

Intergovernmental Meeting with the U.S. Department of Energy

November 12–14, 2008

Summary of Plenary Sessions

On November 12-14, 2008, 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 seventh joint meeting with the U.S. Department of Energy (DOE). The meeting was held at the Cliff Lodge Conference Center in Snowbird, Utah. 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 the transition to the new presidential administration, communication, waste disposition, DOE's budget/budget process, and Natural Resource Damage Assessment (NRDA). As noted below, presentations and materials are available online.

Thursday, November 13, 2008 — Plenary Session

Dr. Inès Triay, EM Principal Deputy Assistant Secretary (via telephone)

With Assistant Secretary Jim Rispoli's announcement that he is stepping down, Dr. Triay will become Acting Assistant Secretary of DOE's Office of Environmental Management (EM) on November 24.

Dr. Triay commented on the importance of DOE's interaction with site advisory boards, states, and tribal governments in order to prioritize cleanup resources. Dr. Triay explained that DOE's transition briefing materials for the incoming administration emphasize the importance of communicating with the key groups, and she stressed the fact that she personally needs to get cues from these groups and urged the groups to bring issues to her attention. The transition documents include a recommendation for continuation of the annual intergovernmental meeting, among other communications efforts, as a critical element of a proactive relationship with state and tribal governments.

Responses to Participant Comments and Questions:

- *Regarding Continuity of DOE Budget Levels:*
EM is committed to delivering projects on time and on budget. Investment in EM also promotes energy independence through establishment of infrastructure.
- *Regarding Consistent Funding for the National Laboratories:*
The work of the National Laboratories must be carried out in an environmentally safe manner. For example, EM has a baseline for the Los Alamos National Laboratory field office that complies with the fence-to-fence cleanup order.
- *Regarding the Need for a Second Geologic Repository:*
DOE is currently finalizing a report to Congress evaluating the need for a second repository.
- *Regarding DOE-EM's Transition Briefing Document:*
DOE-EM staff is refining the transition document based upon feedback from interested parties, including the possibility of investing in EM as an overall element of strategic planning. DOE is also finalizing a separate report to Congress under Section 3130 of the FY 2008 National Defense Authorization Act (NDAA) to discuss and several waste management and compliance issues.
- *Regarding the Merit of Reviving Initiatives from Previous Presidential Administrations:*

DOE-EM has requested the members of the transition team to review previous policy decisions to consider whether they should be revisited. This analysis is currently not complete but if any interested groups have specific recommendations to help focus this analysis, DOE-EM welcomes their suggestions.

- *Regarding the “De-Prioritization” of Hanford Cleanup, Now Decades Behind Schedule:*
A large portion of the transition briefing material as well as the NDAA report is devoted to the magnitude of environmental cleanup at Hanford, including delays in construction of the Waste Treatment Plant and other performance problems, as well as successes such as the river corridor cleanup. Hanford is a microcosm of every challenge across the EM complex (with the exception of uranium).
- *Regarding the Relationship Between Compliance and Investment in EM:*
DOE-EM’s goal is to present investment priorities to the new administration in order of: compliance, commitment to communities, and business opportunities for the federal government, especially in terms of economies of scale and/or energy independence.
- *Regarding DOE’s Order on Indian Policy, Currently under Revision:*
Ultimate responsibility for Indian policy does not reside within EM, but EM’s considerations are taken seriously.
- *Regarding the Final EIS for Yucca Mountain, in which DOE Proposes to Curtail Defense Waste by 60% to Increase Capacity for Commercial Waste:*
The shortfall in DOE’s waste disposal capacity will be addressed in the upcoming report to Congress about the need for a second repository.

EM’s Radioactive Waste Management

Frank Marcinowski, Deputy Assistant Secretary for Regulatory Compliance, DOE-EM

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

Mr. Marcinowski provided a summary of DOE-EM’s recent activities around waste disposition, noting that DOE-EM is working closely with the Office of Civilian Radioactive Waste Management since the Yucca Mountain project is critical to the future of nuclear power and potential energy independence for the United States. Mr. Marcinowski’s presentation covered the wide scope of EM’s waste and materials disposition, which includes liquid tank waste, calcine waste, cesium and strontium capsules, transuranic (TRU) waste, spent nuclear fuel (SNF), low-level waste (LLW), and mixed low-level waste (MLLW). Mr. Marcinowski highlighted several items of note related to waste disposition:

- Waste Control Specialists’ (WCS) Texas facility recently received a license to receive 11e2 byproduct material, which creates a disposition path for silo waste from the Fernald Site. WCS has also submitted a permit application for LLW which is pending approval.
- EM plans to begin closure of the Toxic Substances Control Act (TSCA) incinerator (located in Oak Ridge, TN) this year, but in order to do so, the commercial sector must provide a treatment option for TSCA waste.
- Natural Resource Damage Assessment (NRDA) is receiving increased attention, and EM is in the process of coordinating NRDA timing with decontamination and decommissioning (D&D) activities and waste disposition, with several pre-assessments underway.
- The Waste Isolation Pilot Plant (WIPP) in New Mexico, currently the only deep geologic repository in the United States, has received over 7,000 shipments of defense TRU waste. EM is focusing on the disposal of remote-handled TRU waste in order to maximize the ability to use of wall space at WIPP, since contact-handled TRU waste is stored on the repository floor. Beginning in December, WIPP will be shut down for two months for annual maintenance. During this time, several sites will send waste to Idaho for processing in the advanced mixed waste treatment facility before the waste is sent to WIPP. He observed that approximately 1/3 of WIPP’s capacity has been filled to date.

- Over the summer, EM signed an important settlement agreement with the state of Idaho regarding the retrieval of “all” transuranic waste at INL.
- For LLW and MLLW, on-site disposal is the preferred disposition method. Nevada Test Site (NTS) has also been a major recipient of MLLW, although it cannot compete with the commercial alternative Energy Solutions facility in Clive, Utah, due to packaging requirements and truck-only transportation (the Clive facility is accessible by rail). The MLLW disposal facility at NTS will close in November 2010, and EM is exploring alternatives.

In closing, Mr. Marcinowski emphasized the links between numerous EM activities and national priorities. DOE missions and many United States initiatives rely on the EM waste management system. EM expects its mission to grow; in order to do so it is important to maintain a strong relationship with regulators.

Participant Comments and Questions:

- A participant commented that the change in presidential administration presents an excellent opportunity to convey a message to the public: From the inception of the nuclear industry until the disclosure of documents in the late 1980’s, a major “deception” was occurring involving waste at the nuclear weapons complex. In addition, what was called “disposal” was really just containment or storage. Further public engagement and disclosure are needed to restore credibility.
- A participant commented that during the past year, states requested to be involved with DOE’s newly-formed LLW corporate board, and were turned down. The participant asked if the possibility of state participation on DOE corporate boards could be revisited under the new administration. Mr. Marcinowski replied that DOE has discussed outside participation on corporate boards but felt the need to properly launch the LLW corporate board before inviting states and others into discussions; now that the LLW board is operational, the concept will be reconsidered.
- A participant requested clarification of DOE’s message on energy independence given the lack of closure for the final step of nuclear fuel cycle (waste disposition). Mr. Marcinowski explained that DOE has made great strides toward opening the geologic repository at Yucca Mountain, the license for which is under review by NRC.
- A participant commented that state and regional groups were recently notified by DOE that interaction on waste transportation would be greatly reduced due to budget constraints and the maturation of current shipments. State and regional groups would like to remain engaged with DOE on transportation issues. Mr. Marcinowski had not heard of any plan within DOE to curtail transportation interaction with states and regional groups.
- A participant commented that pre-1970 buried TRU waste at Hanford has no current disposition pathway and DOE is considering capping burial grounds and trenches despite serious contaminant penetration in the vadose zones. Mr. Marcinowski replied that the Government Accountability Office (GAO) examined DOE’s policy for pre-1970 buried TRU waste and agreed with DOE’s complex-wide approach.
- A participant asked for clarification on the cessation of waste characterization activities at the Hanford WRAP facility. Mr. Marcinowski explained that the decision to move waste characterization to Idaho was financial, since the Idaho facility is more cost-efficient than the Hanford facilities.

EM Budget Overview

Merle Sykes, Deputy Assistant Secretary for Program Planning and Budget, DOE-EM

[Ms. Syke’s PowerPoint slides are available here.](#)

Ms. Sykes provided an outline of EM's budget planning systems, tools, and outputs, including the following key points:

- EM is focusing on project baselines, which include systematic risk studies, future contingencies, critical paths, and a well-defined work scope. EM uses baselines to communicate and understand lifecycle costs and convey information to Congress.
- EM has established about 400 Analytical Building Blocks, and hopes to be able to use these to assist with dialogue with the intergovernmental groups.
- EM also is preparing to emphasize to the new administration the compelling case for near-term project completions and footprint reduction, alternative approaches to tank waste disposition, alternative approaches to dispositioning excess nuclear fuel and spent nuclear fuel, and alternative management approaches.
- Between 2008 and 2015, 49% of EM's budget is allocated to minimum safety (minsaf) activities while 51% is devoted to cleanup progress.
- EM's goal is to complete small site cleanups and reduce its footprint to 10 sites in 10 states by 2014.
- The Bush administration will not submit a detailed budget for 2010; instead the administration will submit a Continuing Services Budget, which will be based largely on 2009 request levels.

Participant Comments and Questions:

- A participant asked about new, lower, out-year budget targets that were identified within the last two months. Ms. Sykes said the previous, higher, 2008 5-year plan budget targets are still in effect.
- A participant asked for further information on a potential economic stimulus package and its relationship to EM. Ms. Sykes responded that both the House and Senate have drafted a stimulus package, and states can help by maintaining communications with their Congressional delegations. She said EM is ready to go if additional funding becomes available.
- Two participants raised specific questions about assumptions used in the baselines for the Paducah Gaseous Diffusion Plant and Hanford Site. Ms. Sykes explained that the sites' risk management plans should have addressed the regulatory assumptions, and the baselines will continue to evolve.

Luncheon Presentation

“Top down or bottom up: does it matter if the well's run dry? Is the FFERDC report still relevant?” Daniel S. Miller, Senior Assistant Attorney General, Colorado Department of Law
[*Mr. Miller's PowerPoint slides are available here.*](#)

- Mr. Miller provided a presentation on *The Final Report of the Federal Facilities Environmental Restoration Dialogue Committee: Consensus Principles And Recommendations For Improving Federal Facilities Cleanup* (commonly known as the *Keystone Report*).¹ The fourteen principles articulated at the outset of the report form the basis for a series of consensus recommendations aimed at improving the process by which federal facility environmental cleanup decisions are made, such that these decisions reflect the priorities and concerns of all stakeholders. Mr. Miller concluded that the principles and recommendations contained in the Keystone Report remain relevant today.

¹ The report is available on EPA's website: <http://epa.gov/fedfac/fferd.htm>

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Breakout Session

The 2008 Intergovernmental Meeting with the U.S. Department of Energy included a breakout session with four breakout groups, two of which focused on budget and two of which focused on 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.

Reports from Budget Group Breakout Sessions

Group I — Budget

Moderators: Tom Winston, Joanne Lowry, Pam Brown-Larsen

Presenter: Karen Fraser, State Senator, Washington

Group I identified a list of 14 issues, including the disruptive effects of budget fluctuation, the need to link economic stimulus with cleanup funding, integrating financial requirements for cleanup with budgets, providing stakeholder input on baselines, using penalty money for cleanup, clarification of target versus compliant budgets, beginning the process for identifying a second geological repository, and improving stakeholder understanding of Defense authorization. The group narrowed its list of topics and made the following five recommendations:

- Draft a joint letter to the presidential transition team describing urgent cleanup needs and associated job creation.
- Provide a briefing to the House of Representatives' Cleanup Caucus.
- Modify the budget process so stakeholders can influence OMB and the President in choosing between a "compliance" and "target" budget.
- Modify the budget process so that Congress automatically receives a copy of the "compliance" budget as well as the President's proposal.
- Increase transparency by giving DOE site staff more latitude to discuss tradeoffs among cleanup projects and priorities.

Group II — Budget

Moderators: Shelly Wilson, Merle Sykes, Thomas Edwards

Presenters: Bob Geller and David Wilson

Group II discussed investment opportunities and communication in relation to the budget.

On the topic of investment opportunities, the group identified four priorities:

- Prioritize those things that can be executed quickly, with immediate effects on economic stimulus, employment, workforce development, return on investment, and efficiencies.
- Integrate long-term stewardship analysis and natural resource damage considerations into cleanup decisions.
- Retain the historical investment approach of risk reduction and compliance while moving forward with new opportunities.
- Integrate energy efficiency into decontamination and decommissioning efforts, and build upon the relationship between energy alternatives and cleanup.

On the topic of communication, the group identified two focus areas:

- Integration of site planning across all DOE programs, including improvement of planning processes (both short and long-term) at the site level with stakeholders.
- Draft a letter to the new administration to include topics such as compliance, energy independence (including nuclear power and renewable energy), the need for a clean platform to support energy initiatives and other missions, and identification of investment opportunities.

Budget Breakouts: Observations, Questions and Answers

Facilitator: Bill Ross, Ross & Associates Environmental Consulting

- The intergovernmental groups should explore the possibility of meeting with the House Cleanup Caucus to provide a briefing. An ECA member offered to contact the staff of Representative Doc Hastings, who chairs the Caucus.
- The follow-up letter from the groups should be sent as soon as possible to both DOE and the new administration, and should request a response. The letter could also be sent to members of the House and Senate authorization and appropriations committees.
- In light of economic conditions, DOE should build a list of priority projects based on factors such as additional funding opportunities and potential job creation. If there is a list of projects “ready to go,” the groups would like the opportunity to review the list.
- Congressional mark-ups of appropriation bills are in place and should be reviewed to see what additional EM projects are already on the table.
- DOE’s risk-based approach has hurt local communities (in particular, by placing soil and groundwater at the bottom of cleanup priorities). Several sites have large D&D projects that can be finished within a few years, but resource diversion and declining budgets make it impossible to make realistic progress on these projects.
- Participating groups should consider how DOE can improve stakeholder engagement through the baselines (the Richland Office had made the most progress to-date in this area).
- For the 2010 budget, EM and interested groups should begin discussing opportunities for short-term projects that will produce immediate results.
- It is critical for DOE and participating groups to emphasize to the new administration that EM’s mission is unique from other federal programs and does not fit well into normal federal budget processes.

Reports from Waste Disposition Breakout Sessions

Group III — Waste Disposition

Moderators: Christine Gelles, Brian Hembacher, Ken Niles

Presenter: Ken Niles

Group III discussed a series of issues. Regarding natural resource damages, the group identified two action items:

- Creation of a dedicated line-item in EM’s budget for NRDA funding to provide predictability and avoid competition with cleanup funding. Damage payments from NRDA would not be included in the line item.
- Increased education on early NRDA action, including lessons learned (for example, the white paper developed by the California Attorney General’s office).

Key actions identified for other issues included the following:

- DOE should reconsider allowing regulator and stakeholder involvement in the DOE-EM Corporate Boards.

- Regarding the capacity and shipments to WIPP, and the implications of site cleanups projected beyond 2040 losing access to WIPP, the group suggested DOE-EM provide a written comment on the relationship between WIPP capacity and long-term site cleanup.
- The group emphasized the importance of ensuring rigorous characterization of waste, followed by appropriate segregation, to optimize the use of disposal capacity.
- The group suggested a letter be written to DOE requesting specific information about the 7,000 metric ton allocation of space in Yucca Mountain for defense waste, and what DOE's plans are for remaining defense waste.
- The group observed that the transparency of waste treatment at commercial facilities is very low, and raises concerns about possible safety risks at such facilities.

Group IV — Waste Disposition

Moderators: Frank Marcinowski, Willie Preacher, Bob Bullock

Presenter: John Heaton

Group IV expressed a variety of concerns regarding the geologic repository at Yucca Mountain and WIPP:

- The civilian nuclear waste fund should be directed toward a Tennessee Valley Authority type of public-private partnership.
- The group discussed whether a second repository should be constructed, and if so, what type of media should be used (i.e. retrievable or non-retrievable).
- A possible site for a second geologic repository could be adjacent to the WIPP site.

The group agreed on three conditions for WIPP to accept greater-than-class-C (GTCC) waste: (1) GTCC should not be limited to defense waste, (2) WIPP's capacity must increase, and (3) WIPP's closing date must be postponed.

The group had two additional, related discussions:

- A discussion of nuclear fuel recycling processes and whether or not the mixed-oxide fuel (MOX) plant at SRS could be incorporated into a recycling program.
- Recognition of the need to clean up contaminated mine sites across the United States before additional uranium mining operations can be launched in support of the nuclear "renaissance."

Waste Disposition Breakouts: Observations, Questions and Answers

Facilitator: Bill Ross, Ross & Associates Environmental Consulting

- Further information on the capacity at WIPP is needed before recommending a path forward.
- DOE should use caution when dealing with communities that host commercial reprocessing facilities, since increased volumes of materials correlates with increased risk.
- For sites with defense HLW, the fate of Yucca Mountain is extremely important. The Nuclear Waste Policy Act of 1982 directed the president to open either a civilian repository, a defense repository, or a combined repository. The Bush administration cut back on the amount of defense HLW that could be disposed of at Yucca Mountain and according to DOE, 60% of vitrified HLW logs will have to await disposal in a second repository.
- Instituting an EM-wide policy on NRDA would be helpful, including sufficient budget to support more than one DOE staff member assigned to NRDA issues. The National Oceanic and Atmospheric Administration (NOAA) has cooperative damage assessment procedures that could be used as models to avoid adversarial processes.

- Lessons learned from the Fernald NRDA process include: (1) it is effective to integrate NRDA concerns into cleanup decision-making, and (2) there is great inefficiency in parties conducting separate damage assessments; the better approach is joint assessments that are adequately funded and transparent.
- Opinions about the need for a second geologic repository differed among participants.
- Frank Marcinowski said DOE is open to reconsidering regulator and stakeholder involvement in the Corporate Boards.

Friday, November 14, 2008 — Plenary Session

EM and the Transition to the Next Administration: Challenges and Opportunities

Seth Kirshenberg, Executive Director, Energy Communities Alliance

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

Mr. Kirshenberg provided participants with an overview of the challenges and opportunities presented by the transition to the administration of President-elect Obama as well as the new shape of Congress following the 2008 elections. Mr. Kirshenberg emphasized the importance of meeting with administration and Congressional staff members to educate them on critical issues, and above all to communicate with truth, candor, and honesty. In addition to personal contact, Mr. Kirshenberg suggested information packets for new members, issue briefings, coalition-building, and the use of media contacts as methods for reinforcing policy messages. Above all, the new Congress and the new administration present new opportunities for working within the system.

DOE-EM's Message to the Transition Team

Scott Van Camp, DOE Office of Nuclear Materials Disposition

Mr. Van Camp (filling in for Jim Fiore from EM) summarized EM's key messages to the administration transition team. EM's overarching message is that it is delivering on its commitments and preparing for the future through safe cleanup of the environmental legacy of five decades of nuclear weapons production and nuclear power research. The cleanup task is highly complex and involves an array of new technologies that have contributed to the cleanup of 86 out of 106 contaminated sites.

Mr. Van Camp outlined a series of challenges emphasized within EM's transition briefing:

- The challenge of an aging workforce and competition for talented new professionals.
- Persistence of a negative external perception of EM despite continuing progress.
- The collision course between regulatory agreements and budget, and the severe consequences if EM's annual budget drops below \$6 billion.
- Unfunded liabilities, in particular up to 340 facilities identified for future transfer to EM, with an estimated cost between \$3 and \$9 billion.

The briefing also outlines potential opportunities for EM:

- Improvement in the cleanup schedule can be achieved through accelerated technology development and deployment.
- The opportunity to maintain the project management rigor established over the past several years.
- Assets that could be useful for future energy needs.
- A wealth of expertise with which to support the nuclear power renaissance.

In closing, Mr. Van Camp affirmed EM's commitment to deliver on its environmental cleanup goals with sound fiscal stewardship.

Participant Comments and Questions:

- A participant commented that milestones set by cleanup agreements could be listed under EM opportunities, as well as challenges.
- A participant noted that EM's transition briefing does not include a statement on the national geologic repository, reinforcing the common complaint that DOE lacks a consistent message across program offices.
- A participant disagreed with the characterization of HLW as a safe operation, given the potential for catastrophic failure of the aging liquid HLW tanks at DOE sites.
- A participant suggested that EM's briefing include a sense of the urgency around the cleanup program.
- A participant cautioned EM against describing the disconnect between budget and compliance agreements by characterizing agreements as out-dated and/or inflexible.

Messages from Each Intergovernmental Group to the New Administration

The Intergovernmental Groups provided overviews of their priorities for the new presidential administration:

Energy Communities Alliance

Pam Larsen delivered ECA's message. ECA's message includes emphasizing the importance of consultation with local communities for budget development, the utilization of nuclear expertise in and around DOE facilities, support for a national geologic repository, and support for local government's role in decision-making,

Environmental Council of the States

Roger Petrie presented ECOS' message. He highlighted several key points, including the need to continue to advocate adequate funding levels to meet compliance milestones, creating links between sustainable workforces and economic development under the economic stimulus package, monitoring the potential revision of executive orders, engagement with states and other stakeholders in NRDA, and the clarification of the role of the Office of Legacy Management (LM).

National Council of State Legislatures

John Heaton presented six areas of emphasis:

1. Any budget savings should be rolled over into additional and accelerated cleanup at other sites.
2. Cleanup at the National Laboratories is essential to the future of the country.
3. Cleanup agreements need to be honored, and must move forward as agreed upon.
4. Development of a second geologic repository should be pursued immediately.
5. Interim storage is a critical step in the closure of the fuel cycle and should be included in any discussion of the relationship between EM and energy independence.
6. The nomenclature for radioactive waste in the United States is extremely confusing, and leads the public make incorrect assumptions about the relative risk of certain wastes. The United States should develop a more logical nomenclature.

National Association of Attorneys General

Andy Fitz delivered NAAG's message, which highlights the underlying fact that DOE is legally obligated to clean up all of its facilities. Although compliance is still the gold standard, there has been

a subtle shift; instead of compliance being the starting and end point in priorities, it is now just one consideration in the overall mix of factors shaping the budget process. States are now expected to adjust their legal agreements, and continually reshape these agreements. The result has been that even though legal agreements still drive the process, the meaning of legal requirements has eroded over time to the point that the words in the agreements have become “aspirational.” As the states’ lawyers, NAAG’s message is that DOE cleanup is not discretionary, and states are regulators, not stakeholders. Now is the time to set priorities and base the budget upon them. At the same time, DOE has an opportunity to create jobs and advance the energy industry while giving back to communities and restoring historic tribal lands. Cleanup of the complex is not a choice, but it does present an opportunity.

National Governors Association

David Borak outlined the priorities of NGA’s FFTF:

- Enhancing transparency in the DOE decision-making process such that the default for EM should be to share information, rather than the reverse.
- EM should request a fully compliant budget.
- EM should build upon its work to enhance budget dialogue at the site level.
- The administration and Congress should seize the opportunity to invest in cleanup as part of the economic stimulus package.
- Investment in accelerated cleanup should continue, assuming the resulting savings are reinvested in other sites.
- The policy dialogue on long-term stewardship should be re-energized.
- There is a need to bring coherence and vitality to the NRD process and integrate it at the outset of planning.

State and Tribal Governmental Working Group

Willie Preacher and Tom Winston outlined fourteen key points:

1. Need for continuity in the Office of Indian Affairs, in particular the creation of a career position for an individual who understands the legacy of tribal issues.
2. Need for greater emphasis on programmatic aspects of tribal issues at the annual tribal summit.
3. Urgency of environmental issues and the need to provide sufficient funding for cleanup.
4. Elevation and attention to the severity of site problems such as Hanford legacy waste.
5. Recognition of tribal treaties with the federal government and differentiation of tribes.
6. Funding and process for NRDA.
7. Adequate budget for tribal issues.
8. Need for a compliant budget.
9. Recognition of state and tribal authority in relation to DOE.
10. Consultation on all issues.
11. Consistent application of the tribal policy.
12. Maintaining institutional memory of lessons learned.
13. Development of a system to reward outstanding performance.
14. The need to identify the end-point and take it into consideration when making short-term decisions.

Discussion of Opportunities for the Intergovernmental Groups to Work Together through the Transition and into the Next Administration

Meeting participants discussed various key themes emerging from the meeting and how to carry their messages forward to DOE and the transition team.

- A participant commented on the importance of conveying the Yakama Nation’s important role with the Hanford site over many years. He emphasized that treaties are the law of the land, and said there has been a lack of consistency in the government-to-government relationship. Cleanup of indigenous lands may be at the heart of the government’s reluctance to engage in true consultation with tribes as sovereign entities. DOE must recognize that indigenous people are the most susceptible to environmental damage and strongly desire that their land be cleaned up to unrestricted use.
- A participant commented that the intergovernmental groups have a concise message on cleanup and compliant budgets. This message should be sent to DOE, so it can be communicated to the transition team.
- A participant remarked that during the last eight years, DOE headquarters has clamped down on the ability of field offices to make independent decisions. In addition to easing those restrictions, the participant requested the removal of the budget embargo period and the elimination of excessive and inconsistent application of “official use only” classifications.
- A participant commented on the importance of prioritizing the ideas generated during the meeting and assisting DOE-EM staff as they move ahead with briefing the new presidential administration.
- Melissa Nielson of DOE reminded participants that the creation of the Combined Intergovernmental Working Group (CIWG) was a major outcome from last year’s Intergovernmental meeting. She urged the groups to continue to use this successful group. She also asked for any suggestions as to how to sequence the various concerns that the groups have identified this year. Finally, she said that until Doug Frost’s replacement is on board, the groups could send their communications to her.
- A participant suggested that SSAB members from more sites be invited to attend future intergovernmental meetings.
- A participant recommended including information about tribal treaties with information packets distributed to the transition team or new members of Congress.
- A participant offered several observations on EM’s transition materials:
 - Given that EM will be competing with hundreds of other requests to the transition team, EM should emphasize the opportunities provided by facilities such as SRS and Hanford to further the goal of energy security and independence.
 - EM has the strongest base of human capital for the advancement of energy independence.
- A representative from the EPA Federal Facility Restoration and Reuse Office (FFRRO) commented that EPA has been in discussions with EM about budget issues and has identified a communications lag between DOE and EPA at the senior level as an area of focus. EPA is also assembling its own transition papers, which will hopefully be made available to group members.
- A participant reiterated the need to bolster DOE’s NRDA staffing.

Doug Frost of DOE concluded the plenary session by sharing some valuable farewell wisdom with the intergovernmental groups as he prepares to retire. He urged the groups to avoid entangling alliances and beware of the military industrial complex.