisory Board chairs' original request.

We would also like to emphasize that ORSSAB supports the Integrated Facilities Disposition Project for the Oak Ridge Reservation. The board recommends accelerated and full funding of the project to further the removal of surplus facilities and the remediation of groundwater and soil at the Oak Ridge facilities.

Sincerely,

A handwritten signature in black ink, appearing to read "Lance J. Mezga".

Lance J. Mezga, Chair

Enclosure

cc/enc:

Dave Adler, DOE-ORO
Mike Farmer, Roane County Mayor
Doug Frost, DOE-HQ
Pat Halsey, DOE-ORO
Connie Jones, EPA Region 4

Rex Lynch, Anderson County Mayor
James O'Connor, Oak Ridge City Manager
Melissa Nielson, DOE-HQ
John Owsley, TDEC



Recommendation 156

Oak Ridge Site Specific Advisory Board

Recommendation on the FY 2009 Department of Energy

Environmental Management Budget Request

Background

In June 2006, the combined chairs of the Environmental Management Site Specific Advisory Boards (EM SSAB) recommended to Department of Energy (DOE) Assistant Secretary for Environmental Management James Rispoli that the SSABs be included in future EM budget processes to assist in the establishment of priorities and funding levels for each site. The chairs requested that DOE-EM provide guidance to site managers to work with the SSABs to assist in the establishment of EM budget priorities and allocations.

The recommendation was the result of inconsistencies across the DOE complex in regard to the SSAB's involvement levels in the budget request process. The chairs were concerned that funding reductions would soon result in insufficient funds for commitments on cleanup activities and regulatory compliance.

The chairs said many SSABs had not been able to effectively participate in site budget processes. They believed the EM objectives of risk reduction could be better implemented by a risk-informed decision process involving the SSABs, other stakeholders, and regulatory agencies.

Assistant Secretary Rispoli agreed with the chairs and in July 2006 directed his staff to develop guidance for all site managers to include the SSABs in the budget process.

On February 1, 2007 Mark Frei, Deputy Assistant Secretary for Program Planning and Budget issued guidance to site managers.

Discussion

At the February 2007 Oak Ridge Site Specific Advisory Board (ORSSAB) EM committee meeting, Dave Adler, DOE-Oak Ridge Office (ORO) Federal Facility Agreement (FFA) Project Manager briefed the committee on the FY 2007 budget status, the President's FY 2008 budget, and 2009 budget targets.

At the time the final FY 2007 funding allocation was unknown. Funding levels and direction had been provided to EM by Congress with an opportunity to better plan the funding use but this plan was to then be approved by Congress. The government is operating under a continuing resolution funding basis this year.

Mr. Adler said the ORO EM FY 2008 President's budget amount is \$428.2 million, which is down from the FY 2006 and planned FY 2007 levels.

He also stated that the budget target guidance for FY 2009 was \$466.6 million, but he pointed out that the figure should be viewed for the target planning level and not as DOE-ORO EM requested budget (the 2009 budget request is due to be sent to DOE headquarters by April 15).

Mr. Adler said in addition to providing proposed budget figures, DOE-ORO was given priorities by DOE headquarters, the top priority being safe and compliant facility operations. High on the list of priorities is the disposition of uranium-233 from Building 3019 at Oak Ridge National Laboratory.

At the March 2007 ORSSAB meeting, Steve McCracken, DOE-ORO Assistant Manager for EM and the Board's Deputy Designated Federal Official, briefed the Board on the FY 2007-09 budgets.

His presentation was similar to Mr. Adler's, but he provided more specific information on the FY 2009 target request of \$466.5 million. This information was supplied to assist the Board in developing a recommendation to DOE EM as to the prepared planning priorities and the budget target designated for Oak Ridge.

Mr. McCracken said, as did Mr. Adler at the EM Committee meeting, that reduced funding could impact scheduled milestones for cleanup as set forth in the Federal Facility Agreement. He said those milestones would have to be renegotiated with the Environmental Protection Agency (EPA) and the Tennessee Department of Environment and Conservation (TDEC).

Mr. McCracken also noted that DOE-ORO EM had been directed by Congress to plan for the disposition of uranium-233 stored in Building 3019 at Oak Ridge National Laboratory, but had not been provided additional funding for the performance of this work. He said that work would therefore have to be planned within the Oak Ridge EM funding. This will result in other planned cleanup work being pushed down the priority list, as well as the disposition of newly-generated waste, which would allow a build up of low-level waste again on the Oak Ridge Reservation.

Mr. McCracken said the next steps in building the FY 2009 budget request to go to DOE EM headquarters included receiving recommendations from EPA, TDEC, and ORSSAB and submitting the FY 2009 budget request.

Recommendations

As a result of the presentation from Mr. Adler and Mr. McCracken and in accordance with the SSAB chairs' recommendation to be included in future budget processes, ORSSAB submits the following comments and recommendations:

1. ORSSAB recommends that worker/public safety and regulatory permit compliance projects should be the highest priorities for base EM funding distribution.
2. It is unacceptable not to fund the FFA compliance agreement milestone completions as committed to by DOE. We recommend that adequate funding be provided to meet milestones.
3. It is unacceptable that DOE added cleanup and security improvements associated with Building 3019 project at Oak Ridge National Laboratory to the DOE-ORO EM baseline scope without providing funding for that work. We recommend that additional funding be provided to meet the Building 3019 project.
4. ORSSAB also finds unacceptable the current low priority for funding of disposition of newly generated waste, which is allowing a backlog of low-level waste to once again be accumulated. We recommend that DOE provide adequate funding to assure prompt disposal of newly generated waste.
5. ORSSAB highly recommends that the Integrated Facilities Disposition Project be supported by DOE as a Comprehensive Environmental Restoration, Compensation and Liability Act project on the Oak Ridge Reservation and that the key projects within that scope be prioritized as part of the FFA compliance agreement negotiations. The Board fully supports the removal of surplus facilities to better gain access to the environmental contamination under these buildings.