

**National Conference of State Legislatures  
State and Tribal Government Working Group  
November 1-2, 2000  
Knoxville, Tennessee**

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## **Meeting Notes**

These meeting notes are a summary of notes recorded on easel charts during sessions of the State and Tribal Government Working Group (STGWG) Meeting on November 1 and 2, 2000. The notes reflect key comments and discussions among the Working Group members and key questions / answers between Working Group members and presenters. The content of presentations is not summarized in this record.

**November 1, 2000**

**Nashville, Tennessee**

**Session: Executive Session**

**Member Introductions**

**Main Session Agenda Review**

Day One

- Presentation / Discussion with Dr. Huntoon
- Stewardship
- Reception

Day 2

- May need to change Tribal and Transportation sessions
- Will need to incorporate conference call with U. S. Department of Energy - Headquarters (DOE-HQ)

- With Cultural Resource Management Policy Group
- DOE-HQ team needs to stay in Washington D.C. to answer questions regarding draft under review
- NB: Won't have any DOE-HQ representation on Tribal Policy
- Want Skip Gosling on conference call as well

### **Summary of Tribal Executive Session**

- American Indian Policy
- Should have been issued by DOE
- For Dr. Huntoon: How to implement; how to involve STGWG and Tribes?

### **Preparation for Discussion with Dr. Huntoon**

Questions / comments for Dr. Huntoon:

- Who should be STGWG primary point of contact during government transition?
- What is the most effective role for STGWG in her perspective?
- Look at guiding principles
- What has she achieved?
- What should carry forward into next administration?
- STGWG should develop list of issues it should carry forward into next administration and what issues does STGWG want DOE to carry forward.
- Idea from NGA experience: Background paper on STGWG from the group to the new Secretary
- Joint letter from NGA, NAAG and ECA at staff level - STGWG invited to participate
- If there is anything important to do in the next two months, advise her; e.g.,
- Indian Policy and implementation
- Stewardship papers
- Openness Policy - release of information on historical operations
- Note: Can ask Steve Livingstone regarding openness
- Pass message through to NNSA regarding openness
- Note: There may not be a lot more information to open up in some cases
- Probably a mixture of good information, poor information, and poorly-compiled information

- Getting cultural resources policy in place
- These comments are all appropriate
- Individual "authors" should raise them to Dr. Huntoon during Q&A

### **Open Discussion on Committees**

- Varying levels of activity
- How is it working?
- Meeting expectations?
- D&D Committee
  
- Not a lot of action
- There are some issues to address
- D&D is a bit below the surface right now
- D&D regulatory path is varied
- Question of recycling is important to D&D
- D&D group should continue, track issues, keep group up to speed, network
- Networking among STGWG members and other groups a value
- D&D can help other STGWG committees
- What are focus topics for D&D Committee?
  
- D&D activities from site-to-site
- Cleanup standards, including tie to Stewardship
- ALARA could be a big issue in cleanup and cleanup standards
- The release of metals is another possible topic
- Release of building rubble is another potential topic
  
- NB: Important for STGWG to decide / understand what level it should be operating at on these issues
  
- Integration and Disposition Committee
  
- The problem - finding time to deal with multiple important issues
- EISs are out; e.g., Pu-238
- High level waste is a disposition issue
- Need to prioritize STGWG's efforts
- There is crossover with other issues
  
- Committees need to work on details, but as committees, then distill and present big picture and key findings to full group
- Degree of policy vs. technical level varies from issue to issue
- Strengths can come when committee members are already working issues and bring efforts together
- Each committee should define its purpose anew, identify its activities / priorities for about the next year, and report to new administration

- Recycled metals - an issue is "how dirty is dirty?" - bottom of low-level waste (LLW) range
- Committees work best when a member steps up as an "issue champion"
- Committee chairs should work together to identify issues for collaboration among committees
- Committees should have much latitude, but should integrate into comprehensive package for STGWG
- Action: Committees define rules, issues, and priorities for new administration
- Target: Document in January 2001

### **Other Issues from Group**

- Priorities in message to Dr. Huntoon
- Stewardship
- Openness
- NGA-NAAG-ECA jointletter
- Communicate willingness to continue working with DOE
- Importance of openness
- Importance of stewardship
- STGWG sign on?
- States already in agreement (mostly)
- Tribes will discuss at noon today
- Tribal issues committee will feed back to Tom and Armand
- End of Executive Session

**November 1, 2000**

**Session: FULL Session**

### **Welcome**

- Martha Crosland

### **Invocation**

- Armand Minthorn

### **Introductions**

**Welcome from Oak Ridge Site**

- Johnny Moore

### **Opening Remarks and Agenda**

- Martha Crosland
- A good inspiration
- "Honor the past, celebrate the present, promote the future"

### **DOE Update**

- Dr. Carolyn Huntoon
- Environmental management - cleaning up the legacy
- Administration has done outstanding job of listening to communities and to Tribal Nations
- DOE-EM has turned the corner on getting input and listening to it

Some Accomplishments:

- Six principles
  1. Safety
  2. Improve project management
  3. Keep promises
  4. Develop a long-term stewardship plan
  5. Build public confidence
  6. Apply best science and technology to our problems
- Safety
  - For humans and environment
  - All six EM sites have declared integrated safety management
  - EM at all time low for injuries on the job
  - Have worked to reduce risks across the complex
- Project Management
  - Project management put in place
  - Project reviews put in place
  - Office of Project Management put in place
  - Key projects identified and tracked
  - Matching science and technology needs to projects
  - Working to improve up-front project planning
  - Training staff on project management

- Attracting good project managers
- Working to have good baselines to work from
  
- Long-term Stewardship (LTS)
  - Created office of LTS
  - Have good policy documents out for review
  - Note: We are making decisions today that will affect us in 50 to 100 years
  - NRC report helpful in identifying issues
  - Site-by-site road map of stewardship
  - Questions regarding LTS:
    - How to ensure funding
    - How to track and identify issues / problems as they arise
    - Need continuing help from stakeholders on solutions
  
- Keeping our Promises
  - Committed to meeting legal and regulatory commitments
  - Have kept promises 94% of time in past 15 months
  - Trust and responsibility to Tribal Nations is of paramount importance
  - Revised Indian Policy was issued on 10/31/00
  - Commitment to Tribal Sovereignty and Treaty Agreements
  - Commitment to annual summit
  - Commitment to funding for cleanup and environmental issues
  - Significant achievements at INEEL, LANL, other sites
  
- Building Public Confidence
  - Key - Administration has done excellent job of communicating to public
  - Must tell people early when we won't meet schedule or commitments
  - Must improve information flow within EM
  - New redesigned EM website
  - Improved relationship with public has improved relationship with Congress
  - Better funding has resulted
  
- Science and Technology
  - Reduced risks to workers (remote handling technology)
  - More funding from Congress than in the past
  - Have funded some basic research that will pay off in the future
  
- Meeting Future Challenges
  - WIPP opened (107 shipments to date)
  - Completed clean-up at 71 sites

- Have pulled back schedule at some sites
- New dry storage facility at INEEL
- Completed 15 shipments of nuclear materials from foreign countries
- Vitrification processes going into place (West Valley and SRS)
- Continuing to use innovative technologies on the ground
- Preparing to move material from K Basins at Hanford
- Have had strong support on funding from Secretary
- Congressional support fostered by States and Tribes

### Q&A with Dr. Huntoon

Question (Q):      What changed Congress' mind on R&D funding?  
 Answer (A):        We showed them results

Q: How will new Indian Policy be implemented and complied with?

A: DOE wants it to work and will involve Tribes

- Periodic meetings to review and manage
- Secretary summit annually
- Use good business practices

Comment (C) : Appreciate EM's participation with STGWWG - spirit of openness

Q: How can Tribes / STGWWG get assurance that Indian Policy will be implemented and enforced?

A: Identify specific issues and continue dialog on implementation

Q: Will EM help facilitate?

A: Yes, EM will act in that role

Q: Can STGWWG / Tribes look to EM to get cultural resources policy in place before change in administration?

A: Will do what I can

Q: How can EM help keep STGWWG in place under new administration?

A: Have built strong management team in EM that will remain. Have implemented policies that will remain

C: DOE should continue with openness policy on information

C: DOE should continue to reduce stovepiping

C: Designation of OR as second dirtiest site gives Tenn. hope

C: Tremendous progress since first presentation

C: EM should share draft policies on LTS early with STGWG and get feedback

Q: What should STGWG do to be most effective?

A: STGWG has been good funnel to bring issues to DOE - should continue

- Level of sophistication in communities is high, need to continue to tap in
- Need to hear from STGWG in constructive and organized fashion

- "This is what you need to do"

- "This is where we can help"

- Presentation of award from Dr. Huntoon to Earl Leming

Adjourn for Lunch

### **Stewardship**

- Steve Tarlton and Earl Leming, Moderators

### **Long-term Stewardship Report**

- Steve Livingstone, DOE

- National Long Term Stewardship (LTS) study is out in draft form

- Now a budget for LTS- \$4 million for DOE-HQ; \$4 million for INEEL

- NDAA report not in yet - available early spring

- Long-term stewardship - where are we, where are we going?

- See handout

- STGWG should look at continuous effectiveness through multiple changes in property ownership

### **Q&A**

Q: What will \$4 million for INEEL for LTS be used for?

A: Congress specified funding. INEEL will bring expertise in from other sites / outside to participate

- MUST follow road map

Q: Are strategic plan and road map the same?

A: No. Strategic plan lays out the integrated approach. Road map identifies specific projects and schedules

Q: Regarding EM policy for sites with non-cleanup missions, who handles reuse sites that go to community?

A: Must be addressed in individual agreements. Probably / usually goes to remaining DOE landlord (landowner)

- Would be specified in Memorandum of Understanding (MOU) if DOE will no longer be present at all

Q: FUSRAP sites - remediated by Corps of Engineers, then stewardship by DOE. How is this working?

A: No sites have transitioned yet. LTS group in EM is following Corps activities

- There is an Interagency Stewardship committee addressing this

Q: Any plans to integrate LTS study with Yucca Mountain study (know that Yucca will need LTS)?

A: Not a lot of mention yet in study about Yucca Mountain

Q: Regarding the Road Map - Site-specific LTS studies. What forms of guidance and support should individual sites anticipate?

A: Every site must have LTS plan by end of 2003.

- STGWG can help

- Make sure that public involvement is included in guidance

- LTS plan should identify remaining hazards, activities needed, funding needed

Q: Is the interagency working group a way to bring other federal agencies up to speed and coordinated on LTS?

A: Yes. Would happen as Phase 2 of working group process (developing a database is first).

Q: If LTS plans are due in 2003, how will we make sure that current cleanup work properly includes LTS?

A: It's not a single document. 2003 is a date for meeting milestone. Example: most of Hanford is already under stewardship.

### **NRC report on "Long-term Institutional Management of Legacy Waste Sites"**

- Dr. Mary English, University of Tennessee, Knoxville

- See copy of slides for presentation

- Purpose: Assess approaches for developing criteria for transition from active to passive management

- 15 members of committee to develop report
- A peer review (nine members) was conducted
- Study approach
  
- Range of sites
- Presentations and discussions
- Reviewed literature
  
- Committee deliberations and drafts
  
- Focus of study
  
- Not on site-specific Recommendations
- On integrated approach to long-term institutional management
- Long-term institutional management
- Framework for decision-making
  
- Three key components
  
- Contaminant reduction
- Contaminant isolation
- Long-term stewardship
  
- Emphasizes long-term site-specific application
  
- Will move from current state through interim states to final end state
- May (will) not be able to specific final end state
  
- Contaminant reduction
  
- Reduce volume and toxicity
  
- Contaminant isolation
  
- Prevent or limit contaminant migration
  
- Stewardship
  
- Manage contaminants remaining after remediation
  
- Institutional controls
- Oversight and enforcement
- Information management
- Periodic reevaluation
- New technical measures

## Contextual Factors

- Risks and uncertainties
  - Scientific and technical capabilities and limitations
  - Institutional capabilities and limitations
  - Cost
  - Laws and regulations and potential for change
  - Values of involved parties
  - Other sites and their influences on decisions
  - Interaction among these factors
- Key Conclusions
- Only small number of DOE sites can be remediated to unrestricted use
  - All need information for decisions can not be known
  - Sustained vigilance will be required - we should be skeptical of our ability to be vigilant
- Key Design Principles
- Defense in depth
  - Complementary and consistency
  - Foresight
  - Accountability
  - Transparency and visibility
  - Feasibility
  - Stability through time
  - Interaction
  - Follow-through and flexibility
- Key Recommendations
- Plan for uncertainty
  - Plan for failure
  - Develop incentive structures
  - Undertake scientific, technical, and social research

## Q&A

Q: How long can administrative / institutional controls be assumed viable?

A: Layering (more than one method) important when stewardship will be long-term. Reevaluation is critical.

Q: Did committee think of how to resolve degradation of vigilance?

A: Be stepwise and iterative. Set goals and plans for foreseeable period. Then

change and update as vision of future changes. Have moved away from "end state" to "future use."

Q: Are we moving away from "leave no legacy risk" to "leave some risk for more capable future generations to deal with"?

A: It depends on site. Some may be cleaned up to no risk now, others may need to work toward long-term fix.

### **Stewardship Updates: What's Going on Elsewhere?**

- EMAB - T. Winston
  
- STGWG members are participants in EMAB stewardship committee
- Created recommendations for next steps for stewardship
  
- Formal LTS policy
- Separate budgets at HQ and sites
- Involvement by States, locals, Tribes
- Communication with public
  
- Began examining institutional controls
  
- Consider life cycle costs
- Evaluate non-physical institutional controls
- Creation of infrastructure to support LTS
- Next meeting in Washington in 12/00
- Examining impact of institutional controls on treaty rights
  
- Joint NGA-NAAG-ECA Letter on LTS - Dan Miller
  
- Staff level letter to new administration transition team
- NAAG - survey of legal impediments to enforceable institutional controls
- ECA passed resolutions this month
- NB: Tribal issues committee recommends STGWG participation in letter
  
- ECOS Stewardship Committee - Steve Tarlton
  
- Active in stewardship
- EPA has been primary audience
- Now a focus on DOE
  
- ITRC
  
- Staff level looks at technology
- Defining its role in stewardship

- SSAB's from EM
- Stewardship workshop last week
- Similar findings to STGWG

### **Stewardship Round Robin: Issues, Successes, Problems**

- Steve Tarlton (Colorado – Rocky Flats)
  - Stewardship active topic in community around Rocky Flats
  - Creating stewardship toolbox for use in selecting remedies
  - Site not very interested in talking about stewardship
- Earl Leming (Tennessee – Oak Ridge)
  - Tennessee has been very involved in stewardship at Oak Ridge
  - Institutional controls a key topic of discussion
  - RODs not finalized until stewardship issues resolved
  - Community / site on the right track
  - Disposal of classified waste a problem, particularly "openness"
  - \* a challenge for many sites
- Tom Winston (Ohio – Fernald, Mound)
  - Ohio - A lot of decisions made without underpinnings of robust stewardship program
  - On track to complete cleanup by 2006
  - Is stewardship ready? - not yet
  - There will be reliance on institutional and engineered controls
  - Emphasis on being involved with DOE in making stewardship decisions
  - DOD experience with institutional controls not good
- Armand Minthorn (CTUIR – Hanford)
  - Hanford / Umatilla
  - Groundwater zone
    - Pump and treat for 5 years
    - No plans beyond
  - Accelerated cleanup plan
    - Many trade-offs
    - Tribal resources put at risk
  - Restart of fast flux test facility

- New wastes will be generated
- Tribes and states oppose
  
- Endangered Species Act & salmon - Hanford Reach spawning ground
  
- How is / will DOE comply?
  
- Land exchange
  
- DOE has established significant amount of land - Fish and Wildlife will manage
- Stewardship and tribal issues not being considered by Fish and Wildlife
  
- Draft cultural resources management plan created
  
- Must consider Tribal cultural resources
  
- Concern for current groundwater contamination
  
- Pump and treat will not resolve
- Comprehensive plan needed
  
- Tom Zeilman (Yakama Nation – Hanford)
  
- Reactors mistakenly included in national monument
- High-level waste a major issue
- Yucca may not have space for all Hanford high-level waste - Hanford may turn into a de facto MRS site and act like Yucca Mountain
- DOE doesn't really know what's in groundwater or how contamination will be contained
  
- Need two parallel tracks
  
- How do you clean up contaminants?
- What do you do if you can't clean it up?
  
- Response from DOE regarding Hanford National Monument:
  - Permits will apply for clean up
  - Fish & Wildlife has standards for accepting lands
  - Reactors will not be included in National Monument until clean up meets Fish & Wildlife standards
  
- Bill Burke (CTUIR)
  
- Stewardship very important to Umatilla
- 3-phase cleanup

- Cleanup Columbia River
- Move reactors to central plateau
- Protect communities
- Won't be done in 10 years, but a good start
  
- Office of River Protection
  
- Looking at potential impacts from leaking tanks
  
- Should compare Hanford Reservation to Umatilla Indian Reservation
- We should be stewards of radionuclides to be sure they stay put
  
- Keith Collingsworth (South Carolina – Savannah River Site)
  
- Have been using stewardship as a balancing criterion under CERCLA / RCRA
- Stewardship included in enforceable decision under law
  
- DOE is leading the way on stewardship
  
- Waste management closure sites
- "No use" land use
  
- Considering Tenn. as a model for trust fund
  
- A lot of future mission for SRS-DOE will be there over short-term
- Looking to DOE for long-term leadership
- Important to put in place provisions to ensure land use / institutional controls when land transfers occur
  
- Dan Miller (Colorado – Rocky Flats)
  
- Multiple community groups involved
  
- One focused on stewardship
- One more broadly focused
  
- Three different cleanup agreements
- Defined general vision of long-term land use in 1996 agreement (current agreement)
- Also went for interim actions - end states are resolving as result of many interim actions
- Ongoing discussions regarding creating museum at Rocky Flats - would maintain stewardship records
- Legislation proposed to keep Rocky Flats under federal ownership with large part going to Fish & Wildlife

**November 2, 2000**

**Session: FULL Session - Day Two**

**Tribal Issues**

- Peter Chestnut, Moderator

**DOE Tribal Policy**

- Peter Chestnut

- Issued two days ago
- Discussion today - implementation
- Objective for this morning: Identify implementation issues for new policy
  
- Implementation Issues / Actions
  - Develop comprehensive consultation policy
  - Get early local involvement
  - Utilize "working with Indian Tribal Nations" to guide implementation of policy
  - New policy is a major step forward for DOE
  - Implementation was problem with old policy - should be resolved / avoided in new policy
  - DOE must recognize Tribes as sovereign governments
  - Tribes and states must work / coordinate together to identify mutual issues and resolve
  - A problem: Tribes were not notified in advance of policy announcement
  - Effective implementation must start with Secretary
  - Policy makes many commitments - Tribes must hold DOE accountable
  - DOE must educate itself on policy and establish a departmental memory
  - The facility level is where implementation will succeed or fail - local DOE and contractors
  - New policy has more teeth than old policy in upholding law
  - Tribes should work toward individual agreements on implementation of policy
  - Tribal issues / Indian Policy should be a required review element for key decisions / decision documents in DOE
  - STGWG should write letter to transition team / new administration regarding effective implementation of Indian Policy

**Transportation**

- Mike Grainey, Moderator

**WIPP Experience at the Western Governors' Association**

- Ron Ross, Western Governors' Association
- WGA interested in transportation protocols being developed by DOE
- WIPP is centerpiece
- Others will be modeled on WIPP experience
- Another program
- Packaging
- A problem for shipments in the next 5 years
- WIPP Initiatives
  - Centralized waste confirmation
  - Remote handled waste
  - Rail initiatives
- Centralized Waste Confirmation
  - Small quantity sites
  - Closure or removal to meet requirements
  - Ship directly to WIPP
  - Cost savings and release for other uses
- Large Sites
  - Why not shipping more?
  - Will proposed option divert current resources?
  - Are these right solutions, or will they clog pipeline?
  - Current cleanup agreements
  - INEEL - 3000 m<sup>3</sup> by 2003
  - Rocky Flats closure by 2006
- CBFO Initiatives
  - Accelerating cleanup
  - Filling the pipeline
  - Alternative waste packaging
- Capacity to receive 17 shipments / week
- WIPP Land Withdrawal Act
- Agreements with corridor states and Tribes
- Amend ROD
- Safe and uneventful transportation
- Partnership between DOE, CBFO, States, Tribes

- 1996 MOA with Secretary
- "Procedural Implementation Guide"
- Route negotiations
  
- Governors support timely cleanup of DOE sites
  
- Lessons learned from other shipments
  
- Cesium
- Foreign research reactor spent nuclear fuel
- West Valley spent nuclear fuel
- Low level
- Defense
  
- DOE Transportation Protocols
  
- Results
  
- Demonstrated support for WIPP
- Higher standards have produced better public confidence
  
- Remote Handled TRU
  
- WGA is writing an amendment to the Program Implementation Guide
- CBFO must rewrite transportation procedures
  
- Rail Initiative
  
- DOE discarded this option in two previous studies
- National Academy of the Sciences has recommended that DOE readdress the rail option
- Drawbacks
- Rail car has limited waiver from FRA regulations
- DOT certified as Type A
- Rail car cannot meet NRC Type B requirements
- TRU pack on low boy
- Infrastructure
- History
  
- State / Tribal Issues
  
- No procedures
- No emergency response training
- No inspection standards
- Communication between railroads and locals

- Tracking
- NRC Type B packing
  
- Consolidated Grant Initiative
  
- Concept Study
- TEC / WG process
- Implementation memo
- Insufficient time to develop plan
- State and Tribal issues
- Commitment by all programs shipping
- Roles of regional groups
- Mechanics
- State Tribal Review / input
- Alternatives

### **Transportation Protocols**

- Tracy Mustin, DOE
  
- Working to establish a policy
- Issue: How to apply to contractors
- Plan to have protocols in implementation phase by next spring

### Q and A:

Q: Is there a process for public participation on protocols?

A: Through TEC / WG and out by members

- Also through WGA
- No plan for broad public review and comment

C: TEC / WG process good for draft development, not for full review - not a public process yet

C: Tribes and WGA have similar concerns

- STGWG should issue statement of support for WGA

C: STGWG should interface / partner with WGA in this area

C: Rail shipments are a favorable enough option to pursue further

Q: Doesn't DOE already have comprehensive, national approach to transportation?

A: Yes, in policy, but only a few programs are actually involved and providing funding

C: Without funding, participation is just hand waving

C: There are regional views and regional differences among states. The WGA represents the views of one region. STGWG should examine WGA views in detail before 100% support

- Barriers Report

- Database on waste locations and disposition
- Part of process: Barriers Report
- Barriers are compiled and categorized by severity
- Document reflects brainstorming process / results
- Report will be updated
- A discussion document, not a decision document

- WGA concerned about projected volumes of waste being transported

### **Tribal Issues continued: Conference Call and Discussion of Cultural Resources Management Policy**

- Peter Chestnut, Moderator

- Participating in Conference Call from DOE-HQ: Andy Lawrence new Director of Office of Environmental Policy and Guidance

- Also on Conference Call:

- Andy Wallo

- Lois Thompson

- Cultural Resources Management Policy

- DOE hierarchy triangle - documents that may be involved
- Status of policy development
- One more field group to get concurrence
- Into management and administration group next week

- May 2000 Version of Cultural Resources Policy

- Incorporates STGWG comment
- Incorporated internal comments
- Includes format edit

- EH and Management and Administration resolved issues
- Then draft policy submitted to field for comment
- Approximately 516 internal comments received
- All but one DOE office have now commented
- Hoping to formally submit final version to Management and Administration next week
- Anticipate issuing final in November 2000

Q&A:

Q: Is the publication in the Federal Register?

A: Not at this time; probably a secretarial announcement

Q: What's next?

A: This year decide on form for next document:

- Order?
- Manual?
- Guidance?
- Then develop.

C: Cultural Resources Management Plan - will actually put policy into practice at each site

C: Appreciation to DOE for development of policy. It's encouraging that policy may be out this month.

C: Disappointment that DOE-HQ is not here in person

C: Concern - critical to implement and enforce policy

C: Cultural resources and Indian policies are complementary

Q: What assurances regarding compliance and enforcement at specific sites?

A: Signature / comment from Deputy Secretary HQ staff will continue working to ensure implementation

C: A significant accomplishment to issue this at the Deputy Secretary level

C: Policy is a model for this area

Q: How will policy be implemented at site level-DOE and contractors?

A: Site implementation plans will help. Must be incorporated into day-to-day program functions. HQ will work with line management - field and area offices to implement. DOE O5400.1 will be revised to include cultural resources.

- Continue to support DOE Historical Preservation Board

C: Policy must also have a "present" view as well as a "historical" view of cultural resources

Q: Will you notify STGWG members of progress and issuance of policy?

A: Yes, through M. Crosland

### **Stewardship Round-Robin continued**

- Steve Tarlton, Moderator

- Roger Mulder (Texas – Pantex)

- STGWG resources should first be focused on EM sites - then lessons learned for NNSA sites.

- Peter Chestnut (Pueblo of San Ildefonso – Los Alamos)

- Needs to be improvement of involvement and communication at the site level

- Needs to be more Tribal involvement in long-term stewardship at active sites

- George Padilla (Navajo Tribe)

- Abandoned uranium sites an issue

- Cultural resources policy a significant accomplishment

- J. Walker (Nevada – Nevada Test Site)

- A groundwater problem at NTS

- 300 mi<sup>2</sup> of contamination from underground tests

- Some soil will have to be cleaned up on- and off-site

- Classified waste disposal an emerging issue

- M. Wilson (Washington – Hanford)

- Some small progress made in paying attention to LTS in Hanford community

- Hanford is in every stage of clean up and is in "stewardship" in large part

- Hanford probably first site to address long term future use

- Accelerated clean up initiative being discussed - LTS will be a part

- Some contamination (mouse) moved from site to uncontaminated areas

- An area was released to Fish & Wildlife Service for stewardship management - then found DDT in area. Fish & Wildlife Service won't accept land until DDT contaminant removed

- Natural resource damage assessment process should be incorporated into stewardship planning

## **Decommissioning and Decontamination (D&D)**

- Dan Miller, Moderator

### **DOE Update**

- Andrew Szilagyi, DOE
- Integration approach
- Program definition and scope
- EM owns large number of facilities (3,000 to 5,000)
- Many need D&D
- All other DOE facilities will need D&D too (approximately 15,000)
- DOE now identifying and budgeting for lifecycle costs of new facilities (including D&D)
- Facility transition
- Transfer facility from operations to EM
  
- Stabilization
- Characterization
- Transfer of funds
  
- Deactivation
  
- Place facility in stable known condition for economic maintenance
  
- Decommissioning
  
- Retires facility from use
  
- Status
  
- 150 facilities deactivated
- 500 facilities decommissioned
- Most facilities D&D'd at Hanford
- Cost of D&D = \$4.2 billion
  
- Excess Facility Pipeline
  
- Closed in 1997
- 2,700 facilities in pipeline
- Will reopen in 2002
- 20 new facilities in FY 2002
- Development of 2003 list underway
- Probably approximately 1,000 facilities in sight

- D&D now done out of 2 offices (EM - 30 and EM - 40)
- Integration from a separate office (EM-20)
  
- EM -20 Activities
  
- Assist in planning
- Assist in budget and project planning
- Serve as programmatic, policy, regulatory, technical resource
- Interact with EM - 30 and EM - 40
  
- National D&D committee
  
- Transition of pipeline facilities
- Priority of D&D with respect to
  
- Pipeline facilities
- Facilities in baseline
- Other programs
  
- Communication
- Facility disp. long-range planning
- Integration with technology developers
  
- Advance new technologies
  
- User Steering Committee
  
- Input on new technology
  
- LCAM and associated guides
  
- Path Forward
  
- Program changes have had positive effect
- Facility disposition phases are better linked
- D&D tool kit developed
- Collaboration with STGWG will be helpful

Q&A:

Q: Do FFAs at states include D&D of facilities? (SRS doesn't)

A: STGWG did survey of regulatory basis for D&D - a variety of results

- If it's an NPL site, it's covered under national agreement between DOE and EPA

- A problem: Failure by a site to recognize that a facility doesn't have a mission

Q: Who will address under-building contamination at reactors at Hanford?

A: D&D under one umbrella at Richland

Contractor: Fluor-Daniel - Decontamination  
Bechtel-Decommissioning

Q: How will new technologies play?

A: Large suite of innovative technologies available. Challenge now is to fill needs by application of technologies

C: At OR, D&D can be done under FFCA or NEPA

Q: How does D&D prioritize in a flat budget?

A: Parent organizations must transfer surveillance and maintenance money as well as facilities

C: STGWG should get involved with ensuring that D&D money goes with facilities to EM

C: Tribal interest in D&D

- DOE history - impacted by D&D (historical pres.)
- Stakeholders interest in preservation of historical site
- Potential for disturbance of human remains

C: There is no free release number for beryllium

Q: Are there D&D processes that result in end states?

A: There are endpoints for a facility D&D that define what a facility will look at after deactivation; Less clear for decommissioning

C: NRC decommissioning standard - An ARAR at some sites

### **Filling the Pipeline to WIPP**

- Farok Sharif, Westinghouse - WIPP

- WIPP designed to accept 17 shipments per week
- Currently accepting 4 shipments per week
- Three sites now ship to WIPP

- Hanford
- INEEL
- Rocky Flats

- Have demonstrated that safety is number one
- Challenges:
  - Protect workers, public, environment
  - Accelerate cleanup
  - Save taxpayer money
- NAS has challenged DOE
  - 97% of contact - handled waste at five large sites
  - 3% at 18 other sites
  - Certification / audit program costs approximately \$4 million per site
  - Solution:
    - Perform characterization at sites
    - Sites will meet DOT and DOE requirements
    - WIPP will perform confirming audit at WIPP
    - Reduces cost and delays at small quantity sites
- Waste characterization at small quantity sites performed using mobile systems
- Waste confirmation at WIPP
  - No prohibited items; no PCBs
  - Only specific hazardous waste codes
  - Radiography
  - Visual confirmation of radiography
  - Permit modifications needed

Q&A:

Q: How is waste packed for shipment from small sites?

A: Packed as usual TRU - in TRUpacks

Q: What happens if WIPP rejects shipment from small site?

A: May remove offending items at WIPP and dispose

Q: What about Mound waste in oversize boxes?

A: Will use ATMX railcars to SRS

- Remote-handled Waste

- May accept for only 4% of total WIPP waste volume

- Ten sites have remote-handled waste

- Path Forward

- Complete FSAR / TSR
- Revise SARs for packaging
- Obtain EPA certification

Q: How is R-H waste shipped?

A: Two methods:

- 72 B cask: three drums
- - CNS 10-160 B: 10 drums

- Rail Transportation

- NAS: Consider shipping by ATMS railcar
- Two requirements to use ATMX

- Modification to C&C agreement
- Modify WIPP Land Withdrawal Act

- Must develop emergency response protocols for rail

Q: Will railcar actions be taken before shipping from Mound to SRS?

A: There is an exemption for these shipments (for car only) - will use existing protocols for these shipments

C: Should examine protocols for ATMX shipments, especially emergency response and training

Q: Is site characterization of waste at small sites done to standards?

A: Yes, to WIPP standards; will be confirmed at WIPP

Q: Has DOE resolved WGA concerns regarding WIPP shipments (e.g.) Type - B containers, training for R-H emergencies)?

A: Those concerns came in during public comment period; will continue working with WGA

- Requirements Management

- Improve regulatory framework
- Modify permit as program evolves

- Integrated National TRU Program

- Focused project teams
- Optimize capabilities
- Technology integration
- Research and development

- Summary

- Maintain compliance
- Integrated system
- Continue to optimize program

Q: - Any plan for TRUpack for rail?

A: - Yes - 10,000 oversized boxes in complex

C: May want to hear from State of New Mexico in the future

### **Stewardship Round-Robin continued**

- Steve Tarlton, Moderator

- Ann Dold (Idaho – INEEL)

- INEEL lead laboratory for research and development on technologies for stewardship

- Chemical Plant
- Underground tanks
- RWMC - waste storage
- WAG-10 - Entire site (things outside facility boundaries)
- Stewardship plan will be difficult without CERCLA plans defined
- Finishing up HLW disposition EIS
- There may not be enough money to clean up everything

- Diana Yupe (Shoshone-Bannock Tribes – INEEL)

- Need early involvement on Tribal issues for LTS
- Secretarial initiatives at sites should be coordinated to meet LTS objectives
- 2003 deadline for LTS plans may not be realistic

- Robert Geller (Missouri – Weldon Springs, Kansas City Plant)

- Weldon Springs

- CERCLA site

- Disposal cell completed next year
- Concerns regarding smooth transition to stewardship
- Stewardship plan was disappointing
- Lack of funding commitments / regulatory commitments appears to be a problem

- Kansas City Plant

- Non-nuclear
- Operating
- Aware of stewardship plan requirements
  
- FUSRAP sites
- Will go back to DOE after Corps finishes cleanup
  
- Michael Grainey (Oregon – Hanford)
  
- Filed FOI request on LLW / MLLW documents
- Problem with funding for SSAB

## **Wrapup**

- Tom Winston and Armand Minthorn, Moderators

## **Actions**

- Committee Business
- Transition Document
  
- Email will be sent to Committee Chairs
- Response from Committee Chairs by 1/2/00
- Tom and Armand will author letter in January
  
- Peter will work with others to join external groups in authoring transition letter
- 2-page summary will be completed in next couple of days
- Draft national study from DOE - comments due 12/15/00
  
- Need thoughts from members by Thanksgiving
  
- Next meeting - with transition team or with new Secretary?

## **Next Meeting**

- Delegation from STGWG to DOE transition team in winter / early spring 2001
- Full meeting - Las Vegas in May 2001

## **Committees**

- Diana Yupe will be Co-chair of Tribal Issues Committee
- Peter and Diana on Executive Committee - one as Chair of Tribal Issues Committee and one as "at large" member

## **Meeting Feedback**

- Very productive meeting
- Group able to reach agreement on important points
- A. Minthorn wants direct answers from DOE to him on Indian - - Policy and Cultural Resources Policy
- Meeting planning and organizing was good
- Group was flexible on agenda
- Round Robin on stewardship was helpful
- Need more coordination among committees

## **Adjournment**