

May 30, 2002

Mr. David Geiser, Director  
Office of Long Term Stewardship  
EM-51  
U.S. Department of Energy  
Washington, D.C. 20585

Dear Mr. Geiser:

The Radiation Focus Group of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) has reviewed the *Site Acceptance Criteria for Transfer of Long-Term Stewardship* document. Unfortunately, due to the late receipt of this document, we were unable to meet the May 17, 2002 request date. However, we hope that the Department of Energy (DOE) will still accept our comments, which only represent the views of the Radiation Focus Group, as they have not been endorsed by the larger ASTSWMO membership.

DOE should know that it is with some concern regarding the overall strategy of DOE with respect to Long Term Stewardship (LTS) that we have provided comments. State Managers believe that DOE has built up a great deal of experience and expertise in the area of stewardship, and we are concerned about the Department's recent efforts to divest itself of stewardship responsibilities at DOE sites. We believe that this responsibility legally rests with DOE, and that DOE is in the best position to insure that the institutional controls on these sites remain effective. We could support the use of this document by DOE to determine if a site was ready to be transferred to their Grand Junction office for LTS. We could also support these criteria to decide whether or not DOE will accept FUSRAP sites from USACE into DOE's LTS program. However, at this time we would not support the use of this document to facilitate transfer of DOE property to other federal, State, or tribal agencies. In that regard, we would like to view this document as outlining the requirements that need to be in place for effective stewardship activities, rather than a document designed to facilitate property transfer.

Generally, the Focus Group found the document to be comprehensive and easy to follow. The document could be improved by acknowledging that in many cases DOE sites deal with contaminants that require extremely long stewardship commitments. A few of the specific comments that follow address this issue.



## **Preface**

- 1) On paragraph 1, line 3 the word “of” should be added after “...the transition”.
- 2) The first paragraph notes some possible land uses for the property in question. These land uses may be defined too narrowly. For example, it may be possible to build a residential structure on a property with the proper controls such as capping or (radon) vent systems, depending on the remaining contamination. Rather than specifying land uses in the preface, the document could omit this sentence or generalize it to indicate appropriate risk-based land use.

## **Section I**

- 3) The Focus Group applauds your inclusion of adequate funding mechanisms as a requirement of stewardship agreements, and elsewhere in the document.

## **Section II**

- 4) The description of the site (Section II.A) should include a statement in plain language of how many years the contaminants and associated hazards are expected to persist. (Example for Cs-137: "This land will remain hazardous for 200 years until 2202 AD. After 2202 it is expected that normal radioactive decay will have decreased potential exposures to an acceptable risk level. Until that time the following restrictions apply to the property:...")
- 5) In II.A.7 we are unclear regarding the necessity for a “No Further Action” statement. We would hope that any facility that is being transferred or moved into long-term stewardship would require no further action. All of the required actions should have been completed prior to this time. We suggest that all references to closing facilities be stricken from the document, and believe that it should only apply to closed facilities that have completed the required remediation.

## **Section VII**

- 6) If archives are to be kept more than three or four decades, selected documents should be transcribed into non-technical Standard English with all government and scientific jargon removed. The original version and the transcribed version should be kept in the archive. The paper should be archive quality. A current copy of an English dictionary should be archived with the documents. We have found that words change (for example, “stewardship” as it refers to contaminated sites is a relatively new concept), and that having a dictionary contemporary to the documents might be helpful. The archive should be duplicated in a distant location as well as held near the site.
- 7) The document should also address electronic storage, and require a process for regular software updates, maintenance of the information in a format that is readable by current technology and any other relevant electronic requirements that will insure this information is not lost.

### Section VIII

8) DOE may wish to reconsider the caveat at the beginning of this section that applies only to sites with demonstrated public interest. It has been the experience of states that public interest can develop at any site at any time. The transfer to long-term stewardship, when you are in effect saying, "here is how we are leaving this site" can be a point of increased public interest.

We appreciate the opportunity to review this draft, and would welcome further discussions regarding either this document or the importance of the Department retaining its Long-Term Stewardship responsibilities and functions.

Sincerely,



Jeffrey Deckler, CO  
Chair, ASTSWMO Radiation Focus Group

Cc: Federal Facilities Subcommittee  
Radiation Focus Group