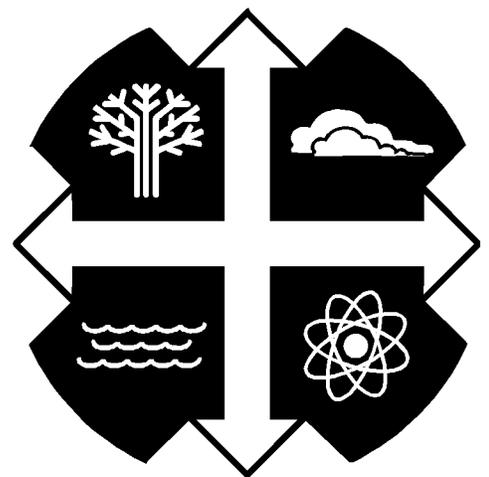




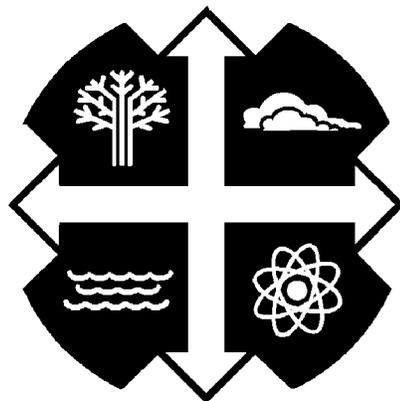
DOE Office of
Environmental
Policy and
Assistance (EH-41)

EH-41 Performance Report for Fiscal Year 1997



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EH-41 Performance Report for FY 1997



U.S. Department of Energy
Office of Environment, Safety and Health
Office of Environment
Washington, D.C. 20585

EH-41 Performance Report for Fiscal Year 1997

This report presents a brief overview of the fiscal year (FY) 1997 activities and accomplishments of the U.S. Department of Energy's (DOE's) Office of Environmental Policy and Assistance (EH-41). EH-41 is within the Office of the Deputy Assistant Secretary for Environment (EH-4) under the Office of the Assistant Secretary for Environment, Safety and Health (EH). The following pages (a) describe the measures used to gauge EH-41's performance for the Department and its stakeholders and (b) demonstrate the office's effectiveness in meeting those measures during FY 1997. Performance measures for EH-41's activities are founded on the office's mission functions, which can be categorized into three interrelated areas:

Regulatory Interface. To monitor emerging regulatory requirements and issues and lead the Department in developing and advocating DOE's position on those requirements and issues to avert potential environmental protection and compliance problems.

Policy and Guidance. To develop Department-wide environmental policies, regulations, orders, technical standards, and guidance to protect workers, the public, and the environment and to comply with environmental requirements.

Management Support. To assist DOE program and field offices in interpreting and implementing environmental policies and requirements and developing strategies to resolve compliance issues.

These mission functions or performance measures are indicative of the wide diversity of expertise and resources available from EH-41 to assist in the Department's dealings with environmental policy and regulatory issues. Led by the **EH-41 Director, Raymond F. Pelletier**, the office coordinates and provides its services through three divisions, each with its own areas of

specialization in addressing DOE environmental matters. The divisions are:

- the Compliance Assistance Division, EH-411, Vivian Bowie, Acting Division Director;
- the Air, Water, and Radiation Division, EH-412, Andrew Wallo, III, Director; and
- the Resource Conservation and Recovery Act (RCRA)/Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Division, EH-413, Thomas T. Traceski, Director.

A complete listing of EH-41 staff members, including their responsibilities, telephone numbers, and e-mail addresses, is outlined on the following page.

PERFORMANCE MEASURES

EH-41's FY 1997 performance report in the areas of environmental regulatory analysis, policy and guidance development, and technical assistance reflects the organization's contributions in achieving:

- the goals in the **DOE Strategic Plan** related to improving worker safety, public health, and environmental protection;
- the commitments made in the **EH Performance Agreement with the Secretary** for improving the efficiency and effectiveness of DOE environmental, safety, and health activities; and
- the **EH Mission** of serving as "the Departmental advocate for excellence in programs to protect the environment."

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* During FY 1997, staff members designated with an asterisk have transferred from their positions in EH-41 or have gone on assignment.

Regulatory Interface

EH-41 serves as the corporate resource within DOE for developing positions on environment-related rulemakings proposed by other Federal agencies that may impact DOE programs or operations. The office monitors the development of significant rulemakings, solicits and considers the views of all of the Department's program offices and field organizations with regard to a proposed regulation, and develops a consolidated Departmental response. Direct coordination with affected DOE elements is conducted to ensure that comments and concerns submitted to the applicable regulatory agency reflect the needs and interests of the entire complex. Thereafter, the office is the lead advocate for DOE's position in any further communications or interactions with the regulatory agency.

EH-41 also (1) performs scientific and technical reviews of draft standards and documents prepared by other Federal agencies and national/international organizations, (2) determines the potential impacts of proposed environmental legislation on DOE, and (3) represents the Department in various interagency and international standard-setting efforts of relevance to DOE.

In FY 1997 the office monitored more than 275 regulations, standards, policy statements, and guidance documents that may affect DOE operations and programs and submitted 32 sets of written comments to regulatory agencies. Additionally, EH-41 reviewed and/or provided input on ten reports or standard-related documents prepared by other agencies and organizations and on several pieces of legislation. Specific examples of EH-41's comments and other regulatory/legislative activities for the Department during FY 1997 are outlined below. (The office made many of its comment letters on proposed environmental rules available for viewing on its Web site; see page 16 of this report for additional information on the EH-41 Web site.)

Atomic Energy Act (AEA)

- ❑ In response to the Nuclear Regulatory Commission's (NRC's) request, developed comments on a section of NRC's draft guide on demonstrating compliance with the NRC's new radiological criteria for decommissioning. The draft section addresses institutional controls for nuclear facilities undergoing decommissioning.
- ❑ Developed consolidated DOE comments on NRC's draft *Branch Technical Position on a Performance Assessment Methodology for Low-Level Radioactive Waste [LLW] Disposal Facilities*.
- ❑ Provided the U.S. Environmental Protection Agency (EPA) with requested materials relative to DOE's Compliance Certification Application for the Waste Isolation Pilot Plant (WIPP). EH-41 submitted requested data analysis packages for each of the computer codes used to support the application.
- ❑ Represented DOE in negotiations/discussions with EPA on the development of its proposed standards in 40 *Code of Federal Regulations* (CFR) Part 196 for the cleanup of sites, including Federal facilities, that are contaminated with radionuclides. Also, provided EH-4 with a summary of the major issues relevant to DOE in EPA's development of the standards.

Clean Air Act (CAA)

- ❑ Offered DOE comments and recommendations to EPA in response to its advance notice of proposed rulemaking (ANPRM) on placing research and development (R&D) facilities, including Federal R&D facilities, on the list of source categories subject to regulation under section 112 of the CAA for controlling hazardous air pollutants (HAPs).
- ❑ Commented on EPA's proposal to list chlorobromomethane (CBM) as an unacceptable substitute for use as a solvent cleaner. Among other things, EH-41 requested that EPA allow the use of CBM as a cleaning solvent at DOE and U.S. Department of Defense (DOD) nuclear weapons facilities.

- ❑ Submitted DOE comments and recommendations to EPA on its draft Compliance Assurance Monitoring rule for major stationary sources of air pollution that are required to obtain operating permits under Title V of the CAA.
- ❑ Commented and requested clarification on certain provisions of EPA's proposal, under section 608 of the CAA, to prohibit the intentional release of halons during the training of technicians and during the testing, repair, and disposal of halon-containing equipment.
- ❑ In response to a direct EPA request, provided comments to the agency's Stratospheric Ozone Protection Division on the impact that a potential tightening of the CAA refrigerant leak repair regulations might have on DOE facilities. EPA is considering more stringent leak repair requirements for refrigeration and air conditioning equipment to further reduce the emission of ozone-depleting substances (ODSs).
- ❑ Prepared a DOE comment package in response to EPA's proposed rule to substantially revise its CAA New Source Review program, a preconstruction review and permitting program applicable to the construction or modification of major stationary sources of air pollution.
- ❑ Held discussions with EPA and submitted two sets of written comments to outline Departmental concerns with EPA's proposed regulations, under the joint authority of the CAA and RCRA, to control air emissions from hazardous waste combustors. EH-41's comments indicated that the proposed emission standards did not adequately consider the mixed-waste issues that are most relevant to the DOE air sources to be regulated by the rule. Information and data were also provided to illustrate that current standards for existing DOE mixed-waste incinerators ensure protection of human health and the environment.

RCRA

- ❑ Submitted DOE comments in response to EPA's proposal not to list as hazardous the

wastes generated from the use of 14 specific chemicals as solvents. Comments were also provided on a study conducted by EPA on other solvents.

- ❑ Prepared consolidated DOE comments in response to the Land Disposal Restriction (LDR) Phase IV Second Supplemental proposed rule published by EPA. The proposal would, among other things, revise the universal treatment standards for 12 metal constituents in hazardous wastes, clarify and amend the regulatory provisions for variances from an LDR treatment standard, and prohibit the use of most hazardous wastes as fill material.
- ❑ Provided significant input and recommendations to the Office of Technical Services (EM-37) on a draft letter to EPA concerning its proposed Hazardous Waste Identification Rule (HWIR) for exempting low-risk solid wastes from RCRA regulation. The letter clarified DOE's position, and addressed EPA's request for data, relative to the Department's proposals which assert that managing immobilized low-level mixed waste debris and vitrified mixed wastes after treatment as non-RCRA wastes under AEA requirements is protective of human health and the environment.
- ❑ Submitted DOE concerns and recommendations on EPA's proposed amendments to the 1995 Comprehensive Procurement Guideline, a document which fulfills Section 6002 of RCRA by designating items that (1) are or can be produced with recovered materials and (2) must be purchased by any procuring agency using appropriated Federal funds.

CERCLA

- ❑ Responded to the EPA Federal Facilities Enforcement Office's request for review of and comments on the proposed tenth update of the CERCLA Federal Agency Hazardous Waste Compliance Docket, which included certain DOE sites to be deleted from or added to the docket list.

Emergency Planning and Community Right-to-Know Act (EPCRA)

- ❑ Prepared, for EPA's consideration, an analysis of toxic chemicals usage in exempted laboratory activities at DOE national labs, which is allowed by Section 313 of EPCRA. The study was developed in response to EPA's comment that the EPCRA laboratory activity exemption may not be appropriate for use by "national laboratories" operated by DOE. The analysis found that most DOE sites, including the national laboratories, do not use large quantities of listed toxic chemicals in exempted laboratory activities. Therefore, EPA's concern that large quantities of toxic chemicals were going unreported at DOE sites was addressed, and EH-41 was able to promote the exemption to EPA as an appropriate and effective relief from Section 313 reporting burdens at DOE and other sites.
- ❑ Submitted comments and data to EPA in response to the Agency's request for input on the burden estimates of reporting and record-keeping requirements for toxic chemical releases under Section 313 of EPCRA. Based on information collected from DOE facilities that was provided to EPA, the Department's estimated burden hours for these requirements were notably higher than EPA's estimates.
- ❑ Commented on EPA's "Draft Guidance for RCRA Subtitle C TSD [treatment, storage, and disposal] Facilities," one of several industry-specific reporting guidance documents being developed for industry groups that became subject during the last year to Section 313 of the EPCRA and Section 6607 of the Pollution Prevention Act of 1990 (PPA).
- ❑ Submitted DOE-specific information and data in response to the Federal Acquisition Regulation (FAR) Secretariat's request for comments on the information collection requirements in its March 1997 rule that implemented Executive Order (EO) 12856, "Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements." The EO requires contractors performing work at a Federal facility to comply with reporting requirements under

EPCRA and PPA. Based on information collected from DOE facilities, EH-41's response highlighted the fact that the reporting burden for these requirements at DOE facilities is notably higher than the estimates presented by the FAR Secretariat.

- ❑ Provided DOE viewpoints and issues of concern regarding EPA's ANPRM on expanding the EPCRA Section 313 Toxic Chemical Release Inventory (TRI) to collect additional chemical use information as part of the TRI reporting process. EH-41 developed a questionnaire for use by DOE program and field offices to provide information and data that were used to bolster DOE's position to EPA.
- ❑ Submitted comments on EPA's proposed rule to add dioxin and dioxin-like compounds to the list of chemicals subject to reporting under Section 313 of EPCRA and modify the listing for polychlorinated biphenyls (PCBs) to exclude these compounds. DOE's concerns focused on the potential impact the rule could have on the RCRA/Toxic Substances Control Act (TSCA)-permitted incinerator at the Department's Oak Ridge Reservation (ORR).

Safe Drinking Water Act (SDWA)

- ❑ Developed DOE comments on EPA's draft guidance document entitled "State Source Water Assessment and Protection Programs Guidance" (EPA 816-R-97-007).

TSCA

- ❑ Developed DOE comments on EPA's internal working draft of the revised TSCA regulations governing the disposal of PCBs. The comments focused on the rule's applicability to the management of PCBs mixed with radioactive wastes, which DOE has at some of its facilities.
- ❑ Provided EPA with DOE comments on the potential impacts of the agency's proposed rule, under TSCA, that would require the testing of 21 HAPs for certain health effects. EPA intended to use the results in making decisions on implementing provisions under Section 112 of the CAA governing HAP control.

National Historic Preservation Act (NHPA)

- ❑ Provided comments to the Advisory Council on Historic Preservation (ACHP) on its proposed revisions to 36 CFR Part 800, "Protection of Historic Properties," to implement the 1992 amendments to the NHPA. The proposal would modify the process by which Federal agencies consider the effects of their undertakings on historic properties.

Other Technical and Legislative Reviews

- ❑ Provided comments to NRC in response to a request to review a draft guidance working paper entitled "License Termination under Restricted Conditions and Associated Comments and Responses."
- ❑ Submitted comments and DOE-specific concerns to EPA on its draft policy memorandum entitled "Use of Monitored Natural Attenuation at Superfund, RCRA Corrective Action, and Underground Storage Tank (UST) Sites."
- ❑ Provided EPA with DOE comments on the agency's October 1996 notice regarding its Facility Identification Initiative, an effort to standardize the identification of facilities that are subject to Federal environmental reporting and permitting requirements.
- ❑ Responded to a request from the National Council on Radiation Protection and Measurements (NCRP) to the Secretary of Energy (S-1) for a DOE review of, and comments on, NCRP Commentary No. 14, "A Guide for Uncertainty Analysis in Dose and Risk Assessments Related to Environmental Contamination."
- ❑ Developed a consolidated DOE response to EPA's "Proposed Guidelines for Ecological Risk Assessment."
- ❑ Responded to a request from the Office of Worker Protection Programs and Hazards Management (EH-52) to review and provide comments on the NCRPs' draft report, "Radiation Protection in Special Medical Procedures."
- ❑ Upon request provided the Office of the Assistant Secretary for Environmental Management (EM) and the Office of the General Counsel (GC) with views concerning the potential impact to DOE of a draft interagency memorandum of understanding (MOU) to implement EO 13016, which amended EO 12580, "Superfund Implementation," in order to address CERCLA Section 106 authority delegation for natural resource (NR) trustees.
- ❑ At EPA's request, conducted a technical review of the joint EPA/Army draft report, "Health Risk Assessment of 1,3,5-Trinitrobenzene."
- ❑ Provided comments and recommendations to the Office of the Deputy Assistant Secretary for Energy, Environmental and Economic Policy Analysis (PO-6) for use in preparing DOE's response to EPA's draft "Environmental Goals for America with Milestones for 2005."
- ❑ Provided EH review of the proposed EO entitled "Federal Support of Communities along American Heritage Rivers."
- ❑ Provided comments and concerns to the Office of the Assistant General Counsel for Legislation (GC-71) on EPA's Superfund Reauthorization Principles.
- ❑ Reviewed EPA's comments on the House Resolution (H.R.) 1270, proposed legislation for DOE's proposed high-level waste site, and provided comments to GC.
- ❑ Provided GC-71 with comments and recommendations concerning three draft provisions of proposed Superfund legislation dealing with remedies, community participation, and states' roles.
- ❑ Reviewed, for GC's consideration, proposed legislation entitled the Environmental Strategies Act of 1997.
- ❑ Submitted comments to the Office of Environmental and Regulatory Analysis (EM-75) on a CERCLA reauthorization bill from Congressmen Baucus and Lautenberg.

- ❑ Provided comments to GC-71 on proposed legislation to reform NR Damage Assessments (NRDA) and on a letter regarding NRDA to Congress from the U.S. Department of the Interior (DOI) and the U.S. Department of Commerce.
- ❑ Prepared, for Departmental consideration, two issue papers on the pending legislation, H.R. 1778. Title III of the bill, The Defense Reform Act of 1997, would make significant changes in the CERCLA and RCRA cleanup programs of DOE and DOD.
- ❑ At GC-71's request, reviewed H.R. 4283, "National Invasive Species Act of 1996," which would provide for the management of ship and barge ballast water to prevent the introduction and spread of nonindigenous (i.e., non-native) species into the waters of the United States.

Interagency and International Participation in Regulatory Standards Development

DOE Legacy Wastes and EPCRA Reporting

The Office worked directly with EPA and the Office of Management and Budget to resolve DOE concerns on the applicability of EPA's proposed rule under EPCRA that would, among other things, revise the regulatory definition of "otherwise used" for determining what activities are subject to EPCRA Section 313 reporting. EPA agreed to use preamble language for the rule, developed by EH-41, to ensure that DOE mixed radioactive "legacy wastes" (i.e., radioactive/hazardous wastes generated by past nuclear weapons' research, development, or production activities that are currently in storage awaiting treatment or disposal) would not be subject to characterization and reporting requirements under EPCRA. Otherwise, the rule could have resulted in increased costs and worker exposure to radiation for the Department.

Through an additional effort, informally known as the "chemical use reporting pilot," EH-41 is ensuring that site-specific DOE issues and concerns are made known to EPA before it finalizes the development of a "spin-off" rule on chemical use reporting under EPCRA.

Specifically, EH-41 recommended that DOE and EPA coordinate and pilot chemical use reporting projects at several DOE facilities. These pilots will help EPA assess the problems that may arise before chemical use reporting is initiated on a national scale. It will also give the Agency a perspective on the potential impacts to Federal facilities. During FY 1997, EH-41 helped implement the pilots at various DOE sites [e.g., Los Alamos National Laboratory (LANL), ORR, the Kansas City Plant] and provided assistance/information to site contacts on their individual pilot programs.

Revisions to EO 12856

The Office represented DOE in interagency work-group meetings led by EPA to revise EO 12856 to expand it beyond EPCRA compliance and TRI reductions. EH-41 also submitted comments to EPA on their draft of potential revisions to the EO. Several DOE concerns were raised, including the use of statutory reporting exemptions by Federal facilities.

Federal Radiation Protection Standards

The Office continued its support of efforts by the Interagency Steering Committee on Radiation Standards (ISCORS) to foster early coordination of regulatory issues associated with radiation standards. EH-41 staff have actively represented DOE on a number of ISCORS subcommittees, which were formed to foster Federal interagency collaboration on radiation risk issues and waste management areas of concern.

During FY 97, EH-41 chaired or participated in numerous meetings of the ISCORS subcommittees on Risk Harmonization, Mixed Waste, Cleanup, Recycle, and Sludge. EH-41 also provided input on, or review of, working papers and briefing materials on issues being addressed by the subcommittees. Examples include providing comments on a draft "white" paper on comparative radiation risk and regulation and helping to develop charts and conduct reviews of various draft materials for FY 1997 ISCORS Risk Harmonization Subcommittee meetings on residual radioactive material, waste management, and institutional control.

A draft interagency MOU was developed by EH-41 under the auspices of ISCORS. Several of the ISCORS member agencies have agreed to be parties to the MOU, which calls for the establishment of a Center for Dosimetric Modeling and Computation within the Life Sciences Division of Oak Ridge National Laboratory (ORNL). The center would serve as a common resource for radiation dosimetry for Federal agencies with regulatory or operational authority in radiation protection. Therefore, the center would help ensure that the dosimetric and risk methodologies used by applicable agencies are based on the best available scientific information and are implemented consistently.

MARSSIM—Radiological Survey Manual

The Multiagency Radiological Survey and Site Investigation Manual (MARSSIM), being developed by an interagency work group consisting of DOE, NRC, EPA, and DOD, is intended to provide guidance for conducting radiological survey measurements in support of regulations associated with environmental radiological cleanup efforts. As the DOE representative to the work group, EH-41 has played a key role by helping finalize the draft manual, announced in the January 6, 1997, *Federal Register (FR)*, and coordinating the DOE internal review of the document. Following publication of the draft manual, EH-41 participated in numerous work group meetings to plan for and begin addressing unresolved comments from the internal agency review, public comments, and peer review comments from EPA's Science Advisory Board (SAB). EH-41 also participated in additional meetings with the SAB to assist them in their review of the MARSSIM and its application to DOE cleanup efforts. Within DOE, EH-41 staff met with EM staff and contractors to compare MARSSIM methods with past conventional approaches to radiation surveys and show how MARSSIM offers significant improvements for the survey process in terms of cost, resources, and credibility.

International Radioactive Waste Standards and Issues

EH-41, in conjunction with EM, represented DOE in interagency reviews of International Atomic Energy Agency (IAEA) draft standard documents and guides on the management and

disposal of radioactive waste. EH-41 staff participated in several meetings and conference calls with EPA and NRC representatives to ensure a coordinated U.S. government position on the IAEA documents under consideration. Actual review and development of comments on draft IAEA standards were also coordinated with EPA and NRC. For example, EH-41 reviewed and provided feedback to both agencies on their mark-up of the IAEA's draft "Criteria for Clean-up of Contaminated Areas." Office staff also responded to the Office of the Deputy Assistant Secretary for Nuclear Material and Facility Stabilization's (EM-60's) request for comments on the IAEA drafts of "Safety Requirements for Near Surface Disposal of Radioactive Waste" and "Safety Guide on Safety Assessment for Near Surface Disposal."

EH-41 participated in the American Nuclear Society/European Nuclear Society International Meeting, November 11–14, 1996. The office representative took an active role by chairing a panel discussion on measuring background radiation and organizing a session on the nuclear fuel cycle.

Federal Environmental Regulatory Issues

Additionally, the office stays abreast of environmental regulatory and compliance issues for the Department by representing DOE at EPA monthly Federal Agency Environmental Roundtable meetings. The meetings, conducted by EPA's Federal Facilities Enforcement Office, provide Federal agency representatives with the opportunity to hear presentations and receive information from EPA offices on various issues pertaining to environmental compliance and enforcement at Federal facilities. EH-41 regularly submits minutes and makes available documents from the roundtable meetings to DOE program and operations offices as a means of keeping Departmental staff updated on the latest environmental issues relevant to Federal facilities.

Regulatory Alerts

Through its regulatory tracking activities, EH-41 routinely notifies DOE personnel of recent environmental rulemakings and related notices of potential interest to DOE. The following list is a sampling of the rules and notices, published in the

FR, that the office alerted Departmental elements to via memorandum or electronic mail during FY 1997.

- ❑ EPA's September 5, 1996, and June 3, 1997, notices announcing chemicals that have been added to the list of acceptable substitutes for ODSs under Section 612 of the CAA, the Significant New Alternatives Policy (SNAP) program.
- ❑ EPA's October 8, 1996, rule that added hydrofluorocarbon 43-10mee and hydrochlorofluorocarbon (HCFC) 225ca and cb to the list of compounds excluded from the definition of volatile organic compounds under the CAA.
- ❑ EPA's December 11, 1996, proposed amendments to streamline the National Pollutant Discharge Elimination System Program Regulations under the Clean Water Act (CWA).
- ❑ NRC's December 23, 1996, notice that denied a petition requesting amendments to NRC's regulations to require private land ownership during operation and closure of a LLW disposal site, with subsequent transfer of the title to the site to DOE.
- ❑ EPA's March 5, 1997, final rule to approve the use of 66 additional analytical methods for determining compliance with existing SDWA standards for radionuclides in drinking water.
- ❑ The FAR Secretariat's March 17, 1997, interim rule requiring that contracts to be performed on a Federal facility require the contractor to supply the Federal agency with all the information it deems necessary to comply with EO 12856.
- ❑ EPA's May 1, 1997, final rule that added seven industry groups, including commercial hazardous waste treatment firms, to the list of facilities subject to reporting requirements under Section 313 of EPCRA and Section 6607 of PPA.
- ❑ EPA's May 27, 1997, announcement that the date for submittal of TRI forms (Form Rs) was being extended from July 1 to August 1, 1997. Additionally, included notification of

May 20, 1997, Senate legislation that would expand EPCRA by requiring materials accounting data on annual TRI reports.

- ❑ EPA's July 3, 1997, ANPRM on potential revisions to the drinking water monitoring requirements in 40 CFR Part 141 for 64 chemical contaminants.
- ❑ EPA's final draft "Guidance for Developing Superfund Memoranda of Agreement (MOA) Language Concerning State Voluntary Cleanup Programs," announced in the September 9, 1997, *FR*.

Environmental Policy and Guidance

EH-41 prepares DOE environmental policy and guidance for corporate DOE and program and operations offices in response to new or changing environmental requirements. In FY 1997 EH-41 demonstrated its ongoing effectiveness in establishing and implementing DOE-wide environmental policies. The office generated more than 45 environmental guidance documents, including manuals, regulatory bulletins, information briefs, memoranda, and electronic guidance materials. Additionally, EH-41 offered related environmental workshops. Several examples in each of these areas are presented below.

EH-41 Policy Development and Implementation

NRDA/Environmental Restoration Integration

EH-413, in conjunction with the Office of Program Initiatives (EM-47) and EM-75, developed an interim DOE policy to address the Department's responsibilities as both an NR trustee and a lead response agency for environmental restoration activities at its sites. EH-41 developed the guidance on which the policy is based and with EM-47 wrote several drafts of the policy to address various Departmental comments and concerns. On February 5, 1997, the Assistant Secretary for Environmental Management (EM-1) signed and issued the interim policy to DOE program and field offices. The policy ". . . requires heads of field organizations and Environmental Restoration program and project managers to consider natural resource risk issues and, when appropriate, resolve them with other natural resource trustees . . . as part of the remedy selection process." The policy applies to all CERCLA and RCRA cleanups within the purview of EM. The objectives of the policy are "to promote more complete consideration of the risks associated with cleanup alternatives, lower

the total life-cycle cost of the program, and minimize the potential for claims against the Department." EH-41 provided leadership and assistance to DOE program and field offices in understanding and implementing the policy through the activities of the DOE NR Trustee Coordinators' Steering Committee, which the office chairs. Later in the year, EH-41 helped resolve comments on the interim policy from various DOE Operations Offices and state regulatory agencies, and a final policy was signed by EM-1 on September 8, 1997.

The office also represented the Department in interagency meetings aimed at improving coordination between EPA and Federal NR trustees, including DOE, at CERCLA cleanup sites. Specifically, EH-413 represented DOE's interests in the preparation of an EPA policy memo on NR trustee coordination by providing comments to ensure EPA understood DOE's role as an NR trustee and the Department's initiative to integrate NR risk management concerns into CERCLA remedy selection documents.

Order 435.1

EH-41 has taken an active role for EH in the Department's effort to develop a new Order DOE 435.1, "Radioactive Waste Management." During FY 1997 EH-41 representatives participated in numerous meetings and workshops for the purpose of conducting safety and hazard analyses to identify and prioritize necessary requirements for specific waste types covered by the order. They also provided input to the development of proposed chapters dealing with radioactive wastes for the revised waste management order, helped coordinate and respond to DOE-wide review of the revised draft order, and submitted relevant comments and concerns to EM regarding the content and proposed schedule of the draft order and accompanying manual and guides.

Orders 231.1 and 232.1A

EH-41 submitted a memorandum to DOE program and field offices to clarify the reporting requirements of Order DOE 231.1, "Environment, Safety and Health Reporting," and to update guidance regarding the preparation, approval, and release of the annual Site Environmental Reports (SERs). The memo identified the

procedures and key reporting requirements for the calendar year 1996 SERs in order to facilitate the DOE review, approval, and release of the SERs to the public in a timely manner. To reduce the burden of various reporting requirements on DOE field elements, EH-41 provided several format change suggestions for preparing the 1996 SERs. Additionally, the office announced that it would remain available for consultation and EH-41 staff points of contacts were identified to provide policy and procedural assistance regarding preparation of the SERs.

EH-41 provided assistance to the Office of the Deputy Assistant Secretary for Planning and Administration (EH-7) in updating and reissuing Order DOE 232.1A and Manual 232.1-1A, "Occurrence Reporting and Processing of Operations Information." Office staff reviewed and provided comments on the final version of the Order. The Order included an expanded list of compliance notifications that require reporting into the DOE Occurrence Reporting and Processing System.

Environmental Performance Measures

EH-41 helps the Department gauge its yearly performance with respect to environment, safety, and health (ES&H) protection and compliance. After helping establish DOE-wide environmental performance measures under Order DOE 210.1, "Performance Indicators and Analysis of Operations Information," in FY 1996, the office conducted review and analyses of certain environmental performance indicator data (e.g., regulatory compliance citations, toxic release reports, milestones met) for FYs 1996 and 1997. The data and analyses were provided to the Office of Operating Experience Analysis and Feedback (EH-33) for inclusion in the DOE-wide ES&H performance indicators reports for FYs 1996 and 1997.

Additionally, EH-41 was represented on the Department's team that developed DOE's "Guidelines for Performance Measurement" (DOE G 120.1-5). Because of the quality of DOE G 120.1-5 and its emphasis on improving government performance, the team received a "Hammer" Award from the Vice President's National Performance Review.

10 CFR Part 834

The office is developing final DOE standards for the protection of the public and environment from exposure to radiation from DOE operations. The proposed regulatory standards, 10 CFR Part 834, were published for public review on March 25, 1993, 58 *FR* 16268, with a supplemental notice issued on February 22, 1996, 61 *FR* 6799. 10 CFR Part 834 is intended to codify and/or update provisions in Order DOE 5400.5, *Radiation Protection of the Public and Environment*, and Order DOE 5400.1, *General Environmental Protection Program*. During FY 1997, EH-41 continued moving forward in its efforts to finalize Part 834 by addressing Departmental and other Federal agencies' comments. Specifically, office staff incorporated comments from GC and distributed a revised draft final Part 834 to various program and field offices for review. Through its participation in the DOE Environmental Radiation Control Coordinating Committee (ERCCC) and briefings given to other DOE staff, EH-41 kept appropriate personnel informed regarding the status of the standards and associated implementation guides. Drafts of these guides, including a two-volume document on the application of the *As Low As Reasonably Achievable* (ALARA) process to 10 CFR Part 834, were completed by EH-41 during the year and submitted to ERCCC members for review. Additionally, lines of communication were maintained with appropriate Federal agencies, including EPA and NRC, to consider any remaining issues they brought forth and to keep them fully apprised, via a series of EH-41 briefings, of the Part 834 standards development.

In June 1997 EH-41 and EM staff completed for interim use and review a draft DOE standard entitled "Handbook for Controlling Release for Reuse or Recycle of Non-real Property Containing Residual Radioactive Material." The handbook supplements EH-41's November 17, 1995, guidance for release of non-real property under DOE 5400.5, and it will also supplement the broader guidance for implementing 10 CFR Part 834, Subpart G, Management of Residual Radioactive Material, which will address both real and non-real property. The handbook describes a step-by-step process to assist personnel in ensuring that radiological doses to the public from recycle or reuse of released non-real property containing residual radioactive

material meet applicable regulatory criteria, including DOE requirements, and are ALARA.

Health and Safety Standards

EH-41 provided significant input to the DOE Post-Operations Health and Safety Technical Standard Team in the development of a DOE technical standard for meeting health and safety requirements during post-operations (i.e., deactivation, surveillance and maintenance, decommissioning). The standard is intended to consolidate and clarify all pertinent health requirements of DOE orders, polices, and guidance relating to post-operational safety and health. The office provided assistance on RCRA and CERCLA issues and prepared sections of the standard dealing with the integration of DOE order requirements, policies, and guidance into decommissioning actions performed under CERCLA.

Guidance Documents

EH-41 ensures that DOE and contractor staff are aware of the latest developments in the environmental protection, cleanup, and management field through the preparation of a variety of informative and helpful guidance materials. An **information brief** is a two-to-four page document that discusses and provides answers to an environmental regulatory or compliance issue. A **guidance memorandum** contains or introduces attached guidance or compliance information in the environmental regulatory arena. A **guidance manual** is a published document providing a comprehensive overview of environmental regulatory issues and the means of complying with them. A **regulatory bulletin** is a four-to-five page paper that provides an overview, including impacts to DOE, of a recent environmental rule. A **Technical Assistance Project (TAP)** report provides guidance or compliance assistance on a specific topic or issue, including actual or hypothetical compliance scenarios. Most of EH-41's guidance documents are posted on the office's Web site to ensure wider access of the information. (For additional information on EH-41's Web site, see page 16 of this report.)

Information Briefs

- ❑ ***National Corrective Action Prioritization System (NCAPS)*** describes the NCAPS, which is used for ranking RCRA treatment, storage, and disposal facilities (TSDFs) to determine their relative priority for corrective action. A summary of the results of NCAPS scores for 18 DOE facilities is also provided.
- ❑ ***Military Munitions Rule*** summarizes the applicability to DOE operations of EPA's recent rule identifying when conventional and chemical military munitions become a RCRA hazardous waste and the requirements for the safe storage and transport of these wastes.
- ❑ ***Deletions of Federal Facilities from the Federal Agency Hazardous Waste Compliance Docket and the National Priorities List [NPL]*** provides details on the purpose of the CERCLA Federal Agency Hazardous Waste Compliance Docket. It also contained information about Federal facilities that manage hazardous waste or from which hazardous substances have been or may be released. New information is provided on the procedures for deleting facilities from the docket and on EPA's 1996 clarification of its NPL listing policy.
- ❑ ***Development of Remediation Goals under CERCLA*** explains the requirements for development and application of remedial action objectives or remediation goals for CERCLA response actions that are protective of human health and the environment.
- ❑ ***Determinations of TSD Facility Acceptability under the CERCLA Off-Site Rule*** addresses the implications of EPA's CERCLA "Off-site" rule for DOE-owned hazardous waste TSDFs that accept CERCLA remediation wastes from off-site locations. The off-site rule requires that wastes generated as a result of CERCLA-authorized remediation activities and transferred off-site be managed only at facilities that comply with RCRA or other applicable Federal and state laws/requirements.
- ❑ ***Assessment of Short-Term and Long-Term Risks for Remedy Selection*** describes the application of short-term and long-term human

health risk assessments in the CERCLA remedial decision-making process.

- ❑ ***Executive Order 12898, Federal Actions to Address Environmental Justice [EJ] in Minority and Low-Income Populations*** provides an overview of the requirements of EO 12898 and their implications for the conduct of DOE activities.
- ❑ ***Environmental Management Systems: Frequently Asked Questions*** supplies information on the concept of Environmental Management Systems (EMSs), a management approach to developing and implementing effective environmental policies and associated activities. The brief highlights the emerging international EMS standard, International Organization for Standardization (ISO) 14001, and provides information on how DOE sites can incorporate an EMS approach.
- ❑ ***Environmental Management Systems: Identifying Environmental Aspects and Impacts*** focuses on the EMS approach to conducting environmental activities and its underlying definitions of “environmental aspects” and “environmental impacts.” Discussion is also provided on how the EMS approach applies to DOE facilities.
- ❑ ***Nuclear Regulatory Commission (NRC) Standards for Decommissioning Commercial Nuclear Facilities*** describes NRC’s July 1997 regulation outlining radiological criteria for the decommissioning of lands and structures at licensed nuclear facilities.

Guidance Memoranda

- ❑ A memorandum providing summaries, including compliance-assistance information, of two 1996 EPA rules affecting gasoline acquisition and dispensing. Provisions of each rule that potentially affect **vehicle fueling operations at DOE facilities are highlighted** in the attached summaries.
- ❑ A memorandum with guidance prepared by EH-41 and the Office of the Deputy Assistant Secretary for Program Support (DP-40). The guidance **answers questions raised by DOE field and contractor staff concerning the interpretation of certain issues associated with EPA’s stratospheric ozone protection regulations** in 40 CFR Part 82.
- ❑ A memorandum and enclosed summary of EPA’s October 1996 final rule that imposed **restrictions or prohibitions on substitutes for ODSs** under the CAA SNAP. Also, attached are three EPA fact sheets on the use of alternative refrigerants.
- ❑ A memorandum summarizing EPA’s March 1997 notice that expanded the **list of acceptable substitutes for certain ODSs** under the SNAP.
- ❑ A memorandum summarizing EPA’s February 1997 final rule that allows for the **use of any credible evidence** (i.e., both reference test and comparable non-reference test data) **to demonstrate compliance with various emission limits under the CAA.**
- ❑ A memorandum providing program and field offices with an attached updated listing, prepared by EH-41, of the **CAA air quality designations and classifications for localities in which there is a DOE facility.** The list greatly expands on an earlier listing distributed by EH-41 in January 1992. Also attached is an EH-41 **summary of the CAA Section 176(c) conformity rule**, which requires Federal agencies to make a determination that a proposed Federal action in a “non-attainment” or “maintenance” air quality area conforms to the relevant state implementation plan for air quality.
- ❑ A memorandum summarizing EPA’s July 1997 rules that established **new ambient air quality standards for ozone and particulate matter** under the CAA. The summary includes discussion of the rules’ potential impacts to DOE facilities and President Clinton’s memorandum to the EPA Administrator on an implementation plan for the new standards.
- ❑ A memorandum providing information and **DOE-specific guidance concerning** the EPA Office of Emergency and Remedial Response’s (OERR’s) April 30, 1996, directive on the requirements for **“partial deletions” at NPL sites under CERCLA.**

- ❑ A memorandum describing the EPA OERR and Office of Site Remediation Enforcement's September 27, 1996, joint directive encouraging, when appropriate, **changes to remedial actions in existing Records of Decision (RODs), including RODs for Federal facility cleanup sites**. The memorandum provides the EPA Internet address for accessing the agency's directive.
- ❑ A memorandum describing EPA's **soil screening guidance** for developing and applying soil screening levels at CERCLA cleanup sites **and its usefulness in expediting the evaluation of contaminated soils at DOE CERCLA sites**.
- ❑ A memorandum providing information, including **implications to DOE facilities, concerning the EPA OERR guidance entitled "Presumptive Response Strategy and Ex-Situ Treatment Technologies for Contaminated Ground Water at CERCLA Sites."** The guidance is intended to streamline site investigations and speed up selection of cleanup actions at both CERCLA Response Action and RCRA Corrective Action sites. The EPA Internet address for accessing the guidance is also provided in the memo.
- ❑ A memorandum providing information concerning an EPA announcement on the use of the agency's May 1996 ANPRM on RCRA corrective actions as **interim guidance for implementing corrective actions**.
- ❑ A memorandum summarizing a recent EPA memorandum submitted to EPA regional offices to **correct and clarify certain provisions of the Agency's November 1996 final rule on RCRA air emissions standards for tanks, surface impoundments, and containers at hazardous waste TSDFs (subpart CC of 40 CFR Parts 264 and 265)**.
- ❑ A memorandum providing DOE program and field offices with information on a recent investigation conducted by the Illinois Department of Nuclear Safety into the **source and distribution of lead and lead products contaminated with radionuclides**. A summary of the investigation and recommended actions for DOE operations to take are provided as well.

Manuals, Regulatory Bulletins, and TAPs

- ❑ A TAP report, *Clarification of Reporting Requirements under CERCLA Section 103: Mixtures*, that provides information and guidance regarding the difficult task of determining if a CERCLA reportable quantity (RQ) has been reached when mixtures of hazardous substances are released. The report includes several examples of mixed hazardous substances spills and how the RQ determination would be made in each case.
- ❑ Two DOE/EPA guidance documents entitled *Expediting Cleanup through Contingent Removal Actions* and *Uncertainty Management: Expediting Cleanup through Contingency Planning*. These documents, prepared by EH-41 and EM-47 and approved by EPA, provide (1) a concise description of the components and application of contingent removal actions to streamline remediation of recurrent site problems and (2) techniques for managing project uncertainty, including decision rules and contingency planning as outlined in the DOE/EPA "Principles of Environmental Restoration Workshop."
- ❑ The *Federal Environmental Monitoring Handbook*, developed to assist DOE personnel in the identification and implementation of requirements for monitoring point or non-point source emissions and effluent releases into any given environmental medium. The handbook provides an easily accessible compilation of the Federal environmental monitoring requirements that may impact DOE operations and activities.
- ❑ A manual, *Resource Conservation and Recovery Act Hazardous Waste Tank Systems*, providing comprehensive guidance on complying with Federal hazardous waste tank regulations in Subpart J of 40 CFR Parts 264 and 265. DOE and contractor personnel can use the manual as a step-by-step guide to the process of operating a hazardous waste tank, from installation and daily management to closure.
- ❑ A regulatory bulletin entitled *RCRA Expanded Public Participation Final Rule Issued*, which summarizes EPA's final rule that amended requirements under RCRA on

the permitting of hazardous waste management facilities to expand public participation opportunities during the permitting process and throughout the operational lives of facilities. The bulletin also covers associated EPA guidance, the relationship between public participation and EJ, and DOE's recent public participation and EJ initiatives.

- A regulatory bulletin, ***Organic Air Emission Standards: Revised Final Rule Issued***, providing a comprehensive overview of the development and applicability of EPA's regulations aimed at reducing organic air emissions from hazardous waste TSDFs subject to RCRA Subtitle C permitting and from certain hazardous waste generators accumulating waste in on-site tanks and containers.
- A TAP report, ***RCRA Subpart CC Organic Air Emission Standards Technical Amendment—Questions & Answers***, responding to specific questions posed by DOE field elements concerning the implementation of EPA's revised standards for controlling organic air emissions from certain hazardous waste management activities. The report focuses on DOE concerns regarding the applicability of the regulations to mixed waste management.
- An environmental guidance manual entitled ***RCRA Permitting Guide for Hazardous & Radioactive Mixed Waste Management Facilities***, which provides DOE and DOE contractor personnel with information and assistance in the compliant management of RCRA permitting activities, including the identification of waste management units subject to RCRA permitting and the negotiation of permit conditions and modifications.

Updated Environmental Regulatory Guidance on the EH-41 Web Site

In addition to placing new environmental guidance on its Web site, EH-41 routinely updates and adds earlier guidance materials to the site. The following EH-41 guidance documents were revised during FY 1997 and posted on the Web site.

- ***Treatability Study Sample Exemption—Update***, an information brief that addresses questions that have arisen since previous EH-41 guidance was issued about RCRA Subtitle C exemptions for waste and treatability study samples.
- Revisions to three EH-41 information briefs dealing with the management of RCRA hazardous wastes to reflect a February 1997 EPA rule. This military munitions rule, among other things, provides an exemption from the RCRA manifest requirements for certain shipments of hazardous waste involving contiguous properties. The information briefs are titled ***Manifest Requirements, Transportation of RCRA Hazardous Wastes***, and ***Hazardous Waste Generator Requirements***.
- A revision to EH-41's August 1995 environmental guidance document, ***RCRA Corrective Action for Underground Storage Tanks -- Subtitle C or Subtitle I***, in response to comments from the Rocky Flats Field Office concerning the regulatory status of ethylene glycol.
- A software program of EH-41's ***Regulated Underground Storage Tank (UST)*** guidance manual formatted for users of Macintosh computers. The guidance, originally published in 1992, addresses the procedural requirements for USTs containing petroleum, hazardous substances, and radioactive materials. The material features tables, flowcharts, and checklists to provide a regulatory "roadmap" and is tailored to meet the issues facing DOE facilities.
- A computer-automated version of EH-41's updated guidance document, ***Definitions of Solid and Hazardous Wastes***, which enhances users' access to the expansive amount of information in the document addressing the statutory/regulatory definitions of solid and hazardous waste under RCRA. A question-and-answer, flowchart format assists users in making decisions regarding whether the material under question is a solid and/or hazardous waste.
- Updated information on EPA Regional contacts for dealing with CERCLA "Off-Site" regulatory issues. The information serves as an

addendum to EH-41's previous regulatory bulletin, *Transporting CERCLA Wastes Off-Site: Final Off-Site Rule*, December 1994, and the information brief, *The Off-Site Rule*, March 1994.

- ❑ An electronic copy of the updated *Environmental Notification and Reporting Requirements Handbook*. This guidance document replaces the original version, distributed in May 1990, which was developed to assist DOE and contractor personnel in identifying the various reporting and notification requirements mandated by Federal environmental laws and regulations.
- ❑ An addendum to EH-41's *Federal Environmental Inspections Handbook*, originally published in October 1991. The addendum provides updated information for DOE and contractor personnel responsible for overseeing or performing environmental inspections that are driven by statutory and regulatory requirements.
- ❑ A TAP report, *Emergency Planning and Community Right-To-Know Act Section 313 Toxic Release Inventory Reporting—Questions & Answers Update*, which builds upon EH-41's March 1994 guidance on the same subject. This TAP report, however, addresses specific questions posed by DOE field elements regarding DOE facility TRI reporting requirements for the 1996 and 1997 reporting years.

EH-41's Web Site

Besides the ability to view more than 700 environmental guidance documents and *FR* notices in portable document format (PDF), DOE and contractor personnel have "one-stop" access to a diverse and expanding wealth of environmental information and services on the EH-41 Web site. The office's Web site can be found on the Internet at:

<http://tis-nt.eh.doe.gov/oepa>

Since opening a few years ago, the Web site has been visited more than 30,000 times. In addition to EH-41 environmental guidance

materials, visitors to the site are able to quickly find:

- ❑ general information about EH-41 and its staff, including the **mission of the office** and its divisions and **staff members'** telephone numbers, e-mail addresses, and areas of technical expertise;
- ❑ **DOE consolidated comments**, prepared and/or submitted by EH-41, on other Federal agency rulemakings in the environmental arena, and **regulations currently under review** by the office;
- ❑ **updated regulatory information** pertaining to ES&H issues, such as (1) the "search and view" screen for current and previous issues of EH-41's *Weekly Digest from the FR*, a quick summary report of ES&H rules and notices published each week in the *FR*, and (2) EH-41's monthly *Priorities Items* list, an interactive reference guide for tracking recent and upcoming regulatory actions of interest to DOE in the environmental compliance and protection field;
- ❑ summaries of the major Federal **environmental laws that affect DOE** facilities and programs;
- ❑ information on **recent environmental workshops** developed or sponsored by EH-41, including on-line access to materials (e.g., slides, viewgraphs) from some of the workshops;
- ❑ recent **environmental compliance data and reports on DOE facilities**, both complex-wide and site-specific, compiled by EH-41;
- ❑ a forum Web page providing **the opportunity to informally participate in open discussions on various environmental topics** such as dose and risk assessments at DOE facilities and Applicable or Relevant and Appropriate Requirements (ARARs) under CERCLA; and
- ❑ **environmental compliance "tools"** (i.e., software) developed by EH-41 to assist DOE personnel in planning or ascertaining the

compliance status of waste management activities.

Most recently, the office added a “focus area” page with links to separate parts of the Web site providing detailed information on topics such as ODSs and DOE cultural resources management. Visitors to EH-41’s Web site also have the capability to perform detailed searches, by keywords, of the available documents, including PDF files.

EH-41 Workshops during FY 1997

Since September 1989, EH-41 has developed and conducted environmental training workshops that provide another avenue to assist DOE and contractor staff in understanding and implementing Federal environmental regulatory programs and DOE environmental orders, directives, and guidance. In FY 1997 13 workshops were held or sponsored by EH-41 that were attended by more than 1,150 participants. The following are highlights of these workshops.

DOE’s Workshop on ARARs

This two-day workshop gave attendees a thorough understanding of ARARs by utilizing a combination of lecture and case-study exercise formats to address the full spectrum of ARARs compliance issues. The workshop focused on what constitutes ARARs and their practical application during CERCLA removal and remedial actions. Major topics of the workshop included “Understanding ARARs,” “ARARs and DOE Orders,” “How to Apply ARARs,” “When to Apply ARARs,” “Federal vs. State Authorities,” and “Where to Access ARARs.” This workshop was presented in Aiken, South Carolina, to approximately 30 attendees.

Managing Human Health and Ecological Risk Assessments under CERCLA and RCRA

This workshop provided participants with a review of the risk assessment role in the RCRA Facility Investigation process and in the CERCLA Remedial Investigation/Feasibility Study (RI/FS) process. The workshop specifically aided participants in defining the project manager’s role in the risk assessment process and

provided tools for making risk management decisions and communicating risks to stakeholders. The learning objectives included: (1) understanding the statutory and regulatory basis for risk assessment and risk reduction for CERCLA cleanups and RCRA corrective actions; (2) developing the ability to manage people performing risk assessment, risk management, and communication subtasks; (3) managing risks and understanding the basis for remedy selection; and (4) understanding and addressing regulators’ and stakeholders’ concerns and expectations. This workshop was presented in Albuquerque, New Mexico; Richland, Washington; Golden, Colorado; and Aiken, South Carolina, to approximately 90 people.

Principles of Environmental Restoration—National Environmental Training Office (NETO)

This workshop provided participants with a conceptual framework, logic process, and proven tools that can be used to make efficient and effective decisions in the conduct of environmental restoration activities. The instruction integrated the “Streamlined Approach for Environmental Restoration (SAFER),” which provides for problem identification, data collection, decision making, and the use of early actions in a phased-response mode for rapid risk reduction. The workshop emphasized the importance of early stakeholder involvement and also presented the concepts of presumptive/generic remedies and how to identify when and how they can be used at DOE sites. The workshop presented four principles: (1) building an effective core team, (2) defining the problem clearly and consistently, (3) identifying likely response actions early, and (4) actively managing uncertainty as the underlying strategic basis for successful streamlining of environmental restoration projects. One of the goals of the workshop was to provide a forum where all the parties responsible for environmental restoration at DOE sites could begin to work collaboratively in a team environment that could then carry over to actual projects. This workshop was presented in Albuquerque, New Mexico, to 10 participants.

RCRA Corrective Action Workshop—NETO

This three-day workshop described the history of the corrective action program and how it is

expected to continually change in the future. Interactive lecture sessions, interspersed with video presentations and case studies, were used to describe how DOE facilities could manage the corrective action program to achieve results. Subjects that were discussed included the 1990 proposed rule; the stabilization initiative; determinations of technical impracticability; risk assessment and land use assumptions; management of remediation waste; regulator and stakeholder relations; Corrective Action Management Units and Temporary Units; integration with other programs, especially CERCLA; and recent and future developments, including EPA's ANPRM and the proposed HWIR and their impacts on the corrective action program. The workshop ended with a roundtable discussion aimed at providing practical suggestions for addressing today's problems at participants' DOE facilities. This workshop was presented in Richland, Washington, and Aiken, South Carolina, to approximately 40 participants.

DOE's Adjunct Session to EPA's TRI Training

This DOE-specific module was added to EPA's TRI training in Denver, Colorado and Washington, D.C. Agenda items included "DOE TRI Reporting under Executive Order 12856," "DOE Site Reporting Issues," "Final Rule on SIC [Standard Industrial Classification] Expansion and Revised Definition of 'Otherwise Used'," "Public Outreach and Building Partnerships," and "Opportunity for DOE Site-Specific Questions and Answers." Other topics covered included the use of the laboratory activity exemption and DOE TRI reporting results for 1993 and 1994. This workshop was presented in Denver, Colorado, and Washington, D.C., to approximately 10 people.

RCRA Orientation Workshop

This three-day DOE workshop was divided into two modules. Module one was a two-day orientation providing participants with an overview of RCRA with an emphasis on Subtitle C. It included overviews of Subtitles C, D, and I, covering hazardous waste management, non-hazardous solid waste, USTs, and LDRs. Module two (i.e., day three), focused on the definition of wastes regulated under RCRA and other issues relevant to Federal facilities. Specific

topics covered included exemptions from both the solid and hazardous waste definitions, "mixture" and "derived-from" rules, and the applicability of RCRA to radioactive mixed wastes. Lectures, case studies, and exercises were utilized to illustrate course concepts. Presentations provided participants with an understanding of the development of RCRA, the current requirements for managing wastes under RCRA, and foresight into proposed changes to RCRA's implementing regulations. This workshop was presented in Argonne, Illinois, and Albuquerque, New Mexico, to approximately 50 attendees.

DOE's RCRA Orientation for Nuclear and Facility Safety

This one-day workshop was a streamlined version of EH-41's three-day "RCRA Orientation" workshop that was presented for staff of the Office of the Deputy Assistant Secretary for Nuclear and Facility Safety (EH-3). The workshop provided an overview of RCRA with an emphasis on liability provisions, definitions of solid and hazardous wastes, permitting, and emerging RCRA regulations of importance to EH-3 personnel. This workshop was presented at DOE Headquarters (HQ) to approximately 25 attendees.

SER Workshop

This one-day workshop presented proposed changes, fostered an exchange of ideas, and encouraged sharing of "lessons learned" in the preparation of the annual SERs as required by DOE 5400.1, "General Environmental Protection Program," and DOE 231.1, "Environment, Safety and Health Reporting." The workshop also provided an opportunity for discussion of additional reporting suggestions, streamlining the SERs, public involvement, and mechanisms for stakeholder participation. The use of the Internet as a tool for information sharing in the development and accessibility of SERs, both within DOE and with its stakeholders, was a topic of discussion as well. This workshop provided an information exchange forum that would result in increased quality, consistency, and timely release of the SERs to the public and other DOE customers in the future. This workshop was presented in Washington, D.C., to approximately 50 people.

Overview of ISO 14000: Environmental Management Systems Workshop

The purpose of this workshop was for attendees to gain practical experience in interpreting and implementing the key elements of the ISO 14000 family of EMSs. Primary emphasis was placed on the requirements associated with ISO 14001, “Environmental Management Systems – Specification with Guidance for Use,” needed to establish and maintain an EMS. This workshop was presented in Chicago, Illinois; Anaheim, California; Hanford, Washington; Albuquerque, New Mexico; and Oak Ridge, Tennessee, to approximately 200 attendees.

ISO 14000 Video Conference

This one-day video conference was broadcast from the University of Missouri, Columbia. The conference covered several topics on ISO 14000 including an introduction to ISO 14000; the Federal, state, and global perspectives on ISO 14000; and applying ISO 14000. This conference was presented to approximately 55 HQ participants in Washington, D.C., and more than 500 participants throughout the DOE complex.

ISO 14001 Gap Analysis Workshop

This day-and-a-half workshop was presented for staff at DOE’s Oak Ridge Operations Office (OR) and Idaho National Engineering and Environmental Laboratory. The session addressed the ISO 14001, “Environmental Management System Specification Standard.” This included discussion on conducting an initial “gap analysis” and developing an environmental policy statement. Approximately 60 people attended this workshop.

Tenets of ISO 14001 Workshop

This 4-hour workshop was presented to provide principles of ISO 14001 to DOE and contractor personnel at Brookhaven National Laboratory (BNL), Upton, New York. Approximately 45 people participated.

Introduction to Integrated Safety Management

This workshop was presented to familiarize DOE staff with the elements and framework of the Integrated Safety Management (ISM) process. “Safety” in the title of ISM is defined to encompass ES&H, which is the framework under which DOE is currently operating. ISM was developed by DOE in response to Defense Nuclear Facilities Safety Board (DNFSB) Recommendation 95-2, and it is described in DOE’s policy DOE P 450.4. This workshop was presented at HQ to 12 attendees.

Management Support

Another important function EH-41 conducts for the Department is providing direct expertise and assistance to corporate DOE and DOE program and operations offices. The office's formal and informal activities in this area include (1) interpreting and implementing environmental policies and requirements and (2) developing strategies to resolve environmental compliance issues. To fulfill this function, EH-41 responds to requests for technical assistance or information, reviews and comments on Departmental ES&H documentation, and leads or actively participates in activities and projects to address specific environmental compliance issues and procedures. The office also offers its expertise through its role as a chair of or participant in various DOE work groups and committees. Examples of EH-41's performance in these areas during FY 1997 are provided below.

Technical Assistance and ES&H Documentation Reviews

Hazardous Waste Management

- Prepared responses to issues raised by OR's Environmental Protection Division concerning the interpretation and implementation of RCRA regulations applicable to organic air emissions from tanks, surface impoundments, and containers at hazardous waste TSDFs.
- Responded to a request from the Office of Project and Fixed Asset Management (FM-20) for information concerning post-closure notice requirements under RCRA for recording a notation on the deed to property that was used as a hazardous waste disposal facility.
- Provided regulatory assistance to the Office of Safeguards and Security (NN-51) with respect to RCRA provisions for determining whether a material constitutes a solid and/or hazardous waste and for characterizing hazardous wastes. NN-51 requested clarification from EH-41 on this determination because of their efforts to prepare a document on the repackaging of

certain radioactive materials (e.g., plutonium, americium). In particular, their interest relates to the potential applicability of RCRA waste analysis and characterization requirements to these activities.

- Reviewed and commented on the Office of NEPA [National Environmental Policy Act] Policy and Assistance's (EH-42's) draft guidance document on integrating RCRA requirements with provisions of NEPA.
- Provided regulatory expertise assistance and information to the Office of Planning and Analysis (EM-35) and BNL regarding a proposal being considered to export certain hazardous wastes from BNL to a Canadian firm.
- Responded to a request from the Office of Chief Counsel, OR, for information on the requirements for transboundary shipments (i.e., import/export) of hazardous or mixed wastes.

Pollution Prevention and Toxic Chemical Reporting

- Conducted a review and analysis of the Department's FY 1998 submission to EPA on DOE's environmental spending estimates and pollution prevention data.
- Maintained routine communications, including participation in monthly conference calls, with DOE Field Pollution Prevention Coordinators and Waste Reduction Steering Committee members to update and receive feedback from respective personnel regarding pollution prevention initiatives, both site-specific and DOE-wide.
- Responded to questions from staff at DOE's West Valley (New York) Demonstration Project concerning Federal agency and contractor responsibilities with respect to TRI reporting requirements.
- Offered recommendations to ORNL staff to effectively address their concerns regarding their re-use of lead in inventory and its impact on TRI reporting for the site.

Environmental Response and Cleanup

- ❑ Prepared, for PO-6, an update on the Department's progress, being led by EH-41, in implementing a recommendation by the Organization of Economic Co-operation Development in its *U.S. Environmental Performance Review*. Specifically, EH-41 provided information on its efforts to further the report's recommendation # 26 (accelerate cleanup activities at Federal facilities) within DOE.
- ❑ Helped Lawrence Livermore National Laboratory (LLNL) fulfill EPA's recommendation that LLNL utilize EH-41 guidance, "Removal Actions under CERCLA" (September 1994, DOE/EH-0435) in preparing an action memorandum for the Pit and Landfill Operable Unit Removal Action at LLNL's Site 300.
- ❑ At the Nevada Test Site's (NTS's) request, EH-41, in conjunction with EM-47, provided technical assistance in the form of an RI/FS peer review of the NTS's "Double Tracks" soil cleanup. NTS requested a "lessons learned" evaluation of the Double Tracks cleanup with respect to cleanup levels, potential excavation deviations and contingencies, data quality objectives, and waste acceptance criteria.
- ❑ Provided technical assistance, including comments, to Richland Operations Office (RL) concerning a strategy paper they were developing on a CERCLA decommissioning action at the S-233 building at Hanford. The issue under consideration dealt with the treatment of DOE orders as substantive and administrative requirements.

NR Concerns

- ❑ Provided technical and project management assistance to EM-47 in considering NR "off-sets" (e.g., enhanced NR values that result when a site remains protected from public intrusion) at the Hanford site.
- ❑ Advised DOE/RL members of the Hanford NR Trustee Council (NRTC) on a draft resolution proposed by non-DOE members of

the NRTC for performing a NRDA at the Hanford Site 100 Area.

- ❑ Provided technical assistance to OR in developing a consent agreement with the State of Tennessee for conducting a natural resources study of the Lower Watts Bar Reservoir near the ORR.
- ❑ At the request of Savannah River Site (SRS) representatives, met with DOE and contractor staff to discuss and provide technical assistance regarding the development of generic remedies for the Bingham Pump Outage Pits and the reactor retention basins at the SRS. EH-41 assistance included helping develop remedy and site profiles and boundaries for both types of sites and reviewing the work plan for the H-area retention basin.
- ❑ Responded to the Office of the Deputy Assistant Secretary for Environmental Restoration's (EM-40's) request for review of the EM draft transmittal letter for the report to Congress on DOE's natural resource damage (NRD) liability.
- ❑ Offered assistance and updated information to the Pantex Plant in interpreting EPA's policy on coordination with NR Trustees. The Pantex Plant had requested assistance as it was trying to negotiate language with EPA for a site investigation report that would include integration of NR risk concerns into the site investigation, per DOE's new interim policy.
- ❑ Provided EM-75 with insight, as requested, on Federal NR trustees administrative order authority under CERCLA Section 106. The information was requested in preparation of a scheduled meeting between EM-1 and a Congressman who was concerned about DOE NR issues and related funding.

Risk Assessments

- ❑ Served as a technical reviewer for the selection of health/ecological risk assessment proposals for funding through DOE's 1997 Environmental Management Science Program (EMSP). The EMSP is a mission-oriented research program designed to bridge the gap between fundamental basic research typically

funded through the Office of Energy Research (ER) and applied technology funded through EM.

- ❑ Initiated discussions and meetings with representatives from the EM Center for Risk Excellence, the Environmental Measurements Laboratory, and ORNL on existing Web-based risk assessment information, tools, and resources. The discussions served as (1) a useful introduction to the current scope of risk assessment tools available via the Web sites of each organization and (2) a starting point for discussing opportunities for collaboration on meeting Departmental risk assessment needs and issues.

Air Quality Management

- ❑ Informed RL on the proper DOE procedure for submitting the annual radionuclide National Emission Standards for Hazardous Air Pollutants (NESHAPs) emissions report, as required by the CAA.
- ❑ Gave assistance to the Weldon Spring Site (WSS), St. Louis, Missouri, related to environmental monitoring procedures for demonstrating site compliance with the radionuclide NESHAPs. EH-41 helped WSS assess contributions to the dose from radionuclides and radon, inhalation and external gamma-ray, and air and soil.
- ❑ Responded to requests from staff within the Office of the Assistant Secretary for Defense Programs (DP) and the Office of Worker and Community Transition (WT-1) for information and data outlining estimates of DOE's present and future inventory of ODSs. EH-41 is collecting the data for the Department to meet requirements in EO 12843, "Procurement Requirements and Policies for Federal Agencies for Ozone-Depleting Substances." Subsequently, EH-41 will prepare a report on DOE's inventory and phaseout of ODSs.
- ❑ Provided PO-6 with requested information on DOE's phaseout of ODSs to address an issue raised by the Office of the Deputy Assistant Secretary for Materials-Asset Management and National Security Policy Analysis (PO-5) concerning the DOE use of ODSs.

- ❑ Worked with staff from DP, the Office of the Assistant Secretary for Policy and International Affairs (PO), and the Office of the Assistant Secretary for Fossil Energy (FE) to respond to a series of congressional questions related to the implications of EPA's proposed revisions to the ozone and particulate matter ambient standards to DOE operations. The Senate Armed Services Committee had posed these questions to the Assistant Secretary for Defense Programs (DP-1) at a hearing that focused on the Department's FY 1998 budget request.

Radioactive Waste Management and Radiation Protection

- ❑ Developed an issue paper to address regulatory concerns regarding tritium-bearing waste streams generated from accelerator production of tritium (APT). Specifically, the issue paper provides an analysis of potential RCRA implications and compares the regulatory status of tritium-bearing wastes generated by the SRS K-Reactor and the APT process.
- ❑ Provided the Office of Eastern Area Programs (EM-42) with technical assistance in response to questions and concerns on handling the disposal of some PCB material that was found during the cleanup of radiological contaminants at the Maywood Chemical Works property in New Jersey.
- ❑ Compiled information from the DOE complex on projects and activities that will require review or involvement by NRC during the remainder of FY 1997 and for FYs 1998-2000. NRC had requested the information for use in planning its annual budgets.
- ❑ Worked with and provided technical assistance to various DOE field elements and program offices, including the Office of Naval Reactors (NE-60), regarding questions on the implementation of DOE guidelines for residual radioactivity on surfaces that are consistent with NRC Regulatory Guide 1.86 and on issues relating to environmental sampling of tritium.

- ❑ Coordinated with EM-35 on a review of the list of critical assumptions for DOE low-level waste disposal facility performance assessments. Specifically, EH-41 reviewed and provided input on different versions of the list, including the development of relevant comments and concerns on, and corrections to, the list that was submitted to the DNFSB via a March 7, 1997, letter from EM-1.
- ❑ Performed a review of, and offered detailed comments and recommendations on, EM-35's "Department of Energy Process and Criteria for Review of Composite Analyses for LLW Disposal" and the draft "Standard Format and Content and Standard Review Plan for U.S. DOE LLW Performance Assessments."
- ❑ Conducted a review and analysis of the LANL Performance Assessment and Composite Analysis of the LLW unit at Material Disposal Area G. EH-41's comments and recommendations were provided to the Technical Review Team Leader and to the LLW Federal Review Group.
- ❑ Reviewed, for EH-4 concurrence, the Annual Report on DNFSB Activities.
- ❑ Developed comments for BNL's consideration on its draft "Risk Assessment and Optimization (ALARA) Analysis for the Environmental Remediation of BNL's Hazardous Waste Management Facility," dated March 1997, which analyzed the application of ALARA to cleanup alternatives at BNL.

Cultural Resources Management

- ❑ At the request of EH-42's Waste Activities Division (EH-421), reviewed and provided comments on the cultural resources and endangered species sections of a draft Environmental Impact Statement for the sale of Naval Petroleum Reserve No. 1.
- ❑ In response to the Office of Emergency Management's (NN-60's) request, reviewed and concurred on a Federal interagency programmatic agreement on *Protection of Historic Properties during Emergency Response under the National Oil and*

Hazardous Substances Pollution Contingency Plan.

- ❑ Provided technical assistance to DOE personnel at WIPP in response to their concerns related to compliance with Sections 106 and 110 of the NHPA. The issue of concern was the potential impact of future activities on cultural resources at the WIPP site. EH-41 informed the WIPP staff that an agreement being developed between DOE, the State of New Mexico, and the ACHP will address compliance responsibilities under the NHPA and provide adequate protection for cultural resources at the site.
- ❑ Reviewed and approved application forms for nominating the former Rocky Flats Plant in Golden, Colorado, as a historic district on the National Register of Historic Places. The nomination of the former nuclear weapons production plant, submitted to the DOI's Office of the National Register of Historic Places, will ensure that information regarding its historic structures is well documented through appropriate photographs, drawings, and narrative reports.

Ground Water Quality Management

- ❑ Led a peer review of Hanford's ground water program and provided final observations to the RL. The observations provided validation of ongoing program activities and future plans, as well as technical suggestions based on the experience of the work group's review team.

General Environmental Issues

- ❑ Provided review of, and EH-4 concurrence on, PO's draft document entitled "DOE Environmental Security Initiative: Framework for Implementation."
- ❑ Prepared background papers for the Assistant Secretary for Environment, Safety and Health's (EH-1's) October 1996 videotaped interview with Westinghouse on the new ISO 14000 EMS standard. The papers highlighted the anticipated benefits of adopting ISO 14001 and the compatibility of ISO 14001 with other management initiatives at DOE. Westinghouse's video on ISO 14001 was to also include an interview with EPA.

- ❑ Recommended EH-1 concurrence on the report, "Linking Legacies: Connecting the Cold War Nuclear Weapons Production Processes to their Environmental Consequences," prepared by EM in response to Section 3154 of the National Defense Authorization Act of 1995.
- ❑ Provided technical support to EH-33 and the Office of the Deputy Assistant Secretary for Oversight (EH-2) in preparing a discussion paper on the importance of corporate ES&H data for EH-1 to present at a meeting with DOE field managers during October 1996.
- ❑ At EH-7's request, reviewed and commented on the draft ES&H Management Plan for the Hanford Site submitted to RL by Fluor Daniel, Hanford.
- ❑ Upon request from the Office of the Deputy Assistant Secretary for Worker Health and Safety (EH-5), provided assistance to the DOE Source Evaluation Board in determining appropriate criteria for measuring the ES&H performance of a new management and operating contractor at BNL.
- ❑ Provided input to the Office of the Assistant Secretary for Energy Efficiency and Renewable Energy (EE) on the DOE submission to the President's Council on Sustainable Development concerning the "Sustainable America Report."

DOE Directives and Standards

- ❑ Submitted comments to the Office of Organization and Management (HR-6) on draft DOE G 251.1-2, Directives Cost Estimating Guide. The guide describes a methodology for calculating the cost of new and revised directives and will provide a tool for the offices of primary interest in preparing Directives Cost Impact Estimates.
- ❑ Reviewed a draft of a DOE policy on performance-based management that was developed in response to a mandate from DOE's Quality Summit '96 to develop "an integrated approach to performance-based management."
- ❑ Reviewed, for EH-4, the final drafts of DOE Order 251.1A, "Directives System," and Manual 251.1-1A, "Directives System Manual."
- ❑ Reviewed, for EH-4, the draft of DOE Notice 410.XX, "Energy Systems Acquisition Advisory Board."
- ❑ Reviewed and generated comments on Volume III, Section 4, "Notification and Communications" of the draft DOE Emergency Management Guide, which was being prepared by the Office of Nonproliferation and National Security (NN). EH-41's review focused on environmental issues in seven chapters of the draft guide.
- ❑ Responded with comments and information to a request from the Environmental Protection Division, Albuquerque Operations Office, for approval, under DOE Order 5400.5, to ship septic tank wastes from the Sandia National Laboratories to a non-DOE, non-radiological TSDF for treatment, incineration, and subsequent disposal of the ash residues.
- ❑ Assisted EM in responding to the Rocky Flats Environmental Technology Site's (RFETS's) request for an exemption from the DOE Order 5820.2A restriction on the use of off-site commercial disposal facilities. RFETS's proposal involved establishing a commercial contract to ship pondcrete and saltcrete, containing various contaminants of concern, to a commercial treatment and disposal facility.
- ❑ Reviewed the Oakland Operations Office's (OAK's) request for an exemption from Order DOE 5820.2A to ship LLW from a commercial facility performing contract work for DOE to a commercial treatment facility.
- ❑ Provided EH review and approval of the Chicago Operations Office's request for expedited delivery and commercial disposal of animal and other biological LLW from BNL. BNL had already been granted an exemption from Order DOE 5820.2A to dispose of the LLW at a commercial facility.
- ❑ Provided technical assistance to OAK with respect to procedures and requirements in Order DOE 5400.5 that would apply to the

clearing and removal of trees at Lawrence Berkeley National Laboratory that may contain residual radioactive material.

- Undertook lead role for EH in providing environmental regulatory and policy oversight review of the East Tennessee Technology Park's Three-building Decontamination and Decommissioning and Recycle Project. During the latter part of FY 1997, EH and EM began coordination on the HQ-level review of the project. Under EH-41's leadership, EH reviewed the statement of work for the project, ensuring that processes were in place to provide for protection of the public, workers, and the environment when the property is released from the site following completion of decontamination activities. EH-41 expects continued consultation with EM on concerns dealing with the determination of the project's consistency with Order DOE 5400.5.

Environmental Compliance/Assistance Projects

EO 12856 Implementation

EH-41 prepared the second annual report on the Department's progress in complying with EO 12856, "Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements," which requires Federal agency compliance with toxic chemical release reporting provisions under EPCRA. Toxic release data included in the report were validated by EH-41 in consultation with DOE Operations Offices. The report shows that DOE is well on its way to meeting its 50% reduction goal in releases and off-site transfers for the treatment and disposal of toxic chemicals from Departmental facilities. EH-41 leads, through various avenues (e.g., guidance materials, workshops, direct technical assistance), the Department's success in achieving toxic chemical release reduction goals under EPA's 33/50 Pollution Prevention Program, which is aimed at reducing the releases of priority toxic chemicals. DOE was the only Federal agency to participate in this nationwide voluntary reduction program and in the fall of 1996 received the National Performance Review "Hammer" award from Vice President Gore. Additionally, for its proactive stance in implementing EO 12856 across the DOE complex, EH-41 received the EO

12856 Individual Challenge Award as part of the 1997 White House Environmental Awards.

Chemical and Radiological Contaminants Exposure

Under a cooperative agreement between DOE and EPA through the Strategic Environmental Research and Development Program (SERDP), EH-41 led the development of a working draft report entitled "Methods and Tools for Estimation of Exposure of Terrestrial Wildlife to Contaminants." The report presents (1) methods for estimating exposure of terrestrial wildlife to chemical and radionuclide contaminants and (2) approaches for probabilistic exposure estimation and extrapolation from individual-level exposures to population-level effects. Also described in the report are methods and models to estimate contaminant concentrations in selected food types consumed by wildlife and life history parameters needed to accurately estimate exposure. The report was provided to EPA and several DOE program offices during FY 1997 for their information, use, and/or review.

Radionuclide Emissions, Yearly Reporting

Subpart H of 40 CFR Part 61, *National Emission Standards for Emissions of Radionuclides Other than Radon from Department of Energy Facilities*, applies requirements for the control of radionuclide air emissions to DOE-owned or -operated facilities that emit any radionuclide other than radon-222 or radon-220 into the atmosphere. EH-41 helps Departmental facilities demonstrate compliance with these standards by providing a yearly report to EPA on DOE's emissions, as required by subpart H. Specifically, the office solicits and compiles emissions data from individual DOE sites and then develops a report summarizing information on DOE radionuclide emissions for the year, including compliance status with the standards and ongoing and planned activities intended to further reduce radionuclide emissions at Departmental sites. Other DOE support activities by EH-41 in this area include the office's recent development of a database containing radionuclide emissions data for applicable DOE sites. The office maintains and updates this database and uses the contents to respond to various inquiries and in conjunction with the EH-41 Annual NESHAPs Conference.

Emergency Response and Special Analyses

Staff technical expertise within EH-41 provides the Department with diverse knowledge and experience for emergency response planning.

During FY 1997, EH-41 staff participated in Digit Pace, a national emergency exercise involving a nuclear weapon. During the three-day exercise, an EH-41 representative served as a technical advisor providing environmental and safety consequence assessment for the HQ's Emergency Management Team's Technical Operations group.

EH-41 staff also were counted on during the year to provide follow-up environmental analyses of a chemical explosion incident that occurred during May 1997 at the Hanford Site's Plutonium Reclamation Facility. The office prepared for EH-4's use and review a series of written analyses that assessed the incident with respect to potentially applicable RCRA regulations and standards; the Department's Materials in Inventory Initiative, which EH-41 has played a key role in implementing; and relevant sections of the Chemical Safety Vulnerability Working Group Report.

NRD Estimation

EH-41 provides Departmental leadership in effectively addressing NRD concerns, including questions of potential liability, at DOE sites. During FY 1997, EH-41 prepared for the Office of Program Integration's (EM-43's) use a report entitled "Estimating Aggregate Natural Resource Damages at Department of Energy Sites." This report was prepared in support of DOE's interim policy developed by EH-41, in conjunction with EM, on integrating NR risk concerns into environmental response actions at DOE sites. The report describes an approach for estimating DOE's aggregate potential NRD liability based on existing DOE site conditions and actual economic approaches used by NR trustees to assess NR damages. EH-41's method served as an alternative to those used by the Council on Environmental Quality and the General Accounting Office (GAO) in separate 1996 studies that estimated DOE's aggregate NRD liability. The GAO also conducted an investigation into DOE's means for addressing NRD liability and other concerns. EH-41 staff

played an active part in responding to this phase of GAO's study as the office has led the way in issuing DOE guidance and policy on NRD issues with respect to environmental restoration projects. Specifically, EH-41 took part in meetings with GAO representatives to answer questions regarding the DOE guidance and the work of the HQs Natural Resources Trustee Coordinators Steering Committee, co-chaired by EH-41 and EM-47. During this time, the office also worked with staff from EM and GC to develop a report to Congress, required by the FY 1997 Defense Appropriations Authorization Act, on DOE's potential NRD liabilities.

Site Environmental Information Handbook

The *Site Environmental Information Handbook* is a resource tool developed by EH-41. The handbook, recently updated and made available on the EH-41 Web site, provides a variety of useful information for 59 DOE field sites that is updated annually. Site-specific information and data that are accessible include current environmental issues and concerns, site description and historical background, environmental compliance status information, state and local environmental regulatory agencies interacting with each site, cultural resources and endangered species information, environmental auditing history, and annual environmental funding data. The utility of the handbook lies in the fact that the information and data it provides was previously available only through numerous different sources.

Cultural and Historic Resource Management

EH-41 leads the Department in various initiatives aimed at increasing awareness and proper management of DOE cultural and historical resources, which are subject to various Federal preservation requirements. Some of the office's FY 1997 activities in this area are briefly described below.

EH-41 initiated the DOE Historic Theme Project to provide (1) a coordinated DOE-wide approach for complying with the NHPA, particularly Section 106 responsibilities, and the Historic Sites Act and (2) a mechanism for enhancing DOE outreach through a focus on non-DOE owned properties that played an important role in the Department's history. The

DOE Historic Theme Project will be implemented according to the chronological history of the Department in the following phases: Phase I addresses the Manhattan Project time frame, Phase II will deal with the Cold War Era, and Phase III will focus on more recent scientific and technological achievements by DOE associated with its energy policy and program areas. In FY 1997 DOE historic preservation field contacts were informed of the proposed plan for beginning phase I of the project. EH-41 also provided a user's guide to help site contacts through the process and, thereby, facilitate their efforts to address Section 106 requirements at their facilities. The project's comprehensive approach is intended to help streamline DOE's compliance with NHPA and increase public outreach.

The office provides the DOE-wide response to DOI's annual request for information on DOE's archaeological activities and programs. DOI is charged with preparing an annual report to Congress on Federal archaeological activities. DOE's Federal Preservation Officer, an EH-41 staff member, coordinated the collection of information from DOE facilities nationwide on their respective archaeological projects and activities during FY 1996. EH-41 then compiled and summarized the information in a DOE composite response, submitted to DOI on June 3, 1997. EH-41 also utilized the responses provided by individual DOE sites to further evaluate DOE's archaeological activities and develop a progressive cultural resource management program.

EH-41 also worked with GC staff to develop a draft DOE report in response to EO 13007, "Indian Sacred Sites." The EO requires Federal agencies to report to the Assistant to the President for Domestic Policy concerning their implementation of this order. The report was prepared using information provided by DOE sites on their current activities regarding Native American sacred sites, and it summarizes activities at DOE sites that provide tribes access to sacred sites and proposes measures that will ensure accommodation to tribes, protection of sacred sites, and the implementation of procedures that will facilitate consultation with appropriate tribes. Affected DOE sites and Native American tribes were consulted for their views on the report.

Ground Water Protection

As chair of the DOE Ground Water Protection Work Group, EH-41 takes an active role in ensuring awareness of ground water quality standards, issues, and protection efforts throughout the DOE complex. As in years past, the office sponsored meetings of the work group during FY 1997. Topics for discussion at these meetings included techniques for improving the effectiveness of ground water compliance monitoring at DOE sites and ground water protection standards for radioactive waste and radiologically contaminated sites. These meetings also provided a means for DOE and contractor personnel, including site representatives, to interact and share "lessons learned" information for improving ground water programs. EH-41 also encouraged and received feedback on future guidance materials that the office could prepare to further assist personnel in ground water protection efforts at their respective sites.

EMSs—ISO 14001

The National Technology Transfer and Development Act of 1995 requires Federal agencies to use voluntary consensus based standards to the extent practicable. Within DOE, EH-41 remains at the forefront in promoting the use of such a standard, identified as the ISO 14001 EMS Standard. This standard provides a way for Federal agencies to more cost-effectively attain environmental program goals established by Congress through the implementation and use of integrated EMSs. EMSs provide a structured, yet flexible, management framework that provides for objective monitoring and verification of progress towards established goals.

During FY 1997, EH-41 staff were very active in efforts to disseminate information on the implementation, use, and accompanying benefits of ISO 14001 to DOE and DOE contractor personnel. The EH-41 EMS Team (1) made eighteen presentations on EMSs to DOE program and field offices and other Federal organizations, (2) worked closely with the EH Safety Management Implementation Team to ensure that EMSs were successfully incorporated within the Integrated Safety Management System, and (3) participated in the regular meeting of the Safety Management Implementation Team and the Lessons Learned Workshop. The team was

also very active in helping sites implement ISO 14001-based EMSs. Furthermore, EH-41 worked closely with EPA to lead an interagency effort aimed at identifying issues that would need to be addressed if Federal agencies are to successfully implement EMSs. This association resulted in the completion of a draft DOE/EPA primer on EMSs for Federal agencies, which is expected to be finalized in FY 1998.

BNL Review

EH-41 took part in a comprehensive EH review of BNL's operating practices with regard to environmental compliance and protection. Office staff participated in a DOE team formed to review ground water quality data at BNL to determine if any past practices have resulted in contamination of ground water that had not yet been detected. During the year, EH-41 representatives met with BNL staff to discuss preliminary plans for the project review, briefed upper EH management on plans for reviewing ground water data and facility performance data, reviewed data and maps relevant to the project's focus, and made a visit to BNL to perform additional analyses of ground water data.

Other EH-41 staff utilized their knowledge of EMSs to help BNL enhance and/or incorporate EMS concepts and practices at the laboratory. Through workshops and direct contacts, EH-41 staff provided information on EMS and, in particular, the use of ISO 14000 to BNL and EH representatives taking part in the BNL review. EH-41 also (1) helped define specific areas where the EMS review of BNL could respond to needs identified by DOE and the BNL contractor and (2) visited BNL to support technical assistance efforts in operational awareness, self-assessment, and enhanced work planning.

Environmental Justice (EJ)

After assisting with the development of a DOE EJ Strategy in FY 1996 to implement EO 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," the office continued its support for the Department on this important issue in FY 1997. EH-41 activities included sponsoring and participating in several focus group meetings aimed at developing performance indicators for DOE's EJ Strategy and working in close

association with the Office of Minority Economic Impact (ED-2) to ensure consistency in Departmental efforts to implement the strategy. The office also completed a draft of a document entitled "Incorporating Environmental Justice into CERCLA Activities," being prepared to assist DOE and contractor personnel in considering EJ principles during CERCLA actions. The document was distributed to DOE program and field offices at the end of FY 1997 for review and input.

Stratospheric Ozone Protection—ODSs

EH-41 continues to help DOE personnel and facilities progress toward the Departmental goal of phasing out the use of ODSs. In addition to providing leadership in the areas of ODS policy development and implementation, the office makes numerous technical and regulatory resources available to assist affected Departmental personnel in achieving the phaseout of ODSs. Most recently, in response to comments and recommendations from DOE field and contractor staff, EH-41 established an ODS "open forum" on its Web site. The forum was established to (1) improve the exchange and dissemination of information, experience, and ideas on the use and phaseout of ODSs among DOE and contractor staff and (2) offer individuals a direct means to question and/or request assistance from EH-41 concerning environmental requirements and/or management practices for ODSs and approved chemical substitutes.

Risk Assessment Tool Kit—SCEM Builder

EH-41 has recently created the Site Conceptual Exposure Model (SCEM) Builder, a user-friendly computer graphics tool that considerably shortens the time required for Environmental Restoration program managers to generate SCEM diagrams and associated documentation. EPA guidance on the preparation of CERCLA scoping documents requires the development of a SCEM as a planning tool for public health and ecological risk assessments. RCRA corrective actions also require risk assessments to be conducted to determine the potential impacts to public health and the environment. The SCEM Builder can be used to illustrate suspected or identified sources of contamination, release mechanisms, exposure pathways, and human or ecological receptors,

which together provide a visual presentation of site conditions and data gaps. Investigators can also quickly modify any of the variables to generate a range of SCEMs that reflect various “what-if” scenarios (e.g., potential site conditions). EH-41 released the completed SCEM Builder in FY 1997, making it available for downloading from its Web site.

Federal Facility Hazardous Waste Compliance Docket

The CERCLA Federal Agency Hazardous Waste Compliance Docket is a list of Federal facilities that manage hazardous waste or have potential hazardous waste contamination. The docket, maintained and routinely updated by EPA, identifies the Federal facilities that should be evaluated to determine if they pose a risk to public health or the environment. EH-41 serves as the lead office for DOE in responding to any proposed revisions to the Docket involving Departmental facilities. Such action was required by EH-41 during FY 1997 after certain DOE facilities were included as part of the proposed tenth update of the docket. The office provided notice and information concerning the proposed update to the DOE Operations Offices and associated facilities potentially impacted by the listing and indicated actions they would need to fulfill, including the verification of information and data used by EPA in proposing the updated docket list. After coordinating review of the proposed tenth update and gathering necessary information, EH-41 developed and submitted a DOE response to EPA’s proposal to confirm and/or correct the proposed docket with respect to DOE facilities. To keep track of these and other docket revisions pertaining to DOE, EH-41 has developed a database containing information on DOE facilities and their current status on the docket.

Awards

Hammer Award

In August 1997 EH-41 received the Hammer Award at the Indian Treaty Room in the Old Executive Office Building, Washington, D.C. The award was given to DOE for its contribution and effort in building the Vice President’s *U.S. Business Advisor* (<http://www.business.gov>). The

Hammer Award included the first “Virtual Hammer.” EH-41’s contribution included technical guidance and access to the EnviroText database. EnviroText is an online library of congressional information, Federal laws, Federal regulations, and Native American information with a focus on ES&H. The *Business Advisor* was the first government Web site that incorporated information from several agencies. Users can go to one location to access information across the entire government that affects their business or organization.

Participation in DOE Work Groups and Committees

EH-41 chairs or participates in various DOE, interagency, national, and international work groups and committees. Specific examples are provided below.

- Joint EM/EH Focus 2006 Plan (Ten-Year Plan) Project Team
- EH Analysis Task Team
 - Interdisciplinary Training Subteam
- Essential Requirements Team
- EH Site Team Operating Group
- EPA Federal Facilities Leadership Council
- DOE/NAAG (National Association of Attorneys General) Work Group
 - RCRA/AEA Subgroup
- Multi-agency Radiation Laboratory Analytical Protocols Manual Writing Committee
- DOE ERCCC
- MARSSIM Work Group
- Radioactive Waste Management Order Revision Team
 - Requirements Committee
- DOE LLW Federal Review Group
- LLW Management Steering Committee

- LANL Site LLW Performance Assessment Review Group
- Energy Facility Contractors Group ISO 14000 EMS Working Group
- DOE Facilities EMS Working Group
- American National Standards Institute—Registration Accreditation Board EMS Council
- Interagency Working Group on EMS
- HQ ISO 14000 EMS Working Group
- DOE Topical Committee on EMSs
- Interagency Work Group on ISO 14000 EMS Post-operations Health and Safety Technical Standards Core Team
- EH BNL Site Team
- Technical Standards Managers' Committee
- RFETS Site Team
- EJ Working Group
- EJ Performance Measures Focus Group
- Interagency Steering Committee on Radiation Standards (ISCORS)
 - Sewage Sludge Subcommittee
 - Risk Harmonization Subcommittee
 - Mixed Waste Subcommittee
 - Recycle Subcommittee
 - Decontamination and Decommissioning Subcommittee
- EH Customer Survey Team
- Federal Interagency Council on the Management of Noxious and Exotic Weeds
- CWA Storm Water Phase II Federal Advisory Subcommittee
- Federal Nonpoint Source Task Force
- DOE Ground Water Protection Work Group
- Energy Management Steering Committee
- SERDP Advisory and Coordinating Committee for the Environmental Risk Assessment Program
- Federal Radiation Protection Guidance Interagency Working Group
- Risk-based Corrective Action Leadership Council
- National Recreational Fisheries Coordinating Council
- DOE Rule Implementation Steering Group
- Federal Peer Review Panel
- HWIR Focus Group
- National Technical Work Group Executive Committee
- Waste Reduction Steering Committee
- Field Pollution Prevention Coordinators Group
- EO 12856 Federal Agency Work Group
- DOE Complex-wide Projects Team
- DOE Natural Resource Trustee Steering Committee
- DOE Pollution Prevention Award Judging Panel
- PCB Focus Group
- DOE Mixed Waste Focus Area
 - Macroencapsulation Working Group
 - Mercury Waste Working Group
- American Society for Testing and Materials Task Group on Access and Land Use Controls
- National Park Service Task Force
- Native American Graves Protection and Repatriation Act Review Committee
- Federal Archaeological Activities Questionnaire Task Force
- ACHP Interagency Group on 36 CFR Part 800
- Domestic Policy Council Working Group, Special Initiative for American Indian and Alaska Native Children and Adolescents

Acronyms

Acronym	Definition
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A-106	Office of Management and Budget Circular A-106 Pollution Abatement Plan
ACHP	Advisory Council on Historic Preservation
AEA	Atomic Energy Act
AL	Albuquerque Operations Office
ALARA	as low as reasonably achievable
ANPRM	advance notice of proposed rulemaking
APT	accelerator production of tritium
ARARs	applicable or relevant and appropriate requirements
BNL	Brookhaven National Laboratory
CAA	Clean Air Act
CBM	chlorobromomethane
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFR	<i>Code of Federal Regulations</i>
CWA	Clean Water Act
DNFSB	Defense Nuclear Facilities Safety Board
DOD	U.S. Department of Defense
DOE	U.S. Department of Energy
DOI	U.S. Department of the Interior
DP	U.S. Department of Energy's Office of the Assistant Secretary for Defense Programs
DP-1	U.S. Department of Energy's Assistant Secretary for Defense Programs
DP-40	U.S. Department of Energy's Office of the Deputy Assistant Secretary for Program Support
ED-2	U.S. Department of Energy's Office of Minority Economic Impact
EE	U.S. Department of Energy's Office of the Assistant Secretary for Energy Efficiency and Renewable Energy
EH	U.S. Department of Energy's Office of the Assistant Secretary for Environment, Safety and Health

EH-1	U.S. Department of Energy's Assistant Secretary for Environment, Safety and Health
EH-2	U.S. Department of Energy's Office of the Deputy Assistant Secretary for Oversight
EH-3	U.S. Department of Energy's Office of the Deputy Assistant Secretary for Nuclear and Facility Safety
EH-33	U.S. Department of Energy's Office of the Deputy Assistant Secretary for Nuclear and Facility Safety, Office of Operating Experience Analysis and Feedback
EH-4	U.S. Department of Energy's Office of the Deputy Assistant Secretary for Environment
EH-41	U.S. Department of Energy's Office of the Deputy Assistant Secretary for Environment, Office of Environmental Policy and Assistance
EH-411	U.S. Department of Energy's Office of Environmental Policy and Assistance, Compliance Assistance Division
EH-412	U.S. Department of Energy's Office of Environmental Policy and Assistance, Air, Water and Radiation Division
EH-413	U.S. Department of Energy's Office of Environmental Policy and Assistance, RCRA/CERCLA Division
EH-42	U.S. Department of Energy's Office of the Deputy Assistant Secretary for Environment, Office of NEPA Policy and Assistance
EH-421	U.S. Department of Energy's Office of NEPA Policy and Assistance, Waste Activities Division
EH-5	U.S. Department of Energy's Office of the Deputy Assistant Secretary for Worker Health and Safety
EH-52	U.S. Department of Energy's Office of the Deputy Assistant Secretary for Worker Health and Safety, Office of Worker Protection Programs and Hazards Management
EH-7	U.S. Department of Energy's Office of the Deputy Assistant Secretary for Planning and Administration
EJ	environmental justice
EM	U.S. Department of Energy's Office of the Assistant Secretary for Environmental Management

EM-1	U.S. Department of Energy's Assistant Secretary for Environmental Management	FM-20	U.S. Department of Energy's Office of the Associate Deputy Secretary for Field Management, Office of Project and Fixed Asset Management
EM-35	U.S. Department of Energy's Office of the Deputy Assistant Secretary for Waste Management, Office of Planning and Analysis	FR	<i>Federal Register</i>
		FY	fiscal year
EM-37	U.S. Department of Energy's Office of the Deputy Assistant Secretary for Waste Management, Office of Technical Services	GAO	General Accounting Office
		GC	U.S. Department of Energy's Office of the General Counsel
EM-40	U.S. Department of Energy's Office of the Deputy Assistant Secretary for Environmental Restoration	GC-71	U.S. Department of Energy's Office of the General Counsel, Office of the Assistant General Counsel for Legislation
EM-42	U.S. Department of Energy's Office of the Deputy Assistant Secretary for Environmental Restoration, Office of Eastern Area Programs	HAP	hazardous air pollutant
		HCFC	hydrochlorofluorocarbon
		H.R.	House Resolution
EM-43	U.S. Department of Energy's Office of the Deputy Assistant Secretary for Environmental Restoration, Office of Program Integration	HR-6	U.S. Department of Energy's Office of the Assistant Secretary for Human Resources and Administration, Office of Organization and Management
EM-47	U.S. Department of Energy's Office of the Deputy Assistant Secretary for Environmental Restoration, Office of Program Initiatives	HQ	U.S. Department of Energy Headquarters
		HWIR	Hazardous Waste Identification Rule
EM-60	U.S. Department of Energy's Office of the Deputy Assistant Secretary for Nuclear Material and Facility Stabilization	IAEA	International Atomic Energy Agency
		ID	Idaho Operations Office
EM-75	U.S. Department of Energy's Office of the Deputy Assistant Secretary for Site Operations, Office of Environmental and Regulatory Analysis	ISCORS	Interagency Steering Committee on Radiation Standards
		ISM	Integrated Safety Management
		ISO	International Organization for Standardization
EMS	environmental management system	LANL	Los Alamos National Laboratory
EMSP	Environmental Management Science Program	LDR	land disposal restriction
EO	Executive Order	LLNL	Lawrence Livermore National Laboratory
EPA	U.S. Environmental Protection Agency	LLW	low-level radioactive waste
EPCRA	Emergency Planning and Community Right-to-Know Act	MARSSIM	Multi-Agency Radiological Survey and Site Investigation Manual
ER	U.S. Department of Energy's Office of Energy Research	MIN	Materials in Inventory
ERCCC	U.S. Department of Energy's Environmental Radiation Control Coordinating Committee	MOA	memorandum of agreement
		MOU	memorandum of understanding
ES&H	Environment, Safety, and Health	NAAG	National Association of Attorneys General
FAR	Federal Acquisition Regulation	NCAPS	National Corrective Action Prioritization System
FE	U.S. Department of Energy's Office of the Assistant Secretary for Fossil Energy	NCRP	National Council on Radiation Protection

NEPA	National Environmental Policy Act	PORTS	Portsmouth Gaseous Diffusion Plant
NESHAPs	National Emission Standards for Hazardous Air Pollutants	PPA	Pollution Prevention Act
NETO	National Environmental Training Office	R&D	research & development
NE-60	U.S. Department of Energy's Office of Nuclear Energy, Science and Technology, Office of Naval Reactors	RCRA	Resource Conservation and Recovery Act
NHPA	National Historic Preservation Act	RFETS	Rocky Flats Environmental Technology Site
NN	U.S. Department of Energy's Office of Nonproliferation and National Security	RI/FS	remedial investigation/feasibility study
NN-51	U.S. Department of Energy's Office of Security Affairs, Office of Safeguards and Security	RL	Richland Operations Office
NN-60	U.S. Department of Energy's Office of Emergency Management	ROD	record of decision
NPL	National Priorities List	RQ	reportable quantity
NR	natural resource	S-1	U.S. Department of Energy's Secretary of Energy
NRC	U.S. Nuclear Regulatory Commission	SAB	U.S. Environmental Protection Agency's Science Advisory Board
NRD	natural resource damage	SAFER	Streamlined Approach for Environmental Restoration
NRDA	Natural Resource Damage Assessment	SCEM	Site Conceptual Exposure Model
NRTC	Natural Resource Trustee Council	SDWA	Safe Drinking Water Act
NTS	Nevada Test Site	SER	Site Environmental Report
NV	Nevada Operations Office	SERDP	Strategic Environmental Research Development Program
OAK	Oakland Operations Office	SIC	Standard Industrial Classification
ODS	ozone-depleting substance	SNAP	Significant New Alternatives Policy
OERR	Office of Emergency and Remedial Response	SRS	Savannah River Site
OR	Oak Ridge Operations Office	TAP	Technical Assistance Project
ORNL	Oak Ridge National Laboratory	TRI	Toxic Chemical Release Inventory
ORR	Oak Ridge Reservation	TSCA	Toxic Substances Control Act
PCB	polychlorinated biphenyl	TSD	treatment, storage, and disposal
PDF	portable document format	TSDF	treatment, storage, and disposal facility
PGDP	Paducah Gaseous Diffusion Plant	UMTRA	Uranium Mill Tailings Remedial Action
PMA	Power Marketing Administration	UST	underground storage tank
PO	U.S. Department of Energy's Office of the Assistant Secretary for Policy and International Affairs	WIPP	Waste Isolation Pilot Plant
PO-5	U.S. Department of Energy's Office of the Deputy Assistant Secretary for Materials-Asset Management and National Security Policy Analysis	WSS	Weldon Spring Site
PO-6	U.S. Department of Energy's Office of the Deputy Assistant Secretary for Energy, Environmental and Economic Policy Analysis	WT-1	U.S. Department of Energy's Office of Worker and Community Transition