



*Many Voices Working for the Community*

# Oak Ridge Site Specific Advisory Board

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July 11, 2002

Mr. Gerald Boyd  
Assistant Manager for Environmental Management  
DOE-Oak Ridge Operations  
P.O. Box 2001, EM-90  
Oak Ridge, TN 37831

Dear Mr. Boyd:

## **Comments on *Oak Ridge Performance Management Plan Draft***

At our July 10, 2002, meeting, the Oak Ridge Site Specific Advisory Board approved the enclosed comments.

We appreciate your consideration of our comments and look forward to receiving your written response.

Sincerely,

*Luther V. Gibson, Jr.*

Luther V. Gibson, Jr.  
Chair

Enclosure

cc/enc: Pat Halsey, DOE-ORO  
Connie Jones, EPA Region 4  
John Owsley, TDEC



## Oak Ridge Site Specific Advisory Board Comments on the Oak Ridge Performance Management Plan Draft

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### **BACKGROUND**

In February 2001, with the release of the FY 2002 President's Budget, the Administration announced a planned Top-to-Bottom Review for the U.S. Department of Energy's Environmental Management (EM) Program. The purpose of the review was to evaluate more efficient methods of cleanup in the national EM program. Results of the Top-to-Bottom Review, which were released in February 2002, underscored the need to refocus EM's cleanup work on risk reduction, not risk management; reduce mortgage costs; and execute the work expediently.

On March 11, 2002, Oak Ridge submitted a Comprehensive Cleanup Proposal to accelerate the closure of the Oak Ridge EM Program by six years (2021 – 2015) and reduce the planned baseline cost by more than \$2 billion. Major initiatives to achieve risk reduction include the closure of East Tennessee Technology Park, completion of the activities in the Melton Valley Interim Record of Decision, and legacy waste disposition, which will be completed years ahead of schedule. This acceleration means the reduction of the principal release threats in a manner that will result in the reduction of cost and schedule. Subsequent to the submittal of the proposal, negotiations with the Regulators have resulted in changes to the Proposal. Looking forward, efforts will focus on finalizing the Oak Ridge Performance Management Plan and the Lifecycle Baseline.

On May 14, 2002, the Letter of Intent was signed by Department of Energy (DOE), the State of Tennessee and the Environmental Protection Agency (EPA) Region 4. This letter commits the agencies to accelerate cleanup at the Oak Ridge Reservation (ORR). It documents how the results of DOE's top-to-bottom review and other initiatives will be used to devise and implement a more efficient decision process, develop integrated planning and funding requests, and meet commitments under the Oak Ridge Federal Facility Agreement. The letter evidences a transformation in the Oak Ridge cleanup effort, with the goal of completing cleanup in 2016 rather than 2021, with cleanup of specific high-risk activities by 2008. It establishes a bias for action and continuous improvement. It also recognizes and describes post-completion activities and commitments.

On June 18, 2002, the Oak Ridge Accelerated Cleanup Plan Agreement was signed by DOE, the State of Tennessee, and EPA Region 4. The purposes of this Agreement are to describe a streamlined decision making process to facilitate the accelerated implementation of cleanup, to resolve the current Oak Ridge Reservation Federal Facility Agreement milestone dispute and to establish future actions needed to complete the accelerated cleanup plan.

The latest document in this planning process is the Oak Ridge Performance Management Plan (PMP). The PMP was developed by the ORR EM Program to outline its plan to accelerate remedial of the Oak Ridge Reservation by implementing the recommendations of DOE's February 2002 *Top to Bottom Review*. The plan anticipates accelerating completion of the ORR EM Program by six years from 2021 to 2015, and reducing total lifecycle costs by 35% or approximately \$2 billion. This acceleration includes remediation of the highest risk sites by 2006, final disposition of legacy low-level wastes by 2005, and closure of the East Tennessee Technology Park (ETTP) by 2008.

The Plan endorses a risk-based approach to cleanup that focuses first on those contaminant sources that are the greatest contributors of risk. Decisions are prioritized as follows:

1. Mitigate immediate onsite and offsite risks.
2. Reduce offsite migration of contaminants.
3. Remediate sources of surface water and groundwater contamination.
4. Remediate remaining onsite contamination.
5. Demolish excess facilities.

Beyond this prioritization, the ability to reduce mortgage costs and use the resulting savings to accelerate cleanup is also given high consideration.

## **DISCUSSION**

The ORSSAB has spent considerable time discussing budget and cleanup priority issues throughout FY 2002, and has made previous recommendations with regard to the need to adequately fund Oak Ridge cleanup. The Oak Ridge Performance Management Plan provides a comprehensive look at how the remedial decisions at Oak Ridge will be implemented and how planning for the necessary resources will be achieved. The effective implementation of these activities is critical to ensure the long-term safety of the Oak Ridge community and the surrounding environment. These issues will frame much of the interest of the SSAB in the coming years.

The ORSSAB first reviewed the PMP, Revision 2, dated May 31 at the June 20 Environmental Restoration Committee meeting. ORRSAB members then attended the June 25 DOE briefing. Finally, members received Revision 3 of the PMP, dated June 28.

As time did not permit a complete review of Revision 3, the majority of comments contained herein relate to the previous Revision 2. However, a summary review of Revision 3 indicates that these comments are still relevant. Instances in which page numbers are referenced relate to Revision 3 unless otherwise noted.

## **COMMENTS**

### **Public Participation**

The accelerated cleanup plan and the subsequent PMP were developed by DOE at a fast pace and have evolved rapidly. The ORSSAB is concerned that public involvement in the accelerated cleanup planning has suffered due to the expedited approach to the documentation and commitments required by headquarters to meet the criteria for accelerated cleanup funding. Several documents have been produced for public review and comment; however, it appears some documents will not be revised. In addition, several drafts of the PMP have been generated during the comment/review period. The rapid changes and generation of new documents and drafts has caused some confusion concerning how and where comments will be addressed. A comprehensive responsiveness summary should be completed that addresses *all* the comments that have been received on *all* the accelerated cleanup documentation to date to tie all the issues together.

Opportunities for public and other stakeholder participation and types of issues that may be impacted during the streamlined activities needs to be discussed. (Section 8.0)

### **Historic Preservation**

The historic preservation issues are not adequately addressed in the PMP. A discussion of the historic preservation process and possible outcomes of this process need to be added to the document. This discussion should include the decision making process including the organization and/or individual responsible for approval of any historic actions. This discussion should also include any historic preservation activity that has taken place to date. There is considerable public interest in the preservation

of historical areas at ETTP that must be factored into the accelerated cleanup plan, schedule, and funding.

### **Comprehensive Waste Disposition**

The PMP discusses waste disposition in general terms but does not specifically discuss the waste disposal agreements currently in place, the agreements needed to be put in place, and the legal and/or state/congressional actions that must be taken in order for the disposal to be feasible. Several waste streams addressed by the PMP do not currently have a waste disposal path. The discussion of the waste disposal must include contingency/alternate disposal plans for waste that does not currently have a waste path. This matrix should be developed prior to implementation of the plan. In addition, the waste disposal matrix should show the current waste disposal options available to the Oak Ridge Operations and the associated waste streams and volumes (past, present and future) taken to these disposal sites.

### **Environmental Management Waste Management Facility (EMWMF)**

The EMWMF will play a pivotal role in the success of waste disposition from the accelerated cleanup. The PMP currently states that DUF6 cylinders will be disposed at the EMWMF. Provide a discussion and plan for all the waste streams that are/may be approved for EMWMF and the associated waste volumes providing for unanticipated volume growth based on historical waste volume estimates and actual final waste volumes generated on similar EM projects.

The total capacity of the waste cell is critically important to completion of ORR remediation. Make clear how the inclusion of new wastes in the cell will not jeopardize the ability to dispose of all wastes being considered for disposal.

The process for an approved decision to expand the EMWMF should be briefly outlined along with potential issues and uncertainties. The approved decision document for this action should be added to the list of Government Furnished Service/Information in Appendix B. (pp. ES-4, B-3)

Is there a possibility that newly identified waste streams (i.e., waste streams not currently scheduled for disposal at EMWMF) could be disposed in the EMWMF? If so, explain the public and regulator involvement that would occur.

### **Toxic Substances Control Act (TSCA) Incinerator**

It appears from the discussion on page 16 and 17 of the PMP (Draft- Rev 2) that the TSCA incinerator will be an integral part of the waste management plan for waste generated by the accelerated cleanup. However, there has been no official announcement concerning the future or fate of the incinerator. The future use of the TSCA incinerator needs to be specifically addressed for each of the following issues: waste streams, waste volumes, waste point(s) of origination, schedule of operation, and shutdown/dismantlement and final disposition of the incinerator after final shutdown. In addition, any regulatory or permitting issues should be addressed as well.

### **Reindustrialization**

DOE is attempting to reindustrialize the former K-25 (ETTP) site as a commercial industrial park. Will there be any restricted areas or controlled industrial areas at ETTP following closure? How will these areas be controlled/monitored to ensure they remain controlled or restricted?

Completion actions at ETTP are generally said to include excavation of soil and buried waste as if the challenges for each are similar. This needs to be clarified. (pp. ES-3, 29)

### **Long Term Stewardship**

Stewardship of areas at ORR that are not unrestricted following cleanup and closure must be addressed in the PMP. There must be a comprehensive plan to address who, what, and where concerning the remaining waste and contamination to ensure these areas remain undisturbed as intended. The Stewardship Committee of the ORSSAB would be very willing to work with both local and national DOE leaders to develop and implement a workable plan for future stewardship of the Oak Ridge Reservation. The ORSSAB believes this dialog should begin immediately. Closure cannot occur without acceptable stewardship provisions.

Will the DOE be responsible for post closure monitoring and surveillance of restricted, controlled, and otherwise affected areas, including groundwater sampling, or will these activities be transferred to another federal and/or state agency following cleanup and closure? This responsibility and associated funding will need to be guaranteed by some mechanism such as a trust fund.

Provide details on the current DOE stewardship policies and actions in effect across the complex and what changes will be necessary to ensure DOE can “walk away” from remediated sites such as ETTP.

It appears that ETTP could potentially be “turned over” to Community Reuse Organization of East Tennessee (CROET) following closure. In the case that the ETTP land is “turned over” to a private or commercial party or organization, what assurances will exist that controlled or restricted areas will be maintained? If restricted or controlled areas are disturbed inadvertently, who will be responsible for the subsequent “investigation and cleanup”, including funding?

### **Groundwater**

The presumption of the PMP appears to be there will be no action Records of Decisions (RODs) for groundwater across ORR. Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) process, such a presumption should not be made for the ORR. Provide a discussion in the PMP of the groundwater ROD process and the current status of the issues and documentation. Describe the steps, including the timeframe, that will be taken following source removal to address groundwater issues.

Any technical uncertainty associated with bioremediation of the Upper East Fork Poplar Creek (UEFPC) east end volatile organic compound (VOC) plume should be mentioned. This project should also be mentioned in the "Groundwater" section which indicates that contaminated groundwater from the S-3 pond seeps will be collected and treated in situ. (pp. ES-3, 37, 41)

### **Responsibilities Within DOE**

It should be stated whether National Nuclear Security Administration (NNSA) and Office of Science will have all of the waste disposition pathways currently available to EM after transfer of newly generated waste responsibility. (p. ES-4)

The anticipated scope of demolition activities that will not be performed by EM, rather than by NNSA and Office of Science to support their ongoing missions should be briefly mentioned, or that such activities will occur. (pp. ES-4)

The types and quantities of non-EM materials stored at ETTP (in K-25 building and elsewhere) deserves additional discussion. (p. 34)

### **Budgeting**

Provide the budget baseline for the PMP, including all assumptions. In order for earned value to be used

as a performance measurement tool, a project baseline must be developed for the entire closure schedule and plan. Reasonable assumptions must be made concerning baseline projections and re-baselining should not occur. If earned value will be used as a tool to determine performance, it should be used correctly with tangible items (e.g.: volume of waste removed and disposed) associated with “percent complete” estimates or other tangible yardstick measures that can be physically verified.

### **Contracting**

It is not clear whether the contract will be management and operation (M&O), management and integration (M&I), or something else, if the contractor is to truly make decisions on a case-by-case basis whether to subcontract or self-perform cleanup work. The impact on the existing workforce and the regional economy should be considered in planning and scheduling the work and in changes of contractors performing work. A projection of personnel or full-time employees (FTEs) assigned to DOE, the contractor, and subcontractors for duration of the cleanup should be provided along with the other financial and budget projections. (p. ES-5, Section 9) Workforce stability and continuity is only discussed as an issue for the transuranic (TRU) Waste Treatment Facility (p. A-5)

### **Risk**

Though the document is based on acceleration of risk reduction, the concept of risk is not well defined. What risks are being considered, how will they be measured, and against what criteria will success be determined? Provide a more detailed discussion of risk and its relation to residents, workers, and the environment.

"Abandoned injection wells" rather than "abandoned wells" may better describe one source of risk. (p. 6)