



Many Voices Working for the Community

Oak Ridge Site Specific Advisory Board

November 14, 2002

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

Dear Mr. Boyd:

Recommendations on Fact Sheets for Explanations of Significant Difference for CERCLA Records of Decision at the U.S. DOE Oak Ridge Reservation

At our November 13, 2002, meeting, the Oak Ridge Site Specific Advisory Board approved the enclosed recommendations.

We appreciate your consideration of our recommendations and look forward to receiving your written response.

Sincerely,

David N. Mosby, Chair

Enclosure

cc/enc: Dave Adler, DOE-ORO
Martha Crosland, DOE-HQ
Pat Halsey, DOE-ORO
Connie Jones, EPA Region 4
John Kubarewicz, Bechtel Jacobs
John Owsley, TDEC



Oak Ridge Site Specific Advisory Board Recommendations on Fact Sheets for Explanations of Significant Difference for CERCLA Records of Decision at the U.S. DOE Oak Ridge Reservation

BACKGROUND

Under the National Contingency Plan, changes to the remedy following the Record of Decision (ROD) must be evaluated by the lead agency to determine if a modification to the ROD is required. Post-ROD changes fit into one of the three following categories:

- ✍ **Nonsignificant or Minor Changes** usually arise during design and construction, when modifications are made to the functional specifications of the remedy to address issues such as performance optimization, new technical information, support agency/community concerns and/or cost minimization (e.g., value engineering process). Such changes may affect things such as the type or cost of materials, equipment, facilities, services, and supplies used to implement the remedy. The change will not have a significant impact on the scope, performance, or cost of the remedy. *These changes do not require a revisiting of the ROD.* No public information is required.
- ✍ **Significant Changes** generally involve a change to a component of a remedy that does not fundamentally alter the overall cleanup approach. *These changes require preparation of an Explanation of Significant Difference (ESD).* The lead agency also must publish a notice of availability and a brief description of the ESD in a major local newspaper of general circulation. The ESD must be made available to the public by placing it in the Administrative Record file and information repository. A formal public comment period is not required when issuing an ESD.
- ✍ **Fundamental Changes** involve an appreciable change or changes in the scope, performance, and/or cost or may be a number of significant changes that together have the effect of a fundamental change. An example of a fundamental change is one that results in a reconsideration of the overall waste management approach selected in the original ROD. *These changes require a formal amendment to the ROD.* The lead agency must follow the same notice and comment requirements for the public as with a ROD.

On October 10, 2001, the ORSSAB provided DOE recommendations to ensure sufficient public input was received on ESDs. The recommendation asked DOE to 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. ORSSAB also recommended that DOE publish a fact sheet that clearly explains the rationale behind the ESD and the potential impacts on the original decision.

DOE has proposed an ESD for the Melton Valley ROD to address remediation of four new waste management units: Tumulus I, Tumulus II, the Interim Waste Management Facility, and the Wastewater Triad Project.

DISCUSSION

DOE asked ORSSAB to review a draft fact sheet on the Melton Valley ROD ESD. The ORSSAB Environmental Management Committee offered informal comments to DOE through its meeting but believed that a more formal recommendation was also warranted.

RECOMMENDATIONS

ORSSAB would like to see DOE take a more descriptive and comprehensive approach to developing fact sheets for ESDs. Because there is no opportunity for public comment and little other information regarding ESDs, the fact sheets represent the major source of information for the public with regard to these important events in the remedial decision-making at the Oak Ridge Reservation.

Overall, ORSSAB offers the following principles for use in developing future ESD fact sheets and encourages DOE to apply these principles to all fact sheets to make them more “user friendly” and easy to read.

- ✍ **Clearly State the Purpose and Public Importance of the Fact Sheet Up Front** - At the very top of the fact sheet and highlighted for easy reading, DOE should clearly state the main purpose of the fact sheet and why it is important to the public. Topics to address include: What are the proposed changes? How and when will they be made? How can the public comment or find more information? What makes the ESD significant?
- ✍ **Clearly Provide the Context for the Fact Sheet** - Some detail regarding the purpose and scope of the original ROD is necessary to orient the reader to the significance of the proposed changes. DOE should not assume that the reader is familiar with the topic. Provide a rationale for the decision.
- ✍ **Use Less Narrative and More Bullets** - Clearly list key points so that the reader can understand key issues. Avoid use of long narrative paragraphs, which are hard to read.
- ✍ **Use More and More Descriptive Subheadings** - These help orient the reader and identify key information.
- ✍ **Use Diagrams, Maps, and Pictures to Orient the Reader** - Readers need to understand the nature of the subject, and visuals would greatly enhance their understanding. Clear descriptive captions are essential.
- ✍ **Provide Background** - Describe and define what a ROD, an ESD, a ROD amendment are.