



Department of Energy

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SSAB members

February 26, 1998

Mr. William M. Pardue
Oak Ridge Reservation Environmental
Management Site Specific Advisory Board
222 Connors Circle
Oak Ridge, Tennessee 37830

Dear Mr. Pardue:

RESPONSE TO COMMENTS ON THE ACCELERATING CLEANUP: FOCUS ON 2006 DISCUSSION DRAFT

During June 1997, the U.S. Department of Energy (DOE)—Oak Ridge Operations Office issued the Discussion Draft of the 2006 Plan for comments. During the comment period, we received numerous comments focusing on six major areas of concern: (1) Prioritization, Sequencing, and Execution; (2) Scope of the Environmental Management Program; (3) Reindustrialization; (4) End State, End Use, Long-Term Stewardship, Level of Cleanup, and Environmental Standards; (5) Waste Management; and (6) Efficiency Assumptions. A Responsiveness Summary addressing these six areas and a Comment/Response Document for your specific comments on the Discussion Draft are enclosed.

Your active participation in the ongoing development of the 2006 Plan is appreciated and DOE encourages your continued participation. We are committed to ensuring that the viewpoints of concerned citizens, stakeholders, and regulators are accurately represented. Public participation is a key component of the planning process and all comments received were useful in revising the Discussion Draft.

The document previously referred to as the Draft 2006 Plan has been changed to, Accelerating Cleanup: Paths to Closure. EM decided to change the name of the draft "strategy" and the document describing it in response to a series of stakeholder concerns, including the practicality of achieving widespread cleanup of 2006. Also, EM was concerned that calling the document a "plan" could be misconstrued to be a proposal by DOE or a decision-making document. The change in name, however, does not diminish the 2006 vision. To that end, Paths of Closure retains a focus on 2006, which serves as a point in time around which objectives and goals are focused.

The Draft Paths to Closure will soon be released for public comment and we look forward to continuing a positive relationship as we work toward development of the initial for the program. If you have any questions, please feel free to contact me at (423) 576-3957.

Sincerely,

Estraletta A. Green, Program Manager
Project Controls Team
Environmental Services Group

Enclosures

OAK RIDGE OPERATIONS OFFICE

2006 DISCUSSION DRAFT

COMMENT/RESPONSE DOCUMENT

FEBRUARY 10, 1998

**OAK RIDGE OPERATIONS 2006 DISCUSSION DRAFT
COMMENT/RESPONSE DOCUMENT**

Comment No.	Comment	Source	Response
42	<p>Credibility of Funding Requirement Estimate. The discussion of approaches to enhanced performance/efficiency is good. However, it should be clear to most everyone that the funding requirement has been scaled back to match the perception of what will be available. There is nothing wrong with proceeding to work at cleanup/stabilization in the most competent and efficient manner possible with available funds. This is the best that DOE and the American Public can hope for. But to be less than completely forthright about what this funding estimate actually represents may leave DOE vulnerable to further erosion of credibility and might even jeopardize the long-term success of the mission. It should be understood by all that it will take a few years to fully determine the scope of work to be done and to generate a solid estimate of funding requirements. It could develop that preliminary cost estimates were high.</p>	<p>Oak Ridge Reservation Environmental Management Site Specific Advisory Board dated September 3, 1997</p>	<p>The 2006 Plan is based only on the current scope of the EM Program. Potential future scope is identified in the Draft 2006 Plan narrative but is not contained in the Plan. If additional scope becomes the responsibility of the EM Program, the 2006 Plan will be modified to incorporate it. The assumed scope to be accomplished by the EM Program, or "what needs to be done," was the starting point of the 2006 Plan. Once this scope was defined, then an estimate and schedule for each subproject was developed. Only then was the annual budget assumption introduced so that the subprojects could be sequenced to determine the overall timing of the EM Program.</p>
43	<p>Spending Caps. As mandated by Department of Energy Headquarters, the 2006 Plan is driven by budget and is based on a spending cap of between \$5 and \$6 billion. Under planning scenarios of \$5 billion and \$5.5 billion, some compliance agreement milestones for the Oak Ridge Reservation (ORR) would not be met. The Oak Ridge proportion of the projected budget seems too small for the work that must be accomplished. The DOE should not start with the questions of "how much money do we have?" but rather "what needs to be done to responsibly remediate the ORR?" As long as the DOE does not ask for the money that it needs for efficient and responsible cleanup, the prophecy of "we won't have enough money" will continue to be self-fulfilling.</p>	<p>Oak Ridge Reservation Environmental Management Site Specific Advisory Board dated September 3, 1997</p>	<p>The assumed scope to be accomplished by the EM Program, or "what needs to be done," was the starting point of the 2006 Plan. Once this scope was defined, then an estimate and schedule for each subproject was developed. Only then was the annual budget assumption introduced so that the subprojects could be sequenced to determine the overall timing of the EM Program.</p>

**OAK RIDGE OPERATIONS 2006 DISCUSSION DRAFT
COMMENT/RESPONSE DOCUMENT**

Comment No.	Comment	Source	Response
44	<p>Out of Date Information. In many instances in the 2006 Plan, information is presented which appears to be out of date. (For example, on page A-27, the assumption is presented to use in situ vitrification for treatment of the K-1070-C/D G pit. The D2 version of the Record of Decision for K-1070-C/D does not call for the use of in situ vitrification for this pit). The next and future drafts of the 2006 Plan should reflect current state of affairs in regard to remediation strategies, technologies expected to be employed, and expected funding.</p>	<p>Oak Ridge Reservation Environmental Management Site Specific Advisory Board dated September 3, 1997</p>	<p>The 2006 Plan is based on a set of assumptions at a certain point in time. As the situation changes, so will the 2006 Plan. The assumed scope for the 1070-C/D G-Pit was in situ vitrification prior to approval of the Record of Decision and at the time the Discussion Draft was published. When the Record of Decision was signed requiring another technology, the project baseline was changed. This is reflected in the Draft 2006 Plan.</p>

**OAK RIDGE OPERATIONS 2006 DISCUSSION DRAFT
COMMENT/RESPONSE DOCUMENT**

Comment No.	Comment	Source	Response
45	<p>Appendix B. Part of the 2006 Plan's utility derives from improvements in the wording of the assumptions given in Appendix B of the Oak Ridge document. These resulted in part from an intensive set of stakeholder workshops that we found helpful; the meetings involved both internal and external stakeholders. The report in that appendix is generally accurate, but might mislead a reader who did not attend the workshops. The statement that "no issues were raised" about an assumption does not mean that participants considered the assumption wise or realistic. Rather, lack of discussion usually meant that the assumption was clear to those present.</p> <p>For each issue in Appendix B, modes of resolution are indicated. Definite efforts will be required by DOE to assure that needed discussions take place. For example, the End Use Working Group, spawned by the Oak Ridge Reservation Environmental Management Site Specific Advisory Board, does not expect to comment on many issues for which the group is listed. Many difficult issues are assigned to the National Dialogue. By the beginning of the year 1998, it may be known whether that effort will be effective. If not, another approach will be needed. The issues are real.</p>	Oak Ridge Reservation Environmental Management Site Specific Advisory Board dated September 3, 1997	Noted. Appendix I of the Draft 2006 Plan contains the issues raised by the stakeholders.

**RESPONSIVENESS SUMMARY
TO COMMENTS ON DISCUSSION DRAFT**

Responsiveness Summary

Comments on the Discussion Draft were received from the following persons/organizations:

- Mr. A. A. Brooks;
- Citizens' Advisory Panel of the Oak Ridge Reservation Local Oversight Committee Ad Hoc Committee on Accelerating Cleanup;
- City of Oak Ridge;
- Commonwealth of Kentucky Natural Resources and Environmental Protection Cabinet;
- Mr. Mark Donham and Ms. Kristi Hanson;
- Envirocare of Utah;
- Oak Ridge Reservation Environmental Management Site Specific Advisory Board;
- Paducah Site Specific Advisory Board;
- Site Specific Advisory Board End Use Working Group;
- Stakeholders at Accelerating Cleanup Workshop on August 25, 1997;
- State of Missouri, Department of Natural Resources; and
- State of Tennessee.

Major comment areas with the number of comments in each area are shown in Table J.1.

Table J.1. Major comment areas

Major comment areas	Number of comments	Stakeholder issues/action plan number
Prioritization/Sequencing/ Execution	28	OR-1-97
Scope of Environmental Management Program	30	OR-2-97
Reindustrialization	9	OR-3-97, OR-4-97
End State/End Use/ Long-Term Stewardship/ Level of Cleanup/ Environmental Standards	73	OR-5-97, OR-7-97, OR-12-97, OR-15-97, OR-16-97, OR-17-97, & OR-21-97
Waste Management	53	OR-8-97, OR-9-97, OR-10-97, OR-11-97, OR-13-97, OR-14-97, OR-18-97, OR-19-97, & OR-20-97
Efficiency Assumptions	9	OR-6-97 & OR-22-97
General Issues	20	
Errors/Quality	4	
Total	226	

A sample of the major comments within each area with a response to the comments follows. The page numbers referred to in the following comments pertain to the Discussion Draft; page numbers in the Draft 2006 Plan are different.

PRIORITIZATION/SEQUENCING/EXECUTION

Comments:

“The Citizens’ Advisory Panel is unable to determine why specific projects are ranked as shown. It is unclear whether the rankings are based primarily on Phase I screening or on Phase II relative risk, as described in Section 3.1 on page 3-1. A brief explanation, possibly coded, could be added to each project on the list to help stakeholders better understand the reasons for the relative priorities.”

“When the proposed actions in the priority list change what mechanism is there for the stakeholders to be aware of the change? A delay to the next years priority list is not good enough. It was discussed in the SSAB meeting that there needs to be closer ties all year long on the budget. Possibly a planning and budget working group could be formed.”

“DOE needs to look at what really needs to be done now and put a priority on figuring out what it would cost not based on the budget.”

“Plan will not meet the federal obligation to the community. The plan assumes that the program for decontamination and decommissioning (D&D) of contaminated sites, and management of legacy waste will be constrained by a fixed budget that is not based on the cost of doing the job. With a fixed budget and streamlined schedule objectives driving the program, program objectives have been pruned severely. Facility D&D will proceed, but only limited environmental cleanup will occur. Even the optimistic budget scenario considered in DOE’s analysis (a \$6 billion annual budget nationwide, which is \$1 billion higher than provided in the current Congressional budget) would require emphasis on long-term institutional controls, rather than actual remediation, to address the legacy of environmental contamination on the Oak Ridge Reservation (ORR). Thus, the plan would achieve far less reduction in risk, elimination of legacy contamination, and removal of associated community stigma than the Oak Ridge community has been led to expect based on past Federal government pledges to clean up the legacy of the Manhattan Project and the Cold War. To meet the Federal government’s obligations to this community, DOE should be asking Congress for sufficient funding to do its cleanup job properly.”

Response:

The assumed scope to be accomplished by the EM Program, or “what needs to be done,” was the starting point of the Draft 2006 Plan. Once this scope was defined, then an estimate and schedule for each subproject was developed. The prioritized list of subprojects was generated from application of the Management Evaluation Matrix. The resulting numerical scores were an input to the sequencing process. The annual budget assumption was then introduced so that the subprojects could be sequenced to determine the overall pace of the EM Program. Scheduling realities and other modifying factors that influence sequencing of the projects were also considered. An Site Specific Advisory Board Planning and Budget Subcommittee has been formed to work with the EM Program in these areas.

SCOPE OF EM PROGRAM

Comments:

“Plan addresses only a fraction of the Oak Ridge Environmental Management job. The plan addresses remediation of only those facilities and sites that are currently assigned to the DOE assistant

Secretary for Environmental Management (EM). There is no plan for managing cleanup of other excess DOE facilities.”

“This is an important concern for Oak Ridge. Relatively few Y-12 and ORNL facilities are currently included in the EM Decontamination and Decommissioning program, but a number of older facilities at these sites will become candidates for D&D over the next decade. Although many of these facilities are still being used, many of them are both obsolete and contaminated. Current facility uses are often unrelated to the earlier activities that left a legacy of environmental problems. The ORO portion of the plan says as “the need for stabilization and D&D of [additional] facilities arises, . . .baseline change proposals will be prepared.” The national portion of the plan, however, says that DOE has not decided whether such facilities would be accepted into the EM program. It notes that “maintenance and cleanup could remain the responsibility of the current responsible office.” Without targeted federal funding for management of additional excess facilities and sites, legacy facilities will burden our community both environmentally and financially. Cleanup is unlikely to occur without funding for this purpose, and future costs for surveillance and maintenance of legacy facilities will add to the “cost of doing business” at Y-12 and ORNL (i.e., the “overhead” cost that must be borne by anyone carrying out productive activity at these sites). This would put these sites at a competitive disadvantage in maintaining existing Federal program and attracting new programs and projects. This could be a serious economic disadvantage for the community as a whole.”

“Page xiii, Paragraph 3, Section ES1.1., Scope of the Plan

The Discussion Draft can not be considered a viable EM planning document in any manner until responsibility for future excess facilities has been assigned. Active operations and standby facilities under the management of Defense Programs, Energy Research or other non-EM management should not be grandfathered” into the FFA/CERCLA process.”

“*...facilities within Oak Ridge that are currently managed by other DOE Programs...* The ORR is an NPL Site. Is DOE proposing that these facilities not be included in the CERCLA process? Please explain how DOE ORO intends to fund D&D or remediation of releases or potential releases from these facilities prior to 2006 or thereafter. DOE should keep in mind that EPA or Tennessee may find cause to require remedial action on sites not currently identified in the EM Ten Year Baseline.”

Response:

The Draft 2006 Plan is based on the current scope of the EM Program. Potential future scope is identified in the Draft 2006 Plan narrative but is not contained in the Plan. If additional scope becomes the responsibility of the EM Program, the Draft 2006 Plan will be modified to incorporate it. The Draft 2006 Plan was not intended to capture all DOE Environmental Liabilities, only those that are the responsibility of Environmental Management. DOE does include estimates of known environmental liabilities in the annual consolidated financial statement.

REINDUSTRIALIZATION

Comments:

“Page B-10, Section II.B.1.g.4., ORR ENVIRONMENTAL RESTORATION/ORR Assumptions/Scope/K-25 Site. What are DOE’s estimated costs for maintaining or demolition and disposal of the infrastructure and facilities after the period of lease if the facilities are not remediated to

a unrestricted use? How will DOE differentiate between 'legacy contamination' and contamination that may be left by the leasee?"

"...K-25 Site will be occupied and operated by non-federal lessees... Please describe how DOE will plan for eventual assumption and closure of K-25 facilities after the non-federal lease agreements expire."

Response:

After the non-federal leases expire at the ETTP, it is assumed they will be renewed by other companies so that a permanent industrial complex is maintained. If a facility ultimately becomes unleaseable, then it will be decontaminated and/or demolished by DOE. The budget for these activities is not contained in the 2006 Plan because the assumed end state is a leased facility. However, an estimate of those costs have been included in the Comprehensive Financial Statement. The responsibility for eventual decontamination and possible demolition of those facilities is expected to be the responsibility of the federal government.

END STATE/END USE/LONG-TERM STEWARDSHIP

Comments:

"Is funding for Institutional controls included. Page 1-3 discusses limited institutional controls."

"Page 1-4. The statement that minimizing costs for monitoring, maintenance and institutional controls is misleading. This would indicate that the plan is doing less of this but without clean closures these activities are actually increasing."

"Appendix B EM Program Assumptions PGDP

Assumption A.1.a. - DOE should not assume that the Operations and Maintenance period is limited to 30 years. DOE's disposal of radionuclides at the site will require longer periods of O&M consistent with DOE order 5820.2A."

"Assumption A.1.c. - DOE should not assume future land use until final decisions are made on those issues."

"Future land use planning should be limited to less than 100 years. Hazards predicted to remain longer than 100 years should be cleaned up or managed in accordance with signed records of decision."

"It appears that DOE has failed to recognize its obligations under CERCLA and RCRA post closure monitoring and associated Operations and Maintenance requirements. Post closure monitoring, long-term S&M, and Operations and Maintenance will be maintained as long as needed. Based on the Ten Year Plan it is likely that DOE will be Operating and Maintaining source control and treatment facilities well beyond the next century."

Response:

DOE's intent is to minimize the costs of long-term monitoring, maintenance, and institutional controls for the assumed remedies. Clean closure will reduce these costs further, but the initial costs will be much greater. The RODs will ultimately determine the level of cleanup. The Operations and

Maintenance period has been changed to continue through FY 2070. The budget for institutional controls is contained in the long-term surveillance and maintenance subprojects.

The assumed land use is needed for the purpose of developing the assumed remediation scope for the purpose of preparing a long-range plan. It does not constitute a decision. When a decision on land use is made, it will be incorporated into the Draft 2006 Plan.

WASTE MANAGEMENT

Comments:

“Section 2.4.: Similar waste generated by both operations and cleanup should be evaluated for treatment and disposal using the same consistent approach, especially regarding costs. DOE should endeavor to dissolve the artificial regulatory boundary between RCRA and CERCLA wastes in order to conserve budget resources, maximize the opportunity for volume discounts, and handle waste streams most effectively. Any on-site waste management facility should be RCRA-permitted, in order to allow disposal of operations’ wastes, as appropriate.”

“Page 2-3, Paragraph 1, Section 2.4 Privatization
Privatization is integral to the Oak Ridge approach... Congress appears to have major concerns with this approach. DOE has to provide a compliance alternative if FY 1998 funding is not available. What is the ORR alternative? Please describe in detail.”

“Page B-13, Box 5, Section II.B.2, ORR ENVIRONMENTAL RESTORATION/ORR Assumptions/Cost
The Technical Review Process, which in the case of the Oak Ridge Field Office is of such significance that the process could not be considered adequate without technical review. The construction of an on-site disposal cell must be considered a major federal activity under NEPA.”

“Page B-17, Item 7, Section III.C.7. ORR WASTE MANAGEMENT/Mixed Low-Level Waste (MLLW)
While there should, in the current environment, be no need for additional storage capacity, the potential for new treatment facilities exists. Is DOE willing to proceed using the assumption that a disposal cell is needed for ER waste, while at the same time all stored waste and currently generated waste is to be disposed at off-site facilities.”

“The State of Tennessee has not opposed and in fact has supported on-site disposal of low level waste generated from the ORR environmental restoration programs and from active operations that meet on-site waste acceptance criteria which are protective of human health and the environment. DOE must clearly understand that Tennessee can not support a plan that will allow DOE to ignore its own performance assessment findings for the ORR. The manner in which DOE addresses DOE Order 5820.2a at the National level will be critical to the State’s decision.”

“The plan assumes waste generators will be responsible for managing newly generated waste beginning in FY 1999. How does DOE intend to assure that other DOE Programs are prepared to accept financial responsibility and what are the planned contingencies.”

Response:

DOE is currently preparing a Remedial Investigation/Feasibility Study (RI/FS) that focuses on the disposition of future-generated CERCLA waste from the Oak Ridge Reservation (ORR) and associated sites. Alternatives that will be examined are no-action (required under CERCLA), on-site disposal in a newly constructed waste management facility, and off-site disposal at commercial facilities. DOE has neither predetermined nor decided to proceed with on-site disposal. The on-site disposal option is merely one alternative under consideration in the RI/FS.

The On-Site Waste Management facility is anticipated to manage only remediation wastes generated from CERCLA response actions as required by the Federal Facility Agreement. This facility is deemed necessary for implementation of these response actions and as such under CERCLA 121(e)(1) is exempt from obtaining permits. Accordingly, the facility will be designed and operated to meet the applicable substantive requirements of RCRA Subtitle C & D and TSCA (for storage and disposal of PCB wastes). However, the facility will require a permit(s) in the event that it receives non-CERCLA wastes.

If privatization funds are not appropriated by Congress, then budget needs will come from the general budget, and other scope will be deferred. The "privatization" scope may still be accomplished by the private sector.

The assumption for waste transition to the generators is no longer a basis for the Draft 2006 Plan.

EFFICIENCY ASSUMPTIONS

Comments:

"Executive Summary, page xii: An efficiency greater than 33% is completely unrealistic. If it is achievable, why hasn't it been implemented? This figure is not discussed in the main *Accelerating Cleanup* document."

"Section 2.6 Cost savings cannot continue to decline indefinitely, and there is no evidence that DOE has not reached the practical limit of the contractor support-cost to total-cost ratio."

"Page xii, Paragraph 2, Section ES.1, OPERATIONS OFFICE OVERVIEW
DOE's enhanced-performance assumptions are expected to result in efficiency improvements of greater than 33%. Based upon previous experience, is it realistic to expect efficiencies of this magnitude? What are DOE's contingencies to assure compliance with State and Federal law or DOE Order's if the assumptions are not met?"

Response:

The 33% efficiency is based on a set of assumptions contained in the Oak Ridge Operations 2006 Discussion Draft. It is discussed in more detail in Section 1-3, pages 1-10 and 1-11 of the Discussion Draft. These assumptions are being implemented but there is a transition period before the savings can be realized.