

NGA Federal Facilities Task Force,
in conjunction with the State and Tribal Government Working Group
and the National Conference of State Legislatures
Spring Meeting with the U.S. Department of Energy
May 4, 2010

Executive Meeting Summary

Meeting participants are grateful to the people of Nashville for their hospitality in spite of severe regional flooding that caused a significant amount of infrastructure damage and, regrettably, loss of human life.

Overview

On May 4, 2010, the National Governors Association Center for Best Practices (NGA Center) hosted a meeting of the NGA Federal Facilities Task Force (FFTF), in conjunction with the State and Tribal Government Working Group (STGWG) and the National Conference of State Legislatures (NCSL), with the U.S. Department of Energy, Office of Environmental Management (DOE-EM) in Nashville, Tennessee. The overarching aims of the meeting were to improve intergovernmental communications and promote an open dialogue between states and DOE-EM on issues of mutual concern and to help achieve their common goals.

The plenary sessions on May 5 provided a forum for dialogue between FFTF members, STGWG members, and U.S. DOE representatives on their respective concerns and priorities, as well as recent developments at DOE headquarters. Key topics for this meeting included DOE-EM implementation of the American Recovery and Reinvestment Act (ARRA), new issues in nuclear security from the perspective of the National Nuclear Security Administration (NNSA), the Blue Ribbon Commission on America's Nuclear Future, DOE budget and strategic plans, and waste disposition.

Meeting presentations and materials are available at: <http://www.ffcleanup.org/meetings.htm>

Presentations

State of the Office of Environmental Management - Frank Marcinowski, Acting Chief Technical Officer and Deputy Assistant Secretary for Technical and Regulatory Support, DOE Office of Environmental Management

Mr. Marcinowski's presentation is available [here](#)

Mr. Marcinowski delivered an overview presentation on the "State of EM".¹ Mr. Marcinowski began his presentation by reiterating the vision established for the Environmental Management program by Assistant Secretary Inés Triay. Part of this vision is the establishment of DOE-EM as a high-performing organization, a goal which will be significantly enhanced through EM's removal from

¹ DOE-EM Assistant Secretary Inés Triay was invited to deliver the opening remarks on the state of EM but was unable to attend due to a scheduling conflict.

the Government Accountability Office (GAO) high-risk list for project management. As a step toward this goal, Dr. Triay is placing a heavy emphasis on project management, holding daily meetings with DOE Secretary Stephen Chu and Deputy Secretary Daniel Poneman on EM's large projects and how they are being handled. Mr. Marcinowski emphasized several additional EM priorities, including storage of spent nuclear fuel (SNF), dispositioning of transuranic (TRU) waste at the Waste Isolation Pilot Plant (WIPP) in New Mexico, groundwater and soil remediation, and the decontaminating and decommissioning (D&D) of excess facilities. EM's goals and strategies include safety and performance, processing and treatment of high-level waste (HLW), project management, footprint reduction, and science and technology.

Mr. Marcinowski reviewed EM's 11 categories of corporate performance measures, followed by a report on EM's \$6 billion FY 2011 budget request to Congress. Highlights of the FY 2011 budget request include \$740 million for the Hanford Tank Waste Treatment plant, increased funding for D&D activities at the Portsmouth (Ohio) gaseous diffusion plant, and funding for research and development into next generation vitrification melters. Mr. Marcinowski reported that, barring any technical or other issues, the FY 2011 budget request will fund all compliance activities.

EM continues to move forward with an aggressive plan for reducing the physical size of the nuclear weapons complex and turning over remediated lands to local communities for use as energy parks. EM is drafting a business plan which could coordinate energy park activities in the office of the Under Secretary. Mr. Marcinowski concluded his presentation by outlining remaining challenges for EM:

- Maintaining cleanup progress, particularly accelerated progress accomplished under the American Recovery and Reinvestment Act (ARRA)
- Managing projects with multi-decade life spans
- Producing results with robust project management practices
- Applying first-of-a-kind technologies
- Managing and maintaining a stable work force

Mr. Marcinowski provided the following additional information in response to questions from Task Force and STGWG members:

- EM is not using ARRA funding for Natural Resource Damages Assessment and Restoration (NRDAR) activities; these are longer term activities that will proceed under base funding.
- The number of shipments to WIPP is not predicted to decrease, and EM is currently monitoring the ventilation system in the 30-year old facility for possible future replacement / upgrade funding.
- EM is prepared to store HLW as planned, even with the proposed withdrawal of the license application for the Yucca Mountain repository.
- EM will post compliance scorecards to the recently-announced environmental compliance performance website² on a quarterly basis.

DOE-EM's Implementation of the American Recovery and Reinvestment Act - John Mocknick, DOE-EM Recovery Act Program Manager

Mr. Mocknick's presentation is available [here](#)

Mr. Mocknick provided participants with an overview of EM's activities under ARRA. Mr. Mocknick reported that EM's goal is to complete the majority of ARRA work by the end of Fiscal Year 2011,

² <http://www.em.doe.gov/Pages/CompliancePerformance.aspx>

while noting that work at four sites—Savannah River, Idaho National Laboratory, Energy Technology and Engineering Center, and Oak Ridge National Laboratory—may continue beyond the FY 2011 time frame. EM’s initial forecast of between 4,000 and 6,000 jobs created or saved by ARRA funding has proven accurate; ARRA projects currently employ over 5,600 prime workers and 4,000 support workers. DOE is also using ARRA funding for footprint reduction activities and is close to announcing actual footprint reduction achievements. Mr. Mocknick reported that ARRA funding has resulted in acceleration of 48 compliance milestones, 14 of which have now been met.

EM is actively strategizing around the transition period from ARRA funding levels to base funding levels only, beginning with a survey for sites that received ARRA funding. DOE is planning to assist the approximately 6,000 Recovery Act workers with identification of new job opportunities as Recovery Act projects wind down. EM is also beginning to identify lessons learned from ARRA, and plans to apply these lessons to the EM base program.

Mr. Mocknick provided the following additional information in response to questions from Task Force and STGWG members:

- No ARRA funding is being used for reprocessing.
- DOE-EM recently hired Colin Jones as a communications specialist to assist with communication at the Savannah River Site.

New Issues in Nuclear Security - Phillip Niedzielski-Eichner, Assistant Deputy Administrator for Strategic Planning, Resources, and Integration, NNSA Office of Defense Programs

Mr. Niedzielski-Eichner’s presentation is available [here](#)

Mr. Niedzielski-Eichner discussed the recent United States’ Nuclear Posture Review³, noting the change in international dynamics and threats to US security which prompted the review. Mr. Niedzielski-Eichner described the reemergence of policy consensus around a nuclear deterrent and the need for a credible nuclear weapons complex to support the proposed deterrent level. This will involve consolidating and streamlining the nuclear weapons complex and maintaining a reduced weapons stockpile; significant reinvestment in NNSA is required for this strategy and as such NNSA’s proposed FY 2011 budget increase is the largest of any federal agency.

Mr. Niedzielski-Eichner highlighted several facets of the future NNSA complex, such as footprint reduction and streamlining staff levels. He also described the five mission elements of NNSA’s environmental projects and operations: Long-term environmental stewardship, waste management, environmental cross-cutting activities, environmental cleanup oversight, and National Environmental Policy Act (NEPA) compliance. Mr. Niedzielski-Eichner concluded his presentation by reporting on NNSA’s goals of increased communication and expanded partnerships to improve state and local economies and ensure national security. He also pointed out to participants that further requests for information about NNSA programs could be directed to either himself or Claire Dunne, Director of Intergovernmental Affairs at NNSA.

Participants provided the following comments in response to Mr. Niedzielski-Eichner’s remarks:

- The leadership of the Yakama Nation has sent written correspondence to President Obama and Secretary Chu requesting government-to-government consultation to discuss the ramifications of closing Yucca Mountain, particularly in relation to spent nuclear fuel from the Columbia generating station. The Yakama Nation believes that health issues, especially

³ Report available at: <http://www.defense.gov/npr/docs/2010%20Nuclear%20Posture%20Review%20Report.pdf>

among indigenous populations that rely on natural resources for physical health, should be a significant part of the discussion on disposition of nuclear waste.

- A participant commented on the importance of NNSA's continued participation with regulators, stakeholders, and tribal nations. The participant added that the existence of both NNSA and EM cleanup missions does not imply redundancy; NNSA should strive for transparent engagement at both headquarters and state levels on budget and cleanup responsibilities.
- The amount of long term stewardship required is approximately inversely proportional to the amount of cleanup that is accomplished; NNSA should encourage EM to clean up as much as possible before shifting sites to long term stewardship. NNSA should also consult with state regulators whenever EM-NNSA discussions result in changes to compliance agreements.

Blue Ribbon Commission on America's Nuclear Future - Deborah Swichkow, Communication Team Lead, Office of Program Policy Integration and Communication, DOE Office of Nuclear Energy⁴

Ms. Swichkow's presentation is available [here](#)

Ms. Swichkow provided participants with a description of the activities of the Blue Ribbon Commission on America's Nuclear Future (BRC), beginning with an overview of several growth scenarios for the domestic nuclear energy sector.⁵ At the low end, if no new nuclear facilities are brought online in the US, there will still be 100,000 metric tons of spent nuclear fuel produced by 2050 that will require disposal. If nuclear energy production increases (to deal with climate change, for example), the industry could produce approximately 275,000 metric tons of spent fuel by 2050. President Obama and Secretary Chu agree that Yucca Mountain is no longer a viable option as the nation's repository for spent nuclear fuel and defense high-level waste, and they have instructed the Blue Ribbon Commission to conduct a comprehensive review of the back-end of the nuclear fuel cycle by evaluating existing technologies and identifying options for (among other items) safe storage, permanent disposal, and legal and commercial arrangements for management of used nuclear fuel.

The Blue Ribbon Commission's first meeting was held March 25-26 in Washington DC. The Commission will meet in person every other month, with conference calls during the off months. The next meeting is scheduled for May 25-26 in Washington DC. Not all meetings will occur in Washington DC; however exact locations are yet to be determined. The Commission is also in the process of forming subcommittees to explore various topics, also to be determined.

Ms. Swichkow provided the following additional information in response to questions from Task Force and STGWG members:

- Ms. Swichkow acknowledged a participant's suggestion that the majority of the Commission's meetings occur outside of Washington, DC.
- The most expedient manner by which to contact the Blue Ribbon Commission is through Timothy Frazier, Designated Federal Official to BRC from the DOE Office of Nuclear Energy.
- The Commission is not making a site recommendation for a geological repository.

⁴ Timothy Frazier was originally scheduled to deliver this presentation but was unable to attend due to a scheduling conflict. Mr. Frazier is the Director of the Office of Policy, Integration and Communication and is the Designated Federal Official to BRC from the DOE Office of Nuclear Energy

⁵ The Commissions website is available here: <http://brc.gov/>

- A participant commented that a recent report from the Electric Power Research Institute suggested that if nuclear energy is not a substantial component of the national power supply, energy costs could increase up to 265% by 2030.

DOE-EM Budgets and Strategic Plans - Jay Rhoderick, Director, Office of Strategic Planning and Analysis, DOE Office of Environmental Management

Mr. Rhoderick's presentation is available [here](#)

Mr. Rhoderick began with an overview of the DOE-EM budget, including EM's eight budget priorities, the budget profile and the FY 2011 budget process. For FY 2011 the Hanford Site and Savannah River Site are scheduled to receive the majority of EM funding (\$2.3 billion and \$1.4 billion, respectively). Mr. Rhoderick highlighted several elements of the FY 2011 budget: Full funding for complex-wide tank waste management and treatment, increased funding at the Portsmouth Site to fully support accelerated D&D, increased investment in tank waste technology and groundwater remediation, and small site completions at Stanford Linear Accelerator Center, Brookhaven National Laboratory, and the Separations Process Research Unit.

EM's FY 2011 cleanup approach will include sound business practices (including footprint reduction plans), technology development for plutonium disposition in conjunction with NNSA, and energy parks. EM continues to analyze the completed cleanups at Rocky Flats and Fernald as business cases through which to identify opportunities for further accelerated cleanup. Mr. Rhoderick reported since tank waste is one of EM's largest program areas in terms of cost, a technical evaluation of the tank waste system was conducted by EM in order to determine if any transformational strategies could be implemented to reduce the time frame and cost for tank waste processing. Mr. Rhoderick went on to describe several of the recommendations produced by the technical evaluation.

Mr. Rhoderick concluded his presentation by describing the current status of EM's business case analysis. This includes working with EM sites to identify initial business cases, and updating information & tools to enable analysis at the analytical building block level.

Mr. Rhoderick provided the following additional information in response to questions from Task Force and STGWG members:

- EM will be analyzing a suite of groundwater and land remediation projects for additional investment across the entire nuclear weapons complex and will engage regulators in any conversations that would affect compliance agreements.
- EM's policy regarding transuranic waste buried prior to 1970 remains the same: EM considers that waste to be disposed.
- EM has discussed the issue of pension payments and the budget for the cleanup of the Savannah River Site at the CFO level, but a recommendation has not yet been issued.

Update on DOE's Waste Disposition and Overview of Natural Resource Damage Assessment & Restoration (NRDAR) - Frank Marcinowski, Acting Chief Technical Officer and Deputy Assistant Secretary for Technical and Regulatory Support, DOE Office of Environmental Management

Mr. Marcinowski's presentation is available [here](#)

Mr. Marcinowski outlined a wide range of EM activities related to waste disposition and NRDAR, including a status report on the update to DOE Order 435.1.⁶ The update, which is intended to replace some outdated information within the order, will be available for public review and comment in May.

Mr. Marcinowski then described highlights and challenges related to EM's primary waste streams: LLW and MLLW, TRU waste, high-level waste (HLW), Greater-than-class-C (GTCC) waste, spent nuclear fuel, and mercury. Highlights for LLW and MLLW included the closure of the Toxic Substances and Control Act (TSCA) incinerator, a site-wide environmental impact statement (EIS) at the Nevada Test Site, and DOE's agreement to take responsibility for long-term stewardship of Waste Control Specialist's disposal facility in Texas after cessation of facility operations. LLW and MLLW disposal challenges include the regulatory and policy environment for disposal of depleted uranium. Other challenges include NRC's evaluation of current regulatory frameworks and classification system for LLW, which will affect DOE waste at commercial facilities. EM continues to ship TRU waste to WIPP, with significant acceleration of processing and shipments due to ARRA funding. One of EM's challenges regarding TRU waste is how to sustain an accelerated shipping rate since most of the easily managed TRU waste has now been processed throughout the complex. The draft EIS for GTCC remains under development with an expected release in summer 2010; the final EIS will be released in summer 2011. A final EIS for elemental mercury storage is under development; the preferred alternative is the Waste Control Specialists facility in Andrews County, Texas. With respect to HLW and the pending withdrawal of the license application for the Yucca Mountain geologic repository, EM's plan is to continue processing HLW as previously and will await the recommendations of the BRC.

Mr. Marcinowski concluded his comments by reemphasizing EM's commitment to continued safety and progress, and the need for a productive investment in technology to maintain cleanup momentum. EM relies upon strong partnerships with regulators, local communities, Tribal governments, stakeholders and industry to support waste disposition and cleanup goals.

Mr. Marcinowski provided the following additional information in response to questions from Task Force and STGWG members:

- DOE sites scheduled for near-term cleanup include smaller sites such as Brookhaven, the Separations Process Research Unit, and the Stanford Linear Accelerator Center.
- EM relies more heavily on southern shipping sites when weather-related shipping disruptions occur at northern sites. For example, EM keeps a backlog of waste at the Savannah River Site that is used to fill gaps in planned shipments due to inclement weather at other sites.
- RH TRU generates much less thermal heat than vitrified high-level defense waste. RH TRU is essentially trash contaminated with TRU waste, whereas high-level vitrified waste contains processed and concentrated high-level waste isotopes.
- GAO analyzed DOE's decision not to remove pre-1970 TRU waste at Hanford and concluded that the policy was appropriate.
- DOE is developing a policy document on NRDAR that has now been through two internal revisions. The document will be available to share with a wider audience in the near future.

Waste Interdependencies - Frank Marcinowski, DOE Office of Environmental Management

Mr. Marcinowski's presentation is available [here](#)

⁶ <https://www.directives.doe.gov/directives/current-directives/435.1-BOrder-c1/view?searchterm=None>

At the request of participants, Mr. Marcinowski provided a brief presentation on waste interdependencies across the nuclear weapons complex, noting that 80% of waste is disposed of on-site, 10 - 12% is disposed in commercial facilities, and the remainder is sent to the Nevada Test Site. Mr. Marcinowski then summarized statistics for on-site disposal, off-site disposal, and receipts of waste at the major sites: Hanford, Idaho, Savannah River, Oak Ridge, Portsmouth, Paducah, Los Alamos National Laboratory, Nevada Test Site, and West Valley.

There were no questions or comments from participants following Mr. Marcinowski's presentation on waste interdependencies.

Plenary Session Wrap Up - David Borak, Intergovernmental Relations Coordinator, Office of Public & Intergovernmental Accountability, DOE Office of Environmental Management

Mr. Borak summarized the status of the ten key action items developed during the fall Intergovernmental meeting in New Orleans (October 2009):

1. Evaluation of each site's engagement of regulators, local communities, tribes, stakeholders: In April 2010, EM distributed a survey to each site to gather feedback on engagement with regulators, local communities, tribes, and stakeholders. A copy of the survey was distributed to the intergovernmental groups. The groups were encouraged to provide comments on the topics covered by the survey.
2. Develop clear milestones for engagement on strategic planning, the 5-year plan, budget & compliance, and prioritization: Mr. Rhoderick's presentation during the meeting provided engagement on EM strategic planning, budget & compliance, and prioritization. Future conference calls between the intergovernmental groups and EM will provide opportunities for further engagement.
3. Engage on Post-ARRA planning: Mr. Borak reported that EM has worked to engage the groups on post-ARRA planning; however, if the groups feel that more engagement is warranted, they should notify EM.
4. Track compliance as a performance measure: EM now has a publicly accessible website⁷ to track compliance with cleanup agreements across the nuclear weapons complex.
5. Initiate discussion of waste interdependencies: Mr. Marcinowski's presentation provided an overview of waste interdependencies within the nuclear weapons complex.
6. Create a NRDAR progress matrix: NGA Center developed the NRDAR progress matrix, which is available on the FFTF website.⁸
7. Facilitate group interaction with Blue Ribbon Commission: Deborah Swichkow's presentation was a first step toward interaction with the Blue Ribbon Commission; Timothy Frazier will participate at future group and intergovernmental meetings to facilitate further discussion.
8. Develop EM policy for Energy Parks: EM is in the process of developing this policy.

⁷ <http://www.em.doe.gov/Pages/CompliancePerformance.aspx>

⁸ <http://www.fftfcleanup.org/>

9. Invite more DOE site representatives to Intergovernmental Meetings: EM is actively working to co-locate the annual site managers meeting with the fall Intergovernmental meeting, with the goal of having more site managers participate in the fall Intergovernmental meeting.
10. Consult groups on footprint reduction goals: The groups heard several presentations on footprint reduction goals during the meeting, and were provided an opportunity to ask questions of EM staff.

Mr. Borak then invited participant comments on suggested locations and topics for the upcoming Fall Intergovernmental meeting. He also reminded meeting participants that a conference call of the Combined Intergovernmental Working Group (CIWG) would be scheduled in the near future to begin planning for the Fall Intergovernmental meeting. Participants provided the following comments:

- Participants suggested several meeting locations, including Washington DC, Miami, New Orleans, and a location in the Western United States such as Santa Fe, New Mexico.
- A DOE official reminded participants that the availability of Assistant Secretary Inés Triay will be the driving factor behind the selection of a location for the Fall Intergovernmental meeting.
- As a topic for the Fall Intergovernmental meeting, a participant suggested the current movement in several state legislatures to abolish the nuclear waste repository fund.
- Another participant suggested the ramp-down from ARRA funding as a subject for the Fall Intergovernmental meeting.

Andrew Kambour of the NGA Center concluded the meeting by reminding participants of logistical details for the tour of the Paducah Gaseous Diffusion Plant the next day.

[Meeting adjourned]