

Intergovernmental Meeting with the U.S. Department of Energy October 21–23, 2009 Summary of Plenary Sessions

On October 21-23, 2009, representatives of six Intergovernmental Groups—the National Governors Association Center for Best Practices' (NGA) Federal Facilities Task Force, the Energy Communities Alliance (ECA), the State & Tribal Government Working Group (STGWG), the National Association of Attorneys General (NAAG), the National Conference of State Legislatures (NCSL), and the Environmental Council of the States (ECOS)—convened for the eighth joint meeting with the U.S. Department of Energy (DOE). The meeting was held at the Hotel Monteleone in New Orleans, Louisiana. The joint meeting was designed to help DOE officials communicate with all of the key intergovernmental groups at once as well as an opportunity for the individual groups to communicate collectively with DOE and among each other. Key topics for this meeting included DOE implementation of the American Recovery and Reinvestment Act (ARRA), waste disposition, DOE's budget/budget process, and Natural Resource Damage Assessment (NRDA). As noted below, all presentations and materials are available online.

Thursday, October 22, 2009 — Plenary Session

EM Policy and Changes in the New Administration¹

Frank Marcinowski, Acting Chief Technical Officer & Deputy Assistant Secretary for Technical & Regulatory Support, DOE Office of Environmental Management (EM)

[Mr. Marcinowski's PowerPoint slides are available here.](#)

Mr. Marcinowski provided a summary of EM's current activities as well as recent significant events, changes, and other developments within EM. Mr. Marcinowski began by presenting, in order of risk, the eight priorities on which EM focuses as it carries out the cleanup of the nuclear weapons complex:

- Essential activities to maintain a safe, secure, and compliant posture
- Radioactive tank waste stabilization, treatment, and disposal
- Spent nuclear fuel storage, receipt, and disposition
- Special nuclear material consolidation, stabilization, and disposition
- High priority groundwater remediation
- Transuranic and mixed/low-level waste disposition
- Soil and groundwater remediation
- Excess facilities deactivation and decommissioning (D&D)

Mr. Marcinowski noted the first priority, minimum safe posture, requires approximately 40% of the EM budget. For lower risk activities, EM is utilizing funds provided by the American

¹ This presentation was originally planned to be delivered by Dr. Inés Triay, Assistant Secretary for Environmental Management, but due to a scheduling conflict she was unable to attend at this time; Mr. Marcinowski provided an abbreviated version of the presentation in her place. Dr. Triay delivered her remarks during the morning of Friday, October 23.

Recovery and Reinvestment Act (ARRA) on projects where DOE has both a proven successful track record and the ability to begin project implementation immediately. Mr. Marcinowski discussed EM's recent re-organization, noting several changes such as the new positions of Chief Business Officer, Chief Technical Officer, Deputy Assistant Secretary for Program and Site Support, Deputy Assistant Secretary for Technology Innovation and Development, and direct reporting by field managers to EM-2.² Mr. Marcinowski summarized EM's cleanup strategy as fourfold: Focus on reducing risk while maximizing compliance with regulatory commitments; improve construction project performance; strengthen technology development; and continue to evaluate programmatic alternatives. Mr. Marcinowski concluded his presentation by describing the EM program's challenges, which include continuing to safely conduct cleanup work, managing multi-decade projects, applying first-of-a-kind technologies, and using ARRA funds to create sustainable cleanup jobs and lasting economic benefits.

EM Radioactive Waste Management

Frank Marcinowski, Acting Chief Technical Officer & Deputy Assistant Secretary for Technical & Regulatory Support, DOE Office of Environmental Management

[Mr. Marcinowski's PowerPoint slides are available here.](#)

Mr. Marcinowski introduced the topic of radioactive waste management by providing a brief summary of current EM work in this area. Mr. Marcinowski's presentation covered the wide scope of EM's waste and materials disposition and included updates on high level (HLW) and liquid tank waste management, transuranic (TRU) waste, the Waste Isolation Pilot Plant (WIPP), calcine waste, low-level waste (LLW), and mixed low-level waste (MLLW). The presentation also included updates on several key points related to waste disposition as prescribed by the National Environmental Policy Act (NEPA). Several of the key items from Mr. Marcinowski's presentation are captured below:

- For HLW, construction at Hanford's Waste Treatment Plant (WTP) is 50% complete, and new contracts are now in place with the Office of River Protection (ORP) and Savannah River Site (SRS) to handle liquid wastes. DOE completed its tank farm performance assessment at SRS and will submit a waste determination to the Nuclear Regulatory Commission (NRC) next summer. The waste determination will give DOE a regulatory path to close the tanks over the ensuing decade, with the first tank scheduled for closure in 2012.
- DOE is using ARRA funds to increase characterization and certification of TRU waste for shipment to the Waste Isolation Pilot Plant (WIPP) in New Mexico, which just passed its ten year anniversary of safe operations.
- For LLW and MLLW, the Toxic Substances Control Act (TSCA) Incinerator at Oak Ridge is scheduled to close, as well as the MLLW disposal cell at the Nevada Test Site (NTS). DOE recently submitted an application to the State of Nevada for the construction of a new disposal cell at NTS, and if approved will begin construction. Waste Control Specialists (WCS), a commercial landfill in Andrews County, Texas, recently received a state permit for LLW disposal. WCS can also accept higher activity MLLW, such as the Silo 1 and 2 waste (also known as 11e2 waste) from the Fernald site.

² DOE-EM org chart available at: <http://www.em.doe.gov/Pages/OrgStructure.aspx>

- EM is conducting a new site-wide environmental impact statement (EIS) for NTS to resolve an issue related to land withdrawal authority for disposal operations. Another upcoming EIS, to be published in the Federal Register on 10/30/09, will address EM's tank closure and waste management.
- The draft EIS for Greater Than Class C (GTCC) waste will be released next spring or summer, with the final EIS issued in 2011. The Energy Policy Act requires DOE to submit the final EIS to Congress and await Congressional action.

Panel Discussion on Waste Disposition

Following Mr. Marcinowski's remarks, meeting participants convened a panel discussion on waste disposition led by Ken Niles (State of Oregon). Joining Mr. Niles on the panel were Frank Marcinowski, Christine Gelles (DOE-EM), Shelly Wilson (State of South Carolina) and Representative Tom Holbrook (State of Illinois). The panel, through a dialogue between panel members and members of the audience, touched on the following issues related to waste disposition:

- A panel member remarked that DOE's more successful programs, including development of the original site treatment plans (STP), involved working with states, tribes, and stakeholders, and in fact at the time of the STPs there was a process for such involvement in waste disposition decision-making. A meeting participant supported this sentiment and added that the success of DOE programs over time is a result of including stakeholders, regulators, and tribes in decision-making, in particular collaborating and engaging in discussions prior to decisions being announced. DOE officials responded to the comment by reiterating their support for stakeholder, tribal, and state dialogue and emphasized that the establishment of any new disposal facility requires DOE to work closely with state officials. Ms. Gelles observed that the forthcoming update to DOE order 435.1 is an excellent opportunity to follow previous successful models for interaction as well as test the potential applicability of ARRA. DOE is also examining outreach requirements under ARRA as a potential model for future interactions with regulators, stakeholders, and tribes.
- A participant commented that DOE's waste disposal projections indicate a significant drop in on-site disposal in 2012 and 2013 and voiced concern over a potential increase in on-site disposal after 2013. DOE officials noted that the disposal projections are likely a function of scheduled decontamination and demolition activities throughout the complex and are not likely to adversely impact sites with established compliance milestones.
- DOE officials noted that a large proportion of the waste that DOE is sending to the Nevada Test Site (NTS) is classified material. If the disposal pathway to NTS were disrupted for some reason, DOE would be in a difficult position because classified material cannot be shipped to a commercial disposal facility.
- Mr. Marcinowski reported that DOE does not plan to dispose of depleted uranium in a commercial landfill. For the material produced from depleted uranium hexafluoride (DUF6) at the uranium conversion facilities, DOE identified NTS and Energy Solutions as possible disposal sites. DOE is anticipating a record of decision (ROD) within the next month or so that will identify a disposal location for depleted uranium.
- DOE officials reported that until a national geologic repository is established, DOE will maintain inventories of vitrified waste and spent nuclear fuel at sites throughout the

complex; there are currently no discussions about designating one or more particular sites as interim storage locations for HLW. An internal DOE group, including representatives from EM, the Office of Nuclear Energy (NE), and the Office of Civilian Radioactive Waste (OW) is responsible for providing the Blue Ribbon Commission with DOE's waste inventory and disposal needs.

- A participant observed that local governments and citizens do not make distinctions between waste destined for DOE facilities and waste destined for commercial operations located adjacent to or within DOE sites, which raises equity concerns due to the impacts on local communities. Commercial treatment has grown significantly. DOE said it is letting the market decide as it relies upon commercial facilities for waste disposition pathways. However, because DOE order 435.1 is under review, DOE said this might be a good time to re-evaluate its waste management decisionmaking practices, including the use of commercial facilities, to make sure that sufficient consultation is carried out and the overall disposal strategy is still equitable and practicable.
- A participant posed the idea of whether an effort similar to the Federal Facilities Compliance Act is needed for HLW and SNF.

EM Budget Overview

Merle Sykes, Acting Chief Business Officer, DOE Office of Environmental Management
[Ms. Syke's PowerPoint slides are available here.](#)

Ms. Sykes reviewed EM's program goals, which include risk reduction, compliance, disposition capability, footprint reduction, and reutilization of assets. ARRA funding in particular has allowed EM a unique opportunity for footprint reduction, which will free up land for other uses, depending on the needs of the local community. EM's strategic approach to budget focuses on utilizing established baselines as a reference for annual planning as well as the development and evaluation of baseline alternatives for improvement opportunities. For the near-term, EM is focused on footprint reduction, integrating ARRA work back into the base program, considering new facilities or work scope for EM, and improving the communication around the EM cleanup program. Ms. Sykes reviewed the various accomplishments resulting from ARRA funding, including legacy waste cleanup, significant life-cycle cost savings, and job creation across the complex. For the longer term, EM is evaluating the potential re-directing of resources to finish long range EM missions as a result of footprint reduction savings. EM is also utilizing science and technology developments to optimize the efficiency of tank waste disposition, excess nuclear materials disposition, and SNF disposition. Ms. Sykes also discussed EM's strategies for the tank waste program, for which over 1/3 of the EM budget is currently allocated. EM is pursuing several strategies to lower costs and maximize efficiency in the tank waste program, such as advanced glass waste formulation, advanced melter technology, and management of pre-treatment issues.

Panel Discussion on DOE Budget Issues

Following Ms. Sykes's remarks, meeting participants convened a panel discussion on waste disposition facilitated by Jerry Boese (Ross & Associates Environmental Consulting). Joining Mr. Boese on the panel were Merle Sykes, Pam Larsen (Hanford Communities), and John

Owsley (State of Tennessee). The discussion, through a dialogue between panel members and members of the audience, touched on the following issues related to DOE budget:

- Ms. Sykes reported that for the FY2011 budget request, DOE will submit a compliant budget in accordance with EO 12088³, and OMB's budget decisions will be incorporated into the DOE budget. Compliance is a large part of EM's planning, along with accomplishing its mission.
- DOE officials reported that EM is working with the Department of Labor and the Department of Education to maximize job savings and job creation by providing sufficient training for workers to cross over into other industries or government agencies, in particular those workers hired under the Recovery Act.
- A participant noted that early engagement with state regulators is the preferred practice when strategic plan improvements impact compliance schedules.
- Participants asked whether DOE has considered creating mechanisms to ensure future cost savings are put back into cleanup projects at other sites or if such mechanisms are the result of Congressional budget decisions. DOE anticipates reinvesting savings from footprint reduction into cleanup work using the analytical building blocks model.
- Regarding life cycle cost analysis, a participant requested a more detailed explanation of the benefits of on-site waste disposal versus shipping to a commercial facility.
- DOE officials commented that DOE is currently holding internal discussions on a possible expansion of the role of the Waste Isolation Pilot Project (WIPP), but DOE has not estimated any costs.
- A participant asked whether DOE would be making out-year budget target information available to the public. DOE responded that this was a decision to be made by OMB.
- A participant requested clarification on DOE's policy of providing enough funding for its projects to ensure that they have a 50 percent chance of meeting their project cost and schedule baselines.⁴ DOE officials responded that when budgeting for projects, a 50% confidence level will account for projects both over and under their estimated costs, making the overall projection fairly accurate. DOE also pointed out that *construction* projects are funded at the 80% confidence level.

Luncheon Presentation

“The State of ARRA in EM”, Cynthia Anderson, Director, EM Recovery Act Program, DOE Office of Environmental Management

[Ms. Anderson's PowerPoint slides are available here.](#)

Ms. Anderson provided an update on implementation of the American Recovery and Reinvestment Act (ARRA) within DOE-EM. EM is directing ARRA funds towards existing work scope that can be readily accelerated, with a focus on footprint reduction. EM has completed cleanup at the Stanford Linear Accelerator (SLAC), Argonne National Laboratory, and Brookhaven National Laboratory as a result of ARRA funding and estimates that 48 compliance milestones will be accelerated as a result of ARRA funding. Additional benefits of ARRA funding covered by Ms. Anderson included facility cleanout, excess facility

³ <http://www.archives.gov/federal-register/codification/executive-order/12088.html>

⁴ See September 2008 GAO report “Nuclear Waste: Action Needed to Improve Accountability and Management of DOE's Major Cleanup Projects,” pp 18-19. Report available at <http://www.gao.gov/new.items/d081081.pdf>

demolition, accelerated TRU waste disposal at WIPP, and removal of uranium mill tailings in Moab, Utah. EM conducts monthly project reviews with the sites and maintains regular communications with stakeholders on ARRA implementation progress and the DOE Office of the Inspector General (IG) and the Government Accountability Office (GAO) provide an additional layer of ARRA implementation oversight. Ms. Anderson emphasized that there are no investigations underway for any individuals involved in the Recovery Act program, contrary to published reports.

Participant Comments and Questions

- Ms. Anderson commented that DOE is developing a training strategy for jobs created through ARRA to ensure workers will have the ability to transfer into other industries or government agencies after ARRA funding runs out.
- A participant commented that it is difficult for interested applicants to find a central location where they can apply for work and requested clearer information from DOE.
- A participant remarked that at Savannah River Site, several pre-qualified small contractors are available for work but they have not been able to compete for ARRA-funded projects. Participants suggested DOE should create more opportunity for contractors to compete for ARRA work.

Natural Resource Damages

Rachel Jacobson, Deputy Solicitor, U.S. Department of the Interior

[Ms. Jacobson's PowerPoint slides are available here.](#)

Ms. Jacobson described the advantages and challenges of integrating natural resource damage response actions with restoration. Her presentation touched on the two-step CERCLA framework and the need for coordination of risk-based and injury-based approaches to avoid inconsistencies. Cooperation between trustees and potentially responsible parties (PRP) on damage assessment will facilitate coordination for the NRD process, especially at federal sites where a federal entity such as DOE is a response agency, a trustee, and a PRP. Ms. Jacobson noted that integration of remediation and restoration was a major component of the Department of the Interior's Federal Advisory Committee on NRD, and in fact the committee singled out DOE as possessing the necessary tools to integrate remediation and restoration.⁵ Ms. Jacobson concluded her presentation by stating: "Land managing agencies are in unique position to fully incorporate—as a matter of practice—damage assessment activities into remedial investigations, and on-site restoration into remedy performance," and regarding such integration, she recommended that the federal agencies "just do it."

Following Ms. Jacobson's remarks, meeting participants convened a panel discussion on NRD facilitated by Bill Ross (Ross & Associates Environmental Consulting). Joining Ms. Jacobson on the panel were Matthew Duchesne (Office of Technical & Regulatory Support, DOE-EM), Peter Chestnut, (Pueblo San Ildefonso, New Mexico), Dale Vitale, (State of Ohio), and Debbie Duren (State of Tennessee). The discussion, through a dialogue between

⁵ Further information available at <http://restoration.doi.gov/faca.html>

panel members and members of the audience, touched on the following issues related to NRD:

- Panelist Matt Duchesne stated that EM's existing policy on NRD is early integration and cooperation with trustees. He indicated that execution of this policy has been difficult.
- Panelist Peter Chestnut commented that New Mexico now has a Natural Resource Trustee Council. The Council is currently developing a scope of work for a contractor to begin the assessment process and generally they are moving in the right direction. He observed that the process is slow, and expressed concern that the cleanup could be done before the integration work is done, thereby losing opportunities to reduce costs.
- Panelist Debbie Duren commented that Tennessee has had a Trustee Council since the late 1990's. The Council completed a pre-assessment screening for one operable unit (OU) at the Oak Ridge Reservation, and then decided to move forward with a proposal for a restoration project that did not require the same level of prescriptive analysis. The Council is currently processing public comments from the decision. For the remainder of the Oak Ridge Reservation, the Council has had discussions with DOE and is looking for additional discussion to evaluate the balance of the reservation.
- Panelist Dale Vitale reported that in Ohio, NRD was an integrated process that happened outside of the DOI regulatory process. Following 22 years of litigation, the trustees were able to reach consensus. The decision was that most natural resource damages at the site would be covered by cleanup and integrated mitigation. The trustees were satisfied with the processes instituted at Fernald.
- A participant inquired as to how NRD costs are factored into baselines by DOE. Matt Duchesne responded that current policy does not address how funding for NRD should be covered. He indicated that DOE-EM is working on drafting policy proposals on this issue.
- A participant commented on the possibility of using a third party for the NRD process such as the Department of Fish and Wildlife. DOE responded that in general they have been hesitant to use third parties because of administrative and overhead costs, in addition to the lack of specific authority under CERCLA to enter into a cooperative agreement with a third party.
- A participant asked the panelists for suggestions to avoid the difficulties that arise from a lack of funding. The panelists recommended, if a remedy has been identified in a ROD, establishing a relationship with the PRP and remedial decision maker to develop a specific funding plan.
- A participant asked whether DOE could develop a metric or chart that communicates the status of NRD discussions at DOE sites, e.g., sites that have completed the NRD process, sites that currently have NRD processes underway, and sites that have not begun the NRD process. DOE responded that they would be happy to develop such a document (in coordination with the other trustees).
- Representatives from ECOS commented that their organization is taking the lead on developing a series of NRD case studies and would be seeking support from the other intergovernmental organizations and DOE during this effort.

Breakout Sessions

The 2009 Intergovernmental Meeting with the U.S. Department of Energy included a breakout session with four groups, focused on (1) ARRA, (2) budget, (3) energy parks, and (4) waste disposition. Breakout groups were comprised of DOE officials and representatives from each intergovernmental group. Groups were encouraged to brainstorm, speak freely, and prioritize/identify their own key issues and concerns. Each breakout group then provided a report-out to a plenary session.

Report-outs to Plenary Session

Group I — ARRA

Moderators: Cynthia Anderson, Allison Doman, Tom Bailor. Reporter: Chuck Smith, Aiken County, SC.

Group I identified the following key points related to ARRA implementation:

- DOE should work to increase the opportunities for local small businesses to access ARRA-funded projects, and streamline eligibility requirements.
- Continuity of EM cleanup work after ARRA funding is a significant concern. Post-ARRA planning could potentially be coupled to the Energy Parks initiative.
- DOE should be applauded for the rapidity with which it has implemented ARRA projects, as well as its communication and transparency around the ARRA process.
- ARRA-funded projects should be given sufficient flexibility for both schedule and scope.
- ARRA-funded projects should include thorough site characterization, in conjunction with DOE's plans for footprint reduction. This will result in reduced overall lifecycle costs.

Group II — Budget

Moderators: Merle Sykes, Gabe Bohnee, Jane Hedges. Reporter: Karen Fraser, State of Washington.

Group II developed a series of recommendations for DOE related to budget:

- Improve openness of the budget development process, in the near term, and especially in out-years.
- Ask Congress to require a "Compliant Budget" be communicated to them.
- Improve Strategic Plans:
 - Show the major benefits of Recovery Act funds in reducing timelines and costs for cleanup.
 - Resume formal 5-year plans.
 - Clearly define policy for transferring cost savings to other cleanup needs, and institutionalize this in the strategic plan.
- Strategize on how to remove cleanup projects from GAO's "High Risk" budget list.
- Advocate incorporating compliant budgets into OMB's mandatory spending. Similarly, advocate for these budgets to be included on the President's "special budget priorities" list.
- Develop and submit to Congress budgets to cover the costs for the Natural Resource Damage process and outcome.

- Assure opportunities exist for state regulators, tribes, local officials, and citizens to consult with local site clean-up managers about specific contractor priorities before the contracts are signed.

Group III — Energy Parks

Moderators: Kristen Ellis, Mike Grauwelman, Sally Jameson. Reporter: Mike Grauwelman.
Group III identified two key points related to Energy Parks:

- It is important for DOE to identify a champion for energy parks, and to develop an improved definition of energy-parks-related roles and responsibilities for the various offices within DOE.
- A critical component to the success of the energy parks initiative is to define a broad vision that includes:
 - Future federal action at the site
 - The level of cleanup and the site's reuse potential
 - Sufficient characterization information to determine the appropriate cleanup level
 - Ensuring treaty rights are honored
 - Support from all intergovernmental groups

Group IV — Waste Management/Disposition

Moderators: Christine Gelles, Amy Fitzgerald, Brian Hembacher. Reporter: Jeff Diamond, City of Carlsbad.

Group IV identified the following key points related to waste management/disposition:

- The intergovernmental groups affirm their support for transparency with respect to the Blue Ribbon Commission on nuclear waste and stand by their commitment to provide valuable lessons-learned to the Commission as it undertakes its work. The members of Group IV also believe that the Commission should accelerate its timetable for making its recommendations.
- The mission of the Waste Isolation Pilot Plant should be expanded, given its status as the world's only functioning geologic repository for nuclear waste.
- Buried pre-1970 transuranic waste should be exhumed, particularly at Hanford, to the maximum extent possible to avoid further groundwater contamination.

Friday, October 23, 2009 — Plenary Session

Intergovernmental Group Priorities and Comments/Key Takeaways from Plenary and Breakouts

Seth Kirshenberg, Executive Director, Energy Communities Alliance

[Mr. Kirshenberg's PowerPoint slides are available here.](#)

During the planning process for this meeting, each intergovernmental group developed a set of priorities to be communicated to DOE. Mr. Kirshenberg outlined these priorities and identified a series of common themes and overarching issues. One of the more prominent overarching issues was the need for DOE to recognize the individual nature – and particular value – of each group. Common themes included:

- the importance of authentic engagement as opposed to rote interaction
- recognition of States' regulatory role under the Federal Facility Compliance Act
- tribal sovereignty and trust responsibility
- communication around HLW, MLLW, and LLW disposition, and recognition of many interdependencies
- strategic considerations about long-term stewardship early in the cleanup process
- natural resource damages
- reuse opportunities from the energy parks initiative.

Mr. Kirshenber concluded by emphasizing the need for early and frequent engagement with the intergovernmental groups, and the importance of communication in settings like this Intergovernmental meeting to exchange ideas and discuss issues with DOE.

EM Policy and Changes in the New Administration

Dr. Inés Triay, Assistant Secretary, DOE-EM

Dr. Triay opened her presentation by discussing five key objectives that EM believes can be accomplished, realistically, within the next three and a half years. The first objective is 50% footprint reduction by 2011, in conjunction with Recovery Act funding, and 90% reduction by 2015. This will include thorough characterization for waste removal, soil removal and disposition, groundwater remediation, and decontamination and demolition of facilities. The second objective is to vastly improve EM's tank waste strategy, in particular the path forward for Hanford's low-activity waste and the calcine waste at Idaho. The third objective is to develop a strategy for spent nuclear fuel (SNF) and special nuclear materials (SNM). SNM consolidated at the Savannah River Site, for example, can be processed for mixed-oxide fuel or dispositioned as waste. The fourth objective is to clear EM from GAO's high-risk watch list through steps such as tracking compliance milestones as performance measures. To that end, Dr. Triay encouraged the intergovernmental groups to provide feedback in areas where EM could operate more efficiently. EM is also restructuring its work portfolio to separate projects from operations in order to improve its performance metrics. The fifth objective, closely related to the GAO high-risk watch list, is to improve contractor performance through better contractor coordination.

Dr. Triay then addressed the priorities presented by the intergovernmental groups. Dr. Triay expressed support for early consultation, and committed EM to evaluate consultation including budget interactions, between each site and regulators, tribes, and stakeholders to identify areas for improvement. Dr. Triay agreed on the importance of developing a policy around energy parks, and reminded participants that the local community has the final decision on the reutilization of DOE lands. On the issue of interdependency, Dr. Triay indicated that whenever EM issues a notice of intent, a universally negative reaction ensues. The pressure to avoid bringing waste into any particular area creates more difficulty for the EM mission of weapons complex cleanup. Dr. Triay agreed with the call to accelerate NRD efforts and supported the intergovernmental groups' suggestion of a comprehensive table to describe NRD efforts complex-wide. Dr. Triay concluded by assuring the groups that EM would improve its engagement around high-level waste, emphasizing that there is nothing to fundamentally impede this from occurring.

Following Assistant Secretary Triay's remarks, meeting participants convened a panel discussion on EM policy facilitated by Bill Ross of Ross & Associates Environmental Consulting. Joining Assistant Secretary Triay on the panel were EM officials Frank Marcinowski, Merle Sykes, and Brandt Petrasek. The discussion, through a dialogue between panel members and members of the audience, touched on the following issues related to EM policy:

- DOE recognizes the importance of a detailed five-year plan and a strategic plan that is less detailed but covers more than five years.
- High level waste disposition, and in particular the work of the forthcoming Blue Ribbon Commission, are vital to EM's mission.
- The reasoning behind EM's re-organization is to delegate authority to the lower levels of the organizational structure and ensure that all EM staff are aware that they have a vital stake in cleanup efforts.
- DOE will ensure ample opportunities for consultation with regulators, stakeholders, and tribes as it reviews order 435.1⁶.
- Dr. Triay endorsed the concept of engaging the intergovernmental groups on strategic planning, and formalizing such engagement so that it becomes a matter of routine.
- DOE recognizes the need for training the next generation of skilled nuclear workers as the current generation begins to enter retirement. Addressing the aging nuclear workforce is partially addressed as a sub-objective under post-Recovery Act planning.
- Accelerated footprint reduction must proceed cautiously to ensure downsizing projects operate within established safety margins.
- ARRA funds were not originally programmed for tank waste-related projects due to DOE's unproven track record in this area. EM made the strategic decision to utilize ARRA funds for projects where it had successfully demonstrated an ability to carry them out. However, the acceleration of projects such legacy TRU waste disposition will result in an overall increase in resources for all other projects, including tank waste retrieval and treatment.
- Dr. Triay announced that Bob Raines (Deputy Director for Project Management Systems & Assessments, DOE-EM) will be launching the second phase of the "best in class" effort to identify the expertise needed to oversee construction and capital asset projects. This will help EM avoid the type of setbacks that have plagued major construction projects such as the Waste Treatment Plant, and will push for 70 – 80% design completion before construction commences.
- Dr. Triay recognized the unique credibility of the intergovernmental groups and emphasized the importance of each group's continuing contribution to the cleanup dialogue, not only with EM but with other DOE offices such as Science, Nuclear Energy, and NNSA.
- The panel affirmed the value of DOE contractors' participation in local communities. Dr. Triay cited the positive interaction between the WIPP contractor and the local community in Carlsbad and noted that this interaction was vital to the success of the geologic repository.

⁶ <http://www.directives.doe.gov/pdfs/doe/doetext/neword/435/o4351c1.pdf>

Intergovernmental Groups – Next Steps

The final session of the Fall Intergovernmental Meeting featured a panel discussion with representatives from each Intergovernmental Group (see inset), facilitated by Bill Ross of Ross & Associates Environmental Consulting. Panel participants reflected on the meeting's previous sessions and offered closing observations.

Chuck Smith emphasized the importance of communities and contractors, and the connection between them as communities build future energy infrastructure. He added that when multiple contractors are involved at a site, coordination among them is critical to cleanup success. Mr. Smith also stressed the importance of spending taxpayer money wisely in the development of a national geologic repository.

Willie Preacher reiterated the need for maximum transparency around the work of the Blue Ribbon Commission on nuclear waste. He also described several additional issues of importance to his organization: Continuity planning after Recovery Act funding has been spent; transportation; and the need for greater site characterization prior to finalizing plans for cleanup. Mr. Preacher concluded by affirming his organization's open door policy and commitment to help DOE answer any questions it might have.

Andy Fitz reminded participants that from NAAG's perspective, the single biggest issue is compliance. Mr. Fitz observed that during the meeting, participants created several opportunities to institutionalize important practices; these opportunities should be capitalized on.

Colleen Cripps emphasized the need to facilitate communication between federal agencies and state commissioners. Ms. Cripps reminded participants that ECOS will be developing an NRDA case study document, followed by a webinar, and will seek input from the assembled Intergovernmental organizations as well as DOE. Ms. Cripps also highlighted ECOS' continued monitoring of DOE's progress on a mercury storage facility and offered support from the ECOS Quicksilver Caucus for that effort.

Edward Winner outlined several important points from throughout the meeting. He noted that a core message from the meeting was the desire for consistency in DOE's cleanup plans while recognizing the need for flexibility. On the issue of NRDA, Mr. Winner remarked that one of the key considerations for the parties involved in NRDA discussions was the lack of a defined budget line item; in other words, the parties are unsure if they are negotiating around something real. Finally, he noted that the infusion of the ARRA funds has been very positive, but he expressed concern that compliance will "fall off a cliff" after those funds are spent.

Following the panelists' remarks, meeting participants provided observations on the meeting and next steps for the Intergovernmental Groups and DOE:

Panelists:

ECA – Chuck Smith (Aiken County)
ECOS – Colleen Cripps (State of Nevada)
NAAG – Andy Fitz (State of Washington)
NGA – Edward Winner (State of Kentucky)
STGWG – Willie Preacher (Shoshone - Bannock Tribe)

- A participant encouraged the development of a historical record that would resonate with elected officials in Congress and their staff. This would be particularly valuable as an educational tool for, among other topics, Federal Government treaties with Tribal Nations.
- On the subject of waste management interdependencies, a participant remarked that on the state level, the response to requests for waste disposition is generally negative. However, if the information is available to states and others to see the situation from a system-wide perspective, solutions may emerge that garner much more support.
- A participant emphasized the need to create a collective vision for energy parks, including an improved definition on a national level and an organizational structure to unify the various responsible offices within DOE.
- A participant remarked on the value of DOE site personnel in attendance at the Intergovernmental meetings and suggested re-inviting those personnel in the future.

[Meeting adjourned]