

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

QUARTERLY REPORT

April 30, 1998-June 30, 1998

Prepared by:
Ann M. Beauchesne
Senior Policy Analyst
Natural Resources Policy Studies Division
Center for Best Practices
National Governors' Association

JULY 1998

(DE-FG26-97FT34337 -03)

Disclaimer

This report was prepared as an account of work sponsored by an agency of the United States Government. Neither the United States Government nor any agency thereof, nor any of their employees, makes any warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately owned rights. Reference herein to any specific commercial product, process, or service by trade name, trademark, manufacturer, or otherwise does not necessarily constitute or imply its endorsement, recommendation, or favoring by the United States Government or any agency thereof. The views and opinions of authors expressed herein do not necessarily state or reflect those of the United States Government or any agency thereof.

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 April 30, 1998 through June 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.
- * 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.

Table of Contents

DISCLAIMER	2
ABSTRACT	3
TABLE OF CONTENTS	4
EXECUTIVE SUMMARY	5
INTRODUCTION	6
RESULTS AND DISCUSSION	7
STATE DIALOGUE ACTIVITIES	7
April Activities	7
May Activities	7
June Activities	8
CONCLUSION	8

Executive Summary

This report summarizes activities conducted during the quarter from April 30, 1998 through June 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 on the following issues.

- * 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 April 30, 1998 through June 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;
- * maintained communication with NGA FFCA Task Force regarding issues associated with funding levels of DOE's Environmental Management program.

Results and Discussion

State Dialogue Activities

April Activities

During the month of April activities focused on providing information to NGA FFCA Task Force members on questions asked during the March 30-31, 1998 meeting with DOE. We responded in writing to Earl Leming of Tennessee to his question regarding the level of characterization of DOE's mixed low-level waste (MLLW) before treatment. His experience with the Toxic Substances Control Act Incinerator at Oak Ridge suggested that sites were not sufficiently characterizing their MLLW before sending it to Oak Ridge for treatment. After discussing this with Helen Belencan, Mixed Waste Program Manager at DOE, we responded that, in general, because of the level of detail in the site treatment plans, the mechanism through which most sites manage the treatment of their mixed waste, that the MLLW being shipped to Oak Ridge probably was well characterized. However, we also noted that we have not seen any of the characterization studies or reports from wastestreams shipped to Oak Ridge and therefore have little first-hand evidence for the level of characterization.

Paul Liebendorfer and John Walker of Nevada asked whether under the criteria used at DOE's Albuquerque Workshop, constructing a new disposal cell constituted a "new disposal facility" under the "Facility Usage" criterion. Again, after consulting Helen Belencan (one of the coordinators of the Albuquerque Workshop) we responded that constructing an additional disposal cell in an existing disposal facility did not constitute a new disposal facility under the "Facility Usage" criterion.

Jeff Breckel of Washington questioned the differences in the volumes of radioactive waste displayed in the Ross & Associates' presentation and in Patty Bubar's (DOE) at the NGA FFCA Task Force March 30-31 meeting. We responded that there were several reasons for these differences, including different purposes for each presentation, differing use of pre-treatment and post-treatment volumes, and differing programmatic wastes portrayed.

On April 30 we held a conference call with the FFCA Task Force members so that they could discuss issues associated with the proposed funding for DOE's Environmental Management Program.

May Activities

Activities during the month of May focused on analyzing DOE data and information on treatment options for low-level waste (LLW) and MLLW. We received data from DOE on May 15. The data is being used by DOE to support the development of Records of Decision (RODs) for its Waste Management Programmatic Impact Statement. This data set focused exclusively on the treatment of LLW and MLLW. We analyzed the data and developed spreadsheets for quantities and percentages of waste targeted for on-site, commercial, and off-site treatment. This analysis also included a specific breakout of targeted states for treatment of off-site waste. In addition, we developed a summary, narrative package for the Task Force members to facilitate information exchange and discussion during a planned conference call with the Task Force and DOE representatives.

During the process of developing these products we communicated extensively with Helen Belencan and Karen Guevara of DOE to resolve data issues and discuss appropriate display mechanisms for the data.

We participated in a conference call with Helen Belencan and Jay Rhoderick of DOE on May 26 to discuss the upcoming June conference call between the states and DOE.

We maintained contact with Toby Mitchelina of Global Environmental Strategies, Inc., who was working with DOE staff to prepare for DOE's Intersite Discussions on Nuclear Waste and Material. We discussed briefing materials, participant invitations, and state participation.

June Activities

Activities focused on developing materials for the June 10 conference call between the NGA FFCA Task Force states and DOE, which focused on information about treatment location options for LLW and MLLW. We developed briefing materials summarizing the findings of our data analysis and provide this information to the states. In preparation for the conference call we reviewed materials related to DOE's budget, DOE's cost analysis of its disposal options for LLW and MLLW, the Waste Control Specialists' lawsuit, and DOE's policy review of its use of commercial disposal facilities.

On the June 10 conference call with the states and DOE we presented the findings of our analysis of DOE's treatment data and suggested ways to make the next NGA FFCA Task Force Meeting most successful in terms of reaching resolution on issues related to the disposal of LLW and MLLW.

On June 17 we held a conference call with the Task Force states so that they could exchange ideas regarding the WCS lawsuit and DOE's budget and ways that they could become involved in the budget process to ensure that DOE sites receive adequate funding to comply with state and federal environmental statutes. At the request of the states, following the call we provided Congressional committee reports that related to DOE's cleanup program.

We maintained contact with Doug Frost and Karen Guevara of DOE regarding ongoing DOE activities as well as analyses in support of the Waste Management Programmatic Environmental Impact Statement.

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, specifically 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.