

## **The Benefits and Opportunities of Implementing DOE's Public Participation Policy by Working with Intergovernmental and Stakeholder Groups – 10044**

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### **ABSTRACT**

Since its inception in 1989, the U.S. Department of Energy's (DOE's) Office of Environmental Management (EM) has worked with numerous intergovernmental associations and stakeholder groups in an effort to reach out to affected states, tribes, local governments, and community groups. In recent years, EM's Office of Public and Intergovernmental Accountability has consolidated the coordination of these groups through one office, with a goal of ensuring proper implementation of the Department's Public Participation Policy. EM works closely with these and other groups through regular meetings and communications.

Much of this collaboration stems from the Federal Facilities Environmental Restoration Dialogue Committee (FFERDC). By structurally involving key stakeholder groups in the EM program, EM fulfills many of the recommendations of the FFERDC, which, over a decade ago, recommended greater public participation and capacity building for state, local, and Tribal governments. Over the years, this collaboration has led to a number of tangible benefits to both the organizations involved as well as to EM, including fewer misunderstandings and more collaborative solutions to problem-solving. In the future, EM will likely seek out additional stakeholders at the remaining sites to expand its universe of partners.

### **INTRODUCTION AND HISTORY**

When DOE-EM was created in 1989 to centralize responsibility within DOE for environmental management activities, the Department was moving from an era of classified nuclear weapons production to one of site cleanup and stakeholder openness. At that time, EM began to recognize that progress toward cleanup would depend upon commitment, innovation, and collaboration with the affected states, local, and Tribal governments, as well as surrounding communities.

#### **Pre-Federal Facility Compliance Act (FFCA) Interaction with Stakeholders**

In March 1989, Secretary of Energy James D. Watkins outlined his vision for a changed DOE culture, which included increased public knowledge and involvement in environmental management, a new openness to public input, and overall accountability for cleaning up its waste. In April, ten governors wrote a letter to Secretary Watkins to express their concerns regarding the management, cleanup, and disposal of radioactive and hazardous chemical wastes at DOE facilities within or adjacent to their states boundaries. In May, Secretary Watkins invited each governor to appoint a representative to participate in the planning process for the Department's Five-Year Plan [1] through membership in a State and Tribal Government Working Group (STGWG). The Secretary also invited representatives from the Yakama Indian Nation, the Shoshone-Bannock Tribes, the National Governors Association (NGA), the National

Conference of State Legislatures (NCSL), and the National Association of Attorneys General (NAAG) to participate as part of STGWG.

STGWG first met in June 1989 and proved to be a useful sounding board for the newly-created EM. STGWG provides a way for EM to interact directly with affected states and Tribes without contacting each of them individually. In addition, STGWG allowed states and Tribes to apprise each other on the status of sites in their individual states.

### **Post-FFCA Intergovernmental Involvement**

During the early 1990s, STGWG provided advice and consultation to DOE, promoting the establishment of a comprehensive national program for the cleanup of all EM facilities, and for the stable long-term funding required to support such a program. In 1992, the nature of this interaction would change by the passage of the FFCA [2].

When the FFCA was signed into law on October 6, 1992, it established a three-year period during which EM facilities storing mixed waste (i.e., waste that is both radioactive and chemically hazardous) were required to negotiate “site treatment plans” with states for the management of this waste. Congress mandated that all of these plans be approved and enforced by their respective states, and the FFCA explicitly waived federal sovereign immunity, which had previously been applicable to the federal government with regards to Resource Conservation and Recovery Act (RCRA) requirements. The FFCA exposed federal facilities to state regulations, and allowed states to issue fines and penalties if the Department failed to make a good-faith effort to meet negotiated timetables. Thus, states moved from acting as a sounding board for EM to having actual enforcement authority against EM.

Immediately following the passage of the FFCA, EM and the states saw the need for high-level collaboration to understand the scope of the cleanup issues and to develop legally-binding site treatment plans. Because both states and EM needed to understand the situation at individual sites, as well as the role all involved states play in the overall nationwide cleanup, DOE began to work with national organizations in an effort to maximize collaboration and coordination.

In 1993, EM initiated grants and cooperative agreements with the NGA and NAAG. NGA established the Federal Facilities Compliance Act Task Force (later renamed the Federal Facilities Task Force (FFTF)), which included Governor-designated members to represent each state affected by sites in the EM complex. NAAG established the NAAG-DOE Workgroup, which focused on developing the legally-binding compliance agreements at each site. In addition, DOE began working with the Western Governors Association (WGA) and the Southern States Energy Board (SSEB) on waste transportation issues.

The passage of the FFCA had a significant effect on EM’s interaction with the states. While the legislation provided states with legal authority over site treatment plans, EM moved beyond basic involvement to a high level of cooperation and openness with state government groups. EM relied on these groups to coordinate with all affected states and work together to understand the data and issues involved in cleaning up the entirety of the weapons complex.

The movement of waste is a big equity issue among the states, and EM knew that state regulators could help them design the principles necessary to move waste across state lines. There appeared to be a large disconnect concerning what waste the sites thought they were sending and what waste other sites that thought they were receiving. The state associations agree that, generally, EM erred on the side of providing too much information rather than limited the flow, giving states access to all the analyses of waste and transportation at the sites. The state government groups acted as an honest broker of information, analyzing the data and assisting in waste categorization.

Over the next few years, the open flow of information provided the development of site treatment plans for all sites as well as the negotiation in 1995 of approximately 48 cleanup agreements between states and DOE.

### **Expansion of Interaction to Other Intergovernmental Groups**

With EM's early work with states and Tribes through STGWG, and the expansion of involvement from other state groups such as NGA and NAAG, the Department was in a good position to establish the Congressionally-mandated site treatment plans. But as cleanup began and focus turned to the waste management programmatic Environmental Impact Statement (EIS), other stakeholders began to emerge. Once again, EM turned to a variety of intergovernmental groups to capture additional involvement.

In the mid-1990s, EM established connections with local government groups, including the International City/County Management Association (ICMA) and the Energy Communities Alliance (ECA). Eventually, in 1998, EM entered into a cooperative agreement with ECA that would allow local government officials near sites across the complex to participate in the process with states and Tribes.

EM also began working more closely with NCSL. NCSL represents elected state legislators and administers the STGWG program. EM felt that elected state officials could contribute to the dialogue and would make a valuable partner in the process.

In 2002, EM established a grant with the Environmental Council of the States (ECOS), an organization consisting of all the environmental commissioners of the fifty states. ECOS provides technical expertise to EM on a variety of issues.

### **Collaboration through Advisory/Dialogue Committees**

Another factor fueling DOE's push for collaboration was the Department's involvement in a variety of advisory and dialogue committees. In 1992, as DOE began its search for mechanisms to improve collaboration, the Department joined in a federal dialogue to explore greater involvement to address such issues as cleanup levels, future use, and safety on the site. The Keystone Center, a non-profit environmental conflict-management group, convened the Federal Facilities Environmental Restoration Dialogue Committee (FFERDC) [3] among representatives of federal government agencies; state, Tribal and local governments; and regionally and locally based environmental, community, environmental justice, Native American and labor

organizations. The goal was to develop consensus policy recommendations aimed at improving the process by which federal facility environmental cleanup decisions were made. The Environmental Management Site-Specific Advisory Board (EM SSAB) [4], which provided the community a voice at EM sites, was one result of this effort. The EM SSAB was established under the regulations of the Federal Advisory Committee Act (FACA) and was developed to involve stakeholders more directly in DOE EM cleanup decisions through eight local Boards under the EM SSAB umbrella charter.

But the FFERDC report also called for a much broader involvement than only the EM SSAB. One of the recommendations included improved capacity building for state, local, and Tribal governments. It recommended that states, as protectors of human health and the environment, continue to provide guidance and assistance to federal agencies; to continue government-to-government relationships with Tribes; and to allow local governments to have the opportunity to engage in a direct consultative relationship with regulated agencies and with federal and state regulators.

In addition, in 1992, DOE participated in the Federal Advisory Committee to Develop On-Site Innovative Technologies for Environmental Restoration and Waste Management (DOIT Committee). The DOIT Committee consisted of four federal agencies (DOE, the US Department of Defense (DOD), the US Department of the Interior (DOI), and the US Environmental Protection Agency (EPA)) as well as four governors from the WGA and a number of ex-officio members. The DOIT Committee established a number of work groups aimed at developing community acceptance, regulatory streamlining, and more efficient and effective technologies.

Participation in the FFERDC and the DOIT Committee helped to provide the blueprint by which the EM program would continue to involve intergovernmental groups as part of its overall work processes. These committees also help set the tone and standards by which EM would establish the Office of Public and Intergovernmental Accountability.

### **EM's Office of Public and Intergovernmental Accountability**

In the early 1990s, as way to coordinate the collaboration between stakeholders and DOE, EM created the Office of Public and Intergovernmental Accountability. The mission of this office is to develop guidance and ensure implementation of the Department's Public Participation and Community Relations Policy (DOE Policy 141.2) [5] (see Text Box 1) and the Department's American Indian and Alaska Native Policy (DOE Order 1230.2). As such, the Office coordinates EM's interactions with intergovernmental groups, advisory boards (e.g., the EM SSAB and the Environmental Management Advisory Board (EMAB)), tribal nations, and other affected entities and stakeholders.

By consolidating the coordination of public and intergovernmental groups through one office, EM has been able to ensure proper implementation of the Department's Public Participation and Community Relations Policy, which is intended to ensure that public participation and community outreach are integral and effective parts of EM activities and that decisions are made with the input of significant public perspectives. One of the mechanisms for bringing a broad

range of stakeholder viewpoints and community values into EM's decision-making early in the process has been the coordination of the intergovernmental and stakeholder groups.

**Text Box 1: DOE's Public Participation and Community Relations Policy (DOE Policy 141.2)**

DOE issued its Public Participation and Community Relations Policy (DOE P 141.2), on May 2, 2003 (which replaced DOE Policy 1210.1, Public Participation, dated July 29, 1994). The policy states that "public participation is a fundamental component in program operations, planning activities, and decision-making within DOE," [2] and applies to all levels and programs of the DOE. Implementing this policy is a performance element for DOE managers.

EM's Office of Public and Intergovernmental Accountability is tasked with implementation of this DOE Policy for EM. This Policy is intended to ensure that public participation and community outreach are integral and effective parts of DOE activities and that decisions are made with the benefit of significant public perspectives. This policy provides a mechanism for bringing a broad range of stakeholder viewpoints and community values into DOE's decision-making early in the process. The Policy promotes early involvement which "enables DOE to make more informed decisions and build mutual understanding and trust between DOE, the public it serves, and the communities which host its facilities."

The goals of the DOE Public Participation and Community Relations Policy include:

1. Identify stakeholders, consider public input, and incorporate or otherwise respond to the views of its stakeholders in making decisions;
2. Inform the public in a timely manner and empower the public to participate at appropriate stages in DOE's decision-making processes; and
3. Incorporate credible, effective public participation processes, including active community outreach into DOE operations.

## **CURRENT WORK WITH THE INTERGOVERNMENTAL GROUPS**

EM's Office of Public and Intergovernmental Accountability continues to partner with five intergovernmental groups<sup>1</sup> to coordinate with state, local, and Tribal professional associations to reach out to as many stakeholders as possible. By coordinating with national associations, EM is able to allow information to cascade to almost every governmental stakeholder at all of its sites. EM's current intergovernmental grants and cooperative agreements<sup>2</sup> are:

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<sup>1</sup> These do not include the grants that the Office of Packaging and Transportation has with the WGA, SSEB, and other groups on waste transportation issues. Nor does it include the various grants that EM provides to individual educational institutions, community groups, states, Tribes, local governments, and others.

<sup>2</sup> Since NCSL houses STGWG, and the two groups' memberships are separate, there are actually six intergovernmental groups that EM works directly with through five grants and cooperative agreements.

1. The National Conference of State Legislatures (NCSL)
2. State and Tribal Government Working Group (STGWG) (which is administered under the NCSL grant)
3. The National Governors Association (NGA)
4. The National Association of Attorneys General (NAAG)
5. Energy Communities Alliance (ECA)
6. The Environmental Council of the States (ECOS)

## **NCSL**

NCSL is a bipartisan organization that serves the legislators and staffs of the nation's 50 states, its commonwealths and territories. NCSL provides research, technical assistance and opportunities for policymakers to exchange ideas on the most pressing state issues. The leadership of NCSL is composed of legislators and staff from across the country. EM established a cooperative agreement with NCSL in an effort to reach out to state elected officials across the country. NCSL also provides administrative support to STGWG, but the membership between these two groups is completely different. NCSL represents state legislators while STGWG is made up of state and Tribal officials.

One of NCSL's key activities for state legislators is the EM Legislative Roundtables, which provide EM the opportunity to engage state legislators in a meaningful dialogue on EM-related issues. EM provides detailed and current information while answering questions and addressing concerns that state legislators or their constituents may have regarding the facilities in their states. These Roundtables provide EM access to key legislators who, in the past, have had little direct interaction with Department officials. While the sites may have relationships with their local legislators, this cooperative agreement allows EM to build relationships with legislative chairmen and legislative leaders. The Roundtables allow EM to reach legislators from several states at one time and allow other legislators to learn how other states are dealing with similar issues. Past roundtables have focused on issues such as the accelerated cleanup plan, low-level waste (LLW) and mixed low-level waste (MLLW) disposal options, long-term stewardship, and transportation issues.

NCSL also provides state briefings on specific issues as well as short issue briefs written and distributed to state legislators. Under the cooperative agreement, NCSL researches, writes and publishes concise educational briefing material for distribution to all legislators and legislative staff in the affected states. Topics for briefing papers have included issues such as the status of the Waste Isolation Pilot Plant (WIPP), the protection of cultural resources, long-term stewardship, transportation routes and disposal sites for DOE-generated wastes, emergency planning and preparedness for DOE shipments, and other topics of interest to state policymakers.

## **STGWG**

NCSL also houses STGWG, which is composed of policy-level representatives of states and Tribes that host DOE facilities or are otherwise impacted by contamination from or activities at a DOE facility. STGWG state representatives are appointed by and represent the governors of member states, while STGWG Tribal representatives are appointed by the governing bodies of

their respective Tribes. STGWG also includes representatives from various national associations of government officials, appointed in accordance with the procedures of their respective associations.

STGWG provides a unique forum in which Tribal government representatives interact with each other, state representatives, and DOE officials on EM issues. Through this historic partnership and coordination, DOE strengthens its commitment to ensure that Tribal rights and interests are identified and considered in pertinent decision making.

STGWG holds two meetings per year, often near DOE facilities, and their members are provided a tour of the hosting facility. STGWG also produces various reports (including *Closure for the Seventh Generation (1999)* [6], a summary of long-term stewardship issues) and acts as a sounding board for EM on issues such as the Department's Indian Policy; the development of the Department's Cultural Resource Management Policy; and transportation issues (such as the development of the Transportation External Coordination Working Group).

## **NGA**

NGA is the bipartisan organization of the nation's governors, and its non-lobbying and research arm, the NGA Center for Best Practices, is tasked with developing and implementing innovative solutions to public policy challenges. Since 1993, EM has had a cooperative agreement with the NGA Center for Best Practices to create the Federal Facilities Task Force (FFTF) to work with states hosting weapons production and research facilities to aid them in discussing and negotiating waste and disposal issues among themselves and with EM. The Governor from each affected state appoints two members to the FFTF, usually one policy expert and one technical expert.

EM's work with the FFTF led to the successful negotiation in 1995 of approximately 48 cleanup agreements between states (or EPA) and DOE. This cooperative agreement provides an opportunity for continuing dialogue on waste treatment, nuclear materials disposition, and waste disposal options. Project activities revolve around twice-yearly FFTF meetings that are open to federal and state regulators and deal with topics such as treatment and disposal of mixed, low-level, and transuranic waste and disposition of nuclear materials; long-term stewardship of sites; DOE budget requests and their effect on environmental cleanup and compliance at DOE facilities; and interstate waste and materials shipments.

The cooperative agreement allows EM to improve coordination of major program decisions with Governors' offices and state regulators to ensure such decisions are fully explained and garner the understanding of critical political and regulatory interests. The FFTF engages in a number of activities to achieve its objectives, including bi-annual meetings of members and senior EM staff, monthly conference calls and webinars to discuss key issues, and developing Issue Briefs, white papers and reports (e.g., *Cleaning Up America's Nuclear Weapons Complex: An Update for States (2008)* [7]).

## NAAG

NAAG is a membership organization of the Attorneys General of the 50 states and the chief legal officers of the District of Columbia and the U.S. Territories. The Attorneys General play a key role in ensuring compliance of cleanup efforts with consent orders, court decrees, environmental statutes and regulations at DOE facilities. NAAG was uniquely qualified to facilitate the development of the original compliance agreements in the late 1990s and has been well-suited to facilitate communication and coordination among EM and the chief legal officials for the states.

Through a grant agreement, EM has sponsored the NAAG DOE Workgroup, composed of Assistant Attorneys General and key EM staff to discuss current regulatory and statutory enforcement/compliance issues. The DOE Workgroup helps to provide a forum to share legal interpretations with regard to state and federal laws and regulations regarding cleanup requirements and long-term stewardship. The DOE Workgroup also allows the Attorneys General to learn the in depth reasoning behind DOE policies and legal positions before the issues are elevated to litigation (e.g., budget matters); to influence DOE policy in emerging areas, in order to minimize conflict and maximize environmental protection (e.g., discussion of natural resource damage options); and the opportunity to eliminate recurring minor but potentially harmful disagreements over small issues (e.g., development of the protocol for sharing radionuclide data at sites in the cleanup process).

NAAG's DOE Workgroup engages in a number of activities to achieve its objective, including annual or bi-annual meetings of the Workgroup members; conference calls between DOE officials and Workgroup members; and various projects and white papers. NAAG has produced a number of quality publications including on a number of issues, including Natural Resource Damage Assessments at DOE sites [8].

## ECA

ECA is a non-profit membership organization consisting of local officials, both elected and appointed (e.g., mayors, city councilmen, city managers), that represent communities that host EM sites. ECA maintains an active lobby on Capitol Hill for issues affecting its members. Since establishing the ECA cooperative agreement in 1998, EM realized the benefits of involving local government leaders in the decision-making process. ECA provides EM with a connection to local officials across the country.

EM has worked with ECA to develop a series of highly successful "Peer Exchange Programs." The program brings together ECA members from various communities to discuss common issues and to share with each other their experience and knowledge about the unique problems, opportunities, and benefits that present themselves because of the presence of DOE weapons-related sites. ECA has sponsored over a dozen such meetings on subjects such as emergency response, transportation of nuclear waste, land use issues, and long-term stewardship policies. DOE officials are encouraged to participate to present the Department's perspective as well as to hear the views of the local officials. This has provided EM with a valuable opportunity to make its case to local officials as well as to learn of their concerns before obstacles can emerge to EM's mission.



ECA holds twice yearly meetings and maintain an e-newsletter, *ECA Bulletin*, which is widely read within the weapons complex community. ECA also produces reports (e.g., *The Politics of Cleanup* [9]), studies and white papers on various issues relating to the complex or to DOE policy decisions.

## **ECOS**

ECOS is the national non-profit, non-partisan association whose membership consists of all the environmental commissioners of the 50 states. ECOS provides a direct link between EM and the heads of the various state environmental agencies. Through a grant agreement, EM supports the ECOS Federal Facility Forum, which addresses issues involving federal facilities at sites across the EM complex.

ECOS' Federal Facilities Forum was created in the spring of 2004. The Federal Facilities Forum allows ECOS members the opportunity to interact with multiple federal agencies, including DOE-EM, regarding federal facilities. Over the past two years, the Forum has been the catalyst for work related to long-term stewardship, emerging contaminants, and DOE-specific issues such as mercury storage, emerging contaminants in groundwater, and institutional controls. ECOS provides EM with a more technical understanding than most of the other intergovernmental groups.

## **The Combined Intergovernmental Meeting Brings all the Groups Together**

In 2003, EM sought to bring together all the intergovernmental groups in a single forum to enhance collaboration and cooperation. These meetings have been a huge success, and the groups have held a meeting every year since 2003. Senior EM officials have been able to present information to all state, local, and Tribal government officials (both elected and appointed) and receive input from each of these groups on a variety of issues. In addition, the intergovernmental groups interacted among themselves, communicating information during small breakout groups and sharing their unique perspectives. Representatives from other groups, such as the EM SSAB, and the Alliance for Nuclear Accountability (ANA), as well as federal officials from other agencies, such as DOI and EPA, have also been invited to attend.

In order to follow-up from action items developed at the meeting, the groups created the Combined Intergovernmental Working Group (CIWG). The CIWG consists of two members of each of the five intergovernmental groups along with representatives from EM. The CIWG hosts regular calls to relate new ideas and information among the groups, as well as to plan the next Combined Intergovernmental Meeting.

## **BENEFITS OF WORKING WITH THE INTERGOVERNMENTAL GROUPS**

Although it is difficult to say that any single grant or cooperative agreement with the intergovernmental groups resulted in a specific major accomplishment, it is safe to say that EM's enhanced relationships with states, Tribes, and local governments has contributed to a number of achievements. These accomplishments include the development of site treatment plans for all

sites, the accelerated cleanup and successful closure of three major sites, the creation of a transuranic waste disposal facility, and the creation of a waste tracking system to name a few.

Each of these achievements is due, at least in part, to working with stakeholder groups and avoiding potential conflicts through information exchange. It is conceivable that greater access to the Department by more stakeholders has led to fewer misunderstandings and more collaborative solutions to problem-solving. Stakeholders raise problems and issues of concern to EM, which can often be resolved more quickly and less litigiously.

As mentioned earlier, EM worked collaboratively with the states immediately following passage of the FFCA. By working cooperatively and intensively over the three-year period specified by Congress to develop site treatment plans, EM showed that working with intergovernmental groups could, in fact, have tangible beneficial results. As a result of this collaboration, the required Site Treatment Plans were successfully approved by states and DOE, and a model for collaboration was demonstrated that continues to this day.

Another example of how collaboration was beneficial to both DOE and the regulators occurred in 2001 when Secretary of Energy Spencer Abraham ordered a Top-to-Bottom Review of the EM program [10]. This review would substantially influence DOE's fiscal year 2003 budget request. As a result, EM formed Integrated Project Teams to carry out a number of the Review's recommendations. The intergovernmental groups, in particular the NGA's FFTF, partnered with three of the Integrated Project Teams with particular relevance to the states. This process was guided by the "Ground Rules for Communicating in a Climate of Confidence" that enabled states and DOE staff to discuss "pre-decisional" information and share concerns about what approaches might be most effective in accomplishing the cleanup goals. Another outcome of the Top-to-Bottom Review was that DOE worked with states to prepare "performance management plans," which outlined site-specific strategies for accelerating cleanup and reducing overall cleanup costs. State regulators worked with EM to make modifications to cleanup agreements which supported the accelerated approach.

This approach allowed EM to better manage the accelerated cleanup of the Fernald, Mound, and Rocky Flats sites. Since the plan involved shifting budgetary priorities to a limited number of sites in order to speed cleanup and close those sites, which could save funding in the future, intense information sharing and negotiations with the intergovernmental groups was essential. EM met with all of the stakeholder and regulator groups to ensure the success of this plan.

Over the years, partnerships with the intergovernmental groups have provided EM with a sounding board to evaluate new ideas and programs as well as a check to ensure EM's work remains at its highest quality. This had led to the aforementioned successes that states, local, and Tribal governments can rightly claim credit for their contributions.

## **THE FUTURE OF THE DEPARTMENT'S PUBLIC PARTICIPATION POLICY**

The Department's work with the intergovernmental groups has been institutionalized within EM and is anticipated to continue for years to come. The future of the Department's Public Participation Policy and its work with intergovernmental and stakeholder groups will be affected

largely by the closure of DOE sites around the complex. As more and more sites are closed and transferred from EM to Legacy Management, the number of states, local governments, tribes, and communities affected by cleanup will decrease.

Nevertheless, EM will likely seek out additional stakeholders at the remaining sites to expand its universe of partners. EM has increased the number of intergovernmental groups directly involved over time, from originally only selected Tribes and state regulators, to local government officials, state attorneys, and others. As more intergovernmental groups are identified, EM is likely to increase the number of stakeholder organizations structurally involved in EM.

For example, the success of the EM SSAB has helped bring community values to EM decision-making processes at its various sites, with their different cleanup challenges and community dynamics. Many of their recommendations have proven highly effective in redirecting EM efforts and have been critical to EM's successes in recent years. It is conceivable that EM will continue to expand its work with community organizations by establishing grants or cooperative agreements with them. Unlike the EM SSAB, these grants or cooperative agreements would not be bound by the regulations of FACA, which would allow for more flexibility in the activities of the community organizations.

In addition, given the trend toward the convergence of commercial waste and DOE-responsible waste, EM might consider involving the commercial sector in its work with the intergovernmental groups. In discussions involving waste disposal and storage from sites across the complex, commercial facilities play a key role. While it is unlikely that EM would enter into cooperative agreements with commercial trade associations, they might be a good partner at future intergovernmental meetings.

The future appears ripe for increased collaboration between EM and regulators and stakeholders through the intergovernmental groups. As American Recovery and Reinvestment Act (ARRA) requirements open EM to greater transparency in its operations, the intergovernmental groups may play a greater role in evaluating these operations and working collaboratively with EM on future projects.

## **ACKNOWLEDGEMENTS**

The author would like to thank the following individuals for providing detailed information on the history and nature of the intergovernmental groups:

- Jerry Boese, Senior Associate, Ross and Associates Environmental Consulting, Ltd (lead contractor to NGA's FFTF)
- E. Douglas Frost, DOE-EM Office of Public and Intergovernmental Accountability (retired)
- Cindy Kelly, President, Atomic Heritage Foundation (formerly Director, DOE-EM Office of Public and Intergovernmental Accountability)
- Seth Kirshenberg, Executive Director, ECA
- William Murphy, Program Manager, e-Management, Inc.

- Melissa Nielson, Director, DOE-EM Office of Public and Intergovernmental Accountability
- Albert Brandt Petrasek, DOE-EM Office of Public and Intergovernmental Accountability

## **REFERENCES**

1. U.S. DOE, “Environmental Restoration and Waste Management Five Year Plan, Fiscal Years 1994-1998,” Government Printing Office (January 1993).
2. Federal Facilities Compliance Act, Pub. L. No. 102–386, Sec. 107, 106 Stat. 1513 (1992) (amending RCRA Sec. 3004, 42 U.S.C. Sec. 6924).
3. Final Report of the Federal Facilities Environmental Restoration Dialogue Committee (FFERDC): Consensus Principles and Recommendations for Improving Federal Facilities Cleanup” (April 1996).
4. M. NIELSON and C. ALEXANDER BRENNAN, “DOE’s Environmental Management Site-Specific Advisory Board”, DOE-EM (2009).
5. DOE P 141.2, Public Participation and Community Relations (Approved: May 2, 2003).
6. State and Tribal Governments Working Group Stewardship Committee, Closure for the Seventh Generation (February 1999).
7. D. BORAK, et. al., Cleaning Up America’s Nuclear Weapons Complex: An Update for States, National Governors Association Center for Best Practices (2008).
8. Web Resources: [http://www.naag.org/federal\\_facilities\\_activities.php](http://www.naag.org/federal_facilities_activities.php)
9. S. KIRSHENERG, et. al., The Politics of Cleanup, Energy Communities Alliance, Inc. (2007).
10. U.S. DOE, A Review of the Environmental Management Program, presented to the Assistant Secretary for Environmental Management by the Top-to-Bottom Review Team (February 4, 2002).