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January 19, 2024

SENT VIA EMAIL

Mr. William “Ike” White
Senior Advisor
Office of Environmental Management
U.S. Department of Energy

Re: Local Government Comments on EM Strategic Vision 2023 – 2033 and Beyond

Dear Senior Advisor White,

Thank you for taking the time to speak with, listen to, and engage with the frontline local governments adjacent to Department of Energy (DOE) sites that have a cleanup mission. ECA is glad to see that several of our recommendations for the last update to the Office of Environmental Management (EM) Strategic Vision have been implemented, such as additional discussion of workforce and the inclusion of environmental justice efforts.

We have also noted that several of the recommendations that we have encouraged for the past three years have not yet been implemented. In some instances, EM is already doing the work and could benefit from highlighting progress in future iterations of the Strategic Vision’s planning and priorities. For example, EM sets the Department-wide standard for community engagement. ECA communities appreciate the continued partnership – the Strategic Vision should highlight this work that EM is already accomplishing in its priorities and action items. By highlighting it, it may also provide guidance for future EM leaders and the contractors that work for EM.

Attached is a detailed outline of our recommendations for the Strategic Vision 2023-2033 and its future updates. As we have discussed, ECA communities play a critical role in the cleanup process and local elected officials have a fundamental responsibility to protect the health, safety, quality of life, and economic future of the community – a responsibility they share with DOE. Given the direct impact of DOE decisions on frontline communities, ECA members continue to recommend that future iterations of the EM Strategic Vision include:

- An outline of opportunities for local government partnership and engagement in DOE decision-making.
- Plans to improve and mitigate environmental justice and climate change impacts in frontline communities hosting and adjacent to DOE sites.
- Commitment to regular interaction with local governments to ensure alignment with communities’ future vision for DOE cleanup sites.
- An annual scorecard to measure progress towards EM goals outlined in the Strategic Vision.

ECA also requests that EM hold a virtual briefing on the updates to the Strategic Vision, as it was helpful last year for reminding all the intergovernmental groups about EM's priorities and provided a further point of engagement with the local, state, and Tribal government leaders.

If you have any questions or would like to discuss any recommendation further, please contact Faith Sanchez by email (faiths@energyca.org) or by phone at (202) 828-2410.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brent Gerry". The signature is fluid and cursive, with a large initial "B" and "G".

Mayor/CEO Brent Gerry
ECA Chair

cc: ECA Board of Directors
Seth Kirshenberg, Executive Director

Local Government Comments on the EM Strategic Vision 2023-2033

The following are Energy Communities Alliance’s comments on the EM Strategic Vision 2023-2033:

I. EM Engagement with Frontline Communities and Opportunities for Partnership



1) The Strategic Vision should identify how EM plans to engage with local governments and communities in cleanup and ensure their involvement in medium- to long-term decision making, and specifically note this engagement under “EM Priorities.”

All sites are cleaned up to a risk level based on community input, acceptance, and understanding; potential future land use; and potential future impacts to the health of frontline communities and the environment. DOE must regularly and directly engage with local governments to have the most current understanding of cleanup issues and their impacts on the community. Community acceptance of the cleanup and the risk issues over a ten (10) year period will define how and whether DOE will proceed with the current cleanup plan at the site.

The Strategic Vision should incorporate community priorities, proscribe regular EM engagement on these priorities, and identify if the established risk level for the cleanup is still

relevant to the community. The document should also identify how DOE managers and officials at the sites themselves will undertake these activities with the local government.

At the Mound site, for example, the community identified the redevelopment of Mound as foundational to its future. Accordingly, all cleanup activities were geared towards ensuring the site would be available for economic redevelopment. However, during the latter stages of cleanup, disagreement occurred over the risk of a historic landfill and the cleanup program at the site changed which changed DOE's plans. Through community organizations, local governments created a forum to work with DOE to jointly identify their interests and develop strategies for accomplishing mutual goals. This engagement with the local community was critical to the ultimate success of cleanup at Mound. This case (and others) demonstrates that cleanups evolve, additional sites and new risks may be identified, and DOE must continue to work with communities to achieve cleanup success.

2) The Strategic Vision should identify the progress that DOE has made with the site workforce meetings and reference the five-year workforce projection plan.

EM worked with EFCOG and ECA on various workforce initiatives. In June EM and EFCOG developed and released a set of workforce projections over the next five years at each cleanup sites. As a result of these projections DOE-EM, EFCOG, and ECA held two community-oriented workforce meetings in 2023 at the Savannah River Site and Los Alamos County. Both initiatives focus on one of EM's most pressing priorities and challenges which is ensuring that the next generation of workers is ready and available.

The Strategic Vision should highlight EM's plans to ensure each EM community has a plan to meet their workforce projection goals that are tailored to their unique site. EM should include plans for more meetings with EM, EFCOG and local officials near other cleanup sites.

3) The Strategic Vision should identify how DOE plans to address disposal solutions for radioactive waste, including prioritizing the use of the high-level waste interpretation and taking action to advance the development of a GTCC LLW disposal facility.

The Department has made significant progress toward the cleanup mission and has demonstrated its ability to safely manage waste over multiple decades. Renewed focus and action are now needed to develop disposal solutions for some of DOE's most pressing waste types, including waste resulting from former spent nuclear fuel reprocessing activities; high-level waste and spent nuclear fuel and Greater-than-Class-C low-level waste. The Department should also focus on developing waste disposal sites, in addition to identifying waste pathways. DOE also needs to take action to ensure sustained engagement and support for communities that could host disposal options. Without such disposal solutions, DOE faces continued delays in addressing one of its largest environmental hazards and financial costs, along with continued delays in completing cleanup activities and impacted relationships with state, local and Tribal governments and engaged stakeholders.

The Strategic Vision should highlight and prioritize EM's plans to develop more efficient and equitable approaches to address the waste management challenges faced today, including the following recommendations:

1. Prioritize Use of the High-Level Waste Interpretation
2. Support and Complete the Consent-Based Siting Process
3. Select and License a Disposal Site for GTCC Waste
4. Support WIPP and Develop and Issue Long-Term, Integrated Plans for Operations
5. Continue to Emphasize Regular, Meaningful Engagement with Communities
6. Provide Technical Assistance to Communities to Address Waste Issues
7. Re-evaluate the Practice of Incentivizing Contractors to Open a Waste Site in the Contracting Process Prior to Obtaining Community Support and Regulatory Approval
8. Maximize the Use of All (Public and Private) Disposal Site Options
9. Create Tools to Show a Community the Impacts of Decisions

ECA's upcoming report, "*Disposal Drives Cleanup: Re-Energizing Momentum for Disposal Solutions for Radioactive Waste*," discusses each of these recommendations in greater detail.

- 4) To facilitate better integration with activities of other DOE offices (especially where another DOE office is the landlord at a site), the Strategic Vision should identify how EM works with other DOE program offices including NNSA, Office of Science, LM, and NE at each site. Especially, under the Cleanup to Clean Energy Initiative.**

As EM looks to the future of cleanup, many parties will be involved and will need to develop working partnerships. For example, at Oak Ridge, the President's past budgets have identified moving the ETTP (former K-25 site) site to LM. However, the collaboration between LM and EM is unknown to the communities at this point as well as how such a transfer would occur (timing, cost, changes in management, etc.). ECA assumes that this may occur in the next 10 years and how EM plans to deal with these types of issues with the site landlords or EM is critically important to the communities as it may impact how the communities look at risk and cleanup levels.

As the Cleanup to Clean Energy Initiative moves forward DOE program offices will be required to work with each other. The five different cleanup sites are managed by a different office as landlord at the site, however, it is important for the public to understand that there is consensus among landlords. We know there is a lot of work at the sites across the offices that are located at a site. The collaboration or sometimes the conflicts that arise should be a focus of management and should be outlined in the Strategic vision as it greatly impacts the success of the mission.

- 5) The Strategic Vision should address how EM can engage local governments in remedy selection in accordance with CERCLA requirements (when requested by the local governments). Similarly, if a site is a RCRA lead, the Strategic Vision should identify mechanisms for increased local government input in remedy selection.**

The Village of Piketon adjacent to the Portsmouth site and other local governments in the area have requested to be involved in remedy selection at the site several times, but have not yet been invited by DOE to engage in the cleanup. For years DOE did not engage the community around Portsmouth to the level that it engaged with other communities around the country. DOE EM has made this community a priority over the past year.

To be inclusive of this frontline community and others, the Strategic Vision should address the importance of how DOE engages and more importantly will engage over the 10-year period with local governments in remedy selection even when not explicitly provided for by law. This issue is regularly raised to DOE but the community, if it does not push DOE and the regulators, is not able to directly engage in the remedy selection with the state, EPA and DOE unless it makes a claim pursuant to [CERCLA Section 120\(f\)](#) at NPL sites or if DOE and the state permit engagement of the community.

II. Improve and Mitigate Environmental Justice and Climate Change Impacts in Frontline Communities Adjacent to DOE Sites

- 6) The Strategic Vision needs to further clarify how EM plans to integrate frontline communities into the Administration’s environmental justice directive.¹ Decisions made at sites during cleanup – such as releasing environmental contaminants into the air, leaving contamination in place, constructing new landfills that are not accepted by the community, or using carbon-emitting energy sources – directly impact frontline communities. The Strategic Vision should also identify how EM will review previously made decisions that impact human health and the environment and the impact on frontline communities.**

ECA has identified in this report and others how to successfully engage with local governments.² We were glad to see the Strategic Vision made mention of environmental justice efforts at EM, but it is important the future of these efforts is clearly laid out and that EM continues to be a champion for disadvantaged communities, as many cleanup sites’ hosts are these very communities. The Strategic Vision therefore needs to plainly lay out EM’s plan for integrating environmental justice issues for frontline communities into its program and for engaging local governments in the process.

- 7) Over the next decade, decisions made about the Natural Resource Damage Assessment (NRD) process will directly impact the cleanup of many DOE sites and specifically frontline communities. The Strategic Vision should identify how DOE will begin to include local governments in Natural Resource Damages discussions.**

¹ Exec. Order No. 14008, 86 Fed. Reg. 7619 (January 27, 2021).

² To read ECA reports on how to successfully engage with local governments, please visit <http://www.energyca.org/publications>.

The communities adjacent to several communities have requested inclusion in NRD discussions between the state, DOE and certain native American tribes and pueblos. In Nevada, for example, the state has already started talks about NRD and local communities do not have a seat at the table for these conversations. The Strategic Vision should identify how local communities will be involved in NRD discussions, as well as the potential costs for NRD over the next decade and how continued cleanup operations will be impacted.

III. Engaging Regularly with Local Governments Based on the Communities' Future Vision for DOE Cleanup Sites

- 8) The Strategic Vision should identify how EM will continue to shrink its footprint to decrease overhead costs and identify (with input from frontline communities) opportunities for the conveyance of land no longer needed by EM to local communities for reuse.**

For example, communities located near the West Valley Demonstration Project have identified land they would like conveyed for reuse. The Strategic Vision should promote the return of unneeded land to local communities (including Community Reuse Organizations) and establish steps for further successful land transfers, such as those that occurred at Oak Ridge, Hanford, and SRS.

- 9) Current cleanup communities should have opportunities to be involved the demonstration of new clean energy technologies and other nuclear projects. Given their existing relationships with DOE, shared infrastructure, and community knowledge, the Strategic Vision should establish how EM plans to coordinate locally with communities to support ongoing economic transition and diversification.**

An example to consider is the ongoing synergy between the Oak Ridge Reservation and Kairos Power, which is investing \$100 million to build its Fluoride Salt-Cooled High Temperature Reactor to demonstrate its capability to deliver low-cost nuclear heat. The project at Oak Ridge will be a redevelopment of a site at the Heritage Center. Efforts such as this should be promoted at facilities across the DOE complex.

- 10) In the coming decade, EM will receive new sites and DOE's mission at certain sites will evolve. DOE will have to manage new long-term liabilities created for frontline communities at these sites. The Strategic Vision should plan for the addition of new sites and direct DOE offices to work to address cradle-to-grave liability issues for local communities.³**

Unexpected issues emerge regularly during the cleanup process. The Strategic Vision should plan to the extent possible for the unexpected and incorporate a framework for addressing these kinds of events.

³ This recommendation may also address DOE's support for the Administration's environmental justice directive.

11) Emerging contaminants, such as PFAS, have been identified at DOE cleanup sites. Some number of these contaminants will require regulation to mitigate potential impacts to the health of communities adjacent to sites. The Strategic Vision should more fully address how DOE will manage the immediate and long-term impacts of these emerging contaminants on local communities.

The discovery of emerging contaminants will continue to be an issue across cleanup sites. While ECA appreciates the mention of these substances in the Strategic Vision, more information should be laid out to verify that these contaminants will be appropriately addressed.

12) The Strategic Vision should clarify how long-term stewardship will be integrated by EM and implemented by LM if land is conveyed to LM. Currently, communities are unsure how EM will integrate long-term stewardship into the cleanup plans for a site, or how the LM will have the capacity to manage large EM sites.

All sites are cleaned up to accepted risk levels, necessitating long-term stewardship measures to protect the health, safety, environment, quality of life, and economic future of the sites' communities. The remedy selection needs to identify the mechanisms and activities of long-term stewardship and ensure that they are in place after cleanup is complete.⁴

An example of an area that shows areas that need improvement in this process is the lack of protocol or policy for emergency responses at previous EM sites that are now under LM. Recently, DOE has had several experiences in Missouri,⁵ Ohio and other states where the response by the federal government can be improved.

ECA would like DOE and other federal agencies that have responsibilities for these former defense facilities to develop a clear process for such responses. ECA is in the process of drafting a letter to Deputy Secretary Turk that outlines this specific issue and provides recommendations.

This letter is a direct response to an incident at the former Mound Site when an explosion occurred from a cylinder that had not previously been known to exist on the site. When the community reached out to DOE their initial response was that they had "transferred the land as is where is" and that it was the community's responsibility to address. It turns out that the item that caused the explosion was an oxygen cylinder that had been buried on the site prior to conveyance and no hazardous materials were known to be released. It fell onto the community to undertake the investigation and following several requests over many weeks, the Office of Legacy Management got involved. They assisted the community in undertaking a ground

⁴ For more information on how DOE should address long-term stewardship, please reference *The Role of Local Governments in Long-Term Stewardship at DOE Facilities*.

⁵ <https://apnews.com/article/nuclear-waste-cancer-st-louis-army-corps-school-9e1ceb765822fc53fcbc2e42005adef2>

clearance search to see if other cylinders existed in the area. The situation made it clear that there is a need for protocol to deal with these issues.

13) The Strategic Vision should include the importance of preserving historic sites and remembering the past after LM becomes their landlord.

EM announced an initiative that would focus on the preservation of historic sites, museums, national parks, and others. The Atomic Legacy Preservation Network (ALPN) is incredibly crucial to ensuring that the public and communities remember the history surrounding these sites. Highlighting this initiative is critical in building understanding among the public that showcases how so many communities across the nation have participated not only in the Manhattan Project, but alongside other nuclear weapons productions in the U.S. and legacy of those efforts.

IV. Create an Annual Scorecard to Measure Progress towards EM Goals Outlined in the Strategic Vision

14) The Strategic Vision provides a roadmap for EM planning and priorities, the success of which should be measured. EM should develop an annual scorecard to demonstrate progress made towards the stated goals and to identify areas for program improvement.

ECA worked with EM to develop an appropriate annual scorecard. However, we did not see it this year. We think that EM continuing identifying the priorities and the accomplishments are helpful for the short and long-term goals.

15) Local communities and governments at DOE sites want to ensure adequate funding will be available for their programs. The Strategic Vision should address how progress will be made on priority items in the event requested funding levels are not fully met.

The Strategic Vision encompasses a decade of budget requests. The document should ensure there are mechanisms to engage with impacted frontline communities when budget expectations are not met during this timeframe.