

NGA FEDERAL FACILITIES TASK FORCE  
SPRING MEETING WITH THE U.S. DEPARTMENT OF ENERGY  
MAY 22-24, 2007  
EXECUTIVE MEETING SUMMARY

On May 22-24, 2007, the National Governors Association's Center for Best Practices hosted a meeting of the NGA Federal Facilities Task Force (FFTF) and U.S. Department of Energy (DOE) officials in Augusta, Georgia. The overarching aim of the meeting was improving communication between the states and DOE and more specifically, to identify and discuss how states and DOE can work together on a number of specific topics including: the DOE budget, milestones and compliance, the Global Nuclear Energy Partnership (GNEP), and the current status of DOE's Yucca-Mountain-related legislative proposal.

Meeting sessions on May 22 and 23 provided a forum for dialogue between FFTF members and U.S. DOE representatives on their respective concerns and priorities, as well as recent developments at DOE headquarters. On May 24, meeting participants toured the Savannah River Site. The tour included a general overview of facilities as well as in-depth information on the phyto-remediation project and vitrification facility.

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

**Update on EM and Communications – Charlie Anderson, Principal Deputy Assistant Secretary, Office of Environmental Management, U.S. DOE (by telephone)**

- DOE's Five-year Plan is a living document. It describes target funding but does not reflect actual budget numbers because money is allocated from Congress annually. However, the plan helps DOE do a better job of regulatory planning in terms of telling states what it is doing and why.
- In recent years funding levels had been on a downward trend, but DOE realized no programs could be realistically accomplished given the numbers.
- Mr. Anderson acknowledged funding projections in last year's Five-year plan were very low. This year's projections show a significant increase. DOE now feels they have a better understanding of these assumptions – regulatory requirements, safety requirements – and how they factor into the planning process.
- In regards to the statement in the budget regarding state regulatory flexibility, Mr. Anderson strongly stated it was not a swipe at state regulators; but an acknowledgement that DOE made aggressive assumptions which did not pan out.
- Funding allocations by site in the chart are based on a number of factors including: risk, regulatory requirements, baseline requirements, contract funding requirements, site workforce, etc. One of the most important factors is the timeframe for project completion. If a project can be completed within one year it is given a higher priority.
- Stabilizing tank waste is a high priority for EM from a risk perspective. Tank waste accounts for approximately one-third of EM's budget, and this ratio continues to rise.
- After tank waste, the other risk-based priorities are (1) storing/safeguarding special nuclear materials and spent fuel, (2) disposing of transuranic waste (TRU) and low level waste (LLW) to enable soil and groundwater cleanup, (3) remediating large sites, and (4) D&D of facilities.
- A participant asked whether or not it would be possible for DOE to agree to milestones during the FY + 2 time frame. Mr. Anderson responded that because the budget changes from year-to-year, DOE cannot risk losing credibility by signing up to milestones it can't

deliver. Ideally the budget would be set for a three year time frame without risk of fluctuation, but in reality this is not likely to happen.

- A participant asked how states and DOE can work together to get over the funding hurdle and drive forward even with low planning goals from OMB? Mr. Anderson replied that DOE needs to have a dialogue within and across states about priorities. He suggested that as DOE is doing project reviews, they need get the states involved on issues that aren't necessarily regulatory but have an impact on regulation. One suggestion he made was allowing states to sit in on/listen to project reviews.
- A participant asked how risk is considered by DOE (e.g., intuitive versus quantitative, etc.) and whether state regulators were consulted. The participant also commented on the lack of usefulness in previous attempts to use analytical/quantitative measures of risk, and while risk is one consideration, there are other criteria to consider. Mr. Anderson noted the changed conditions since many compliance milestones were established years ago. He also agreed upon the helpfulness of broad categories of risk.

**Update on Compliance and Milestones - Frank Marcinowski, Deputy Assistant Secretary for Regulatory Compliance, Office of Environmental Management, U.S. DOE**

Mr. Marcinowski's presentation is available on-line.

- DOE has not changed its disposition strategy which continues to consider three main options in the following order:
  - (1) whether waste material can be disposed of on-site.
  - (2) whether there is an option is to move it to another DOE site.
  - (3) whether to send it to a commercial facility.
- **Hanford** is not accepting any off-site waste and DOE has agreed not to send off-site waste there until the issues regarding the EIS for Hanford tank waste are resolved.
- The **Nevada Test Site**, currently the only mixed low-level waste site available to DOE, is due to close to DOE in 2010.
- Waste Control Specialists (WCS) of Texas is trying to obtain licenses for two facilities to handle LLW. If WCS obtains a mixed-LLW (MLLW) license then DOE will have an additional option available to dispose of MLLW.
- On-site disposal at **Idaho National Laboratory** (INL) is scheduled to end in 2009. Part of the disposal area at INL has underground vaults for LLW that are currently less than half full. The Navy has asked DOE to keep the underground vaults section of the facility open, which DOE hopes to do while closing the remainder of the disposal area.
- DOE has been working with WCS on a license to dispose of the stored **Fernald** silo waste. They are about two years behind on the licensing schedule but the Texas legislature is working to set licensing timetables. DOE recently received an EPA extension for silo material disposition and DOE needs to publish the revised ROD. If this process does not work out, the silo material will turn into another orphan waste stream.
- The **TSCA incinerator** is an aging facility and is currently experiencing more down-time than operational time. While DOE would like to stop operations at TSCA before the target date of 2009, there is no other disposition path for materials going there now. DOE is looking for commercial alternatives.
- DOE is collecting waste stream data from sites. DOE last validated their data at the end 2006 – that data is now available at the WIMS website (<http://wims.arc.fiu.edu/WIMS>). The emerging picture shows more waste streams outside of EM than previously believed.
- The TRU waste program averages 22 shipments per week. The Carlsbad office is working on the next TRU inventory to be added to the WIMS system upon completion.
- Disposition trends are emerging:
  - On-site disposal cells continue to handle waste at the large sites.

- The volume of LLW needing to be disposed of is significantly lower than past years.
  - There are smaller volumes of LLW at commercial sites.
- DOE is looking to create a Corporate Board for LLW and MLLW. It will be modeled after the TRU Corporate Board that includes federal officials and contractors and has been in place for many years. It will be implemented in FY'08.
- When asked if states will have input into the LLW Corporate Board, Mr. Marcinowski replied that while the TRU Corporate Board is composed only of feds and contractors, the LLW Corporate Board is still under development, could benefit from state involvement, and that they would look further at the idea.
- Revision One of the *National Waste Disposition Strategy* will be issued later this year. It will include all of the information in the preceding bullet points and it will identify waste without a current disposition pathway.
- DOE does not have any Greater-than-Class-C (GTCC) waste according to the strict definition, but it does have about 3,000 cubic meters of waste with similar characteristics ("GTCC-like" waste). DOE is releasing a notice of intent (NOI) to initiate the EIS process and identify proposed locations for disposal, update the inventories, and hold public meetings. The EPA will be a cooperating agency in this process; NRC will not participate. The NOI will be published next month, and scoping meetings will be held in Carlsbad starting in July 2007. A report to Congress will be submitted in early FY'09.
- DOE received its permit modification from New Mexico last year for disposing of remote handled transuranic (RH-TRU) waste at the **WIPP** facility. DOE has been disposing of contact handled waste since 1999 and the wall space for storing RH-TRU is being lost. However, DOE believes it still has enough capacity to deal with RH-TRU waste within existing limits.
- DOE is working on getting certification/programs in place for RH-TRU at **Oak Ridge**, **Argonne**, and **Los Alamos**.
- DOE's intent is to move RH-TRU out of South Carolina by 2008. All existing RH-TRU at INL should be out by the end of 2008. In 2009, **Oak Ridge** will have the only supply of RH-TRU.
- As part of the 2008 budget submission, Secretary Bodman has had contact with several governors and Assistant Secretary Rispoli has talked to the heads of several state regulatory agencies. DOE is committed to doing everything it can to meet milestones and has been working with the site managers at those sites where milestones are at risk.

**DOE Budget - Cindy Rheume, Director, Office of Budget, Office of Environmental Management, U.S. DOE**

Ms. Rheume's PowerPoint presentation is available [on-line](#).

- DOE-EM's program priorities are:
  - (1) Continue to focus on safe, cost-effective prioritized risk reduction and cleanup.
  - (2) Implement a robust project management system and acquisition strategies to promote performance and efficiency.
  - (3) Strive for recognition of professional competence and high performance yields within the organization and industry partners.
- Ms. Rheume is currently working on an initiative combining real budget information with the earned value management system. EM is also working on project manager certification.
- DOE's FY'07 operating plan was developed in March based on the FY'07 year-long continuing resolution (CR). DOE's budget increased \$350 million from last year as a result of the CR.
- Priorities for the FY'08 budget are: (1) safety, (2) post-closure benefits and liability requirements, (3) tank waste, (4) CH and RH-TRU waste, (5) soil and groundwater remediation, and (6) D&D. The FY'08 budget request is posted on DOE-EM's website (See: <http://www.em.doe.gov/pages/budgetdocs.aspx>).

- DOE is currently in the FY'09 budget development process. The budget will go to OMB the first week of September, and once submitted it becomes embargoed data.
- When asked whether EM has ever failed to request enough funds to be in full compliance, Ms. Rheume replied that all budget requests are compliant when sent to OMB. The difference is the budget numbers can be categorized as either "within target" or "over target." The "within target" budget numbers are based upon a set number specified by OMB, whereas the "over target" numbers exceed OMB's set number. It is possible for some of the compliance budget to be included in the "over target" portion.
- When asked for a description of the process used to determine the distribution of D&D funds, Ms. Rheume explained an EM committee decides the amount of funding destined for certain projects. After this number is sent out, OMB returns with initial targets.
- A participant commented on how the states historically understood that EM's accelerated cleanup program would pass on to other sites the considerable savings created through early site closures. The participant noted this has not happened and accelerated cleanup has become an excuse to lower the budget. According to Doug Frost in EM, the distribution of savings was built on the premise of flat funding at \$5.7 billion per year through 2008. However, EM's budget increased dramatically rather than staying level, and it was difficult to sustain the level of increased funding through the out years. Ms. Rheume also noted the problem inherent in the discretionary nature of the EM budget – many other agencies are having the same funding problems.
- Several participants were concerned with the inadequacy of communications regarding budget impacts on milestones. States are asked by their Congressional delegations whether the DOE cleanup budget is OK, and they often don't know until it's too late. Notifying states of the potential risk of missed milestones is imperative to maintaining transparency and credibility. Ms. Rheume and Mr. Frost emphasized they would be happy to work on a communications plan ("who should tell who what and when") to improve this situation and welcomed any suggestions from the Task Force on how to do so.
- A participant expressed concern regarding the decision-making process when DOE receives less than its full compliance budget: someone within DOE makes decisions about *which milestones* will be affected, but these decisions are currently not discussed with state regulators. Mr. Frost acknowledged this point and Ms. Rheume noted DOE-EM has a new database of all compliance milestones and their associated fines and penalties.

**Luncheon Presentation by Ernie Chaput, Director of Special Projects, Economic Development Partnership of Aiken and Edgefield Counties (EDPAEC)**

Mr. Chaput's presentation is available [on-line](#).

- The general public feels the Savannah River Site (SRS) is an important local employer providing quality jobs. People are comfortable with SRS as a neighbor and recognize its strong safety and environmental protection programs. The community cares about SRS and has a long-term vision about maintaining mutual trust. There are detractors, but generally, they are based in from Atlanta or Savannah. They don't have a problem with SRS per se, rather they have a problem with DOE programs.
- SRS is a long-term part of the regional economic base. SRS is not a closure site and should not be considered a closure site. The site used to be 40% of the economic base of the area; currently it is around 10%. The workforce has gone from 25,000 workers to about 10,000. The EDPAEC supports the assignment of new missions compatible with SRS and believes SRS' physical assets and intellectual talent can be used to leverage new private sector jobs and investment.
- The consensus guiding principle for any future missions at SRS is the following: No waste or excess nuclear materials shall be brought into South Carolina unless an approved and funded pathway exists for its processing and shipment to either a customer or an out-of-state waste

- disposal facility.
- The local community is highly involved with SRS issues. At the most recent GNEP hearing approximately 600 people were present.
- EDPAEC has a few ongoing concerns related to SRS:
  - Spent nuclear fuel (SNF) from the SRS research reactor still has no approved disposition pathway. This 40-50 year old SNF will start deteriorating someday and should be dealt with now before it becomes a problem.
  - Regional capabilities are not always considered in contracting programs - this eliminates the opportunity for local economic development.
  - There does not appear to be a DOE vision for long term SRS viability (recapture of DOE investment). The lack of long-term funding for the Savannah River Environmental Laboratory (SREL) is an example of this. SREL has the potential for a long term mission.
- EDPAEC will support the mission of Complex 2030 and will support off-site shipments of plutonium into SRS as long as it supports this mission.
- A participant commented on several discussions between DOE and SREL to formulate their business plan, strategic plan, and operating plan to make sure work is articulated in the short- and the long-term. DOE has had many discussions with SREL to encourage a more pro-active stance in marketing to private sector clients. The lab was known previously for working exclusively on SRS problems, and DOE has made a concerted effort to change this perception. Mr. Chaput agreed with the goal of making SREL self-sufficient.

**Update on DOE's Proposed Legislation - Michael T. Richard, Deputy Assistant Secretary, Office of Congressional and Intergovernmental Affairs, U.S. DOE**

- Nuclear energy is a keystone of U.S. energy policy; it comprises 20% of energy production in the U.S. The equivalent of 45-50 new reactors must come online within the next few years to meet current energy needs. Private industry is stepping up to meet this challenge. NEI indicates at least 30 new reactors will come online in the next decade.
- DOE's Office of Civilian Radioactive Waste Management (OCRWM) has the statutory authority for the national waste repository.
- In March 2007, DOE submitted a legislative proposal to Congress for the Nuclear Fuels Management Act.
- The Nuclear Waste Fund is currently \$19.5 billion; it receives about \$750 million/year from the 1 mill/kWh charge on nuclear-generated energy. Spending from the fund is scored against discretionary funding for DOE; current legislation aims to change this.
- Lack of access to a national repository will have serious consequences in 2009 and beyond; current funding levels will not be enough to support the strategic objectives of the repository. The current liability of the government is nearly \$7 billion; for every year the repository is delayed past 2017, the cost to taxpayers will increase by approximately \$500 million.
- A participant asked if the Nuclear Waste Fund is in an interest-drawing account. According to Mr. Richard, the Fund is earning approximately \$1.4 billion/year in interest.

**Panel Discussion on Global Nuclear Energy Partnership (GNEP)**

**Panelists:**

**Paul Lisowski, Deputy Assistant Secretary for Fuel Cycle Management, U.S. DOE**

**Tom Winston, State of Ohio**

**James Hendrix, Executive Director, Savannah River Community Reuse Organization**

PowerPoint presentations from Mr. Lisowski and Mr. Hendrix are available on-line.

- Mr. Lisowski presented an overview of GNEP. He emphasized the necessity of GNEP due to rising energy demand, environmental factors, and proliferation concerns.
- Mr. Lisowski also emphasized the international aspect of GNEP and France's appreciation for the leadership role of the US in the global initiative.

- Mr. Lisowski noted the once-through nuclear fuel cycle presently at use in the U.S., with the endpoint at a geologic repository. If nuclear power increases at the anticipated rate, the U.S. will need 11 geologic repositories by the end of this century.
- A participant asked Mr. Lisowski to clarify the difference between the GNEP proposal and the “Atoms for Peace” program initiated by the Eisenhower administration and later abandoned. Mr. Lisowski responded by citing the vast improvement in the technology for recycling spent nuclear fuel (SNF) over the past thirty years, specifically highlighting advancements in Japan and France. He stated that fast neutron reactors have operated successfully and safely around the world, but the primary challenge is a 20-30% higher cost than light water reactors. One of the goals of GNEP is to prove the commercial viability of fast neutron reactors.
- Mr. Winston summarized the results of the siting study conducted for the Portsmouth site in the State of Ohio. There have been many meetings on this topic from groups in favor and in opposition. The Governor of Ohio has submitted a general support letter with a set of principles from the Community Resource Organization (CRO) to be taken into consideration as part of the GNEP project. These include:
  - Protect human health and the environment.
  - Any new facilities have to be safe and secure and meet project goals
  - New facilities must be independently licensed and regulated by NRC (DOE regulation alone is unacceptable)
  - Facilities must meet all applicable permitting by Ohio state agencies.
  - No SNF shall be transported to Portsmouth until facility construction is completed and ready for staging. Portsmouth will not serve as a disposal facility either for SNF or wastes produced by GNEP.
  - D&D activities at Portsmouth need to be ongoing and have adequate funding. GNEP activities would also have to be linked to a realistic redevelopment program.
- Mr. Winston added the following issues for Ohio or other states to take into consideration under GNEP:
  - Impact of GNEP activities on current compliance activities.
  - Waste generation and management (quantity, quality, timing, transportation)
  - Regulatory oversight
  - Security
  - Emergency preparedness
  - Communication and information flow
  - NEPA process
  - Continuing Congressional support (which to date has been somewhat tepid)
- Mr. Lisowski cited the French national policy that requires any waste imported for reprocessing be returned to its country of origin after it has sufficiently cooled. This raised the question of the length of time reprocessed waste would remain on site before returning to its country of origin. This issue is important to states as they would strongly oppose any additional long-term disposition of waste at their sites. Mr. Lisowski’s said Congressional legislation will be required to clarify the length of time reprocessed material would be allowed to remain on site.
- Mr. Hendrix reported there are two viable sites for GNEP in the region, one at the DOE’s Savannah River Site, and the other at the Barnwell site adjacent to SRS. There is extensive public support for the GNEP facilities in the region as well as a local workforce familiar with fuel processing.
- Mr. Hendrix underscored the role of the Task Force in recognizing the importance of clean, abundant, affordable electricity and in demanding accountability from the Federal government on the disposition of spent nuclear fuel.

**Update on DOE-EM’s Teams on Communication; Roles & Responsibilities**

**Sandra Waisley, Director, Office of D & D and Facility Engineering, DOE-EM,  
William F. Spader, Deputy Manager for Cleanup, DOE SRS**

Presentations available on-line.

- Ms. Waisley provided an overview of the work of the Roles, Responsibilities, Authorities, and Accountabilities (R2A2) Working Group. The working group is tasked with addressing the current EM organization within EM Headquarters (HQ), and between HQ and Field sites. Ms. Waisley produced a detailed chart demonstrating the current organizational structure of EM and its complexity.
- There are four major tasks the R2A2 Working Group hopes to complete by January 2008:
  - (1) Identify Existing EM/HQ R2A2 Management Systems
  - (2) Survey EM/HQ and Field Management for Perspectives
  - (3) Document EM/HQ R2A2 and Update Existing Systems
  - (4) Develop a Communications Strategy and Plan
- Task #1 is complete and Task #2 is estimated to be completed in July 2007.
- A state participant pointed out how interactions with DOE-EM often revealed overlaps and redundancies, particularly with respect to D&D work. In response, Ms. Waisley emphasized the strategy, under the restructuring plan, wherein all Standard Operating Plans and Procedures (SOPPs) will have an attached sheet detailing roles and responsibilities and a decision flow for each. There will also be a matrix to assign decision-making responsibility. The goal is to put more structure and discipline into the system.
- Mr. Spader outlined the efforts of the Communications working group. EM recognizes that communication is essential to getting its work done, and the working group aims to institutionalize effective communications.
- The Communications working group has already received input on improving communications including recommendations from the Energy Communities Alliance, observations from the National Academy of Public Administration, notes from the 2006 Intergovernmental Meeting, and recommendations from DOE's Environmental Management Advisory Board. Highlights of these include:
  - Following the minimum required by law is not enough; community outreach is often overlooked.
  - Parties must substantially engage each other throughout the cleanup process, not just in the planning stages.
- Tom Winston serves on the Environmental Management Advisory Board (EMAB). He mentioned EMAB sees EM's communications as reactive rather than proactive and noted EMAB has recommended the creation of a career communications position. Mr. Winston asked if the intent of the EM brand and website was conformity of message and building culture and identity. Mr. Spader confirmed this was the case.
- Ms. Waisley concluded by affirming both her own, and Mr. Spader's, openness to any input from Task Force members and any observations on R2A2 issues or how DOE-EM should move forward with its communications plan.