



Department of Energy

Washington, DC 20585

NOV 13 1998

Ms. Ann Loadholt, Chairperson
Savannah River Citizens Advisory Board
P O Box 365
Barnwell, SC 29812

Dear Ms. Loadholt:

Thank you for your April 28, 1998, letter commenting on the Department of Energy's (DOE's) February draft of *Accelerating Cleanup: Paths to Closure* (*Paths to Closure*). The Office of Environmental Management (EM) is committed to involving stakeholders, Tribal Nations, local governments, and regulators in its strategy and decision-making processes. EM attempted to address a number of your questions and concerns in the initial version of *Paths to Closure*, released in June of this year, and welcomes this opportunity to respond in more detail to your comments. Where possible, we have referenced the sections and page numbers in the report where you will find related information.

Your letter included a number of comments under the heading "National and SRS Documents." Please refer to Enclosure VII-1 of the Savannah River Site's June 1998 version of *Paths to Closure* for responses to your site-specific comments. The responses below address your comments on the national *Paths to Closure* document.

1. "The SRS CAB is disappointed that the documents are neither planning nor budget documents; they should contain management commitments and linkage to the Federal Facility Agreements."

Paths to Closure should be viewed as a management tool that reflects individual sites' best judgment as to what can be accomplished, assuming a constant funding level over time. This tool allows the EM program to formulate annual budget priorities and goals in the context of effects on life-cycle cleanup costs and schedules. Sites use their *Paths to Closure* reports when developing site budget priorities. EM Headquarters uses *Paths to Closure* to formulate annual budget strategies in the context of life-cycle cleanup costs and schedules. *Paths to Closure* is also a useful tool for making annual adjustments to the execution of the cleanup program based on budget funding decisions. By providing stakeholders and Tribal Nations with scope, schedule, and cost estimates, *Paths to Closure* places cleanup within the context of the whole EM program.



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EM respectfully disagrees with your statement that *Paths to Closure* does not contain management commitments and linkages to the Federal Facility Agreements. The document reflects management commitments where applicable decisions have been made. The site baseline estimate includes both projects for which key decisions have been made pursuant to applicable statutory requirements and legally enforceable compliance agreements, and also projects where such decisions have not been made. In the latter cases, the Operations/Field Offices make assumptions, based on current regulatory requirements, to project how the work might be performed so that baseline estimates can be established. The assumptions are for planning purposes and will necessarily evolve as appropriate decisions are made. Such assumptions do not bias future decisions. Furthermore, EM feels that both the national and Savannah River Operations Office versions of *Paths to Closure* reflect an explicit linkage to the Federal Facility Agreements. Page 3-34 of the national document and in Section II-2.0 of the Savannah River Site (SRS) *Paths to Closure* indicates the "primary drivers [for programs] . . . are the Federal Facility Agreement, the Federal Facility Compliance Act, and the Defense Nuclear Facilities Safety Board (DNFSB) Recommendation 94-1. These agreements define commitments and milestones for SRS." Although *Paths to Closure* does not explicitly identify all of the milestones resulting from the Federal Facility Agreements, the document does represent these through compliance with applicable requirements and agreements.

Additionally, you raised the question: "At what point is DOE prepared to stop crafting paths to closure and start executing a plan?"

EM respectfully disagrees with the assertion that *Paths to Closure* hinders EM's progress towards executing cleanup in any way. It is EM's position that *Paths to Closure* functions as a snapshot in time which reports on, but does not hold up, the execution of the cleanup program. We would like to reassert the role *Paths to Closure* plays in the EM decision-making process. As discussed in Section 1.3, the document does not function as a planning document but rather reflects decisions EM has made and identifies future decisions that must be made. *Paths to Closure* presents the cleanup challenge in the context of life-cycle estimates of scope, cost, and schedule.

2. "Costs of facility deactivation are included but there is no consideration of facility Decontamination and Decommission (D&D) costs. At least some conceptual guidance and rough cost estimates should be given in order to present a complete picture of the total costs to the US taxpayer."

Paths to Closure outlines EM's current estimate of the scope, schedule, and costs for each site to complete the cleanup program. The estimate includes projects for which key decisions have been made pursuant to Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Resource Conservation

and Recovery Act (RCRA), or other statutes, and projects where such decisions have yet to be made. Where decisions have not yet been made, sites make assumptions (e.g., site planning end states) about how those cleanup actions might be carried out so that sites can define work and develop schedule and cost estimates. *Paths to Closure* does not reflect all decommissioning costs primarily because the final end states for some facilities have not been determined. When the end states for these facilities have been determined, EM will develop projects and adjust current assumptions to account for the D&D of these facilities and include these costs in future updates of *Paths to Closure*.

For example, as discussed in Section 2.3.3, the initial *Paths to Closure* report does not include the costs associated with decommissioning the Portsmouth Gaseous Diffusion Plant in Ohio and the Paducah Gaseous Diffusion Plant in Kentucky and may not include the full costs for decommissioning some facilities, such as the spent fuel pools and canyons at the Savannah River Site in South Carolina. As assumptions change, future updates to *Paths to Closure* will be adjusted accordingly. The effect of the adjustment to meet such needs could be significant. The 1996 Baseline Environmental Management Report estimated the cost of decommissioning such facilities at more than \$10 billion.

With respects to the Savannah River site, the estimated EM life-cycle cost is \$29.7 billion (constant 1998 dollars). The life-cycle cost is a planning estimate which includes costs for facility deactivation and long-term monitoring. Decisions on the ultimate end state of some of the facilities have not been made yet; the planning estimate is not intended to preclude any ultimate end state options. Based on these planning assumptions, the estimate could be applied to a range of decontamination and decommissioning options, including cocooning of facilities, as well as potential environmental restoration work.

3. "The cost of the landlord responsibility beyond 2028 should be included since the EM program costs to 2070 are considered . . . [and] should include nuclear materials storage and infrastructure maintenance."

We agree that EM landlord costs incurred after 2028 should be included in *Paths to Closure* life-cycle cost estimates, and the data supporting *Paths to Closure* reflects this position. *Paths to Closure* defines costs associated with landlord responsibilities as site-wide infrastructure costs involving basic services necessary to occupy the site and non-infrastructure costs such as site-wide environmental work. Although we expect that another program will assume the landlord function at SRS after FY 2028, EM will continue to incur landlord costs to support its work at the site. As EM work scope is completed at SRS, EM's contribution to landlord costs at this site will decrease. Eventually, most of the landlord costs at SRS will be adopted by non-EM programs with ongoing missions. Because *Paths to Closure* is an EM document, these non-EM costs will not be reflected in the document's life-cycle cost estimates. *Paths to Closure*

does not reflect your recommendation to include nuclear materials storage costs beyond 2028 because responsibility for these wastes is expected to be transferred to a non-EM landlord program at that time.

4. "Recognizing that funding is going to be limited, there should be more emphasis on hazard containment/control and less on hazard removal/elimination throughout the DOE complex."

Please be assured that EM does not have a cleanup strategy favoring the use of removal/elimination techniques versus containment/control techniques. EM's first priority is to provide the necessary surveillance and monitoring (S&M) at each site to protect human health and the environment. However, as you are well aware, the cost of hazard containment/control is very high, resulting in the expenditure of millions of dollars. The most effective way to reduce these S&M costs is through hazard removal/elimination. Through reduction of S&M costs, EM can use the savings achieved to help fund other cleanup activities.

5. "Contingency costs and plans should be developed for major "show-stoppers" such as significant decreases from the level funding assumption, extended delays in opening WIPP for Transuranic waste, and delays for opening the Yucca Mountain Geologic Repository for high level waste and spent fuel."

At this time, *Paths to Closure* does not reflect your recommendation to develop contingency cost and schedule plans for these "show-stoppers" because of the considerable amount of resources needed to develop detailed contingency plans. However, on a high-level, EM has evaluated the potential impacts of all key assumptions in the event of change. As stated in Section 6.4 of *Paths to Closure*, "EM has chosen not to expend the substantial resources that would be needed to develop detailed contingency plans given that the current assumptions appear reasonable." With respect to your specific concerns surrounding funding levels, WIPP, and Yucca Mountain, EM recognizes the high degree of uncertainty associated with these issues. In response to this concern, we are focusing attention on resolving issues associated with activities identified by the sites, stakeholders and Tribal Nations as having high programmatic risk scores.

6. "Each facility, waste site, etc. should have a description of the end state in the national and SRS documents."

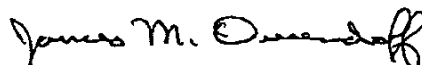
In order to maintain a high-level view of the EM cleanup program, we have not included in the *Paths to Closure* document an end state description of each release site, waste site, and facility. However, the national *Paths to Closure* document does include an end state description for each geographic site undergoing cleanup. More specific information on end states for specific facilities, waste sites, and release sites can be found in the "Technical and Scope

Narratives" of the individual Project Baseline Summary (PBS) which can be accessed from the web, <http://www.em.doe.gov/closure/pbs/index.html>, or by contacting the Operations/Field Office.

During the public comment period, EM received over 500 comments on the draft *Paths to Closure* from 37 different stakeholders and 2 Tribal Nations. (These comments were in addition to about 170 letters from stakeholders, Tribal Nations, and regulators commenting on the *Discussion Draft*, which was released in June of 1997.) In addressing all of these comments, EM attempted to balance perspectives that are sometimes in conflict. Although we may not have addressed all comments to your satisfaction, we appreciate your input and encourage your continued participation in the *Paths to Closure* process. Your comments have been helpful to us in better detailing *Paths to Closure* as a blueprint for managing the EM cleanup program.

Thank you once again for your comments on *Paths to Closure*. If you have additional comments or concerns, please contact Martha Crosland, Acting Director for the EM Office of Intergovernmental and Public Accountability, at 202-586-5944.

Sincerely,



James M. Owendoff
Acting Assistant Secretary for
Environmental Management