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for the U.S. Department of Energy

Date: *January 8, 2009*

To: *File*

From: *John Selva, ISM/EMS/OSH Program Manager*

Subject: *FY08 EMS/OSH Management Review Record of Decision*

The annual OHSAS 18001 (OSH) and ISO 14001 (EMS) Management Reviews were presented to senior management to ensure the continuing suitability, adequacy, and effectiveness of each system on December 9, and December 30, 2008, respectively. The decisions and actions identified in this Record of Decision (ROD) will be addressed by the appropriate BNL Directorate and tracked in the Assessment Tracking System.

Approved:

Patricia Williams, Manager SHSD

George Goode, Manager, EPD

Concurrence:

Sam Aronson, Laboratory Director

Michael Bebon, Deputy Director for Operations

Doon Gibbs, Deputy Director for Science & Technology

Carol Parnell, ALD ESH Directorate

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Record of Decision
FY08 EMS/OSH Management Review
December 9 & 30, 2008

Purpose of the review:
That top management review BNL's EMS and OSH management systems to ensure their continuing suitability, adequacy, and effectiveness.

Summary of Comments, Decisions and Actions

EMS Program Improvements

- Consider an HPI approach to correct RCRA issues
- Engage EFCOG in EPA Program for Universities
- EMS issues presented at Management review

OSH Program Improvements

- Consider reinstituting fines for traffic violations
- Issues surrounding PPE – look at engineering controls before tightening PPE requirements.

Summary of Issues discussed at the FY08 EMS Management Review

The following is a summary of the issues that will be presented at the FY08 EMS Management Review on Tuesday 12/30/08 for your advanced review. This summary is provided in response to Senior Managements request for more time to comment prior to the meeting. Please take a few moments to mark down your thoughts and bring them to the presentation. Please note that Senior Management's attendance at this management review is required.

1. Issue: Moratorium Metals Policy: Secretary of Energy issued a memorandum (7/2000) suspending the unrestricted release for recycling of scrap metal from radiation areas. This policy remains in effect today, and has major implications in terms of cost and resources.
   Action 1a: Recommend the Laboratory Director raise this issue with other Lab Directors and bring it to the attention of the Secretary.
   Action 1b: Environmental Protection Division (EPD) will develop an interim procedure in SBMS to ensure the current policy is implemented effectively and efficiently.
   Action 1c: EPD and Radcon Division will work with Line Organizations to develop an approach for release of scrap metal currently subject to the policy and seek DOE approval.

2. Issue: RCRA Compliance at Satellite Accumulation Areas: BNL continues to violate regulatory standards for management of hazardous wastes at the point of generation (four NYSDEC Notices of Violation in the last six years). Many approaches have been tried to correct these violations, yet they persist.
   Action 2: Discuss approaches at Management Review. Consider suspending waste generating privileges and require re-training.

3. Issue: Tank Inspections: During annual NYSDEC inspections of the Major Oil Storage Facility and Chemical Bulk Storage facilities, BNL continues to violate regulatory standards for tanks. Most violations identified should be self-identified during required routine inspections.
   Action 3a: EPD has revised inspection checklists and is providing training to those assigned to perform inspections.
   Action 3b: Line supervisors must provide oversight for the tank inspection program to ensure quality.

4. Issue: Legacy Mercury Contamination: Mercury concentrations in the BNL sanitary system influent continued to be elevated (200 ppt), and may exceed proposed release criteria (100 ppt). Mercury levels in Peconic River are receiving renewed scrutiny by regulators. Upstream investigations have identified Building 555 (4300 ppt) and Building 815 (1600 ppt) as key contributors. Sand filterbeds and sludge from Sewage Treatment Plant contribute to mercury burden and should be disposed at Subtitle D waste facility.
   Action 4a: EPD will work with Chemistry Dept to investigate point source treatment options to remove mercury.
   Action 4b: EPD will work with EENS Dept to clean Bldg 815 sediment trap, and monitor building effluents to determine if additional actions are required.
   Action 4c: F&O and EPD evaluate Facility Upgrade planning process to ensure environmental aspects are considered at project conception stage (CD-0).

Action 4d: F&O and EPD develop phased disposal plan for STP sludge and sand filterbeds.

5. Issue: Groundwater clean-up modifications are needed for Bldg 96 and Waste Concentration Facility Sr-90 plumes.
   Action: EPD Groundwater Protection Group work with DOE to identify funding for these actions.

6. Issue: Regulators continue to monitor post-remediation mercury results and additional remediation may be required. Sediment trap must be removed.
   Action 6a: EPD will work with DOE and IAG to determine a path forward on potential need for additional remediation.
   Action 6b: EPD will work with NYSDEC to develop a project plan for removal of the Peconic River sediment trap.

7. Issue: Natural Resources Damages Assessment (NRDA): NYSDEC recently informed DOE that they intend to conduct a cooperative NRDA at BNL. This assessment will likely focus on groundwater contamination and impacts to Peconic River and wildlife. NRDA's typically result in settlements where the "restoration" has a nexus with the damage. There will be public involvement in the process.
   Action: EPD will take the lead on NRDA for BSA, and establish a working group involving BNL Legal and CEGPA to interface with BHSO and DOE-HQ staff and to assist in development of the scope of the NRDA, provide data, and assist in communication efforts.

8. Issue: DOE Order 430.2B Departmental Energy, Renewable Energy, and Transportation: BNL has developed an "Executable Plan" to implement the requirements of this Order, however resources may be inadequate to achieve goals.
   Action: F&O include the goals of DOE O 430.2B in their EMS as Objectives and Targets.

9. Issue: Environmental Preferable Purchasing (EPP):
   Action: PPM (with EPD support) will develop a tracking system to enable accurate and timely reporting of EPP purchases.

10. Issue: Nanomaterial ESH
    Action: Continue to actively participate with Nanomaterial Science Research Centers (NSRC) and communicate proactively with Community to build trust.

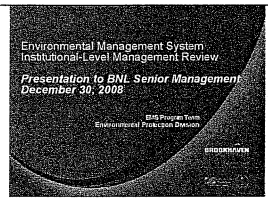
11. Issue: Integration of ESH assessments.
    Action 11a: Combine the internal OHSAS and ISO14001 assessment.
    Action 11b: EPD work with Radcon and Safety & Health Services to develop an integrated ESH assessment program.

12. Issue: Continued impacts to employee health from ticks, tick larvae. Tick population compounded by large stable deer population.
    Action: Assess need for reducing deer population, monitor 4-poster experiment, search for other tick control alternatives.

13. Issue: Many BNL legacy facilities and areas of contamination have been proposed for transfer to the EM program for D&D and/or clean up. Some facilities/projects are

'accepted' but have not been officially transferred. Others were rejected. (Refer to slide #30 for list).
Action: Continue to perform risk reduction and surveillance and maintenance activities at these facilities and monitor EM transfer process.

Attachments:

EMS Management Review Presentation	
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