



Many Voices Working for the Community

Oak Ridge Site Specific Advisory Board

March 9, 2006

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

Dear Mr. McCracken:

Recommendation 144: Recommendation on the Fact Sheet for the Explanation of Significant Difference for the Molten Salt Reactor Experiment Record of Decision at the DOE Oak Ridge Reservation.

At our March 8, 2006, meeting, the Oak Ridge Site Specific Advisory Board approved the enclosed recommendation.

We appreciate your consideration of this recommendation and look forward to receiving your written response.

Sincerely,

A handwritten signature in black ink that reads "Kerry Trammell".

Kerry Trammell, Chair

Enclosure

cc/enc: Dave Adler, DOE-ORO
Pat Halsey, DOE-ORO
Connie Jones, EPA Region 4
Rex Lynch, Anderson County Mayor
James O'Connor, Oak Ridge City Manager
Melissa Nielson, DOE-HQ
John Owsley, TDEC
Ken Yager, Roane County Mayor



Recommendation 144
Oak Ridge Site Specific Advisory Board
Recommendation on the Fact Sheet for the Explanation
of Significant Difference for the Molten Salt Reactor
Experiment Record of Decision
at the DOE Oak Ridge Reservation

BACKGROUND

Under CERCLA Sect. 117(c), DOE is required to publish an Explanation of Significant Difference (ESD) when there is a significant change to a component of a remedy specified in a Record of Decision (ROD).

In May 2001, DOE published a notice that the *ESD from the Remedy in the ROD for Disposal of Oak Ridge Reservation CERCLA Waste (DOE/OR/01-1905&D2)* had been approved by the Parties to the Federal Facility Agreement and was available for the public. The purpose of the ESD was to allow classified waste to be disposed of at the Environmental Management Waste Management Facility from CERCLA remediation activities.

At that time, it came to the attention of the Oak Ridge Site Specific Advisory Board (ORSSAB) that most stakeholders were totally unaware of this change as it was being discussed and developed. ORSSAB believed that any change to a ROD sufficient to warrant an ESD is also sufficient to warrant reasonable public notification and information. To this end, the Board recommended in October 2001 that DOE take the following actions for all future ESDs:

- Seek early public input on potential issues for which an ESD or ROD amendment may become required.
- Provide broad public notification of the intent to prepare an ESD at the earliest possible date so that public issues and concerns can be considered in the preparation of the ESD. This notification should at a minimum include a general notice and specific notification to all stakeholder groups who monitor DOE issues on a regular basis.
- Develop a fact sheet that clearly explains the rationale behind the ESD and the potential impacts on the original decision.
- Provide an opportunity for stakeholders to provide input to the ESD process.

In May 2002, DOE agreed to institute a process that supported the recommendations the ORSSAB proposed for future ESDs. The standard procedure proposed by DOE included provisions for the SSAB to review subsequent ESD fact sheets to ensure that they would be easily understood by the public without having to obtain a copy of the ROD to understand the change being proposed (Attachment 1). Also included in this process was public notification of the ESD fact sheet.

DISCUSSION

In January 2006, DOE issued a fact sheet (Attachment 2) on the ESD being proposed to change the Molten Salt Reactor Experiment (MSRE) Fuel Salt Disposition ROD (DOE/OR/01-1671&D2). The fact sheet was distributed to members of the ORSSAB Environmental Management Committee for study and comment prior to its publication. The following recommendation reflects the committee's concerns about the fact sheet.

RECOMMENDATION

The purpose of the MSRE fact sheet is to describe the rationale for changing the MSRE Fuel Salt Disposition ROD to the general public. Upon review, ORSSAB finds that the fact sheet does not meet this requirement, and we recommend to DOE that:

1. The fact sheet be rewritten to be more readily understandable to the lay person while retaining sufficient technical information to explain to those in the scientific community the details of the change. In particular, significant revision of the cost and schedule discussions must be made to explain the huge changes in those project attributes over the project duration.
2. Detailed yet easily understandable information should be provided as to how the ESD will affect current down-blending activities in Building 3019 at Oak Ridge National Laboratory and how the ESD will impact the project's schedule.