



Citizens Advisory Board
Idaho National Engineering and Environmental Laboratory

Draft Department of Energy Long-Term Stewardship Strategic Plan

The Idaho National Engineering and Environmental Laboratory (INEEL) Citizens Advisory Board (CAB) has reviewed the pre-decisional draft, version 1.0 of the Department of Energy (DOE) Long-Term Stewardship (LTS) Strategic Plan (dated December 7, 2001). This consensus recommendation addresses our comments on the Draft LTS Strategic Plan.

In general, the INEEL CAB is pleased with the Draft LTS Strategic Plan. We support the mission, vision, goals, and draft principles as presented. We particularly appreciate the fact that DOE has proposed a schedule for implementing the objectives outlined in the plan. We also appreciate the fact that the document reflects prior comments from the INEEL CAB and from our sister Site Specific Advisory Boards.

The INEEL CAB recommends that DOE accelerate the issuance of LTS policy. The INEEL CAB is disappointed that DOE plans to take so long to develop LTS policy. The INEEL CAB is concerned that DOE will not issue its final LTS policy until Fiscal Year 2005, well after most cleanup decisions have been made at most DOE sites. The SSABs have long held that LTS must be addressed in cleanup decisions.

The INEEL CAB recommends that DOE clarify its interpretation of the federal government's liability and incorporate that interpretation, as appropriate, throughout the Draft LTS Strategic Plan. Section 120 under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) provides that the deed for any property transferred by the U.S. government to any non-federal owner shall include a description of the hazardous substance and cleanup that has taken place and a covenant warranting that: (i) all remedial action necessary has taken place, and (ii) any additional remedial action found to be necessary after the date of such transfer shall be conducted by the United States. We understand this section to mean that the federal government will forever and always be liable for cleanup of DOE land that has ever been contaminated and cleaned up under CERCLA. It is not clear from the Draft LTS Strategic Plan that DOE fully comprehends the federal government's liability nor the manner in which that liability could affect how DOE goes about implementing its LTS program.

The INEEL CAB recommends that DOE clearly describe what it means by "closure site" and clarify the relationship between "closure" and LTS. DOE describes several sites in the complex as "closure sites." "Closure" as it applies to cleanup appears to separate it from LTS. The Seven Guiding Principles identify the need to link cleanup and LTS, recognizing that the type and extent of cleanup will greatly affect the type and extent of LTS activities needed. Further, the INEEL CAB notes it has historically recommended that LTS should be made a part of all DOE decisions, not just EM cleanup decisions.

The INEEL CAB recommends that emphasis be placed on risk reduction, rather than footprint reduction, throughout the LTS program. The INEEL CAB recognizes the rationale for reducing environmental risks and the costs of the cleanup program by "reducing the footprint" of contamination at DOE sites (as discussed in the section on "Vision" on page 1). Reducing the footprint should not be a goal that competes with reducing risk, however. There may be instances where managing a larger

footprint may be the most effective means of reducing risks (through the use of buffer zones, for example).

The INEEL CAB recommends that Principle #2 be changed to ensure consistency with the concept that each and every decision DOE makes may have implications for the responsible stewardship of the resources under its purview. The Seven Draft Principles that were used to develop the Draft LTS Strategic Plan are presented on page 3. The INEEL CAB notes that Principle #1 identifies LTS as a Department-wide responsibility, yet Principle #2 addresses only decisions that impact DOE cleanup. We wonder if DOE is conscious of this apparent disconnect.

The INEEL CAB recommends that all principles be stated definitively, using words that commit the Department (like “will”) rather than those that demonstrate a lack of commitment (like “should” and “may”). The INEEL CAB noticed that the language used to articulate Principles #4 and #5 is not as strong as that used for other principles.

The INEEL CAB recommends that DOE recognize that its own decisions will be better informed and more widely accepted if those decisions reflect the public’s input and government-to-government consultations with Tribal nations. Principle #7 states that the involvement of stakeholders and state, local, and Tribal governments is critical to LTS. It goes on to imply that increased public awareness will result in decisions that are more publicly acceptable. Public participation and government-to-government consultation with Native American Tribes are important for another reason, as well. DOE’s awareness of public and Tribal concerns should result in more informed decision-making, and ultimately better decisions.

The INEEL CAB recommends that DOE ensure that its decision-making processes are well informed by engaging its workforce. Key LTS challenges are listed in the second box on Page 4. Conspicuously absent is any mention of developing partnerships with the workforce responsible for implementation of the LTS program. The INEEL CAB believes that the workforce can provide valuable insight into how to do its work effectively and efficiently.

INEEL CAB recommends the following specific changes in the Draft Strategic Plan:

- Strategy 1.2.3 states that DOE would “Pursue alternative long-term funding mechanisms for long-term stewardship, as appropriate.” We cannot imagine any time this would not be appropriate. The INEEL CAB recommends changing the statement to read “Work with the public, state, Tribal, and local governments, and Congress to generate alternative long-term funding mechanisms.”
- The title of Objective 1.3 should be changed to “*Define and/or Clarify Long-Term Stewardship Policy.*”
- The title of Objective 2.0 should be changed to “Assure that Department Personnel Understand Long-Term Stewardship Policy and Intent.”
- Objective 2.3 lists strategies for integrating LTS with other DOE policies and orders. With regard to integrated safety management, the relationship between the two initiatives appears convoluted, however. In addition to incorporating LTS into the Integrated Safety Management (ISM) Program, the INEEL CAB recommends that DOE consider how to incorporate ISM into the LTS program.

Specific milestones in the Draft LTS Strategic Plan are particularly noteworthy. We commend DOE for committing to:

- Provide “information on residual contamination, its associated risks, and measures in place to protect public health and the environment” to stakeholders by Fiscal Year (FY) 2003 (Objective 1.1, Potential Measure #3).
- Complete “100% of closure sites’ annual preventive maintenance of protective systems” on schedule (Objective 1.1, Potential Measure #6).
- “Require and conduct 5-year reviews” of all cleanup projects (Objective 1.3, Strategy #1.3.4).
- Implement “core competencies to monitor and maintain engineered and institutional controls commensurate with risk by FY 2003” (Objective 1.4, Potential Measure #2).
- Develop a “Field Management Council approved, Department-wide, definition of LTS by the end of FY 2002 (Objective 2.0, Potential Measure #2).
- Identify “actual (or estimated, as appropriate) costs of LTS by FY 2003” for each DOE site (Objective 2.2, Potential Measure #1).
- Issue DOE institutional controls policy by FY 2002 (Objective 2.3, Potential Measure #1).

Other milestones listed in the Draft LTS Strategic Plan appear to be somewhat delayed. **The INEEL CAB recommends that DOE implement its LTS Strategic Plan (once approved) as quickly as possible.** In particular, it appears that many of the measures that were scheduled for FY 2005 could be moved up to FY 2004, or sooner.