

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

QUARTERLY REPORT

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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 FFCRA site treatment plans as a result of proposals in DOE's Accelerating Cleanup: Paths to Closure strategy 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 December 31, 1997 through April 30, 1998 under the NGA project. 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; and
- * provided ongoing support to state-DOE interactions in preparation for the March 30-31, 1998 NGA Federal Facilities Compliance Task Force Meeting with DOE.
- * 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, DOE's Environmental Management Budget, and DOE's proposed Intersite Discussions.

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Executive Summary

This report summarizes activities conducted during the quarter from December 31, 1997 through April 30, 1998, 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.

During the past three months the NGA project team activities were focused on supporting state-DOE interactions in preparation for the NGA Federal Facilities Compliance Act Task Force meeting with DOE held in Vienna, Virginia, March 30-31, 1998.

In preparation for the March meeting the NGA project team had conference calls with the task force members to elicit and address states' specific concerns regarding DOE's efforts to develop a treatment and disposal configuration for its mixed low-level and low-level wastes; external regulation of DOE; DOE's Environmental Management fiscal 1999 budget request; the Texas lawsuit of the Waste Control Specialists vs. U.S. Department of Energy; and DOE's proposed Intersite Discussions.

NGA project team activities also included analyzing DOE's baseline disposition maps for gaps, errors, and other disconnects, and maintaining contact with DOE staff to keep abreast of the development of key products necessary for discussions between the task force and DOE.

In preparation for the March meeting activities also included drafting the meeting agenda, working with the Department to discuss DOE's participation at the meeting, providing states with materials in preparation for the meeting, and providing all logistical support for the meeting.

In preparation for the March meeting the NGA project team maintained open communication with DOE on a variety of activities and issues within the DOE environmental management complex including:

- * DOE's efforts to formulate a configuration for mixed low-level waste and low-level treatment and disposal;
- * DOE's Environmental Management budget for fiscal year 1999 and its effect on cleanup and compliance at DOE sites;
- * external regulation of DOE;
- * the Texas lawsuit of the Waste Control Specialists vs. U.S. Department of Energy; and
- * DOE's proposed Intersite Discussions on nuclear waste and materials.

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 DOE's Accelerating Cleanup: Paths to Closure strategy and the 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 December 31, 1997 through April 30, 1998 under the NGA project. 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;
- * maintained communication with NGA FFCA task force regarding DOE efforts to formulate a configuration for mixed low-level waste and low-level treatment and disposal;
- * analyzed DOE's baseline disposition maps for gaps, errors, and other disconnects, and maintaining contact with DOE staff to keep abreast of the development of key products necessary for discussions between the task force and DOE;
- * prepared for and hosted the March 30-31, 1998, NGA FFCA Task Force meeting with DOE; and
- * drafted March 30-31, 1998, NGA FFCA Task Force Meeting Summary and distributed to participants.

Results and Discussion

State Dialogue Activities

Activities during this quarter focused on preparing for the upcoming March meeting between the NGA FFCA Task Force and DOE and maintaining open communication with DOE officials and the NGA FFCA Task Force on a variety of activities and issues within the DOE environmental management complex.

We discussed the state of Nevada's concerns with John Walker of the Nevada Nuclear Projects Office by way of phone, e-mail, and updates to the Nuclear Projects Office website. The state of Nevada continues to be concerned about recent incidents regarding the shipment of low-level wastes to the Nevada Test Site for disposal and the siting of a high-level waste repository at Yucca Mountain.

We held a conference call with Jeff Breckel of the state of Washington on January 16 regarding recent events in DOE's efforts to develop a proposed configuration for DOE complex waste. We discussed issues that were of importance to Washington in the development of this configuration, including that progress in cleaning up high-level waste tanks and spent fuel stabilization at Hanford continues to be a priority for the state in its consideration of other waste disposition proposals. Mr. Breckel noted that Governor Gary Locke and Attorney General Gregoire sent a letter to Secretary Pe±a regarding the lack of progress in cleaning up the Hanford site.

We reviewed the proposal for a National LLW Forum by the Nevada Test Site Citizens Advisory Board. We provided comments to Patty Bubar of DOE to the effect that such a forum might prove useful to DOE in obtaining stakeholder input, but that it should not duplicate other efforts already ongoing (e.g., DOE's Intersite Discussions, the NGA FFCA Task Force, and the State and Tribal Governments Workgroup.)

We received the completed FFCA consent order from Roger Murphy of New York State for the Brookhaven National Laboratory. This was the last consent order outstanding from the FFCA process.

At the request of DOE, NGA distributed copies of DOE's Federal Facility Compliance Act Chief Financial Officer's Report to Congress for fiscal year 1996.

Hazardous Waste Identification Rule (HWIR)

We participated in HWIR conference calls with the states and DOE on March 3, 13, and 23. DOE presented its last, "best offer" to the states regarding conditions for the exit of mixed low-level waste from RCRA regulation. Because these conditions would not provide the states with any regulatory (i.e., enforceable) authority over DOE regarding its management of mixed low-level waste, states chose not to participate in further DOE discussions regarding this matter.

DOE's Draft Configuration for MLLW and LLW Treatment and Disposal

We received a set of draft baseline disposition maps from DOE the week of February 9 and examined the maps to discern the level of consistency in shipments of waste between sites. This analysis served as a benchmark for determining progress made in improving data quality from DOE's Albuquerque Workshop in December 1997.

On February 25-27, 1998, Chris Hanson of Ross & Associates (subcontractor to NGA) traveled to Washington, D.C. to meet with DOE representatives and contractors regarding DOE's efforts to improve data quality and to discuss internal DOE pressures and progress in preparing baseline disposition maps. Discussions also focused on efforts of DOE sites to improve data quality, what type of feedback DOE would like from the NGA task force at the March meeting regarding the data quality, and whether DOE would or could share the results from its Albuquerque Workshop.

On March 13 we received a preliminary copy of DOE's database. This database was preliminary, as DOE and its contractors were continuing to work on data quality for mixed low-level waste at INTEL. On March 19, we received the final database from DOE. The database included information on all waste types and materials in the complex. It also contained information on the disposition of these materials. Due to time constraints Ross & Associates' analysis focused only on low-level waste, mixed low-level, and transuranic waste because these waste types will be or have been covered by the Waste Management Programmatic Environmental Impact Statement Records of Decision for treatment, storage, and disposal of these wastes. Consequently, we felt the NGA Task Force would be most interested in these waste types and their dispositions.

Data analysis activities included writing queries for waste inventories and projected generation, transfers for treatment, and transfers for disposal and then using the results of these queries to create tables and graphs to display the information. In addition, based on the results of our queries, we analyzed the database for data quality, looking for gaps and/or disconnects in the waste transfer data.

Ross & Associates prepared a presentation of this analysis and presented it at the states' executive session at the March 30-31 meeting.

March 30-31, 1998, NGA FFCA Task Force Meeting

In preparation for the meeting we met with Patty Bubar, Doug Frost, and Helen Belencan of DOE on February 27 to discuss DOE's presentation at the upcoming March meeting. Results of this meeting included a commitment by DOE to provide the draft results of their Albuquerque Workshop with the NGA FFCA task force at the upcoming meeting. DOE also provided an update of ongoing DOE activities including the NRDC lawsuit, the WCS lawsuit, the Intersite Discussions, DOE's Accelerating Cleanup: Paths to Closure strategy, and DOE EM's fiscal year 1999 budget.

On March 30-31, 1998, the National Governors' Association (NGA) Center for Best Practices hosted a meeting of the NGA Federal Facilities Compliance Act Task Force and U.S. DOE officials in Vienna, Virginia. Seventy-six representatives from states, the National Association of Attorneys General, and DOE headquarters and site representatives attended the meeting. NGA staff facilitated the meeting, drafted the meeting agenda, provided materials distributed at the meeting and provided all logistical support for the meeting.

The meeting provided a forum for an open dialogue between the states and DOE management on issues such as DOE Environmental Management's (EM) fiscal 1999 budget request, low-level and mixed low-level waste disposal configuration options, and DOE's Accelerated Cleanup: Paths to Closure strategy. Also discussed at the meeting were external regulation of DOE, the Waste Control Specialists vs. U.S. DOE lawsuit, EM integration activities, DOE's upcoming Intersite Discussions

on nuclear material and waste, the status of DOE Order 435.1, which deals with radioactive waste management, and DOE's National Transportation Program.

NGA staff has completed a summary of the March 30-31, 1998, NGA Task Force Meeting and will distribute it to all meeting attendees. The meeting summary will also be posted on NGA's website. At the request of DOE NGA will also provide copies to the State and Tribal Governments Working Group.

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 March 30-31 NGA Task Force Meeting specifically and will work with DOE on the analysis for the proposed configuration for MLLW and LLW and the decisions involving DOE's budget requests and their effect on environmental cleanup and compliance at DOE facilities.