



Recommendation No. 63

July 28, 1998

Political, Regulatory, and State Equity Issues and Treatment, Storage and Disposal of Defense-Related Nuclear Wastes and Materials

Background:

In the summer of 1997, DOE's independent contractors drafted the Complex-Wide Environmental Management Integration Report that presented a way to efficiently clean up wastes generated during the Cold War. The report also identified stumbling blocks to the success of the cleanup. Significant among them were regulatory, political and state equity issues. In March 1998, DOE-HQ made a presentation to the SRS CAB on the status of the integration effort. It is apparent to the SRS CAB that technical progress is being made toward dispositioning nuclear waste and materials, and that discussions are occurring between sites on the best methods to accomplish cleanup. However, good technical solutions that can not be implemented because political and state equity issues have not been resolved may be no better than no technical solutions.

After the March 1998 presentation, the CAB was left with the impression that little progress was being made in resolving political and regulatory issues. There appears to be a lot of planning on how to address these issues eventually, but no schedule to work through a real issue, nor discussions about which issues could be resolved now, nor a plan to attack a(ny) specific issue. The SRS CAB recognizes that planning is necessary, but, at some point one has to quit planning and start doing. **The SRS CAB is concerned that DOE, the States, and regulators seem reluctant to actually confront the issue and make decisions.**

Position:

The CAB hopes that by the time the technology is in place, the equity issues will be resolved. We fear that will not be the case unless people start focusing on actions, not plans. As stakeholders and taxpayers, we are particularly frustrated that politics and equity issues are impeding progress, when neither politics nor equity impeded the Cold

War. Surely, if winning the Cold War was important enough for the Nation to overcome state equity and political issues, eliminating its legacy from the heritage of our Nation's future generations is equally important and worthy of again resolving equity and political issues.

The CAB is mindful of the many difficult issues facing DOE, the States, and regulators but hope that these issues can be considered and addressed as national issues and resolved for the good of the Nation. The CAB recognizes that some states will bear bigger burdens in terms of risk (both the risk of accidental contamination and the risk that once accepted, some wastes will remain indefinitely) and regulatory oversight costs, and fully expects DOE and other states to provide support or compensation.

Recommendation:

At SRS we have learned that some remedial actions can begin without all the administrative details completed and even without fully-developed final solutions. SRS CAB recommends that DOE, the States, and the regulators identify several small, well-defined issues, gather the stakeholders, and pilot a process to reach resolution. We do not expect that the process will be smooth the first time through, but only by actually trying to resolve an equity issue will DOE, the States, and regulators understand the types of decisions and compromises that will be required.

The SRS CAB recommended bringing vitrified high level waste from the West Valley Demonstration Project for storage at SRS until shipment to the Federal repository. The CAB was split on this recommendation, and some of the dissenting opinions were based on equity issues. This action may be a good one to try to work through to resolution.

The strength of America has always been her willingness and ability to face tough challenges and solve them. The legacy of the Cold War is only one more challenge to be faced and solved.

Agency Responses

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