

# Local Citizen Participation in Decommissioning

Experience of the U.S. Department of Energy

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# Introduction

- In my first presentation I described how citizen participated in the decision regarding the final end state for two nuclear production reactors at the Savannah River Site
- I will now explain how the USDOE developed its citizen participation program and describe how the citizen organizations operate

# **Citizen Participation in US Department of Energy Decommissioning**

- The U.S. Department of Energy (USDOE) is conducting decommissioning at numerous sites across the United States
  - In 1989, the USDOE created the Office of Environmental Management and gave it the responsibility to complete the safe decommissioning and cleanup of numerous sites and facilities across the US
  - At the largest sites, such as the Savannah River Site in South Carolina and the Hanford Site in Washington State, Citizen Advisory Boards provide a key means for citizen involvement

# **Citizen Advisory Boards**

## **Background and Establishment**

- In 1989 when the Office of Environmental Management was formed, the scope and risks of the work were largely unknown
- USDOE leadership recognized that progress would depend upon commitment, innovation, and collaboration with affected citizens
- In 1992, with the aid of an independent, non-governmental organization, the USDOE joined a working group comprised of
  - federal agencies,
  - state, Tribal, and local governments,
  - regional-, local-, and Tribal-based environmental, community, environmental justice, and labor organizations

# Federal Dialogue Group

## Goal and Outcome

- Goal:
  - to develop consensus policy recommendations, aimed to improve the process by which federal facility cleanup and decommissioning recommendations were made
- Outcome:
  - Creation of the Environmental Management Site-Specific Advisory Board, the “parent” organization for the “Site-Specific Advisory Boards”, such as the Savannah River Site-Specific Advisory Board

# Advisory Boards

## Authorization and Roles

- The Environmental Management Advisory Board is
  - Authorized by the Federal Advisory Committee Act of 1972
    - Establishes the requirements and constraints for any advisory committee established to offer recommendation to a federal organization
  - The Environmental Management Advisory Board provides recommendations to senior leadership of the Office of Environmental Management on issues that may impact all cleanup and decommissioning projects
- Site-Specific Advisory Boards
  - Operate under the authority of the Environmental Management Advisory Board
  - Focus on the unique aspects of their citizens, communities, and site

# **Site-Specific Advisory Boards**

**Provide recommendations on site-specific issues**

- Clean-up standards and environmental restoration
- Waste management and disposition
- Stabilization and disposition of non-stockpile nuclear materials
- Excess facilities and decommissioning
- Future land use and long-term stewardship
- Risk assessment and management
- Clean-up science and technology

# Why Citizen Involvement in Decommissioning and Clean-up

## Importance and Goals

- Importance
  - Allows the USDOE to consider public values and concerns before making decisions
  - If the public is not informed or involved early in the process, they may have reason to doubt, criticize, or challenge clean-up decisions
  - A well-informed public can help maintain support for USDOE's long-term clean-up mission
- Goals
  - Engage citizens by providing timely, accurate, understandable, and accessible information
  - Ensure open and transparent decision making
  - Consider public values in the decision making process



# **Citizen Advisory Board**

## **Guidelines**

- U.S. Department of Energy Environmental Management Site-Specific Advisory Board Policies and Procedures Desk Reference provides guidance regarding the operation of the the Advisory Boards
- This document describes
  - Operating procedures, such as public participation in board meetings
  - Membership recruitment, composition, appointments, and changes in membership
  - Conflict of interest, roles and responsibilities, and other operational details

# **Citizen Advisory Board**

## **Public Participation in Board Meetings**

- All Citizen Advisory Board meetings must be open to the general public
- Meetings are held at a time and in a place reasonably accessible by the general public (including meetings conducted virtually)
- Members of the public must be permitted to file a written statement with the Board and must be permitted to speak at designated times during the board meeting
- Media representatives attending and reporting on open committee meetings are at liberty to use tape recorders, cameras, and electronic equipment for broadcast purposes, as long as the equipment does not interfere with the orderly conduct of the meeting

# Citizen Advisory Board

## Membership

- The Federal Advisory Committee Act and the USDOE require that the Board membership provides for broad diversity, reflecting the affected community and region
  - The Charter states “Board membership shall reflect a full diversity of viewpoints in the affected community and region and will be composed primarily of people who are directly affected by (US)DOE site clean-up activities”
- Site-specific boards must make vigorous outreach efforts and be able to demonstrate that they have attempted to recruit members from all segments of their communities
  - To further assure the Board is comprised of a diverse membership, the USDOE, at the highest levels, closely scrutinize Board membership

# Citizen Advisory Board Membership

- Statistics from the U.S. Census Bureau serve as guidance for comparing board membership with diversity in the affected community and region. Board members are typically drawn from stakeholder groups and organizations, such as
  - Residence in an area potentially affected by EM cleanup activities
  - Local governments
  - Tribal governments
  - Environmental and public health organizations
  - Labor organizations
  - Educators
  - Tribal and other Minority organizations
  - Business groups
  - Civic groups.

# **Citizen Advisory Boards**

## **Conflict of Interest**

- Individuals who are employed at the USDOE facility may be appointed to an advisory board only when necessary to achieve balance or diversity on a local board. Such individuals must receive a written waiver from the USDOE official responsible for the advisory boards
- To maintain the integrity of the Board's work, the USDOE requires that board members
  - be recused from working on matters before the advisory committee in which they have a direct financial interest
  - not use their position on the Board for their private gain or for the gain of others and not to accept gifts given because of a member's position on the Board

# Citizen Advisory Board

## Providing input to the USDOE

- The Advisory Boards provide formal input to the USDOE by issuing recommendations.
- These recommendations may concern any of the decommissioning and cleanup projects occurring at the specific USDOE site
- Once the Advisory Board issues a recommendation, the USDOE must formally respond in writing and should include the following:
  - A clear statement of acceptance or rejection of the recommendation, in whole or in part;  
If the recommendation is accepted in whole or in part, a statement about how the changes will be implemented and in what time frame;
  - If the recommendation is rejected in whole or in part, a substantive reason for the decision, as well as possible alternatives for addressing the concerns or issues raised in the recommendation; and
  - If unresolved issues still remain, USDOE may indicate this in written correspondence to the local EM SSAB with the goal of establishing (or continuing) a near-term dialogue.

# The Savannah River Citizen Advisory Board

## Personal Experience with the CAB

- My first meeting with the SRS CAB was in 1999, to discuss USDOE plans to dispose of certain types of radioactive waste
- In 2003 I left the USDOE Headquarters office and began working at the Savannah River Site, providing numerous briefings on decommissioning and other projects, leading on-site tours, and responding to many of their formal recommendations
- An early recommendation from the SRS CAB (#167, 2003) concerning decommissioning included the following:
  - DOE-HQ and DOE-SR should ensure that the SRS D&D Program is focused on risk reduction and mitigation, not merely on reduction of the site "footprint".
  - In an effort to reduce risks and streamline the D&D process, SRS should concentrate efforts to remove all principal sources of hazards (source terms) as the first part of the D&D activities and incorporate this concept in the next Plan revision.
  - SRS continue to press for budgetary funds to implement the D&D Program per the timeline in the Integrated D&D Plan.
- Concerning early public involvement in reactor decommissioning, SRS CAB (#248, 2007) recommended the following:
  - DOE-SR host, with participation from the South Carolina Department of Health and Environmental Control and the Environmental Protection Agency several well-publicized public workshops on the P Reactor End State process. The first workshop should be conducted between September and October 2007 and discuss the topic of the P Reactor performance assessment modeling. Additional workshops should occur every two to three months and discuss topics such as End State Options under Consideration, the In-Situ Decommissioning Concept, the Cost/Benefit Evaluation, and funding n needs.
  - DOE-SR provides a definitive schedule and agenda topics for each workshop discussed above by August 15, 2007.

# Conclusion

- The USDOE has long valued citizen participation in its cleanup and decommissioning projects
- The site-specific advisory boards have provided a meaningful way for citizens to learn about the projects and provide substantive input
- I thank you for the opportunity to present this information and now answer your questions



# References

- U.S. Department of Energy Environmental Management Site-Specific Advisory Board Policies and Procedures Desk Reference <https://www.energy.gov/sites/default/files/2013/07/f2/EM%2OSSAB%20Policies%20and%20Procedures%20%28June%202013%29.pdf>
- Statutes: Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2 (1997) (original version at Pub. L. No. 92-463, 86 Stat. 770 (1972))  
<https://www.gsa.gov/policy-regulations/policy/federal-advisory-committee-act-faca-management-overview>
- Regulations: Federal Advisory Committee Management, 41 CFR Part 102-3. See also: 52 Fed. Reg. 45926 (1987).  
<https://www.govinfo.gov/app/details/CFR-2011-title41-vol3/CFR-2011-title41-vol3-part102-id46>
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- Charter: Office of Environmental Management, Office of Intergovernmental and Community Activities, U.S. Department of Energy Amended Charter: Environmental Management Site- Specific Advisory Board (2012).  
<https://www.energy.gov/sites/prod/files/em/EMSSABCharter-FINAL.pdf>
- SRS CAB Recommendation concerning decommissioning [https://cab.srs.gov/library/recommendations/recommendation\\_167.pdf](https://cab.srs.gov/library/recommendations/recommendation_167.pdf)
- Innovative Techniques Used By EPA, SCDHEC and DOE To Increase Stakeholder and Public Involvement In The Cleanup Of Nuclear Production Facilities <https://core.ac.uk/download/pdf/71310249.pdf>
- Recommendation #248 P Reactor End State Options [https://cab.srs.gov/library/recommendations/recommendation\\_248.pdf](https://cab.srs.gov/library/recommendations/recommendation_248.pdf)