

# STGWG

**STATE AND TRIBAL GOVERNMENT WORKING GROUP  
MEETING WITH THE U.S. DEPARTMENT OF ENERGY  
MAY 12-13, 2004  
SANTA FE, NEW MEXICO**

## MEETING NOTES

Q-question; A-answer; C-comment; R-response to comment  
Presentation handouts available from Denise Griffin, NCSL, [denise.griffin@ncsl.org](mailto:denise.griffin@ncsl.org).

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**WEDNESDAY, MAY 12, 2004**

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### STGWG EXECUTIVE SESSION

#### Report out from Tribal Executive Session on May 11

*Willie Preacher and Peter Chestnut, Co-Chairs, Tribal Issues Committee*

#### Discussion focused on:

- o DOE Tribal Summit held in February; STGWG follow-up letter to DOE, role in planning next summit.
- o DOE Cultural Resource Management Plan Draft Guidelines; STGWG comments will go to DOE by end of May.
- o Now is an opportunity to put together model protocols at tech and policy levels.

#### Other Issues

##### Redefinition of high-level waste; history of lawsuit:

- o DOE Order 435.1 was stimulus.
- o Suit was filed by Natural Resources Defense Council (NRDC); Yakama Nation joined in 2002.
- o In 2003 Idaho court ruled for plaintiffs and voided 435.1, saying DOE didn't have authority to reclassify the waste.
- o DOE went to Congress for legislative reversal; also appealed to 9th Circuit Court of Appeals, ruling not expected before 2005.
- o The issue is important to STGWG states and tribes; it will be monitored and on the agenda again at the fall meeting.

## **STGWW OPEN MEETING**

### **WELCOME, INVOCATION, OPENING REMARKS**

*Armand Minthorn, STGWW Tribal Co-Convenor, Confederated Tribes of the Umatilla Indian Reservation*  
*Tom Winston, STGWW State Co-Convenor, Ohio EPA*  
*Lt. Governor Bruce Tafoya, Santa Clara Pueblo*  
*E. Dennis Martinez, Deputy Manager, DOE-Los Alamos Site Office*  
*Mary Ann Fresco, Director, Office of Diversity and Outreach, National Nuclear Security Administration*

### **DOE UPDATE**

*Gene Schmitt, Deputy Assistant Secretary for Environmental Cleanup and Acceleration, DOE Office of Environmental Management*  
See presentation handout.

### **DOE UPDATE Q & A**

Q: Regarding the budget, what are DOE's expectations on scope of cleanup work?  
A: A lot of procurements in pipeline to be announced. Bids are at much lower cost than in past. Paying a lot but expecting a lot. Should not see a slowing of cleanup work.

Q: After closure, what happens?  
A: Having discussions about returning to NNSA for long-term surveillance and monitoring. Some EM staff to be detailed to NNSA so it doesn't have to start over from scratch.

Q: What do the tribal budget figures represent?  
A: Grants to individual tribes, some competitive.

C: Early versions of Risk-Based End States (RBES) didn't have enough information.  
C: Top-to-bottom review doesn't eliminate need to look at uses, even unscheduled.

Q: Why were tribes' budget cut in FY05?  
A: Not actually cut; there was a one-time increase for a couple of projects in FY04.

Q: How will STGWW tribes be involved in the process?  
A: Through public process.  
C: Tribes are not just a part of the "public."  
R: Didn't intend that meaning; government-to-government consultation will be utilized.

Q: What do numbers regarding liability represent?

A: Environmental liability audit. Improved site baseline used when available; project baseline used if not. Cost of post-closure monitoring included but since costs of dealing with post closure problems are not known, they aren't included.

Q: Comment on impact of Idaho district court ruling?

A: DOE seeking legislative remedy and overturn of Court decision as it does not agree with the decision. Believes some planned work is prohibited under the ruling. Since no resolution of issue, work is in question.

Q: First, want to commend the work at Hanford site. Has DOE finalized way of addressing tribes' treaty rights on cleanup standards?

A: Tribes are not the only entities asking for cleanup to 1930s levels. DOE hasn't been clear on response to treaty rights. Hope tribal summit path will be best way of dealing with this question. EM wants to give acceptable answer to tribes.

#### **OFFICE OF NATIONAL TRANSPORTATION UPDATE**

*Jay Jones, Office of Civilian Radioactive Waste Management (OCRWM), DOE Office*

*of National Transportation*

See presentation handout and Transportation Strategic Plan on DOE website:

[www.ocrwm.doe.gov](http://www.ocrwm.doe.gov).

#### **TRANSPORTATION Q & A**

Q: Is there a list of tribes affected by transportation routes?

A: Yes, those on roads and railroads. If a tribe is close by, need to check to confirm the tribe is on the list.

Q: Is a rail line to Yucca needed soon if rail is going to be used to transport?

A: Yes.

Q: Will shipments be by dedicated trains?

A: Waiting for results of the National Railroad Study.

Q: Is a schedule in place to prepare rail route in Nevada?

A: Yes. Plan is to ship by rail to Nevada, then by truck to site if rail line not done.

C: Need to use consultation process with each tribe affected by the transportation routes.

Q: Is there coordination between OCRWM and EM regarding routes?

A: Yes, a number of people are involved.

C: DOE needs to give training funds under 180(C) to tribes as well as states, rather than to states to share with tribes.

R: Understanding is that funds will go to states for distribution to locals and to tribes.

Q: Doesn't Caliente route decision foreclose a lot of routes in the country?

A: Tried to avoid Las Vegas so, yes, it does impact routes elsewhere.

Q: Is OCRWM taking ownership of DOE spent fuel and high-level waste?

A: Can't answer that.

Q: Are communications with tribes in Nevada ongoing?

A: Yes, and that is part of the purpose of June '04 meeting.

C: States are a good repository to share information with other state agencies actually involved in transportation issues. For tribes, many of the state members are actually the contact on transportation issues.

R: Intent is to meet with state and regional groups twice a year.

MESSAGE TO STGWG MEETING FROM DIRECTOR OF DOE OFFICE OF TRANSPORTATION

*Catherine Volk, Outreach Specialist, DOE Office of Transportation*

Dennis Ashworth is the new director of the Office of Transportation and comes to DOE from the private sector. His vision for the Office includes: protecting the public and the environment, following best practices, involving external stakeholders, emphasis on communication and outreach, superior customer service, and internal communication and integration. He has expressed his commitment to work with tribes and states on transportation issues.

#### **UPDATE ON WASTE ISOLATION PILOT PLANT (WIPP)**

*Alton Harris, Office of Federal Disposition Options, DOE Office of Environmental Management*

See presentation handout.

#### **WIPP Q & A**

Q: How many panels at WIPP are full now?

A: Panel 1 is full and closed.

Q: Number of drums in the panel?

A: Approximately 10,000 cubic meters of waste contained in 38,000 55-gallon drums, two 85-gallon containers, 1240 standard waste boxes, 35 10-drum over-packs.

Q: What is the intention of handling nonhazardous Tru waste prior to decision of the New Mexico Environment Department?

A: Sit and wait—give states a chance to deliberate on the process.

C: At INEEL, there are some drums whose contents are unknown. There is much concern about going with "acceptable knowledge" criteria.

C: In NM, belief is that no high-level waste will come to WIPP. DOE permit requests being reviewed. Environmental group overseeing WIPP no longer being funded. Decisions made on permit modifications affect all at this meeting.

R: Interactions with stakeholders on WIPP has improved; painful at times but beneficial.

Q: When does DOE foresee difficulty with remote-handled Tru?

A: We don't know. Looking at alternative configurations of placing waste in depository.

C: SC is pleased that SRS shipments are up. Heard that after 6/04 may drop by half due to staffing issues.

R: Funding has been approved to keep shipments at current levels.

Q: There seem to be conflicting messages regarding short-term capacity of WIPP and effort to preserve capacity longer term. Where do things stand—more now, or later?

A: An issue for the Configuration Control Board. WIPP summit in 6/04 in DC will bring sites having trouble getting material to WIPP to the table with the Board and let it make decision on short- versus long-term view.

A: Currently not reserving space for high-level waste. Plan is to keep trucks moving and fill WIPP.

C: Agreement among STGWWG states and tribes involved: The process used in redefinition will go along way toward any acceptance.

C: Need to reiterate concerns about DOE handling of the issue, especially lapses in communication.

#### **RISK BASED END STATES (RBES): DOE UPDATE**

*John Lehr, Office of Core Technical Group, DOE Office of Environmental Management*

See presentation handout.

#### **RBES Q & A**

Q: DOE says cost is not an issue; why then so much talk about cost?

A: Intended meaning when talking about cost is all resources, not just dollars.

C: Public and intergovernmental outreach is—at core—a matter of perception. Perception also is about cost.

C: Some sites doing better than others in process. Part of the cost is risk incurred vs. risk avoided.

C: DOE should avoid saying this is not a decision document when that's what it seems to be.

R: It is not a decision document; it's a document to be used to make informed decisions. DOE has an obligation to make the best decision possible—the Department is trying to gather the best information and let the process work accordingly. There is a genuine attempt to do things better.

Q: It is more than a matter of terminology. Hard to understand what it's for. How does RBES assess injury, e.g.?

A: The purpose of the plan is to: Look at sites as a whole and achieve sustainable results that are protective. Remedies will fail, contamination will be detected. Mapping gives data to help resolve problems in the future. Unsure how RBES fits with damage assessment. No reference in documents to risk assessment. The RBES documents are not final.

C: RBES has to be part of decision-making process.

C: DOE has re-created history by failing to provide documents to stakeholders. Need to change this and involve others.

C: Concerned that DOE personnel on this issue are not familiar with treaty law. Also a problem that tribes have not been consulted. Agree with Oregon that for practical purposes this is a decision document because it will be used in the decision process. DOE calls it a sales document but hard to buy the document when there's been no site interaction. A big gap has been left that needs to be filled; any RBES needs to be a result of collaboration. Facts don't change even when government-to-government relationship is ignored. DOE must be held accountable for its own policies. Treaty obligations are being ignored. Way of life for affected tribes being impacted.

C: Agree that RBES needs to be re-packaged and brought to us again via the government-to-government relationship.

- o Renegotiate agreements to protect resources for future.

- o DOE should recognize its trust obligation. You can respond in good faith or not—we have seen the results at DOI for not responding in good faith.

C: A clarification on RBES: Risk belongs to all of us. What is the value added by changing to RBES? What do we get by doing this? There's a difference between the possible and the practical. Go forward with effort but do so by recognizing all benefits of each option.

C: This is a non-binding plan that may change tomorrow—recognize that. Follow through on commitments.

C: Part of the problem was poor outreach at field level, partly due to their view of how this would go over.

C: There is no excuse for lack of tribal involvement in the process—committed to fix that at DOE-HQ. DOE needs to "re-describe" process rather than re-package. DOE wants to clean sites to maximum extent possible. In past, lack of agreement on where we were added to sites not being cleaned but dollars being spent.

INSTITUTE FOR TRIBAL ENVIRONMENTAL PROFESSIONALS (ITEP)  
ENVIRONMENTAL RADIATION MONITORING TRAINING WORKSHOP

*Virgil Masayeva, Director, ITEP; Mehrdad Khatibi, Associate Director, ITEP*  
See handout.

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**THURSDAY, MAY 13, 2004**

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**STGWG OPEN MEETING CONT'D**

**DOE TRIBAL SUMMIT: OVERVIEW AND UPDATE**

*Herb Jones, Deputy Assistant Secretary for Intergovernmental and External Affairs,*

*DOE Office of Congressional and Intergovernmental Affairs*

- Overview of Tribal Summit held in February
  - o Tried to have realistic expectations for a 6-hour session
  - o Many issues of concern to tribes were raised
  - o Key focal point: Successes and barriers to success between DOE and Tribes
  - o Achieved broad participation
  - o Attendance:
    - 95 tribes; 57 tribal leaders
    - White House
    - Department of the Interior
    - US EPA
  
- Congressional and Intergovernmental Affairs (CI) works on EM issues and serves as liaison for other DOE issues.
  - o Many offices in DOE have programs that have tribal components.
  
- Next questions:
  - o Where do we go from here to address issues raised for various departments within DOE?
  - o Also looking at what meetings product should be.
  
- Requested comments from tribes on Summit. Now looking at how to address the issues raised in the comments. Almost all comments received have been constructive.
  
- In future, likely to have a series of different types of meetings:

o Programmatico Regional o Site-specific o Procedural

- May have meetings around country, with a larger one in DC.
  - Want to have an understanding of over-arching national issues.
  - Will meet with Tribal POCs and plan next steps later this month.
  - Hope to have information for review by tribes by mid-summer.
- Learned from Summit that internal communication at DOE needs improvement—critical for effectiveness.
- One criticism of the Summit: The net was cast too far, that it would have been better to focus on site issues. It was difficult to have broad exposure to all DOE tribal activities.
- Should not look at Summit as just a one-day meeting but rather a starting point for improved DOE-tribal interaction.

**TRIBAL SUMMIT Q & A**

C: CI is to be commended for putting together the first ever Tribal Summit. But as a summit, the expectation was that the Secretary would be there for more than a cursory appearance. It's crucial that the Secretary be there long enough to hear tribal concerns. Tribes needed more time to be heard than the scripted DOE session allowed. In future, it's also vital that Steve Grey, Director of Tribal Affairs, participate in state-tribal meetings.

R: Will share comments at HQ. CI was pleased with participation we did get at the Summit. Steve Grey was unable to attend this spring meeting due to planning the upcoming Tribal POC meeting and issues to be raised there. Credit for the February Summit goes largely to Steve.

C: Good to have the DAS for Intergovernmental and External Affairs at our meeting. Want to second earlier comments about disparity between level of tribal leadership involved and DOE, especially the Secretary's brief appearance. The failure to mention consultation and the government-to-government relationship with tribes was worrisome for tribal attendees.

There are many sites with good tribal/DOE relationships, but also a feeling among tribes that DOE-HQ can do more. Tribes are more than willing to work with DOE on Implementation Plan for the departmental Indian Policy.

DOE should not ask for comments on policies, agendas, etc. DOE needs to consult with tribes. Urge DOE and tribes to learn from experience.

Tribes will submit a draft for the next summit—it is a tribal summit and tribes know which issues are of most concern.

Another issue: No working group has been established yet to work on the Implementation Plan for the Indian Policy. DAS Jones is urged to work with STGWG as these are the tribes most affected by DOE policies.



C: DOE has an incredible resource here with STGWWG—tribes are very proactive on many topics. Urge DOE to tap this resource, use it to its full capacity. Tribes have an expectation of consultation; states want to see it work as well.

C: Welcome to New Mexico on behalf of the Santa Clara Pueblo. DOE needs to know how tribal leadership feels. If there is a lack of true consultation and all the Department wants is comments, "we may as well just email each other." This is a problem across federal agencies.

Hope that the implementation of the work you have in mind doesn't get side-tracked. Don't get swamped with bureaucracy. Have to put all state, tribal and DOE issues together to be successful. The government-to-government relationship must be present.

C: Not easy to take on all these responsibilities, but it needs to be done. Need to get the Indian Policy Implementation Plan figured out.

Q: Thank you for making the trip out. Would Steve Grey be willing to meet with STGWWG tribes individually? If not him, then his staff?

A: Will talk with him about this, work with his schedule. Will have him get in touch with you as well.

C: There aren't that many STGWWG tribes; it may be easier to do than you think.

C: Want to stress the need for more headquarters involvement. It has been little, even when meeting at headquarters. Mr. Grey needs to do site visits to pueblos. We have invited him to New Mexico.

C: Suggestion: Since New Mexico has a big pueblo population, perhaps he can come to Santa Fe for a few days with side trips to various pueblos.

C: CI has received positive feedback on the Summit; only a small minority thought it failed to serve its purpose. The tribal community must want to give input to move forward. DOE knows tribes must be involved and will listen to all. Want to work with tribes, have them be a part of the process. Summit was an important first step. Will work with our schedules to accommodate STGWWG meeting schedule.

C: Reminder: Need answer regarding committee for Indian Policy Implementation Plan and Armand Minthorn's offer to participate.

C: Closing comments:

- o A draft of the Implementation Plan for DOE Indian Policy was done several years ago—little progress since. Urge you to get it moving once again.
- o Consultation plan from Umatillas may be good start for national plan.
- o STGWWG will send letter to you regarding next summit.
- o Consultation must take place before next summit.

- o STGWG may do joint meeting again in the fall in the DC area; urge Steve Grey to be there.

### **DOE DRAFT GUIDELINES FOR CULTURAL RESOURCES MANAGEMENT PLANS (CRMP)**

*Ed Regnier, Division of Air, DOE Office of Environment, Safety and Health*

See handout with outline of CRMP guidance and proposed changes.

- Looking to update guidelines to reflect changes in rules and regulations.
- Comments from STGWG due 5/15, but will extend because we want your input.
- Have received very few comments on changes so far. Most weren't on the changes per se, but on other parts of the document.
- Oral, preliminary comments have been received from Peter Chestnut. Will incorporate these when hard copy received.

### **CRMP GUIDELINES Q & A**

Q: If comment period ends this month, when can revised version be expected?

A: It usually takes a few months to get out, hopefully not later than the fall.

Q: E-mail address for sending comments?

A: [lois.thompson@eh.doc.gov](mailto:lois.thompson@eh.doc.gov)

C: STGWG will get comments to you in next couple of weeks. Will include comments on how consultation takes place.

R: Your comments make our product better—DOE appreciates them.

### **UPDATE ON DOE LONG-TERM STEWARDSHIP (LTS) ACTIVITIES**

*David Geiser, Director, Office of Policy and Site Transition, DOE Office of Legacy Management*

See also presentation handout.

- STGWG LTS Committee sent a letter to DOE in December 2003 with a number of questions about the future of LTS. DOE replied in a January 2004 letter.
- There may have been some confusion about LTS prior to the new LM office being established. The main change lies in consultation policy, guidance and line management.
- Today's presentation focuses on Legacy Management (LM):
  - o What are LM responsibilities and what are not
  - o Departmental coordination on LTS
  - o Intergovernmental component.

### **LTS/LM Q & A**

Q: What constitutes a closed site?

A: When cleanup is done and there is no other department ongoing mission. Some sites have a portion with no ongoing DOE mission. But site doesn't go to LM until all of site is cleaned up—stays with DOE field office until then. Exception at Oak Ridge: Part of site will go to LM due to unique circumstances. LM has responsibility today for 65 sites; 30 uranium mill tailing sites; 27 FUSRAP—almost all privately owned. Mostly record keeping; few research reactors. Each site we expect to get from EM has a staff person at LM dedicated to it. Seven are due to move in next five years; another 20 or so in next 10 years.

Q: Who makes decision to transfer to LM? Is there a process?

A: Varies by type of site. The presentation discusses it.

Q: What are roles of states and tribes in this process of transition?

A: Some involve external stakeholders, some don't. EM and LM teams would sit down with regulator to see if the various elements of post closure plans are correct.

C: States and tribes looking for buy-in or changes to regulatory process that is more inclusive.

C: Geospatial environmental mapping and hummingbird systems are online at GJO@DOE.gov.

C: How do you make sure land use restrictions are followed? We (California) use public meetings to do that.

A: That is part of the checklist for annual inspection.

C: Concern that there are enough dollars to meet obligations, both routine and unforeseen problems.

R: Near term: Should sit down with EM staff on site and look at costs of oversight, local citizen involvement, other payments on the comprehensive list. Then EM and LM agree on post-closure number and dollars transferred from EM. If there's a dispute, the Undersecretary resolves. If there's an immediate problem, request funds to address it now. Long-term: If problem is not immediate, it goes through budget process for funding to correct.

Q: Is it different if privately owned?

A: If there are ongoing operations, company involved would take action. If DOE site, then DOE.

Q: How do you checklist? What is your influence on sites where only part is closed?

A: Will learn a lot from sites closing in the next couple of years (Rocky Flats, Fernald and Mound). Will provide feedback to other program/sites. States and EPA will drive EM to take actions with more influence than LM has.

Q: On-site presence: Will you coordinate staff with other expertise depending on site future use?

A: Want on-site staff to want to do job, be technically capable and be local. Who is responsible for stewardship function can vary site to site (local officials, utilities, local library [record depository], etc.). Will work with locals (local, state, tribal, federals) for onsite staffing where possible. Saves costs of locating staff on site.

**LEGACY MANAGEMENT (LM) STRATEGIC PLAN: STATUS**

*David Geiser, Director, Office of Policy and Site Transition, DOE Office of Legacy Management*

See also presentation handout.

- Aimed at short term, to get up and running. Can then identify further steps, plan for needs. There will be a new draft mid-summer; will be revised again in three years.

- Should be able to effectively do consultation at site level. Consultation at national level, with respect to policy, is more problematic for LM. Broad stakeholder groups make it difficult.

**NATIONAL NUCLEAR SECURITY ADMINISTRATION (NNSA): DIVERSITY OUTREACH**

*Mary Ann Fresco, Director, Office of Diversity and Outreach, NNSA*

- Have noted your concerns. Will relay to Ambassador Brooks and will talk with Steve Grey regarding STGWWG.

- Diversity Outreach is a brand new office within NNSA

o Would like each of you to rotate through the office to see how NNSA and DOE work.

o Would like tribal members to come through as (paid) summer employees. If interested, get in touch with Mary Ann. Would like to extend internship program to tribes as well. Would be good to bring tribal members to DC for outreach to DOE.

o Small business outreach. Would like to try to setup small business program with tribes.

Q: What role do you have in the transfer to NNSA?

A: You can get more involved through the Office of Employee Concerns. Call me and I will track down an answer.

C: Time you've spent with STGWWG is very encouraging. We're pleased with our interaction here today and look forward to working with you.

**LONG TERM STEWARDSHIP AT NON-EM, NON-LM SITES**

*Leah Dever, Associate Director, Office of Laboratory Policy and Infrastructure, DOE Office of Science*

See presentation handout.

**LTS AT NON-EM, NON-LM SITES Q & A**

Q: How do Science and NNSA plan to keep states and tribes engaged? Through agreements?

A: No critical decision is signed until we know regulators are satisfied. Haven't really thought about other regulations needed, especially for larger sites. Laboratories want to maintain positive relationship with local population. Working hard on community relations with local areas.

C: Want to make sure we don't have huge gap due to DOE reorganization.

R: Some EM staff will transition to Science staff. Expertise will remain.

Q: How do you budget for long-term responsibilities? How do you determine cost? Do you have much pushback on leaving more contamination?

A: Can push back pretty hard with reasons to do so. It's really about what's best for taxpayer and DOE. Are maintaining firm stand and keeping track of expected costs. Costs are very definable. Transfers coming up soon not likely to cost that much overall. Larger laboratories will cost a great deal more. Science will demand transfer of costs from EM. Will be field site responsibility to budget year to year. Transfers have become basic, uncontested cost of doing business.

Q: Science and National Labs doing great science research. What about remediation of DOE's own waste?

A: PNNL does that. Laboratories mostly do esoteric side of remediation, rather than practical.

**LONG TERM STEWARDSHIP (LTS) AT CLOSED & CLOSING SITES**

Weldon Spring — Missouri

*Bob Geller, Chief, Federal Facilities Section, Hazardous Waste Program, Missouri Dept. of Natural Resources*

See presentation handout.

Weldon Spring (WS) Q & A

Q: How do you have Superfund site within DOE site?

A: For DOE sites on National Priorities List (NPL), use DOE funds with some DOD contribution. No Superfund dollars being spent.

Good working relationship between state and federal agencies. Long-term surveillance and monitoring plan important to relationship—how often, where, what measurement used.

In the agencies' best interest for LTS plan to succeed, given other sites closing in future. Not anticipated that DOE staff will be on site. Enforceable agreement important; defined roles for all stakeholders.

There will be problems. How we respond will deter mine success. State doesn't want to lose site of facility. The more questions that can be answered, the better. Site inspections, tours, etc. are important to preventing problems.

Five-year reviews: Is everything safe? Need to increase or decrease monitoring? What needs to change, if anything? Who enforces DOE rules? Review of file management.

Estimated costs—over \$1 million/year: \$500K for ground water monitoring; around \$100K for abandoned wells; \$200K for interpretive center (one full-time staff and support staff); \$110K to state and local government for oversight. Some money to measure leachate.

Q: Are costs defined in any of your agreements?

A: There's no official document.

Q: Does plan include downward migration of contaminants to groundwater/aquifer?

A: Already contaminated. Monitoring is ongoing with regard to offsite contamination.

Q: Is state interested in doing simulations/analysis of how long cap will last?

A: Preliminarily looked at, not in budget currently. State would be supportive of research on it.

Also, effort to look for beneficial reuse that is protective—lease remaining buildings to local university for night classes, e.g. Environmental organizations using small interpretive garden of open prairie on site. May be able to harvest area and sell for other uses.

Q: Are you sampling leachate? How much is coming out—and what?

A: Yes, it's regulated. It's low for everything except magnate. Projected trend analysis of volume is down over time—should dry up over next 5-10 years.

### Rocky Flats — Colorado

*Steve Gunderson, Rocky Flats Project Coordinator, Colorado Dept. of Public Health and Environment*

- Site is about 14 miles from downtown Denver at base of foothills of Rocky Mountains.
- From 1952-82 manufactured plutonium triggers for bombs. Shut down by FBI raid in 1982.
- 1996: RCRA/CERCLA cleanup agreement signed.
- Physical cleanup work planned to be completed by end of calendar year 2006 but could be earlier.
- Stewardship working group meets monthly.
- Robust LTS component planned.
- As part of transition, sunset charts prepared.
- LM transition workshop held in March 2004.
- Negotiating post-closure cleanup agreement; started with closing cleanup agreement and worked from it.

- Concept:
  - o Main body of agreement: will try to avoid changes in this portion
  - o Attachments: enforceable
  - o Appendices: part of agreement but not enforceable
- Rapid downsizing of Rocky Flats has created problems; not operating under existing ROD.
- State is lead regulator after closure.
- At least part of the site will become a national wildlife refuge.
- Center portion of the site will be retained by DOE but operated as a refuge.

### Fernald and Mound Sites — Ohio

*Tom Winston, Chief, Southwest District, Ohio EPA*

- Fernald:
  - o Will remain under federal ownership.
  - o Plan is for a park-like setting.
  - o Development of wetlands, prairie, return to natural use.
  - o Want some type of educational facility/museum to keep records and memories.
  - o Impractical to remove all contaminants even though it's over a sole-source aquifer.
  - o LTS plans being developed but aren't enforceable.
- Mound:
  - o Site was more high tech.
  - o There are houses built right up to the site.
  - o There's an effort to develop off-shoot businesses, redevelop as a tech center.
  - o Parcels transferred when cleaned to local redevelopment organization.
- Challenges at Fernald:
  - o Monitoring
  - o Maintaining onsite disposal
  - o Ensuring no resident or agricultural use
  - o Groundwater pump and treat; monitoring groundwater
  - o Easement established for DOE and federal ownership
  - o Maintaining green space park
  - o Preventing vandalism
  - o Answering public inquiries.

### Fernald & Mound Q & A

Q: Aware of any organization trying to find partners to ensure post-closure resources?

A: Don't know of any. There are concerns about liability.

C: At Fernald, Hamilton Company came back with proposal to manage site in the natural state. DOD can transfer federal property to non-profits. Good response from

some environmental organizations. DOE doesn't have that legislative authority. Trying to put radioactive issue in perspective and get appropriate reuses.

**WRAP UP AND PATH FORWARD**

- Another joint intergovernmental meeting in the fall is still on the table—dependent on level of interest and if parties sign on. Probably will meet in DC.
  - o Avoid first week in November (elections)
  - o Museum of American Indian opening in September; would be good to include a side trip to the museum.
  
- Suggestion: For next non-DC meeting, STGWW is invited to visit Nez Perce country, an area greatly affected by Hanford.
  
- Need game plan for better tribal summit. Letter will be drafted by Peter and sent around for input and comments.
  
- Strongly encourage STGWW to put together a summit agenda as the group wants it to occur.
  
- High level waste redefinition issue:
  - o May need to send letter but need to monitor what goes on in Congress. May be too late for specific letter, may have to be general.
  - o Would ask that tribal leaders write their own letter. Also, need to look at Senate oversight hearing to be aware of all tribal issues relating to DOE.

MEETING ADJOURNED.