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ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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June 24, 2019

The Honorable Anne Marie White
Assistant Secretary
Office of Environmental Management
U.S. Department of Energy
Forrestal Building
1000 Independence Avenue, SW
Washington, DC 20585

Dear Assistant Secretary White:

Thank you for appearing before the Subcommittee on Oversight and Investigations on Wednesday, May 1, 2019, at the hearing entitled "DOE's Mounting Cleanup Costs: Billions in Environmental Liability and Growing." We appreciate the time and effort you gave as a witness before the Subcommittee on Oversight and Investigations.

Pursuant to Rule 3 of the Committee on Energy and Commerce, members are permitted to submit additional questions to the witnesses for their responses, which will be included in the hearing record. Attached are questions directed to you from me and other members of the Committee. In preparing your answers to these questions, please address your responses to the member who has submitted the questions using the Word document provided with this letter.

To facilitate the publication of the hearing record, please submit your responses to these questions by no later than the close of business on Monday, July 8, 2019. As previously noted, this transmittal letter and your responses, as well as the responses from the other witnesses appearing at the hearing, will all be included in the hearing record. Your responses should be transmitted by email in the Word document provided with this letter to Jourdan Lewis, Policy Analyst, with the Committee staff (jourdan.lewis@mail.house.gov). A paper copy of your responses is not required. Using the Word document provided for submitting your responses will also help maintain the proper format for incorporating your answers into the hearing record.

The Honorable Anne Marie White
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Thank you for your prompt attention to this request. If you need additional information or have other questions, please contact Ms. Lewis at (202) 225-2927.

Sincerely,


Frank Pallone, Jr.
Chairman

Attachment

cc: Hon. Greg Walden, Ranking Member
Committee on Energy and Commerce

Hon. Diana DeGette, Chair
Subcommittee on Oversight and Investigations

Hon. Brett Guthrie, Ranking Member
Subcommittee on Oversight and Investigations

Subcommittee on Oversight and Investigations
Hearing on
“DOE’s Mounting Cleanup Costs: Billions in Environmental Liability and Growing”
May 1, 2019

The Honorable Anne White, Assistant Secretary
Office of Environmental Management, Department of Energy

The Honorable Frank Pallone, Jr. (D-NJ)

1. Your testimony indicated that the Office of Environmental Management (EM) is working on a root cause analysis. What steps or process did the Department of Energy’s (DOE) root cause analysis involve?
 - a. When will this analysis be completed?
 - b. What steps or process did DOE's root cause analysis involve?
 - c. Who in EM is responsible for overseeing the completion of EM’s root cause analysis?
2. To what extent does EM have the capacity to do its work, including resources such as having sufficient staff and staff with the right skill sets? What additional resources, if any, does EM need to address these management challenges?
3. Your testimony referred to “end-state contracting” as important initiative for EM.
 - a. What does “end state contracting” mean?
 - b. How will “end state contracting” differ from EM’s current approach to contracting?
 - c. How will "end state contracting" address DOE's growing environmental liability?
4. The department created a few years ago the position of Chief Risk Officer, who is supposed to oversee and mitigate high risks throughout DOE.
 - a. What is the role of the Chief Risk Officer in overseeing EM activities especially given the size and significant growth in EM’s environmental liabilities?
 - b. What specific steps has the Chief Risk Officer taken in this area?
5. Under the National Defense Authorization Act for fiscal year 2011, EM must annually report estimated costs and detailed funding needs for future cleanup activities. However, in January 2019, the Government Accountability Office (GAO) reported that EM's 2017 submission to Congress was only the second one since 2011, and it did not include a detailed list of upcoming activities or funding needed to meet those activities.

- a. Why hasn't EM submitted the required reports to Congress?
 - b. Why have these reports included accurate information, such as estimated future costs for the next four years?
 - c. What does EM plan to do to provide such information to Congress in the future in a timely and accurate manner?
6. We understand that DOE has yet to make a decision on how it will treat Hanford's supplemental low-activity waste. GAO reported in 2016 that DOE may be able to reduce certain risks and save tens of billions of dollars by adopting alternative approaches to treat a portion of its low-activity radioactive waste at the Hanford Site.
- a. What options, if any, is Hanford considering for treating Hanford's supplemental low-activity waste, and what are the expected costs for these options?
 - b. When does DOE expect to decide on how it will treat supplemental low-activity waste?
 - c. To what extent, if any, has DOE analyzed alternatives to vitrification for treating supplemental low-activity waste, as GAO recommended in May 2017, and what are the results of the analyses?

The Honorable Diana DeGette (D-CO)

1. The U.S. Government's environmental liabilities are included on GAO's High Risk List. In particular, GAO notes that DOE has not met criteria for capacity, having an action plan, monitoring, or demonstrating progress. What steps is the Office of Environmental Management (EM) taking in each of these areas?
2. In your written statement you said that EM is preparing a "10-year strategic planning options analysis."
 - a. What will this strategic planning options analysis entail?
 - b. How can EM do an "options analysis" when it has not yet prepared a strategic plan?
3. Over the last 2 decades, several organizations—including the National Academies, the DOE Office of Inspector General, the Consortium for Risk Evaluation and Stakeholder Participation, and GAO—have recommended that DOE adopt a risk-informed approach to decision-making.
 - a. How does DOE define risk-informed decision-making?
 - b. What steps has DOE taken to take a risk-informed approach to decision-making?

- c. To what extent does DOE have a framework for sites to follow to ensure that decisions are risk-informed?
 - d. What challenges, if any, prevent DOE from taking a risk-informed approach to decision-making?
4. GAO reported recently that EM does not manage its work as a program, does not have a strategic plan, does not follow program or project management best practices, does not track changes to cleanup milestones, and the data it uses to monitor its performance is not reliable.
 - a. What is EM's plan to require that its work conform to program and project management best practices?
 - b. What is EM's plan to fix its performance monitoring data, including its earned value, performance metrics and milestone data, as recommended by GAO?
 - c. The data that GAO has found unclear and unreliable is also the data EM has presented regularly to Congress. What is EM doing to ensure that the data it provides to Congress is accurate and provides the information Congress needs to do its job?
5. In 2019, GAO found that the data EM uses to monitor its performance is not reliable. What is EM's plan to fix its performance monitoring data, including its earned value performance metrics and milestone data, as recommended by GAO?
6. In 2017, DOE undertook a 45-day review, which was intended to identify opportunities to improve its mission operations.
 - a. What is the status of the 45-day review, and how, if at all, were the findings from that review used by EM?
 - b. Does DOE plan to make the 45-day review public, and if so, when?
7. In Fall 2018, DOE put forth a proposal to reconsider its interpretation of high-level radioactive waste under the Atomic Energy Act, as amended, and the Nuclear Waste Policy Act of 1982, as amended. Under this interpretation, reprocessing waste would be non-HLW if, among other things, the waste does not exceed certain concentration limits or does not require disposal in a deep repository.
 - a. What is the status of DOE's consideration of this new interpretation?
 - b. How would DOE's proposed reinterpretation of HLW address DOE's growing environmental liability?
8. Section 3139 of National Defense Authorization Act for Fiscal Year 2018 requires DOE to "conduct an evaluation of the feasibility, costs, and cost savings of classifying covered

defense nuclear waste as other than high-level radioactive waste, without decreasing environmental, health, or public safety requirements.” This report was due over a year ago.

- a. Why is this report delayed, and when will DOE issue the required report?
9. In 2019, the National Academies found that EM projections of nuclear weapons complex cleanup costs are “highly uncertain and probably low” due to uncertainties in lifecycle, costs, schedules, and risks.
 - a. What steps does EM plan to take on implementing the National Academies’ recommendation to obtain an independent assessment of the cleanup program’s lifecycle costs and schedules from a government engineering organization?
 - b. In 2019, the National Academies identified seven technologies and alternative approaches that could substantially reduce long-term cleanup costs; accelerate cleanup schedules; and mitigate uncertainties, vulnerabilities, or risks, or otherwise significantly improve the cleanup program. How, if at all, does EM plan to incorporate these technologies and approaches into its plans?

The Honorable Brett Guthrie (R-KY)

1. How many gallons of waste has EM cleaned up to date and how many gallons of waste are remaining?
 - a. Of the waste that’s remaining, what percentage of that is high-level waste and what percentage is low-level waste?
2. Can you briefly describe the ways in which the low-level waste and high-level waste are cleaned up/treated?
 - a. Is there a difference in cost and time between the two types of cleanup treatments? If so, what is the difference?
3. How, and for how long, do the different types of waste need to be stored once they are treated?
 - a. How many locations do we have across the United States to store both low-level waste and high-level waste? Please provide the total capacity of each location.
4. Were the costs associated with the PUREX tunnel collapse at the Hanford site reflected in the environmental liability estimate? If not, why not?
5. When there is a scheduling delay, who bears the cost of continued delay at a contaminated site?

6. Please describe the efforts that EM has undertaken to improve its data collection so that it has complete visibility into the costs and timetables at all cleanup sites.
 - a. Is there an expected timeframe in which this data collection and assembly will be complete?
7. Approximately 40 percent of the money that EM spends on cleanup goes to “minsafe” or minimum safety costs. These costs go towards maintaining these sites to keep them running, safe, and secure until cleanup is complete. Can you provide examples of what types of expenses are included in minsafe costs at the cleanup sites?
 - a. Is it correct that when the timetable for completing cleanup is delayed the liability increases? If so, to what extent is this due to the amount of money spent in minsafe costs?
 - b. What is EM doing to address the high minsafe cost at these facilities?
8. Should nuclear waste sites be managed the same way as the U.S. Environmental Protection Agency’s (EPA) Superfund sites?
 - a. Are the cleanup situations comparable? If not, how are they different?
9. GAO reported that EM is not implementing program management leading practices. Is EM implementing program management leading practices?
 - a. Who is responsible for implementing program management leading practices?
 - b. When will these practices be fully implemented?
10. GAO reported that EM has not largely implemented project management best practices. Is EM implementing project management best practices?
 - a. Who is responsible for implementing project management best practices?
 - b. When will these best practices be fully implemented?
11. What is EM’s working relationship with the DOE Office of Project Management, and how is EM overseen by this office?
12. Your written testimony noted how the EM cleanup mission is being modernized, and you believe this is the key to addressing liabilities. You mentioned using current cleanup technologies for waste composition and risk. What are these technologies, and will their use help reduce EM environmental liabilities?
13. Your testimony mentioned that EM’s multifaceted approach includes lessons learned over decades of cleanup. What are those lessons, and how are they being applied?

14. Your testimony mentioned establishing end states to reduce costs. What is end state contracting and how will this help reduce EM's liabilities?
 - a. What is the status of this contracting reform?
15. Your testimony mentioned updating key project lifecycle estimates and provide a new level of transparency when it comes to liability data. Please describe the current status of this initiative and how this will reduce costs.
16. Your testimony mentioned that EM is implementing a 10-year strategic planning options analysis. What is the goal of this analysis?
 - a. Who is in charge of this analysis?
 - b. Has this been contracted out?
 - c. What is the expected end date of this analysis?
17. EM began an Independent Cost Review of the remaining cleanup of the entire Hanford site in late 2018. Which entity is responsible for the review, and when will this cost review be completed?
18. DOE is currently evaluating the interpretation of the statutory definition of high-level radioactive waste. What is the issue with the definition?
 - a. How could it be reinterpreted?
 - b. If the definition were reinterpreted this way, would this lead to a reduction in EM environmental liabilities? Why or why not?

The Honorable Michael C. Burgess (R-TX)

1. In 1983, the Nuclear Waste Policy Act was signed into law. Under this law Congress directed the Department of Energy to establish a permanent radioactive waste disposal program. Later, Congress designated Yucca Mountain as the site where this disposal program was to take place. Nearly four decades later, the Yucca Mountain facility is closed for political reasons. In today's hearing, we are considering the cost associated with storing high level radioactive materials in sites throughout the country.
 - a. What impact does the lack of a permanent deep geological repository have on DOE's Office of Environmental Management environmental liabilities?
 - b. What costs are incurred by storing high-level radioactive waste in temporary conditions?

- c. When the Yucca facility closed in 2008, was there any change to the DOE's cleanup liability? If so, why?

2. It's my understanding that contracts and contractors account for 90 percent of the Department of Energy's budget. Given the large number of dollars being paid to contractors, what type of oversight does EM conduct over the contractors who are operating the cleanup sites?
 - a. Are there audit requirements? If so, please describe what they are.
 - b. Is there a statute of limitations regarding how long DOE has to reclaim or claw back funds that were given to a contractor if DOE finds that there was waste, fraud, or abuse of those funds? If so, what is that statute of limitations?
 - c. Does Office of Environmental Management independently verify the financial numbers submitted by the contractors? If not, why not?
 - d. If the numbers are not verified, why should we trust the financial numbers reported by contractors?
 - e. Does Office of Environmental Management believe that the cost numbers submitted by the contractors are accurate and reliable?
 - f. How does Office of Environmental Management measure the value of a contractor's cleanup work?