



Department of Energy

Oak Ridge Operations Office
P.O. Box 2001
Oak Ridge, Tennessee 37831—

July 23, 2004

Mr. Dave Mosby, Chairman
Oak Ridge Site Specific Advisory Board
Post Office Box 2001, EM-91
Oak Ridge, Tennessee 37831

Dear Mr. Mosby:

RESPONSE TO OAK RIDGE SITE SPECIFIC ADVISORY BOARD RECOMMENDATIONS AND COMMENTS

This letter is in response to the June 10, 2004, request by the Oak Ridge Site Specific Advisory Board (ORSSAB) that the Department of Energy include your comments in its revision of the *Public Involvement Plan for CERCLA Activities at the U.S. Department of Energy Oak Ridge Reservation*.

Enclosure 1 is the comment resolution table to demonstrate how each of your comments has been addressed. Thanks to your knowledgeable and pertinent input, we have greatly improved the document since its previous update three years ago.

The plan in its current form, also enclosed (2), has been transmitted for review and approval to the Tennessee Department of Environment and Conservation and the Environmental Protection Agency. Once they have completed their review, we will widely distribute copies of the approved plan to the local organizations and members of the public known to be interested in this work.

Thank also for your active participation and assistance in the production of this Federal Facility Agreement (FFA) primary document.

Sincerely,

A handwritten signature in black ink, appearing to read "D.G. Adler for".

David G. Adler,
SSAB Ex-Officio
FFA Program Manager

Enclosures (2)

cc w/enclosures
Sandra Waisley, SSAB DFO

Resolution of Comments on Public Involvement Plan

Comment	Resolution
<p>Page 1. This page states that operational waste management is not covered, but the graphic on the next page seems to indicate that it is. (Lorene)</p>	<p>No Change: It is believed that the last sentence on page one addresses this issue very clearly. Although the EM program manages the operational waste program (graphic on page 2) the scope of the document only addresses those addressed by the FFA (last sentence on page 1).</p>
<p>Page 5, last bullet. The sentence indicates the existence of more than one DOE Information Center, but there is only one in Oak Ridge (ORSSAB)</p>	<p>Text reworded to clarify.</p>
<p>Page 6. Reference the fact that ORSSAB formed the Stewardship Working Group, and spell out SWG to avoid unnecessary abbreviations. (ORSSAB)</p>	<p>Suggested change made.</p>
<p>Pages 6-8. Some reviewers were confused about why the timeline stopped at 2000, so it may be helpful to reconsider the layout of this section. Omitting the empty leaf in the graphic on page 6 and changing the headline on page 7 to “Public Involvement During the Years of 2001-2004” may aid comprehension. (ORSSAB)</p>	<p>Headline changed.</p>
<p>Page 8. After “2000,” add “and now serves as the interim Citizen’s Board for Stewardship.” (OREJC)</p>	<p>The following wording will replace the last paragraph on page 8. “Today, the ORSSAB Stewardship Committee continues to work on crucial long-term stewardship issues. Major concerns include integration of long-term stewardship with remediation decisions, application of the Long-Term Stewardship Strategic Plan, and the development of a Long-Term Stewardship Implementation Plan. The committee also serves informally as a Citizens’ Board for Stewardship and will continue to do so until the ORSSAB completes its mission and is disbanded. At that time, it is anticipated that a formal Citizens’ Board for Stewardship will be constituted.”</p>
<p>Page 8. After “disbanded,” add “at which time a permanent Citizen’s Board for Stewardship will be appointed.” (OREJC)</p>	<p>See note above</p>
<p>Page 8. Insert following text at end: “The Committee serves informally as a citizens board for stewardship, and will continue to do so until the ORSSAB completes its mission and is disbanded. At that time, it is anticipated that a formal citizens board for stewardship will be constituted.” (Lorene)</p>	<p>See note above.</p>

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<p>Page 9. It should be made clear that the East Tennessee Technology Park has no future DOE mission after cleanup. In the last sentence of first paragraph of “The Oak Ridge Reservation Today,” modify the statement “The Reservation is separate from Oak Ridge commercial and residential areas.” ETTP contains commercial operations and is part of the Reservation as well as the city of Oak Ridge. Please verify the acreage of the Reservation. (ORSSAB)</p>	<p>Added the following wording:</p> <p>“The Reservation is for the most part separated from the Oak Ridge commercial and residential areas. There currently exist a few private commercial industries within the Reservation: at the ETTP site, along the Bethel Valley Road, and Bear Creek Road.”</p> <p>33,749 acres of fee title actual acreage. May be better to put ~34k acres since this amount will probably change within the next 3 year.</p>
<p>Page 10: Use a map that shows the Oak Ridge city limits (ORSSAB)</p>	<p>Replaced with map showing Oak Ridge city limits.</p>
<p>Use remediation instead of cleanup (general references throughout); this is a more accurate description. (Lorene)</p>	<p>Suggested change made where appropriate.</p>
<p>Page 11. The section “Appendixes E and J to the Federal Facility Agreement” should mention that Appendix E projected milestones are enforceable. Please add the Web address to the sentence “Both appendixes are kept updated on the Web . . .” (ORSSAB)</p>	<p>“... E provides the projected enforceable milestones agreed...”</p> <p>http://www.bechteljacobs.com/ettp_ffa.shtml</p>
<p>Page 11. The Cleanup Strategy section is confusing. Mentions five watersheds, three general cleanup areas. We recommend rewriting this section to clarify the distinction. Include substantial discussion of Accelerated Cleanup. (ORSSAB)</p>	<p>Section rewritten per recommendation.</p>
<p>Pages 11-12: It is not readily apparent why the recent accomplishments listed are important. It would strengthen this section to add text to Cleanup Strategy discussing why some of these actions are significant (e.g., building removals save money on S&M costs; hydrological isolation reduces risk to human health and the environment). Add text on how to get information about these projects for readers who want to learn more. (ORSSAB)</p>	<p>Added text to Cleanup Strategy and also added text at the top of each section of recent accomplishments (ETTP example below):</p> <p>ETTP</p> <p>Recent Accomplishments:</p> <p>Within the fenced area of ETTP, two significant efforts are underway: the demolition of the buildings to clear the way to dealing with the soil/groundwater contamination and the characterization/negotiation efforts to determine the cleanup goals for the site. Outside of the fence, a soils ROD has been signed and remediation is poised to begin. The following recent accomplishments support these two objectives:</p>

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<p>Pages 13-19: Move maps to appendix. Use text at beginning of the appendix to explain the data contained in the maps and its importance to the cleanup program and public involvement. Explain in general terms the scope of change between the “current state” and “projected end state” diagrams. All the maps should be placed one to a page and enlarged. (ORSSAB)</p>	<p>Maps moved to an appendix and text added at the beginning. For clearer visual reference of the current and projected end state comparison, the two maps for each area have been maintained on one page.</p>
<p>Page 22: The groundwater remediation discussion in “Key Challenges . . .” raises questions for readers new to the Environmental Management Program: What are the restrictions? Where are they? Where can I get more information? We suggest additional text on how to get information for the benefit of readers. (ORSSAB)</p>	<p>“Use restrictions are already in place where contaminated groundwater has migrated off-site into Union Valley (Union Valley Groundwater ROD – 1997) on the east side of the Y-12 Complex.”</p> <p>Add a new bullet to the preface:</p> <ul style="list-style-type: none"> • To provide access to the public to all available information concerning the cleanup initiatives, the administrative records of actions being considered or decided, and a place where questions can be asked. (DOE Information Center)
<p>Page 22: In “Participation in Regulatory Reviews,” tell where the RER is available. The first sentence states “The reports are issued for public review and historically have generated substantial public comment.” This could be strengthened by adding “The 2003 Remediation Effectiveness Report generated substantial public outcry over the fact that DOE originally released it as an ‘Official Use Only’ document, which significantly restricted its availability to the general public for the stated purpose of issuing the report—public review. DOE responded to the public, and the 2004 RER is not designated as ‘Official Use Only’.” (ORSSAB)</p>	<p>Availability information has been added.</p> <p>The information concerning the OOU status of the documents adds confusion to the reader of this information and the suggested text will not be added.</p>
<p>Page 23: In the sidebar “Explanation of Significant Differences,” add information on where the fact sheets are available. (ORSSAB)</p>	<p>Text added stating these are available at the DOEIC.</p>
<p>Page 25: In the second sentence of the second column of “The CERCLA Process,” please explain or give examples of “pertinent” comments (as opposed to non-pertinent comments). Also, please state that the comments may result in changes to the plan in addition to being “responded to.” (ORSSAB)</p>	<p>Replaced the beginning wording of the sentence with “All significant comments, criticisms, and new data submitted in writing or oral presentation will be responded to, and...”. This language comes from CERCLA Sec. 117 “Public Participation.”</p>

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Page 25: In next to last paragraph on the page, does the wording mean that post-decision documents are not part of the Administrative Record? (Lorene)	Yes. The Administrative Record is closed with the signing of the ROD or AM. DOE-ORO EM also provided and maintains "Post Decision Record files" for each Administrative Record.
Page 26: How do groups and documents such as the End Use Working Group recommendations and the stewardship documents fit into the CERCLA process? Please provide a brief discussion in the "CERCLA and Environmental Management Program" chapter to help tie these documents into the CERCLA process. (ORSSAB)	Additional text added per recommendation.
Page 27: In the last sentence of "Removal Actions," the phrase "... the Administrative Record File" should be "... the Administrative Record." (ORSSAB)	Suggested change made.
Page 28: Add in text how long the Administrative Record must be kept; provide clarification of the difference between AR and post-decision file. (Does post-decision file have the same legal standing as AR?) (Lorene)	Added text: The DOE shall preserve, during the duration of the FFA and for a minimum of 10 years after the termination and satisfaction of the FFA, the complete Administrative Record, post-Record of Decision, primary and secondary documents and reports required by the FFA. After this 10 year period, the DOE shall notify EPA and TDEC at least 90 days prior to the destruction of any such records or documents. DOE will at that time also notify the public of this intent.
Page 28: In "Other Environmental Laws and Directives," consider adding the Clean Air Act and the Clean Water Act. (ORSSAB)	These have been added.
Page 29: Tell how to get on the stakeholder mailing list. Add reference (including Web address) to the two volumes of the "Oak Ridge Reservation Stakeholder Report on Stewardship," either under "Publications of Interest to Stakeholders" or "Stakeholder Group Publications" on p. 30. (ORSSAB)	Information added.
Page 30. In "Other Reports," change "The following annual reports . . ." to "The following reports . . ." because the CERCLA Five-Year Report is not an annual one. (ORSSAB)	Suggested change made.
Page 35: In ORSSAB, add that the board meetings are broadcast on local cable channel. (ORSSAB)	Suggested change made.
Page 36: Add the Community Reuse Organization of East Tennessee and the Roane County Environmental Review Board. (ORSSAB)	Information added.
Page 45: Please note that under NEPA, complying with other regulations and laws (such as the National Historic Preservation Act) impacts cleanup activities. (ORSSAB)	This is dealt with from the NEPA perspective in the 3 rd and 4 th bullets.

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<p>Page 46: It would be beneficial to add the year of enactment to all items on the NEPA/CERCLA integration chart. Explain why this integration is important. At the end of the first paragraph of text, add “The RCRA regulations deal primarily with waste from current or ongoing operations, and as such, the waste is designated as newly generated. (ORSSAB)</p>	<p>Information added.</p>
<p>Page 47: In the first bullet of “RCRA Public Involvement on the Reservation,” “grants and appeal” should be “grants an appeal.” Explain “trial burn” for the benefit of the layman. Add to the beginning of the first sentence “To address environmental problems.” (ORSSAB)</p>	<p>Editorial changes made; trial burn information added.</p>
<p>General Comment: We believe the wording in the section “Public Involvement in Long-Term Stewardship: Citizen Leadership on National Issues” undermines previous statements on stewardship that were endorsed by the EM Program and issued in the October 2001 iteration of the PIP. Suggest replacing text on p 8 of current plan with replacement text (included in their review notes). (ORSSAB)</p>	<p>Addressed in the 5th response of this table.</p>
<p>General Comment: Because this plan has been created for the public, the public should be included in reviewing the next iteration of the document. (ORSSAB)</p>	<p>This iteration of the document was publicly announced and was the appropriate time for the public to weigh in. The D1 version of this primary document has been sent to the Regulators for their review as stipulated in the FFA. If the public has further comments they desire to be incorporated or have not been adequately addressed in this version, their comments should be sent to either EPA Region 4 or to TDEC DOE-O to see if they will agree to the change proposed and incorporate into their formal comments to DOE.</p>