



U.S. DEPARTMENT OF
ENERGY

OFFICE OF
**ENVIRONMENTAL
MANAGEMENT**

Update on Regulatory Compliance, Waste Management & Transportation

EM SSAB Chairs Meeting

Mark Gilbertson

**Associate Principal Deputy Assistant Secretary for Regulatory and Policy Affairs
Office of Environmental Management**

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Key Priorities

- Regulatory reform opportunities that improve effectiveness and efficiency of cleanup
- Risk based disposal policy and strategies to ensure safe disposal of EM waste
- WIPP status and transuranic waste
- Self-regulation of radioactive waste disposal through the Low-Level Waste Disposal Facility Federal Review Group
- Certification of radioactive and other hazardous materials transportation packages
- Policy/planning for new decontamination and decommissioning projects, infrastructure improvements, and excess facility transfers

Executive Order 13777,

- In February 2017, President Trump issued Executive Order 13777 directing agencies to evaluate existing regulations and make recommendations to agency heads regarding repeal, replacement or modification.

DOE Policy 451.1, National Environmental Policy Act Compliance Program

- Issued by the Deputy Secretary in December 2017, and cancelled DOE Order 451.1B; and placed responsibility and authority for NEPA on Heads of Departmental Elements

DOE Order 435.1 Oversight Program Update:

- EM significantly upgraded its DOE 435.1 oversight program in response to the Judgment of Needs contained in the Accident Investigations on the 2014 WIPP incidents

- In December 2017, DOE issued a policy to streamline NEPA.
 - Opportunities to streamline the process to make NEPA more efficient and effective
 - Places responsibilities and accountability on the heads of Departmental elements as opposed to General Counsel's office
 - Recognizing that most NEPA actions originate in the field, EM has tasked the field to identify the resources it needs to implement NEPA and to provide its recommendations on delegations of approval authority from EM-1
- The Department is also looking at opportunities to improve contracting associated with Management and Operations Contracts and Cleanup Contracts
 - Review underway by EM's acquisition organization
 - Receiving input from EFCOG and others
- In addition, more broadly the Department is seeking input from all FACA committees on opportunities for regulatory reform (Reference letter from Secretary Perry to Heads of Departmental Elements, dated 12/7/17)

Strengthening Relationships with Regulators

- EM is working with Environmental Protection Agency (EPA) Headquarters to address EPA's Superfund Task Force Recommendations, which look to streamline and improve efficiency/effectiveness of cleanup
 - Three recommendations related to federal facilities aimed at Improving the dispute resolution process, revising enforcement guidance, and improving engagement with federal agencies. But we are also interested in opportunities for expediting cleanup and remediation presented by the other recommendations
 - EPA Administrator elevated the approval authority to the Administrator for CERCLA RODs whose remedial actions cost more \$50M, recognizing the need for his involvement early in the process.
- We continue to engage EPA Headquarters, the state regulators, and all of the parties (EPA HQ, regional administrators, state regulators, and DOE) come together through our EPA Dialogue meetings, facilitated by the Environmental Council of States, to identify and resolve issues and challenges in support of an effective and efficient cleanup.

- **Interpretation of the Definition of High-Level Radioactive Waste (HLW):** No decisions have been made on changing the Department's interpretation of the Nuclear Waste Policy Act definition of HLW. An option under consideration is to interpret the definition of HLW to account for relative risk based on the level of radioactivity. This would replace the current approach of managing wastes resulting from the reprocessing of spent nuclear fuel based on its source.
- **Depleted uranium oxide:** EM continues to work on the Supplemental Environmental Impact Statement for the disposition of depleted uranium oxide conversion product generated from DOE's inventory of depleted uranium hexafluoride.
- **Test Bed:** In December 2017, EM treated and shipped ~3 gallons of treated, stabilized waste Hanford tank waste off site to the Waste Control Specialists (WCS) in Andrews, Texas.
 - The samples were decanted, filtered to remove solids, and processed to remove key radionuclides to the maximum extent practical.
 - The waste was then sent to Perma-Fix, where it was treated, stabilized, characterized to verify that it met regulatory requirements, and packaged in a U.S. Department of Transportation-approved container for shipment. DOE is looking at next steps.

- **Greater-than-Class C (GTCC) low-level radioactive waste:** In November 2017, DOE submitted the Report to Congress on disposal alternatives for GTCC LLW. The Department is currently evaluating potential National Environmental Policy Act requirements related to GTCC LLW disposal.
- **WIPP Status and Transuranic (TRU) Waste:**
 - WIPP has received more than 200 shipments since restart last year, and more than 12,100 shipments since its initial opening.
 - We are currently sending 6-8 shipments per week to WIPP, and aim to increase to 10 shipments/week in 2018.
 - Further increases in emplacement rates are anticipated to occur in the 2021 timeframe when a new ventilation system is in place and we begin emplacements in a new panel (Panel 8) with less contamination.
 - During 2018, we have shipped or plan to ship to WIPP from Waste Control Specialists, Argonne National Laboratory, Idaho, Los Alamos National Laboratory, Oak Ridge, and Savannah River Site.

- **New Mexico Environment Department (NMED) Permitting Status for WIPP:**
 - Recently approved: New safety significant ventilation system, updated training program
 - Pending requests (and status):
 - Panel closure (to support sealing of south end for worker safety; final decision anticipated spring 2018);
 - Volume of Record (public comment period on Class 2 PMR just closed; expect next action by NMED this month);
 - New shaft and access drifts (awaiting determination of class by NMED);
 - Excluded waste provision (DOE requested, at the end of last year, that NMED re-activate review of 2013 submittal, no outward actions so far);
 - Above-ground storage (submitted as class 3 PMR in 2017; not an operational or programmatic priority).
- **Waste Control Specialists (WCS) Waste**
 - DOE met an important milestone in mid-April with removal from WCS of the last above-ground drums of TRU waste without RCRA codes.
 - A small number (5) of above-ground drums with RCRA codes will continue to be safety stored and monitored.
 - We continue to evaluate options to address these waste containers that are being stored below grade at WCS.

- **Policy/planning for new decontamination and decommissioning projects, infrastructure improvements, and excess facility transfers**
 - Contaminated excess facilities
 - Received \$235M in the FY 2018 Omnibus to accomplish D&D at the LLNL Pool Type Reactor (\$100M), the Y-12 Biology Complex (\$125M), and the Idaho EBR-II (\$10M).
 - Oak Ridge and Idaho have EM staff and cleanup contracts already in place; LLNL does not – EM establishing staff and charting acquisition path to execute D&D.
 - FY18 Plan for Deactivation and Decommissioning of Nonoperational Defense Nuclear Facilities (D&D Report) in coordination – biennial report to Congress.
 - Report addresses excess facilities challenge from overall DOE perspective.
 - Report focuses on 1,639 DOE excess facilities; 1,269 are contaminated.
 - 254 contaminated excess facilities considered “Higher Risk”.
 - \$19.4B ROM estimate to D&D “Higher Risk” facilities; 93% of total D&D cost for all 1,639 DOE excess facilities.

FY 2017 Packaging and Transportation Highlights

- 7,700 Hazmat shipments; 2.6 million miles with no Department of Transportation recordable accidents
- 1,900 first responders trained in 117 Transportation Emergency Preparedness Program courses
- 32 package certification actions completed
- 4,300 certificate records in DOE's Radioactive Material Packaging Website (RAMPAC)
- 48 National Transportation tenders extended
- 7 DOE carriers were evaluated in the Motor Carrier Evaluation Program