



Many Voices Working for the Community

Oak Ridge Site Specific Advisory Board

September 19, 2002

Mr. Gregory Sullivan, EM-51
U.S. Department of Energy
1000 Independence Avenue SW
Washington, DC 20585

Dear Mr. Sullivan:

Comments on the Department of Energy's Long-Term Stewardship Strategic Plan Predecisional Draft, Version 2.0, Dated June 21, 2002

The Oak Ridge Site Specific Advisory Board (ORSSAB) appreciates the opportunity to comment on the Department of Energy's (DOE) Long-Term Stewardship Strategic Plan Predecisional Draft, Version 2.0, dated June 21, 2002 (the Plan). As you know, Oak Ridge stakeholders have been heavily involved in long-term stewardship since the first stewardship committee was formed as part of the Oak Ridge End Use Working Group in 1997. The ORSSAB Stewardship Committee continues to work on long-term stewardship issues and the Committee also serves informally as a citizen's board for stewardship and will continue to do so until the ORSSAB completes its mission and is disbanded. At that time, a formal citizen's board for stewardship will be constituted.

Generally, we find that Version 2.0 is better organized, more informative, better-written, and covers most of the long-term stewardship elements that were described in our 1998 and 1999 stewardship reports. Boxes 1 and 2 on early pages of Part II provide decision makers with a clear picture of the activities and needs associated with long-term stewardship of contaminated sites. And, the Plan provides a basis for incorporating long-term stewardship into the department's management initiatives and strategic planning.

We look forward to the implementation plan mentioned on page ii of the Note to Reader and trust that it will be forthcoming soon. We have a sense of urgency about implementation of long-term stewardship because remediation of the Oak Ridge Reservation Melton Valley Waste Site is scheduled for completion in 2006.

However, we find that some issues require additional clarification or development to ensure that "...current long-term stewardship obligations are met and the creation of future liabilities is minimized." These include:

1. Part I, Page 2, Draft Principle 3. The relationship of long-term stewardship of natural and cultural resources and long-term stewardship of contaminated areas is still unclear. We do not understand why you insist on this incongruous coupling. While it is true that long-term stewardship applies to both, the definition of long-term stewardship for contaminated areas (i.e., protection of human health and the environment from the risks that remain following cleanup), its activities, and costs are quite different from long-term stewardship for natural and cultural resources. Most of the Plan is dedicated to solving the problems associated with residual contamination except for the occasional inclusion of natural and cultural resources thoughts here and there.

The ORSSAB requests that you remove management of natural and cultural resources from the Plan, which change would clarify the meaning of long-term stewardship for contaminated areas and focus the attention of program secretarial officers and other decision makers on the really important issues related to residual contamination. As suggested in our February 14, 2002 comments on Version 1, stewardship of natural and cultural resources could be handled in a section on intersecting management areas, rather than as a part of department stewardship of contaminated areas.

2. Page 3, Part II. Situational Analysis is interesting and informative. However, the eight-page discussion gets in the way of the most important part of the strategy which is in Part III and Appendix A. Part III, Mission, Vision, and Goals, should follow the seven principles used to develop the Plan.

We suggest that you write a one-page (at most two pages) summary of the most important and applicable information in Part II and include it in Part I. Then, make Part II an appendix. Part III, Mission, Vision, and Goals, would become Part II, and Appendix A, Implementation Actions..., would become Part III. Furthermore, we urge you to include Boxes 1 and 2 in the summary because they present a clear picture of long-term stewardship activities and challenges.

3. Part II on page 7, New Approaches to the Management of Land Ownership...; and Part III, Objective 1.3, Accelerate the Cleanup and Transfer... The ORSSAB received many comments about the transfer of contaminated lands to other entities. Reviewers voiced concerns about:

- ? Responsibility for and control of long-term stewardship monitoring and maintenance being lost in the landlord's or other entity's main mission;
- ? Courts not enforcing land use restrictions placed in deeds;
- ? Enforcement of deed or other restrictions (e.g. in Comprehensive Environment Response, Compensation, and Liability Act (CERCLA) documents) after successive transfers;
- ? Less public information and oversight;
- ? Identification and preservation of buffer areas around contaminated sites;
- ? The potential lack of expertise and understanding of contamination within local governments, other federal agencies, and non-federal entities; and
- ? The resistance and lack of motivation of local governments to manage and accept responsibility for federal government contaminated land.

In general, reviewers thought the Plan is far too optimistic about the transfer of contaminated land and that the promotion of early land transfers is outside the purview of stewardship planning.

The ORSSAB strongly recommended that the Plan focus on how to make stewardship effective whether land is transferred or not.

4. Part II on page 9. Funding for Long-Term Stewardship Activities. Reviewers found it encouraging that trusts are mentioned as a mechanism for funding long-term stewardship because the annual appropriation process is too uncertain as we move beyond "cleanup." We continue to support pre-funded trusts for routine and predictable costs.

However, we find your statement that the transfer of sites into Departmental ownership occurs at "...no cost to the federal government and the taxpayer" seems misleading. The federal government (i.e., the taxpayers) continues to pay the costs no matter who owns the sites. Isn't it a matter of ensuring that funding would accompany any transfer of sites to the Department? Please clarify.

5. Part II on page 10, Future Advances in Science and Technology bullet. It is nice to hear that robots might excavate areas that pose unacceptable risks to remediation workers. Then what? Can robots handle packaging, transportation and redispisal? Will robots negotiate for alternative disposal sites? We apologize for the cynicism but we do think it best to be realistic about excavation of contaminated waste. Isn't it better to look for ways to reduce toxicity and stabilize contamination in place?
6. Part III on page 14, Objective 3.1, bullets 1 and 2; and Appendix A, Objective 2.2, bullets 16 and 17 on page 18. There were comments from all reviewers about records management and long-term stewardship information management systems. These include the following concerns:
 - ? Schedules for records management (i.e., Fiscal Year (FY) 10 and FY 15) are too far in the future given the accelerated "cleanup" plans;
 - ? As remediation progresses, information needed by future generations in order to understand the contamination and remediation of the waste sites must be identified, organized and stored;
 - ? Public access to information at the local level must be assured;
 - ? Clarification of the distinction between records management (page 14, first bullet) and management information systems (page 18, bullets 15, 16, and 17);
 - ? The need for redundant long-term storage of stewardship information in local property records, geographic information systems, local libraries; and
 - ? Local storage and availability of remedy review reports (e.g. annual remediation effectiveness and five year review reports).

The ORSSAB recommends that DOE place immediate and high priority on the development of a management information system using the ICF Kaiser report on Managing Data for Long-Term Stewardship as a basis for the task.

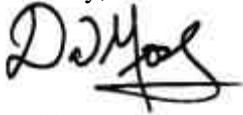
7. Appendix A on page 20, Objective 3.2. Under Objective 3.2 please add a commitment to the CERCLA-required five-year reviews until such time that the sites no longer have hazardous substances remaining above levels that allow for unlimited use and unrestricted exposures.
8. Public Participation. While the importance of stakeholder and local government involvement is one of the seven long-term stewardship principles (page 2) such involvement is infrequently mentioned in the document. As mentioned in our comments on Version 1, the long-term success of stewardship depends in large part on the support of the local community and government, an understanding of activities and challenges associated with long-term stewardship of contaminated sites, and the necessary funding, authority, and oversight to ensure protection of human health and the environment. We find the Plan gives short shrift to the involvement of stakeholders and local government.

The ORSSAB recommends that additional thought and definition be given to the roles of stakeholders and local government in the next iteration of the Plan.

We look forward to the "final" version, and we urge DOE to move forward on the implementation plan.

We appreciate your consideration of our comments and look forward to receiving your written response.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Mosby". The signature is stylized and includes a horizontal line at the bottom.

David N. Mosby
Chair

Cc: Gerald Boyd, DOE-ORO
Dave Geiser, DOE-HQ
Pat Halsey, DOE-ORO
Connie Jones, EPA Region 4
John Owsley, TDEC
Ralph Skinner, DOE-ORO