

THE NGA–DOE GRANT TO EXAMINE CRITICAL ISSUES RELATED TO
RADIOACTIVE WASTE AND MATERIALS DISPOSITION INVOLVING DOE
FACILITIES

QUARTERLY REPORT

October 1, 1999 – January 31, 2000

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Abstract

Through the National Governors' Association (NGA) project "Critical Issues Related to Radioactive Waste and Materials Disposition Involving DOE Facilities" NGA brings together Governors' policy advisors, state regulators, and DOE officials to examine critical issues related to the cleanup and operation of DOE nuclear weapons and research facilities. Topics explored through this project include:

- ◆ Decisions involving disposal of mixed, low-level, and transuranic (TRU) waste and disposition of nuclear materials.
- ◆ Decisions involving DOE budget requests and their effect on environmental cleanup and compliance at DOE facilities.
- ◆ Strategies to treat mixed, low-level, and transuranic (TRU) waste and their effect on individual sites in the complex.
- ◆ Changes to the FFCA site treatment plans as a result of proposals in the Department's Accelerating Cleanup: Paths to Closure plan and contractor integration analysis.
- ◆ Interstate waste and materials shipments.
- ◆ Reforms to existing RCRA and CERCLA regulations/guidance to address regulatory overlap and risks posed by DOE wastes.

The overarching theme of this project is to help the Department improve coordination of its major program decisions with Governors' offices and state regulators and to ensure such decisions reflect input from these key state officials and stakeholders.

This report summarizes activities conducted during the period from October 1, 1999 through January 31, 2000, under the NGA grant. The work accomplished by the NGA project team during the past three months can be categorized as follows:

- ◆ maintained open communication with DOE on a variety of activities and issues within the DOE environmental management complex;
- ◆ convened and facilitated the October 6–8 NGA FFCA Task Force Meeting in Oak Ridge, Tennessee;
- ◆ maintained communication with NGA Federal Facilities Compliance Task Force members regarding DOE efforts to formulate a configuration for mixed low-level waste and low-level treatment and disposal, external regulation of DOE; and
- ◆ continued to facilitate interactions between the states and DOE to develop a foundation for an ongoing substantive relationship between the Governors of key states and the Department.

Table of Contents

<u>DISCLAIMER</u>	2
<u>ABSTRACT</u>	3
<u>TABLE OF CONTENTS</u>	4
<u>EXECUTIVE SUMMARY</u>	5
<u>INTRODUCTION</u>	6
<u>RESULTS AND DISCUSSION</u>	7
<u>STATE DIALOGUE</u>	7
<u>CONCLUSION</u>	8

Executive Summary

This report summarizes activities conducted during the period from October 1, 1999, through January 31, 2000, under the National Governors' Association (NGA) project, "Critical Issues Related to Radioactive Waste and Materials Disposition Involving DOE Facilities." The overarching theme of this project is to help the Department improve coordination of its major program decisions with Governors' offices and state regulators and to ensure such decisions reflect input from these key state officials and stakeholders.

NGA project team activities during this reporting period were focused on facilitating interactions between the states and DOE, hosting the October NGA FFCA task force meeting in Oak Ridge, Tennessee, and revising the report, *Cleaning Up the Nuclear Weapons Complex: A Governor's Primer*.

NGA continues to work with DOE and keep the states informed on a variety of activities and issues within the DOE environmental management complex.

Introduction

Through the National Governors' Association/DOE grant, NGA brings together Governors' policy advisors, state regulators, and DOE officials to examine critical issues related to the cleanup and operation of DOE nuclear weapons and research facilities. Topics explored through this project include:

- ◆ Decisions involving disposal of mixed, low-level, and transuranic (TRU) waste and disposition of nuclear materials.
- ◆ Decisions involving DOE budget requests and their effect on environmental cleanup and compliance at DOE facilities.
- ◆ Strategies to treat mixed, low-level, and transuranic (TRU) waste and their effect on individual sites in the complex.
- ◆ Changes to the FFCA site treatment plans as a result of proposals in the Department's *Accelerating Cleanup: Paths to Closure* plan.
- ◆ Interstate waste and materials shipments.
- ◆ Reforms to existing RCRA and CERCLA regulations/guidance to address regulatory overlap and risks posed by DOE wastes.

The overarching theme of this project is to help the Department improve coordination of its major program decisions with Governors' offices and state regulators and to ensure such decisions reflect input from these key state officials and stakeholders.

This report summarizes activities conducted during the quarter from October 1, 1999, through January 31, 2000, under the NGA project. The work accomplished by the NGA project team during the past three months can be categorized as follows:

NGA project team activities during this reporting period were focused on:

- ◆ hosting the October 6–8, 1999 NGA FFCA task force meeting;
- ◆ continuing to track developments involving other ongoing issues for potential dialogue between states and DOE; and
- ◆ revising *the report "Clean Up of the Nuclear Weapons Complex: A Governor's Primer."*

NGA continues to work with DOE and keep the states informed on a variety of activities and issues within the DOE environmental management complex. The NGA project team has been staying abreast of next steps in the WM PEIS LLW and MLLW Records of Decisions process through electronic mail and phone calls with DOE staff.

Results and Discussion

State Dialogue

Our activities during this reporting period were focused on preparing for and hosting the October 6–8, 1999 NGA FFCA Task Force Meeting in Oak Ridge, Tennessee. Agenda topics included recent developments at DOE headquarters, the status of low-level and mixed low-level waste disposal decisions, DOE's EM FY 2000 budget, Environmental Management integration activities, issues concerning external regulation of DOE, long-term stewardship, and transportation issues.

In addition to facilitating the meeting, we researched, prepared, and delivered a presentation entitled "Update on DOE Planning and Decisionmaking on the Disposition of Nuclear Waste and Material: What's Happened Since We Last Met" to the states-only executive session on October 6 in Oak Ridge.

We prepared and distributed a summary of the October NGA FFCA Task Force meeting to all meeting participants.

On November 8 we participated in a meeting with DOE to discuss the appropriate role for NGA and the states in long-term stewardship issues, and in particular, the idea of engaging in pilot projects of long-term stewardship at DOE sites.

On December 7 we convened a conference call with the Colorado, Ohio, and Tennessee task force members to discuss ideas for appropriate roles for the NGA FFCA Task Force in long-term stewardship issues, and in particular, the possibility of engaging in pilot projects of selected long-term stewardship at DOE sites. Following the call, we reviewed DOE's "Briefing Packet: NDAA Long-term Stewardship Report" regarding the upcoming DOE headquarters' data request to respond to national mandates about stewardship. We also reviewed the DOE-sponsored report: "Managing Data for Long-Term Stewardship" prepared by ICF Kaiser in March 1998.

We reviewed the draft transportation protocols provided by DOE. At the Department's request, we convened and facilitated a conference call with the Task Force members and DOE staff so that the states could provide feedback on the draft protocols to the Department.

We also focused on revising and improving the report, *Cleaning Up the Nuclear Weapons Complex: A Governor's Primer*. We began preparations for incorporating a full set of data (rather than data collapsed into percentages) regarding potential DOE disposal locations for low-level and mixed low-level waste into the next version of the *Primer*.

We continued to track developments involving other ongoing issues for potential dialogue between states and DOE such as long-term stewardship, DOE's cleanup budget, external regulation and/or restructuring of DOE, reorganization within EM, development of DOE's central Internet database per the settlement agreement with NRDC, the status

of WIPP and transportation of TRU waste to WIPP, recent DOE internal guidance for dispositioning weapons facilities, and the release of EPA's proposed mixed waste rule.

Conclusion

NGA will continue to work with DOE and keep the states informed on a variety of activities and issues within the DOE environmental management complex. We are awaiting word on the LLW and MLLW RODs and will incorporate the outcome of these decisions into the final *Primer*.