



Citizens Advisory Board
Idaho National Engineering and Environmental Laboratory

LONG-TERM STEWARDSHIP

The Idaho National Engineering and Environmental Laboratory (INEEL) Citizens Advisory Board (CAB) recently received copies of the Draft Long-Term Stewardship Study prepared by the Department of Energy's (DOE's) Office of Long-Term Stewardship. The Draft Study was prepared in partial compliance of a December 1998 Settlement Agreement that resolved a lawsuit filed by the Natural Resources Defense Council (and other plaintiffs) against DOE regarding the Programmatic Environmental Impact Statement for the complex-wide waste management program. We appreciate the opportunity to provide our recommendations regarding the Draft Study and DOE's Long-Term Stewardship Program.

DRAFT STUDY

The INEEL CAB would like to compliment the DOE Office of Long-Term Stewardship on the Draft Study. It addresses a very complex and often confusing subject and breaks it down into a manageable set of topics and issues. We noted that the Draft Study identified more questions than answers, but it appears to have done a very thorough job of identifying the most relevant questions. In addition, the Draft Study did an excellent job of integrating the comments received from the public during the scoping period into the Draft Study. The addition of excerpts from the study conducted by the National Research Council and accounts of experiences from other government agencies lend additional perspective and balance to the document. We conclude that the Study's primary contribution at this time results from the effort to consolidate information about the subject. This document, along with the recently prepared *Report to Congress*, provides an excellent starting point to support enhancement of the public's understanding of this important topic.

The INEEL CAB understands that the Study is not being prepared to support a federal decision-making process. Nevertheless, **the INEEL CAB recommends that DOE make every effort to delineate alternative possible future courses of action as clearly as possible in the Final Study and providing objective analysis of the various pros and cons of each alternative.** Good examples of where DOE has already taken this approach are presented in Section 6.1.3 (page 60), Exhibit 5-4 (page 48) and especially Exhibit 8-3 (pages 86-87).

One criticism of the Draft Study relates to an apparent lack of commitment to conducting meaningful public participation activities during Long-Term Stewardship planning and implementation. DOE's commitment to meaningful public involvement should be reinforced through the addition of appropriate language in several sections. The following is a partial listing of suggestions for where public participation should be addressed in the Study:

- The discussion of issues related to long-term stewardship in Chapter 2 is incomplete. One issue refers to the need for public access to information (Section 2.5); another refers to the importance of continued partnerships with state, local and Tribal governments (Section 2.7). DOE should include another "issue" that reflects the need for a meaningful role for the public in long-term stewardship decision-making.
- A commitment to involving the public in defining appropriate end states for each site and selection of cleanup strategies that will allow such end states would similarly strengthen the introduction to Chapter 3 (page 11). DOE should add appropriate language.
- Public participation should be added to the list of requirements of site-specific long-term stewardship plans (in Section 4.2.2 on page 32).
- Public participation should be added to the list of activities conducted during self-assessments conducted in preparation for the transition to long-term stewardship (in Section 4.2.2 on page 33).
- There may be other places in the document that should be changed as well to more completely reflect a commitment to providing a role for stakeholders.

The INEEL CAB is puzzled by the fact that INEEL is not listed in the table on page 40. Because INEEL has many continuing non-EM missions, we do not understand why it does not appear.

The INEEL CAB recommends that DOE include INEEL in the table on page 40 or provide a very clear explanation why inclusion is not appropriate.

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The INEEL CAB recommends DOE move beyond studying this important subject and take immediate steps to institutionalize Long-Term Stewardship by clearly identifying the Department's requirements for field offices.

Although they are perhaps beyond the scope of the Long-Term Stewardship Study, we have additional comments to help ensure DOE's success in implementing a Long-Term Stewardship Program. We urge the Office of Long-Term Stewardship to address the following on a priority basis.

Roles and Responsibilities. **The INEEL CAB recommends that DOE enhance the delineation of long-term stewardship responsibilities.** We suggest that all responsibilities that will fall within the purview of DOE-Headquarters and/or Field Offices be assigned appropriately. We additionally suggest that those tasks that will require public input and/or collaboration with others be similarly identified. The public might be provided an opportunity to help set priorities for those activities that would fall within DOE's responsibility.

Funding mechanisms. We understand that DOE awarded a grant to Resources for the Future, an independent non-profit research organization, to assess potential alternative long-term stewardship funding mechanisms. The Draft Plan included an excellent discussion of alternative

funding mechanisms in Section 8.2 (pages 84-89). That discussion serves as a starting point. **The INEEL CAB recommends that DOE immediately embark on a more extensive study of funding mechanisms (based on detailed proposals for implementation). In particular, we recommend thorough consideration of the statutory authority that would be required to enable each alternative funding mechanism and how such authority could be achieved.**

The INEEL CAB recommends that DOE immediately pursue establishment of an adequate and reliable funding source for long-term stewardship activities. Consistent with the draft recommendations (not yet approved or adopted) developed by representatives of ten Site Specific Advisory Boards at a recent workshop in Denver, Colorado, **the INEEL CAB further recommends that DOE make guaranteed funding for stewardship a national priority, removed from the annual Congressional appropriations process, and maintained off-budget.** We agree with the workshop participants that stewardship funds must be protected from the demands of other programs. Stakeholders must be involved in the development of a fair allocation process. To meet these objectives, DOE must develop authorizing legislation for submittal to Congress.

Institutionalization of Long-Term Stewardship. Most of the details of long-term stewardship must, by their nature, be site-specific. However, it is clear that there is an urgent need for the Office of Long-Term Stewardship to continue to draft national policy and provide guidance to sites in developing long-term stewardship plans. **The INEEL CAB recommends that the Office take steps to institutionalize long-term stewardship immediately.** For example, we suggest that DOE issue DOE orders mandating specific requirements and responsibilities for Long-Term Stewardship planning at each site. Suggestions for consideration during development of requirements and responsibilities include those listed in the box titled "Remedy Monitoring Plan" (page 17), the related discussion of "enhanced Remedy Monitoring Plan" further down that page, and the criteria discussed in Section 3.3 (page 18). Specific requirements must include directives regarding public involvement and information management. With the imminent change in the Federal administration, this recommendation is of particular urgency.

Expansion of Long-Term Stewardship throughout DOE. Long-Term Stewardship should not be considered just the next step after cleanup. **The INEEL CAB recommends that the principles and approaches developed by the Office of Long-Term Stewardship be incorporated into all DOE activities, including those under the auspices of other major organizations within DOE, like Nuclear Energy, Defense Programs, etc.** The Office of Long-Term Stewardship should not restrict its support to the Environmental Management Program. DOE should implement the program consistently across all national programs. Long-Term Stewardship should be considered in all life-cycle-planning endeavors. **In addition, Long-Term Stewardship should be emphasized as an essential component of all new programs and facilities as well as ongoing activities.**