

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

QUARTERLY REPORT

October 1, 1998 – January 31, 1999

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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 quarter from October 1, 1998 through January 31, 1999, under the NGA grant. The work accomplished by the NGA project team during the past four months can be categorized as follows:

- ◆ maintained open communication with DOE on a variety of activities and issues within the DOE environmental management complex;
- ◆ 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 EM Integration activities; and
- ◆ continued to serve as a liaison between the NGA FFCA Task Force states and the Department.

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Executive Summary

This report summarizes activities conducted during the quarter from October 1, 1998 through January 31, 1999, 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 preparing for and attending the NGA/DOE Federal Facilities Compliance Act Task Force Meeting in Washington, D.C., October 29-30, 1998. The meeting covered upcoming recommendations for disposal of low-level (LLW) and mixed low-level waste (MLLW), the DOE budget, DOE's recent efforts on external regulation and DOE Environmental Management (EM) Integration activities. In addition, we conducted follow-up activities to the meeting, including drafting and revising summary of the meeting.

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 follow-up activities from the DOE "Proposed Configuration Workshop for MLLW and LLW" by being in the review loop for materials through electronic mail and phone calls with DOE staff and contractors.

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, 1998 through January 31, 1999, 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 preparing for and attending the NGA/DOE Federal Facilities Compliance Act Task Force Meeting in Washington, D.C., October 29-30, 1998. The meeting covered upcoming recommendations for disposal of low-level (LLW) and mixed low-level waste (MLLW), the DOE budget, DOE's recent efforts on external regulation and DOE Environmental Management (EM) Integration activities. In addition, we conducted follow-up activities to the meeting, including drafting and revising summary of the meeting.

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 follow-up activities from the DOE "Proposed Configuration Workshop for MLLW and LLW" by being in the review loop for materials through electronic mail and phone calls with DOE staff and contractors.

Results and Discussion

State Dialogue

Activities during this reporting period were focused on preparing for and attending the NGA/DOE FFCA Task Force meeting in Washington, D.C., October 29-30. The meeting covered upcoming recommendations for disposal of low-level waste (LLW) and mixed low-level waste (MLLW), DOE's budget, DOE's recent efforts on external regulation and DOE Environmental Management (EM) Integration activities. In addition, we conducted follow-up activities to the meeting, including drafting and revising a summary of the meeting.

Following up on a conference call with the states on September 23, we conducted interviews with state representatives to obtain their views regarding a variety of issues about which they would like to send a message to Secretary Richardson. The results of these interviews were consolidated into a "Summary of States' Perspectives" and distributed to the states and DOE.

Prior to and during the October 2 states-only conference call, states reviewed the results of the interviews and provided comments back to NGA. These results were used in shaping the agenda of the October 29-30 meeting. We held several follow-up calls with both states and DOE staff on the results of the interviews.

In addition, we analyzed the database used to prepare LLW/MLLW disposal options. We received the Programmatic Environmental Impact Statement (PEIS) version of the Paths to Closure database on September 23 from DOE contractors. We analyzed the database for consistency with published DOE documents across waste types and for internal consistency among both physical (shipments) and programmatic transfers.

We read and analyzed several public documents that would be of interest to the states, including the Current and Planned Low-Level Waste Disposal Capacity Report, Revision 1; the Waste Isolation Pilot Plant Land Withdrawal Amendments Act; the Inspector General's Audit of DOE LLW and MLLW Disposal Practices; and the EM Program Integration Working Charter.

We kept in contact with various DOE staff in preparation for the meeting regarding the LLW and MLLW disposal options, DOE's commercial disposal policy, environmental restoration waste data, and EM program integration efforts.

Based on these activities, we prepared a detailed presentation for the NGA/DOE FFCA Task Force meeting.

As a follow-up to the October meeting, we participated in a conference call with Doug Tonkay of DOE to discuss possible avenues for states to be involved in DOE's EM Integration effort. We reviewed a draft proposal for state involvement and will continue to follow-up with Mr. Tonkay during the next reporting period.

Based on notes taken during the October meeting we drafted a summary of the meeting, including summaries of individual presentations and discussions that followed.

We held a conference call with Helen Belencan on December 15, 1998 to discuss ongoing DOE activities in November and December. Ms. Belencan shared that DOE is proceeding with publishing its supplemental analysis to the Waste Management Programmatic Environmental Impact Statement, and is continuing to revise its policy on the use of commercial disposal.

On December 9-10, 1998 we attended the National Association of Attorney's General (NAAG) meeting with the Department. The NAAG/DOE workgroup often focuses on issues of interest that the NGA FFCA task force, such as external regulation of DOE.

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. The NGA project team has been staying abreast of follow-up activities from the DOE "Proposed Configuration Workshop for MLLW and LLW" by being in the review loop for materials through electronic mail and phone calls with DOE staff and contractors.