



U.S. DEPARTMENT OF
ENERGY

OFFICE OF
**ENVIRONMENTAL
MANAGEMENT**

Update on Regulatory Compliance, Waste Management & Transportation

Joint EMAB/SSAB Chairs Meeting

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September 2018

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

Transparency, openness, and continued dialogue with Congress, Tribal Nations, Intergovernmental partners, local communities and other stakeholders underpin the EM program.

Executive Order 13777, Enforcing the Regulatory Reform Agenda

- 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; streamlined NEPA and placed responsibility and authority for NEPA on Heads of Departmental Elements

- **NEPA DOE P 451.1 Implementation in EM**
 - Field office self assessments of NEPA needs and capabilities
 - EM policy and criteria to delegate authorities for certain NEPA actions to field offices
 - Field offices submitting requests for delegated authority
 - Transformation facilitated by through establishment of EM NEPA Community of Practice, common procedures and Desk Reference, Training, and by HQ support to field offices)
 - Establish metrics and monitor program effectiveness (e.g., cost, schedule, quality.)
 - Incorporate lessons learned to support decision-making
- **Management and Operations Contracts and Cleanup Contracts**
 - Received input from EFCOG and others
 - End State Contracting
- **DOE Directives System and EM focus on DOE 435.1 and Transportation Orders**
- **Secretary Perry requested input from FACA committees on opportunities for regulatory reform**
 - Received feedback from the Site Specific Advisory Board Chairs and the Environmental Management Advisory Board (EMAB)

- **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**
 - Improving the dispute resolution process. revising enforcement guidance, and improving engagement with federal agencies.
 - 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 (e.g., recent approval of D&H Area ROD at Hanford)
- **Ongoing Dialogue with DOE-EM/EPA/States**
 - Draft Partnering Agreement and potential for pilots to advance cleanup completion
 - Input to EPA approach to improving dispute resolution process
- **Consultation with NRC on the Hanford C Tank Farm Waste Incidental to Reprocessing Draft Evaluation is ongoing (stabilizing operating system)**
- **Promoting factoring risk based approaches into cleanup, e.g., HLW definition and issuance of Hanford Risk Review**

- **Interpretation of the Definition of High-Level Radioactive Waste (HLW)**
 - DOE is considering interpreting 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.
 - This is a high priority for EM.
 - No decisions have been made.

- **Test Bed Initiative**

- The Department has started planning to conduct a 2,000-gallon demonstration of the feasibility to retrieve, treat, and dispose of the low activity portion (supernatant) Hanford tank waste at WCS in FY 2019.
- Building on the success of the December 2017, proof-of concept demonstration for treatment and disposal of ~3 gallons of Hanford tank waste at the Waste Control Specialists (WCS) in Andrews, Texas
 - The larger scale test will use a slightly modified technology similar to Tank Side Cesium Removal
 - This engineered-scale unit will provide an early validation that the wastes will behave as expected prior to completion of design for a larger pretreatment facility

- **Depleted Uranium Oxide**

- EM continues to work on the Supplemental Environmental Impact Statement (SEIS) for the disposition of depleted uranium oxide conversion product generated from DOE's inventory of depleted uranium hexafluoride

- Draft SEIS planned to be published for public review in October 2018 with final and Record of Decision (ROD) later in FY 2019.

- **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 further assessing National Environmental Policy Act requirements regarding GTCC LLW disposal at the Waste Control Specialists, LLC, Federal Waste Facility.

- As of Aug 30, over 350 shipments since April 2017 – over 12,250 shipments to WIPP since 1999
- Goal is 8-10 shipments per week
 - 2018 shipments include Waste Control Specialists, Idaho, Los Alamos National Laboratory, Oak Ridge, and Savannah River Site
 - Projected 2019 shipment additions include Argonne National Laboratory, Lawrence Livermore National Laboratory, and Sandia National Laboratories
- Further increases in emplacement rates anticipated after new ventilation system is operational in 2022 timeframe

- **Ground Control** – Almost 6,000 bolts installed since beginning of fiscal year (employee safety is highest priority)
- **Waste Emplacements** – >2,500 m³ emplaced in FY 2018 (> 94,100 m³ cumulative)
- **Panel 8** – Resumed mining operations with over 17,100 tons of salt mined (cumulative)
- **Line Item Capital Asset Projects**
 - Safety Significant Confinement Ventilation System (SSCVS) – initiated construction June 2018; 2022 target date for operations
 - Utility Shaft – anticipate DOE approval of Critical Decision 2/3A (performance baseline/start of construction) in late CY 2018; 2023 target date for operations
- **Infrastructure Recapitalization** – FY 2018 projects include fire loop, new air compressors, salt hoist switch replacement, and Waste Handling Building Annex roof replacement

- **Recently NMED Approved Permitting Requests**
 - New Safety Significant Ventilation System (update of training program)
- **NMED Permitting Requests**
 - Panel Closure - needed to seal south end of mine for worker safety; final decision anticipated Spring 2018
 - Volume of Record - recently elevated by NMED to Class 3; final decision anticipated Spring/Summer 2019
 - New Shaft/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
- **Upcoming Regulatory Action**
 - Compliance Recertification Application 2019 to be submitted to EPA March 2019 (EPA recertification required every 5 years)

- **LANL TRU waste stored at WCS**
 - DOE met important milestone in mid-April
 - Completed shipment of remaining above-ground drums of TRU waste without RCRA codes to WIPP (319 waste drums in 31 shipments)
- **Next Steps**
 - Further evaluate and select alternatives to disposition remaining containers (e.g., fixed vs. mobile treatment, transportation options, additional waste characterization, etc.)
 - Continue progress meetings with TCEQ (e.g., quarterly)

FY 2018 Year-to-Date EM Packaging and Transportation Highlights

- 3,289 Hazmat shipments; 1.7 million miles with no Department of Transportation recordable accidents (through Q3)
- 44 package certification actions completed
- 2,180 first responders trained in 143 Transportation Emergency Preparedness Program courses
- 4,406 certificate records in DOE's Radioactive Material Packaging Website (RAMPAC)
- 48 National Transportation tenders
- 10 DOE carriers were evaluated in the Motor Carrier Evaluation Program

- **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).
 - On LLNL, initiated acquisition and project planning
 - Small business/8a Technical Support Request for Interest (RFI) Issued
 - Utilizing site contractor, removed a series of ancillary structures
 - 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.