

HANFORD ADVISORY BOARD

A Site Specific Advisory Board, Chartered under the Federal Advisory Committee Act

Advising:

US Dept of Energy
US Environmental
Protection Agency
Washington State
Dept of Ecology

September 10, 2010

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Susan Leckband

VICE CHAIR:

Bob Suyama

Inés Triay

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EnviroIssues

Hanford Project Office

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Re: Openness of the U.S. Department of Energy's Environmental Management Advisory Board Subcommittee Meetings

Dear Dr. Triay,

Background

In June 2010, the Tank Waste Cleanup Subcommittee (Subcommittee) of the U.S. Department of Energy's Environmental Management Advisory Board (EMAB) met in Richland, Washington. The Subcommittee discussed and received information about several key elements of Hanford's Waste Treatment Plant (WTP) project. Other than a brief 20 minute period in which invited perspectives were shared from the Washington State Department of Ecology and the Hanford Advisory Board's (Board) Tank Waste Committee, the EMAB Subcommittee meeting was closed to the public. We would like to note that during our brief opportunity to address the subcommittee, we had a productive discussion and subcommittee members welcomed the Board's input before we were asked to leave.

The successful operation of Hanford's WTP project is vital to protect area residents and the environment from 53 million gallons of high-level nuclear waste stored in 177 aging underground tanks. Vitrifying Hanford's tank waste has been a top Board priority since the Board was created more than 16 years ago.

The Board is disappointed that the EMAB Tank Waste Cleanup Subcommittee meeting was not open to the public. Rather than allowing local or regional stakeholders to participate in or at least observe discussions related to a topic of great regional importance, we are now forced to either travel to the next EMAB meeting in Santa Fe, New Mexico or call in to find out what recommendations may come from the closed June meeting.

HAB Consensus Advice # 235

Subject: Openness of US DOE EM Advisory Board Subcommittee Meetings

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The Board is concerned that recommendations that come forward from the EMAB's Tank Waste Cleanup Subcommittee will have been generated without the benefit of local or regional stakeholder comment or involvement. We have also seen what can happen when significant changes to the direction of Hanford cleanup are proposed in closed forums, and which are then pursued without stakeholder or regulator buy-in, as happened with the tank waste treatment privatization effort and the pursuit of bulk vitrification. These and other such proposals resulted in delays and unnecessary costs.

Meeting in closed session, though legal, is contrary to the spirit of the Federal Advisory Committee Act (FACA), and runs counter to President Obama's direction to all federal agencies to create "an unprecedented level of openness in Government..." calling for a "system of transparency, public participation, and collaboration."

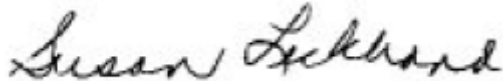
FACA was created in 1972 and is the legal foundation for how federal advisory committees operate. The law has special emphasis on open meetings and public involvement, two fundamental principles of the Board.

Furthermore, on the second day of his Presidency, President Obama instructed the Director of the Office of Management and Budget to issue an Open Government Directive. That Directive was issued in December 2009, and required federal executive departments and agencies to take specific actions towards the goal of creating a more open government. In order to create an unprecedented and sustained level of openness and accountability in every agency, senior leaders were to "strive to incorporate the values of transparency, participation, and collaboration into the ongoing work of their agency." We believe that closed meetings conflict with this Presidential direction.

Advice

- The Board strongly urges that DOE direct that the EMAB Tank Waste Subcommittee meetings, and all EMAB Subcommittee meetings, be open to the public.
- The Board encourages DOE to comply with the Presidential direction for open and transparent government processes in the Environmental Management program. Except where meetings must be closed as permitted by law (e.g. for national security, personal privacy, or criminal investigation), all such meetings should be open to the public. When a meeting is closed, rationale for its closure should be clearly explained.

Sincerely,



Susan Leckband, Chair
Hanford Advisory Board

This advice represents Board consensus for this specific topic. It should not be taken out of context to extrapolate Board agreement on other subject matters.

cc: Matt McCormick, Manger, U. S. Department of Energy, Richland Operations
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J.D. Dowell, Co-Deputy Designated Official, U.S. Department of Energy, Office of River Protection
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