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Department of Energy

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

October 04, 2002

Mr. David Mosby, Chair
Oak Ridge Site Specific Advisory Board
P.O. Box 2001, EM-90
Oak Ridge, TN 37831

Dear Mr. Mosby:

RESPONSE TO COMMENTS ON THE *OAK RIDGE PERFORMANCE MANAGEMENT PLAN* DRAFT

Enclosed is a comment response table detailing the Department of Energy's (DOE) response to comments provided by the Oak Ridge Site Specific Advisory Board on the subject document. These comments, along with many others received by numerous individuals and organizations, were incorporated into the draft submitted to DOE Headquarters on July 15, 2002.

We appreciate your comments on the document, and we thank you for your continued advice and recommendations. If you have questions, you may contact Pat Halsey of my staff at 576-4025.

Sincerely,

Gerald Boyd
Assistant Manager for
Environmental Management

Enclosure

cc w/enclosure:
Pat Halsey, EM-922, ORO
Connie Jones, EPA 4
John Owsley, TDEC

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

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1	The accelerated cleanup plan and the subsequent Performance Management Plan (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.	The Accelerated Cleanup Proposal and PMP were developed on a fast-track schedule that did not lend itself to public involvement. In the future public involvement will be incorporated into the schedule for DOE activities as much as possible. A public participation section has been included in the Management Framework section of Revision 4 of the PMP; comments received through July 15 were considered in Revision 4; and a responsiveness summary addresses the major comments.
2	Opportunities for public and other stakeholders participation and types of issues that may be impacted during the streamlined activities needs to be discussed.	See response to Comment #1.
3	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 of historical areas at ETTP that must be factored into the accelerated cleanup plan, schedule, and funding.	The historical preservation aspects of the K-25 and K-27 Buildings are recognized, and the Department of Energy is considering this in its demolition planning. Revision 4 of the PMP mentions this in the ETTP Closure Project section in its discussion of facilities demolition.
4	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 plane, and the legal and/or state/congressional action that must be taken in order for the disposal to be feasible. Several waste	This information is too detailed for the PMP. A Comprehensive Waste Disposition Plan is being prepared that will contain this information along with the strategy for disposal, as discussed in the Balance of Program Completion Projects section of Revision 4 of the PMP.

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	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 stream and volumes(past, present and future) taken to these disposal sites.	
5	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 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 DUF6 cylinders will not be disposed of in the EMWMF. A Comprehensive Waste Disposition Plan is being prepared that will contain this information along with the strategy for disposal, as discussed in the Balance of Program Completion Projects section of Revision 4 of the PMP.
6	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.	Only wastes generated in Oak Ridge from CERCLA cleanup actions that meet the waste acceptance criteria will be disposed of in the Environmental Management Waste Management Facility. The volume of waste currently forecasted to be generated exceeds the Facility's initial capacity, and the regulatory decision-making process for its expansion is being developed with the Environmental Protection Agency and the Tennessee Department of Environment and Conservation. Additional waste streams, such as legacy low-level waste, are being considered for disposal in the Facility, but these are still being discussed with the regulatory agencies. A Comprehensive Waste Disposition Plan is being prepared that will contain this information along with the strategy for disposal, as discussed in the Balance of Program Completion Projects section of Revision 4 of the PMP.

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7	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)	See response to Comment #6. Following completion of the Comprehensive Waste Disposition Plan, the Department of Energy, Tennessee Department of Environment and Conservation, and the Environmental Protection Agency will identify the optimum approach to handling all of the waste to be disposed and the appropriate decision document. At that time the appropriate decision document or documents will become a Government/Furnished Service/Information in Appendix B.
8	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.	See response to Comment #6.
9	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.	This level of discussion is too detailed for the PMP. The Comprehensive Waste Disposition Plan will discuss the disposal plan for all waste streams, as discussed on page 37 of Revision 4.
10	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?	Consistent with the recommendations of the End Use Working Group, the planned use for the ETTP following remediation is a private sector industrial park, as discussed on page 13 of Revision 4. In order to achieve this planned end use, the PMP assumes that all facilities will be demolished, and soil and groundwater will be remediated sufficiently to protect an onsite industrial worker. Institutional controls will prevent soil excavation below 10 feet without proper controls and will prevent the use of groundwater. This is discussed on page 28, Revision 4. The specific actions to enforce these institutional controls is not known yet.

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11	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)	The PMP is a high level summary of the actions to be taken. It is not the intent of the Plan to discuss relative difficulty of performing various cleanup actions.
12	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.	A brief discussion of long-term stewardship is included in the Oak Ridge Completion section of Revision 4 of the PMP. DOE-Headquarters is working on a complex-wide plan for long-term stewardship. Until this complex-wide plan is complete, it is inappropriate to speculate on the details of the Oak Ridge long-term stewardship.
13	Will 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.	See response to Comment #12.
14	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.	See response to Comment #12.
15	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?	If the ETTP is "turned over" to another entity following closure, then the required land use controls will be included in the agreement. If additional legacy contamination is discovered, or if residual contamination becomes a subsequent problem, then it is the ultimate responsibility of the Department of Energy to investigate, remediate, and fund the activity.
16	The presumption of the PMP appears to be there will be no action Records of Decision (RODs) for groundwater across	In many cases the PMP assumes that source control actions coupled by monitored natural attenuation will be the selected

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	ORR. Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) process, such a presumption should not be made for 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.	remedy for groundwater. However, there are locations at which contaminated groundwater will be collected and treated. The final groundwater records of decision are being planned so that the effectiveness of source control actions can be assessed and the applicability of monitored natural attenuation can be demonstrated. In this way the final groundwater decisions will select an appropriate remedy. Life cycle costs for collecting and treating contaminated groundwater will be evaluated as part of the remedy selection process as well as during operation. The groundwater records of decision are discussed in the Oak Ridge Completion section of Revision 4 of the PMP.
17	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)	See response to Comment #16.
18	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 PMP assumes that responsibility for newly generated waste will transfer to the Office of Science and the National Nuclear Safety Agency in Fiscal Year 2004. This transfer of responsibility will bring them into line with the other nuclear security sites and national laboratories within DOE that have had this responsibility for several years. It also is expected that the generators will more effectively focus on waste minimization and pollution prevention. The waste disposition pathways currently available to the Environmental Management Program still will be available to them for newly generated waste.
19	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 mission should be briefly mentioned, or that such activities will occur. (pp.ES-4)	Since the purpose of the PMP is to describe the plan for cleanup for which the EM Program is responsible, details on the demolition of buildings to be performed by other Programs is not included in Revision 4.
20	The types and quantities of non-EM materials stored at ETTP (in K-25 building and elsewhere) deserves additional discussion.	The National Nuclear Security Administration is storing materials in the K-25 Building at the ETTP. This material must be removed prior to demolition of the building. This discussion has been added to the ETTP Closure Project section of Revision 4 of the PMP.

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21	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 rebaselining should not occur. if earned value will be used as a tool to determine performance, it should be used correctly with tangible times (e.g. volume of waste removed and disposed) associated with "percent complete" estimates or other tangible yardstick measures that can be physically verified.	Cost information for Fiscal Year 2003 has been provided previously in presentations on the President's Budget. The cost information for subsequent years will be contained in the Fiscal Year 2004 budget request which currently is under development. These figures cannot be released until the Fiscal Year 2004 President's Budget is released in early February 2003.
22	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)	DOE is still developing the contract strategy for implementation of the Environmental Management Program work, so it is not appropriate to include these types of details at this time. In the Management Framework section of Revision 4 of the Plan a closure contract for completion of the work is discussed with incentive tied to cost, schedule, and safety performance.
23	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 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.	Risk is discussed in the Oak Ridge Accelerated Completion Strategy section on page 7 of Revision 4.
24	"Abandoned injection wells" rather than "abandoned wells" may better describe one source of risk.	There are a variety of types of "abandoned wells", including "injection wells." This risk source refers to all of them because all are potential conduits for contaminant migration.