



*Many Voices Working for the Community*

# Oak Ridge Site Specific Advisory Board

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October 13, 2005

Mr. Steve McCracken  
DOE-Oak Ridge Operations  
P.O. Box 2001, EM-90  
Oak Ridge, TN 37831

Ms. Connie Jones  
U.S. EPA Region 4  
61 Forsyth St., SW, FFB  
Atlanta, GA 30303-3415

Mr. John Owsley  
TDEC/DOE Oversight Division  
761 Emory Valley Road  
Oak Ridge, TN 37830

Dear Mr. McCracken, Mr. Owsley, and Ms. Jones:

## **Recommendations for Long-term Stewardship of Contaminated Areas on the Oak Ridge Reservation**

At our October 12, 2005, meeting, the Oak Ridge Site Specific Advisory Board (ORSSAB) approved the enclosed recommendation.


A full background discussion and reasons for the recommendation are included in the enclosure. In brief, the ORSSAB recommends that DOE:

1. Establish a stewardship information system consistent with stakeholder needs and recommendations
2. Codify its stewardship requirements and responsibilities in legally binding documents
3. Complete the "Long-term Stewardship Implementation Plan for Contaminated Areas on the Oak Ridge Reservation," as described in the ORSSAB "Annotated Outline for a Long-term Stewardship Implementation Plan" (provide legal citations as submitted by the ORSSAB Stewardship Status Team, and include all other applicable legal citations)
4. Prepare a public fact sheet for each watershed upon completion of its remediation

Mr. McCracken, we appreciate your consideration of these recommendations, and we respectfully request a timely written response.

As per discussions with Ralph Skinner, Jeff Crane, and Doug McCoy at our September 20, 2005, Stewardship Committee meeting where the recommendation was introduced, we are including Mr. Owsley and Ms. Jones as recipients of this recommendation and welcome their comments. The Board understands that the response to these recommendations from DOE will be the only responses that are to be recognized as carrying the weight of commitment to the Board.

Sincerely,



Kerry Trammell, Chair

Enclosure

cc/enc: Dave Adler, DOE-ORO  
Jeff Crane, EPA  
Pat Halsey, DOE-ORO

Doug McCoy, TDEC  
Melissa Nielson, DOE-HQ  
Ralph Skinner, DOE-ORO



# Oak Ridge Site Specific Advisory Board Recommendations for Long-term Stewardship of Contaminated Areas on the Oak Ridge Reservation

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## Background/Introduction

Since late 1996, the Oak Ridge Site Specific Advisory Board (ORSSSB) and the Oak Ridge Department of Energy (DOE) Environmental Management (EM) staff have been working together to develop mutually acceptable end user and long-term stewardship (LTS) requirements for contaminated areas on the Oak Ridge Reservation.

In July 1998, the Community Guidelines for Determining End Uses of Contaminated Land and Water on the Oak Ridge Reservation were published in the End Use Working Group Report.<sup>1</sup> At the same time the first LTS report was published,<sup>2</sup> followed by the second stewardship report<sup>3</sup> in December 1999.

Subsequently, the ORSSAB submitted to DOE LTS recommendations and comments in July 2000, March 2001, May 2002, November 2002, and August 2003. (Please see Appendix A for brief summaries of these submittals and other related submittals.) An attachment to the August 2003 submittal provided a listing of unresolved local and national issues based on ORSSAB recommendations in the 1998 and 1999 Stewardship Reports. (Please see Appendix B for a copy of this attachment.)

Thus, in view of the fact that two years have passed since our last review of stewardship recommendations, and that remediation of Melton Valley is scheduled for completion in 2006 and East Tennessee Technology Park in 2008, the ORSSAB undertook to review, once again, DOE's commitment to the community for LTS of the contaminated areas on the Oak Ridge Reservation and the degree to which prior recommendations have been implemented.

## Discussion

Our review includes:

1. an evaluation of DOE's responses to the 30 1998-1999 stakeholder recommendations for stewardship;
2. a review of LTS recommendations submitted by the ORSSAB to DOE since 1999;
3. a summary of the unresolved stewardship recommendations; and
4. as a result of this review, four umbrella recommendations to be submitted to DOE.

### *1. Evaluation of DOE's Responses to the 30 1998-1999 Stakeholder Recommendations for Stewardship*

Based on a recent evaluation of the 30 recommendations in the 1998 and 1999 Stewardship Reports (Table 1), ORSSAB found that due to some duplication the total number of recommendations can be reduced to 25. Of these, seven recommendations are "out-of-scope." That is, while they must be supported by DOE-Oak Ridge, their initiation and implementation rests with DOE and action by Headquarters and/or State and local governments. These include recommendations for a national policy on stewardship, funding LTS, a research program, and local government actions.

Of the remaining 18 recommendations, four are "completed," seven are "in progress," and for seven of the recommendations, there has been "no action."

Many of the "no action" items are related to establishment of :

- a stewardship information system (i.e., numbers 11 and 23);
- legally binding stewardship documents (i.e., numbers 17 and 18);
- an LTS implementation plan (i.e., numbers 2, 8, 21); and
- coordination among stewards (i.e., numbers, 8, 9, 10, 21, 24).

As noted in footnote b of the evaluation table, while DOE has signed an LTS Strategic Plan<sup>4</sup>, an implementation plan remains to be done.

## 2. Review of LTS Recommendations Submitted to DOE since 1999

Since 1999, ORSSAB has submitted comments and recommendations for LTS of remediated sites that have radioactive and chemically-hazardous wastes remaining *in situ*. The present review and the evaluation of the 1998 and 1999 recommendations provide the basis for the third part of this document—the summarization of the unresolved stewardship recommendations and their resubmittal to DOE.

In July 2000, ORSSAB expressed its concerns about the legality of using non-CERCLA (Comprehensive Environmental Restoration, Compensation and Liability Act) documents for stewardship requirements. Our concerns were based on:

- a 1998 memorandum from Jon Johnston [Chief of the Environmental Protection Agency (EPA) Federal Facilities Branch Region 4] to his branch;
- a 1999 Memorandum of Understanding (MOU) signed by DOE, the EPA, and the State that accompanies the Land Use Control Assurance Plan (LUCAP);
- sample language in the LUCAP Appendix C; and
- the Melton Valley ROD.

(Please see Recommendation 2, page 10, this document for details.)

Also in July 2000, there were two submittals recommending modification of the Federal Facility Agreement (FFA) to include public participation in CERCLA 5-Year Reviews and to inform the public before destruction of documents.

(continued on page 8)

Table 1  
 Evaluation of DOE's Responses to Oak Ridge Site Specific Advisory Board  
 Recommendations for Stewardship

Recommendations	DOE Response to Date			Out of Scope <sup>a</sup>
	Completed	In Progress	No Action	
<b>July 1998<sup>(2)</sup></b>				
1. DOE (acting as an agent of the federal government) must acknowledge and accept its responsibility as principal steward of the Oak Ridge Reservation.	√			
2. By the end of 1999, DOE should develop a stewardship plan with the cooperation of the implementation and oversight stewards.	√ <sup>b</sup>			
3. DOE must make stewardship requirements an integral part of all CERCLA decision documents.		√		
4. DOE should establish an annual budget for stewardship.		√ <sup>c</sup>		
5. Until such time as independent funding is established, DOE should request stewardship funding as a line item in annual appropriations.				√ <sup>d</sup>
6. The Congress should establish a fund that will generate the required annual budget for stewardship.				√ <sup>d</sup>
7. DOE should establish a Stewardship Transition Team in 1998 and a Citizen's Oversight Board for Stewardship for long-term public involvement in stewardship.	√ <sup>e</sup>			
8. DOE should identify the stewards required for implementation of the stewardship plan.			√	
9. DOE should ensure that all potential stewards accept responsibility for implementation of their portions of the stewardship plan.			√	
10. DOE should initiate a Stewardship Coordinating Committee by the end of 1999 with representatives from each organization that has stewardship responsibility.			√	
11. DOE should establish a Stewardship information system consistent with stakeholder recommendations.			√	
12. DOE should establish a stewardship research program that contributes to better assessments of the exposure and risks of contamination, remedial technologies, and stewardship requirements.				√ <sup>f</sup>

Evaluation of DOE's Responses (cont.)

Recommendations	DOE Response to Date			Out of Scope <sup>a</sup>
	Completed	In Progress	No Action	
13. The Oak Ridge City Council should assign responsibility for the City's oversight of the stewardship program to the Environmental Quality Advisory Board or a similar group.				√ <sup>g</sup>
14. The Oak Ridge City Council should establish any additional land use category (ies) required for land used in long-term disposal of "hazardous" wastes.				√ <sup>h</sup>
15. The State should add long-term waste disposal and residual waste categories to the list of required "Notices to Buyers."				√ <sup>i</sup>
<b>December 1999<sup>(3)</sup></b>				
16. The Secretary of Energy issue a national policy establishing a commitment to long-term stewardship, to be followed by implementation guidance that allows for local participation and flexibility.				√
17. DOE codify its approach to fulfilling its stewardship responsibilities in all CERCLA Records of Decision for the Reservation and in other legally binding documents. Interim Records of Decision must include project-specific stewardship requirements. Comprehensive long-term stewardship requirements for the Reservation must be described in final Records of Decision.		√ <sup>j</sup>		
18. The Federal Facility Agreement for the Reservation be amended to require and to develop appropriate milestones for the major stewardship-related documents, including the Reservation Land Use Control Assurance Plan, each project Land Use Control Implementation Plan, and Final Records of Decision.			√ <sup>k</sup>	

Evaluation of DOE's Responses (cont.)

	<b>Completed</b>	<b>In Progress</b>	<b>No Action</b>	
19. DOE amend the Oak Ridge Reservation Public Involvement Plan and Federal Facility Agreement to provide for public and local government involvement in the following activities: <ul style="list-style-type: none"> <li>• the Reservation Land Use Control Assurance Plan;</li> <li>• each project Land Use Control Implementation Plan;</li> <li>• the DOE Long-term Stewardship Plan; and</li> <li>• five-year reviews.</li> </ul>		√		
20. A Citizen's Board for Stewardship be established or designated to review and assess long-term stewardship of the Reservation.	√			
21. DOE promptly recognize and work with all proposed stewards to begin implementation of their respective stewardship functions. The functions should be defined and incorporated into the DOE Long-term Stewardship Plan.			√	
22. DOE implement, in cooperation with other entities, a Stewardship Research Program designed to understand the ecological and social impacts of residual contamination and to devise new and improved long-term remediation methods and technologies.				√
23. DOE collect, preserve, and integrate all information needed for long-term stewardship of the Reservation in its information management system.			√	
24. DOE incorporate stewardship activities into a project management and tracking system to provide stewards with timely notification of stewardship activities and to track their progress.			√	
25. DOE implement a system of public information and education to disseminate timely information regarding environmental quality and required land use controls on the Reservation.		√		

Evaluation of DOE's Responses (cont.)

	Completed	In Progress	No Action	
26. DOE institute effective procedures for filing and registering contaminated land notices to ensure that they are found in title searches if land is transferred.		√		
27. DOE specify in relevant city, county and state information systems the conditions and restrictions on the use of contaminated land.		√		
28. DOE continually refine its understanding of the specific costs of operating stewardship activities and incorporate these costs into the budget process.		√		
29. DOE identify for each remedial action the expected design life and the associated replacement or repair costs that can be expected by future generations.		√		
30. DOE, to the maximum feasible extent, promote mechanisms for funding stewardship that do not depend on annual appropriations, trust funds being the preferred approach. Should complete coverage of costs via trust funds not be possible, at least principal should be set aside to produce income sufficient for monitoring and other activities evaluating the impact of residual contamination on human health and the environment.				√ <sup>c</sup>

- a. Recommendations that must be supported by DOE Oak Ridge but implemented by DOE Headquarters and/or state and local government.
- b. This evaluation applies only to the strategic plan; the Implementation Plan remains to be done.
- c. DOE Oak Ridge has factored long-term stewardship into its baseline planning. Estimated stewardship budget requirements are shown through FY 2070. However, it is likely that stewardship requirements will extend beyond 2070. DOE accepts a responsibility to continue stewardship activities until the sites are safe for their intended use (*Initial Accelerating Cleanup, Paths to Closure*, Oak Ridge Operations Office, June 1998, DOE/OR/01-1746).
- d. Line items in annual appropriations and establishment of a fund to generate the required annual budget for stewardship are mostly DOE Headquarters and congressional responsibilities.
- e. DOE has agreed that the Oak Ridge SSAB Stewardship Committee will function as an interim Citizen's Board for Stewardship until remediation is complete or the Oak Ridge SSAB is disbanded, at which time a citizens' board will be established.



- f. A stewardship research program would be based on complex-wide needs and developed by the DOE Headquarters.
- g. No action
- h. No action; requires initiation by DOE-ORO and action by the City of Oak Ridge.
- i. No action: requires initiation by DOE-ORO and action by the State of Tennessee.
- j. While there was some progress in 1999, there remain some approved RODs that do not include LTS responsibilities. With regard to the final ROD for the Reservation, DOE has stated that LTS requirements for remediated sites will be included.
- k. The parties to the Federal Facility Agreement (DOE, EPA, and the State) maintain that Land Use Control Implementation Plans and final Records of Decision are too far in the future to be scheduled. All Records of Decision for remediation of contaminated areas on the Reservation are Interim Records of Decision.

In March 2001, the ORSSAB reiterated, due to questions about their enforceability, its concern about using a LUCAP and its associated Land Use Control Implementation Plan (LUCIP) as a vehicle for stewardship requirements in place of the CERCLA Proposed Plan and Record of Decision (ROD). This submittal also included:

- a recommended statement regarding federal government commitment to stewardship,
- a brief discussion of the scope of stewardship issues, and
- recommendation of 10 items to be addressed in CERCLA Proposed Plans.

ORSSAB also proposed a stewardship activities table to provide the public with an overview and time frame for planned remedial actions and their associated stewardship/land use control activities.

(In May 2002, DOE responded to the March 2001 ORSSAB submittal with a list of some of the ORSSAB recommendations and their disposition in DOE documents. The DOE response also included tables of land use controls for Bethel Valley—their purposes, duration, implementation and affected areas.)

Also in May 2002, the ORSSAB received a letter from DOE-Oak Ridge stating that CERCLA documents can require DOE to implement, operate, and maintain engineered controls and institutional controls. DOE also states that “Other activities (e.g., information systems, research, public involvement, and public education) that have been discussed by the ORSSAB may be performed by DOE as a matter of policy but not included in the CERCLA documents.”

In November 2002, the ORSSAB submitted comments to DOE on draft LUCIPs for Melton Valley, Bethel Valley, and Upper East Fork Poplar Creek. While the tables in these documents provide a snapshot of the remedial actions, the land use controls, and their monitoring, ORSSAB found that the documents did not adequately address property record restrictions, appropriate zoning of areas, and property record notices. Furthermore, ORSSAB noted that annual inspections of fencing and signage are inadequate and should be performed more often.

In August 2003, the ORSSAB, in a letter to DOE, requested responses to the LTS recommendations in the Stakeholder Reports on Stewardship. The letter included an attachment that summarized the unresolved issues based on the aforementioned recommendations (Please see Appendix B.)

In October 2003, DOE-Oak Ridge signed the LTS Strategic Plan, in which DOE accepted responsibility for LTS, described what LTS is and why it must be performed, and stated that details will be contained in a subsequent LTS Implementation Plan. The Strategic Plan also commits to a final remedial decision for a watershed which will require that land use controls be maintained by DOE.

In June 2004, the ORSSAB submitted an Annotated Outline for an LTS Implementation Plan. In a November 2004 letter to the ORSSAB, DOE said it would use the Annotated Outline to draft an LTS Implementation Plan; that work is underway; “...and our plans are to share an initial draft with the ORSSAB Stewardship Committee by late Spring 2005.”

### *3. Review and Summary of the Unresolved Stakeholder Stewardship Recommendations*

Based on the recent analysis of the 1998 and 1999 stewardship recommendations and review of subsequent ORSSAB recommendations and comments submitted to DOE since 1999, the ORSSAB is once again submitting the following LTS recommendations for care of remediated sites on the Oak Ridge Reservation that have radioactive and chemically hazardous wastes remaining *in situ*.

These recommendations mainly address the “no-action” items in the evaluation table. We trust that DOE will follow through on the “in-progress” recommendations, and we are grateful that DOE has implemented some of the stewardship recommendations.

Over the last eight years, the DOE-Oak Ridge EM Program has been receptive to many of our stewardship initiatives and recommendations. DOE has provided technical and financial support for stewardship, and Oak Ridge stakeholders have provided many volunteer hours to develop a stewardship program that, however it evolves, lays the groundwork for protection of future generations.

Review and summary of the seven unresolved 1998-1999 ORSSAB recommendations (i.e., no action recommendations) shows that these no-action items are subsumed in stakeholder recommendation 11 for a stewardship information system, stakeholder recommendation 17 and 18 for stewardship requirements in legally defensible documents, and stakeholder recommendation 21 for an LTS plan.

Thus, our summary of the unresolved recommendations results in the following four umbrella recommendations to DOE.

#### **Recommendations**

##### **1. ORSSAB recommends that DOE establish a stewardship information system consistent with stakeholder needs and recommendations.**

This recommendation is a repeat of unresolved Stakeholder Recommendation 11. When the following unresolved recommendations 23 through 27 are completed by DOE, this recommendation will be considered fulfilled.

*23. DOE collect, preserve, and integrate all information needed for LTS of the reservation in its information management system.*

*24. DOE incorporate stewardship activities into a project management and tracking system to provide stewards with timely notification of stewardship activities and to track their progress.*

*25. DOE implement a system of public information and education to disseminate timely information regarding environmental quality and required land use controls on the reservation.*

*26. DOE institute procedures for filing and registering contaminated land notices to ensure they are found in title searches if land is transferred.*

The required land notices are being filed, but systematic use of the county, city and state systems requires that the document data description be standardized, making retrieval of the documents easier. A more recent recommendation suggests some very specific nomenclature for filing with the County Register of Deeds. The information filed will routinely be passed to the property assessor, the City of Oak Ridge and the State (Stewardship Report, Vol. 2<sup>2</sup>, Sections 4.3.1.1, 4.3.2.1, 4.3.2.2, and 4.3.2.3). See also Recommendation 14.

*27. DOE specify in relevant city, county, and state information systems the conditions and restrictions on the use of contaminated land.*

In addition, DOE must work with the City of Oak Ridge and the State to ensure that the unresolved out of scope Stakeholder Recommendations 14 and 15 are implemented. These are necessary elements of a stewardship information system.

*14. The Oak Ridge City Council should establish any additional land use category(ies) required for land used for long-term disposal of “hazardous” wastes.*

In order that contaminated land with land restrictions be readily identified, one or more zoning subcategories for the F.I.R. (federal, industry, research) should be provided. DOE needs to initiate this task with the City of Oak Ridge (Stewardship Report, Vo. 2, Section 4.3.1.1).

*15. The State should add long-term waste disposal and residual waste categories to the list of required “Notices to Buyers.”*

The “Notices to Buyers” creates a requirement on sellers to notify the buyer of the contaminated condition of the land. DOE needs to initiate this task with the local State legislators (Stewardship Report, Vol. 2, Section 4.3.2.4; Stewardship Report, Vol. 1, Appendix G).

**2. ORSSAB recommends that DOE codify its stewardship requirements and responsibilities in legally binding documents.**

This recommendation encompasses stewardship recommendations 17 and 18 and is a long-standing concern of Oak Ridge stakeholders and the ORSSAB. With the impending completion of remediation in Melton Valley in 2006 and East Tennessee Technology Park in 2008, the need grows for comprehensive stewardship requirements in legally defensible documents (i.e., CERCLA RODs). DOE will not commit to and Congress will not fund stewardship unless it is required by law. Furthermore, stakeholders must have recourse to the courts if DOE reneges on its responsibility for long-term stewardship of the contaminated areas on the Reservation.

Currently, DOE declares that stewardship requirements are found in Land Use Control Implementation Plans and other post-ROD documents. However, the EPA, DOE, and the State agree that the land use control assurance plans (LUCAPS) and LUCIPs and the LUCAP Memorandums of Understanding are not legally defensible:

“This policy does not constitute rulemaking by EPA and does not create legal rights or obligations in any person or entity.”

Memorandum from Jon D. Johnston, Chief, Federal Facilities Branch, Region 4 to Federal Facilities Branch, “Assuring Land Use Controls at Federal Facilities,” April 21, 1998

“DOE-ORO recognizes the memorandum as setting forth policy that does not carry the force of law as is established through rulemaking.”

Memorandum of Understanding for Implementation of a Land Use Control Assurance Plan (LUCAP) for the United States Department of Energy Oak Ridge Reservation (Section 1). (signed by DOE, EPA, and the State in October and November 1999)

“The terms and conditions of the LUCAP, or MOU, are not specifically incorporated or made enforceable herein by reference. However, it is understood and agreed by the DOE, the EPA, and the TDEC that the contemplated permanence of the remedy reflected herein is dependent in part upon the DOE’s substantial good-faith compliance with the specific LUC maintenance commitments reflected therein”

Appendix C. Sample Land Use Control Language for Inclusion in Decision Documents. Land Use Control Assurance Plan for the Oak Ridge Reservation.

Furthermore, it is stated in the Melton Valley ROD (DOE/OR/01-1826&D3, pages 2-10) that “the terms and conditions of the LUCAP and MOU are not specifically incorporated or made enforceable herein by reference.”

In addition, DOE says it will prepare a final watershed ROD for Melton Valley in 2016 and will rely on LUCIPs for the next 10 years. While this may be acceptable for the short-term, the long-term requires a legally defensible document, and DOE can choose to prepare a watershed ROD or not. All the public has is DOE's word that such a document will be prepared, and federal agencies are known to change their policies at whim.

**3. ORSSAB recommends that DOE complete the LTS Implementation Plan for contaminated areas on the Oak Ridge Reservation as described in the ORSSAB Annotated Outline. Provide legal citations as submitted by the ORSSAB Stewardship Status Team. Include all other applicable legal citations.**

This recommendation encompasses stewardship recommendations 2, 8, 9, 10, and 21. With regard to recommendation 2 (development of a stewardship implementation plan), credit is given for completion of the DOE-ORO LTS Strategic Plan in October 2003<sup>4</sup>. Work is progressing on the LTS Implementation Plan. The ORSSAB encourages DOE to finalize the Implementation Plan in a timely manner. (Several years elapsed before the LTS Strategic Plan was finalized.)

Recommendations 8, 9, 10, and 21 call for identification and organization of stewards responsible for the LTS on the reservation in order to facilitate the flow of information among stewards. Their responsibilities are briefly described in the Annotated Outline for an LTS Implementation Plan (Section 3.7, page 12) and Volume 2 of the Stewardship Report (Section 3.1, page 15).

The LTS Implementation Plan should serve as a basis for the stewardship section of the final watershed RODs and the reservation-wide final ROD for the contaminated areas.

**4. ORSSAB recommends that DOE prepare a public fact sheet for each watershed upon completion of the watershed's remediation.**

In addition to a map and an aerial photograph of the area, there should be a general description of the site and its remediation based on the Remediation Action Report.

The public also needs to understand the nature of the residual waste, and such information must be included in the fact sheet. It has been suggested by T.T. Jarvis<sup>5</sup> that

"This would include information on the waste location, mass, predicted movements, toxicity/half-life/activity, flux of environmental media transfers, engineered containment, and risks."

"This information needs to be in basic scientific units – kilograms, vectors, meters per second, milligrams per kilogram, seconds, gray, etc. Relative terms such as "curies" or "drums," or operational terms such as building names/numbers or "high-level waste" will provide little useful information to future generations."

References to the documents from which the information is taken must be included as a bibliography to the fact sheets, and the location of the detailed information and documents must be supplied (e.g., electronic and hardcopy availability).

## References

Full text of ORSSAB recommendations and comments is available at [www.oakridge.doe.gov/em/ssab/recc.htm](http://www.oakridge.doe.gov/em/ssab/recc.htm) and at the DOE Information Center, 475 Oak Ridge Turnpike, Oak Ridge, phone 865-241-4780.

<sup>1</sup>*Final Report of the Oak Ridge Reservation End Use Working Group*, Oak Ridge Site Specific Advisory Board, July 1998.

<sup>2</sup>*The Oak Ridge Reservation Stakeholder Report on Stewardship, Vol. 1*, Oak Ridge Site Specific Advisory Board, July 1998.

<sup>3</sup>*The Oak Ridge Reservation Stakeholder Report on Stewardship, Vol. 2*, Oak Ridge Site Specific Advisory Board, December 1999.

<sup>4</sup>*Long-term Stewardship Strategic Plan*, U.S. Department of Energy–Oak Ridge Operations, Environmental Management Program, October 2003.

<sup>5</sup>Jarvis, T.T., “Stewardship and U.S. Nuclear Weapon Production Wastes—An Introduction,” *Environmental Progress*, Vol. 21, No. 2, July 2002.

## Appendix A

### Long-term Stewardship Recommendations and Comments Submitted to DOE by the Oak Ridge Site Specific Advisory Board Since 1999

July 2005	Recommendation for Standardized Language Submitted to Land Record Authorities of Land with Notices of Contamination (R7/13/05.7)
July 2004	Annotated Outline for a Long-term Stewardship Implementation Plan (R7/14/04.8)
October 2003	U.S. Department of Energy–Oak Ridge Operations, Environmental Management Program, Long-Term Stewardship Strategic Plan
August 2003	Request for Response to ORSSAB Recommendations on Long-Term Stewardship (R8/2/03.16)
May 2002	Requirements for Stewardship in CERCLA Documents (letter to Luther Gibson in which DOE states "...information systems, research, public involvement, and public education...may be performed as a matter of policy but are not included in the CERCLA documents.")
March 2001	Evaluation of and Recommendations for Stewardship Requirements in CERCLA Documents (R03/14/01.6)
July 2000	Recommendation for Revisions to the <i>Federal Facility Agreement for the Oak Ridge Reservation</i> (DOE/OR-1014) Regarding Five-Year Reviews (R07/5/00.11)
July 2000	Recommendation for Revisions to the <i>Federal Facility Agreement for the Oak Ridge Reservation</i> (DOE/OR-1014) Regarding Potential Destruction of Documents (R07/5/00.12)
July 2000	Recommendation for Revisions to the <i>Public Involvement Plan for the Oak Ridge Reservation</i> , DOE/OR/01-1552&D1 (R07/5/00.13)
July 2000	Recommendation for Stewardship Requirements for CERCLA Documents (R07/5/00.10)

**Appendix B**  
**Unresolved Issues Based on Recommendations**  
**in Oak Ridge Reservation Stakeholder Report on Stewardship, Vol. 1 (July 1998) and**  
**Oak Ridge Reservation Stakeholder Report on Stewardship, Vol. 2 (December 1999)**

Local issues:

- Development of an *Oak Ridge Reservation LTS Management Plan* (now called the LTS Implementation Plan).
- Integration of LTS requirements in remediation planning and decision documents (i.e., legally enforceable CERCLA documents).
- Establishment of a Stewardship Coordinating Committee to include “stewards” responsible for implementation of the Stewardship Management Plan (i.e., DOE, contractors, city county, and local organizations).
- Establishment of a stewardship information and tracking system consistent with stakeholder recommendations.
- Establishment of land use categories for contaminated areas on the reservation (requires city, county, and state cooperation to map, zone, register, and file land notices, and to include them in local and state geographic information systems.).
- Amendment of the FFA to require appropriate milestones for the major stewardship-related documents, including the:
  - o LUCAP,
  - o Each LUCIP, and
  - o Final RODs
- Amendment of the *Oak Ridge Reservation Public Involvement Plan* and the FFA to provide for public and local government involvement in the following activities:
  - o LUCAP,
  - o Each LUCIP,
  - o Stewardship Management Plan, and
  - o Five-year reviews.
- Development and refinement of costs for operating stewardship activities and incorporating into annual budgets.
- Identification of the expected design life of each remedial action and its replacement and/or repair costs.

National issues:

- Sustaining funding for LTS.
- Establishment of a stewardship research program to address exposure/risks of contamination, remedial technologies, and LTS sustainability.
- Establishment of a DOE secretarial policy for LTS, followed by implementation guidance that allows for local participation and flexibility.