



**Department of Energy**

Washington, DC 20585

June 24, 2005

The Honorable John W. Warner  
Chairman  
Committee on Armed Services  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

Enclosed are answers to the pre-hearing questions from the Committee for the June 29, 2005 nomination hearing regarding James A. Rispoli to be Assistant Secretary for Environmental Management.

If we can be of further assistance, please have your staff contact our Congressional Hearing Coordinator, Lillian Owen, at (202) 586-2031.

Sincerely,

A handwritten signature in cursive script that reads "Eric Nord".

A handwritten word "for" in cursive script.

Jill L. Sigal  
Acting Assistant Secretary  
Congressional and Intergovernmental Affairs

Enclosures

cc: The Honorable Carl Levin, Ranking Member



Mr. James A. Rispoli's Responses to the Advance Policy Questions  
of the Senate Committee on Armed Services

A. Duties

1. What is your understanding of the duties and functions of the Assistant Secretary of Energy for Environmental Management?

If I am confirmed as Assistant Secretary for Environmental Management, I see as my overarching duty to provide leadership and management to a team of professionals, both Federal Employees and Contractors, in the restoration, cleanup and closure of the Department's nuclear weapons legacy complex of sites throughout the nation. This mission is paramount to the security and safety of the nation, and must be performed with full recognition of safety for the workers and the communities in which our sites are located.

2. Assuming you are confirmed, what duties and functions do you expect that Secretary Bodman would prescribe for you?

In my very first meeting with Secretary Bodman, in my current capacity as Director of the Office of Engineering and Construction Management, he expressed his strong personal interest in improving performance of the Department's portfolio of projects, especially our highly complex and challenging environmental projects. It is clear to me that he is committed to safety in all that we do, and to meeting our commitments to the people of this nation in our program of restoration, cleanup and closure of our sites. If confirmed as Assistant Secretary, I expect that he will reinforce that charge to me and provide me with his full support in the execution of the Environmental Management program.

B. Major Challenges

1. In your view, what are the major challenges confronting the Assistant Secretary of Energy for Environmental Management and the Environmental Management program?

I believe there are a number of challenges inherent in this program. I would consider the overarching challenges to be:

- Safety. We are cleaning up inherently hazardous sites. Worker safety is paramount, and of course, the whole purpose of the cleanup and closure efforts is to restore the sites to a condition that is safe and appropriate.
- Complexity and uncertainty. We are cleaning up waste for which the technologies may still be unproven, or in some cases, whose physical characteristics and behaviors we may not understand.

- Project management discipline. The prior Assistant Secretary began the transformation of the cleanup into a projects portfolio. We must complete the task of instilling proper management discipline throughout. There are industry standard practices and tools that industry uses to establish cost, schedule, and funding requirements, and then manage to those targets. The challenge will be to foster complete acceptance and use of those practices and tools.

2. Assuming you are confirmed, what plans do you have for addressing these challenges?

The successful management of this program will require several areas of focus, all towards the same purpose. The Federal leaders, managers and employees at all levels, and their Contractor counterparts, must understand their mission, and recognize that the industry-standard tools, practices and management methods available to them are proven by the test of time. Consistent reinforcement of competent leadership and management at all levels will be my personal commitment, if I am confirmed to this position.

### C. Management Issues

The Assistant Secretary for Environmental Management is responsible for cleanup activities occurring at Department of Energy sites across the country.

1. What are your views on the roles and responsibilities of field managers relative to those of Environmental Management Headquarters managers?

The Environmental Management program in the Department of Energy is complex and technically challenging, and I know we all recognize that. I believe that we can succeed only through a team effort that includes executives, leaders and managers at the sites (both Contractor and Federal) and at the headquarters. I have been blessed to experience successful team efforts in my career, both in the Naval Facilities Engineering Command where I previously served as manager of the Navy's cleanup program for shore installations, and then in industry where a significant part of my work was leading contracted environmental work for the U.S. Air Force at several of its installations. I know that it will take a team effort, and I have been a leader for both the Government and the Contractor in these efforts. I will work to develop a better understanding of roles and responsibilities for all of us involved in this effort, if I am confirmed.

2. What is your view of EM's organizational structure? Is there a well-delineated and consistent chain of command and reporting structure from the field staff to headquarters staff, from the contractors to DOE officials, and from the Office of Environmental Management to the Secretary of Energy and other DOE officials?

Not having worked within the Environmental Management organization, I will need to better understand the EM organizational structure and the relationship between the field staff and headquarters staff, and then onward to other DOE officials. I would expect to focus on a clear chain of command within the EM organization, extending to the interface with the contractor officials, with clearly defined roles and responsibilities. Certainly this will be an early area of interest if I am confirmed.

3. Do the field offices have enough autonomy and flexibility to work with the contractors at the sites to get the cleanup finished in a safe and efficient manner?

Not yet having visited the sites and their contractors in an "internal EM" capacity, I will need to learn about those relationships if I am confirmed.

4. In your opinion, should the field offices have more autonomy than they currently have?

Not yet having visited the sites and their contractors in an "internal EM" capacity, I will need to learn about those relationships if I am confirmed.

The Environmental Management program has used a variety of contracting methods, including management and operating cost plus award fee contracts, cost plus incentive fee contracts, and performance-based, fix-priced contracts.

5. What is your view of the role of these, or other, contracting methods, and what principles do you believe DOE should follow when entering into EM contracts in the future?

When I managed the Navy's ashore cleanup program, I worked with the contracting officials of the Naval Facilities Engineering Command to develop an acquisition and contracting approach that became a standard for their contract efforts. As leader and manager of contracted efforts, I saw that the Air Force had a similar acquisition and contracting approach. I believe that there should be a common corporate approach, and yet there should be latitude for tailoring that approach to suit the challenges and risks in each application. In my present capacity, I have not been involved in the specifics of the contracts at the various sites, but I do believe that the principles I mentioned are proven, and that a reasoned strategy must be in place for each and every contract entered into by the Government.

#### D. Mission

The Department of Energy has offered changing views, over the lifetime of the Environmental Management (EM) program, as to whether the program should focus on cleaning up the sites now within its purview or whether the program should have an

ongoing mission of cleaning up all surplus DOE facilities, as the facilities become excess, over time.

1. Do you believe there is a point at which the EM program should stop taking surplus buildings, facilities or waste streams from other components of the DOE into the EM program for decommissioning, decontamination, and disposal?

As I have not yet been involved in discussions on the issue noted, I would defer comment but will make it a priority to review this issue, if I am confirmed.

2. If confirmed, what requirements would you place on the other DOE programs before you would take additional buildings, facilities or waste into the EM program?

I cannot comment at this time on the potential requirements referenced as I have not been involved in this issue. Should I be confirmed, I would carefully review the issue and consult with the other Departmental leaders involved with it.

3. Do you believe it is an appropriate policy for the EM program to “go out of business” at some point and leave the remainder of newly generated waste as the responsibility of existing DOE programs? If not, how should newly generated wastes be managed and which program (EM or the program generating the waste) should budget for these activities?

If I am confirmed, this is an important policy question which I would need to personally consider, in consultation with the Department’s leadership.

In developing the National Defense Authorization Act for Fiscal Year 2006, this committee did not adopt the proposal in the President’s budget request, of transferring certain Environmental Management activities from the Environmental Management program into the National Nuclear Security Administration (NNSA). In the committee’s view, such a transfer would not comply with the legislation which established the NNSA.

4. What is the Department of Energy’s interpretation of these provisions of the NNSA Act which relate to the possible transfer of cleanup activities into the NNSA? What is your interpretation?

I personally am not currently familiar with this particular aspect of the NNSA Act, but if confirmed I will study it and consult with my colleagues at the Department of Energy, including those in the NNSA.

During her confirmation hearing before this committee, on June 7, 2001, Ms. Jessie Hill Roberson, your predecessor in this position should you be confirmed, testified that it was her goal to “make changes that have lasting and permanent impact on this program.”

5. Do you believe that the Environmental Management program is best served, at this point in time, by a continuation of the focus on accelerated cleanup begun under Assistant Secretary Roberson?

Although I am familiar with certain aspects of the accelerated cleanup program by working with EM on selected site issues, I would need to spend more time understanding all the aspects of the program. If confirmed I will carefully review all aspects of the cleanup program and its effectiveness.

One of the initiatives undertaken by Assistant Secretary Roberson was the development of "end states" documents for each major site in the EM program, depicting the residual contamination levels remaining at each site after the completion of cleanup.

6. What is the status of the development of "end states" for each major site?

Not having worked within the Environmental Management organization, I will need to learn the status, details and rationale for the development of the end states for the major sites, if I am confirmed.

7. Were these documents intended to receive the concurrence of state and federal environmental regulators at each site, and if so, which sites received such concurrence? What is the status of these documents at sites which did not receive concurrence?

I am not familiar with the originally intended status or anticipated procedural steps for resolution and documentation of end states. Certainly this will be an early area of interest for me if I am confirmed.

8. Did the EM program intend for the "end states" documents to be the starting point of a discussion with regulators about changes to the existing regulations and compliance agreements that guide cleanup? If so, would you pursue such discussions with regulators if you are confirmed?

I believe that open and honest dialog with the regulatory community, both from headquarters and at each site, is vital. Our sites are in the communities, and in the final analysis, the cleanup is being done for the good of the country and its citizens. If I am confirmed, I will encourage open, honest and professional dialog with the regulators who represent that constituency.

One of the promises of accelerated cleanup was that, by applying additional funds in the near term to achieve the early completion of cleanup at certain sites, more funds would be available for the remaining sites where cleanup is expected to take longer. In other words, if DOE got a few sites done and out of the way, there would be more room in the budget to tackle other sites.

9. Do you believe this promise of accelerated cleanup has yet been realized, and if not, why not?

If confirmed, I will need to better understand the integration of the EM budget and the accelerated cleanup program timelines. I have not been involved in such issues in my present position.

#### E. Technology Development

1. Do you believe that the EM program has conducted sufficient technology development so that a treatment and disposition pathway exists for all identified waste streams under the program?

Although I am aware that EM's program includes technology development, I am not familiar with the status of that aspect, or its interrelationship with the individual contracts and projects that deal with the waste streams. Because of the oftentimes unique characteristics of the wastes in our inventory, I see this as an important area for me to understand if I am confirmed.

2. If any orphan waste streams – those for which there is no identified disposition pathway – exist within the EM program, what technology development or other efforts would you undertake, if confirmed, to address them?

Again, while I am aware that EM's program includes technology development, I am not familiar with the status of this issue. I see this as yet another important area for me to understand if I am confirmed.

3. What, in your view, are the continuing requirements for developing and fielding new technologies, and what are the highest priorities?

Again, I see this as an important area for me to understand if I am confirmed.

#### F. Pensions

During fiscal year 2006, the EM program is scheduled to complete cleanup at the following closure sites: Rocky Flats, Mound, and Fernald. In each case, DOE must decide how to administer or transfer the post-closure pension and medical benefits for cleanup workers at these sites. DOE has indicated that it intends to keep the responsibility for administering these benefits with the cleanup contractors, post-closure.

1. Has DOE evaluated any cost efficiencies that would be gained by pooling the sponsorship and functional management of post-closure benefits into a single purpose contract; one that could be competed for and awarded to one of a number of companies that specialize in the administration of such benefits?

With regard to the questions raised on pensions, I am currently not familiar with the details of the administration of benefits at sites post-closure. I realize that this is an important issue and I will familiarize myself with the details should I be confirmed.

2. Assuming the EM program is funded at the level of the fiscal year 2006 budget request, will there be any sites under the EM program where sufficient funding will not be available to make payments to employee pension plans at the levels mandated under the Employee Retirement Income Security Act (ERISA)?

Again, I realize this is an important issue and will familiarize myself with the details should I be confirmed.

3. Are you aware of any sites under the EM program where making ERISA-mandated pension plan payments will result in such a drain on available funding that the furlough or involuntary separation of employees at the site will be necessary?

Again, I realize this is an important issue and will familiarize myself with the details should I be confirmed.

#### G. Workforce Restructuring

If confirmed, your duties will involve the review and approval of workforce restructuring plans at sites under the EM program.

1. Please describe your general approach and philosophy in reviewing workforce restructuring plans.

This is a critically important issue, and ensuring fairness for the workforce is a priority for me. If confirmed I will be personally involved in reviewing any workforce-related issues, and look forward to working with the Committee on these issues.

Given the nature of their work, cleanup workers are fundamentally in a position of "working themselves out of a job."

2. How do you believe this particular challenge is best handled from both a corporate perspective and as a manager of these workers?

Again, if confirmed I will be looking very carefully at the workforce-related issues in the Environmental Management program.

## H. Waste Incidental to Reprocessing (WIR)

One of the biggest challenges of DOE's Environmental Management program is emptying the large tanks of highly radioactive waste that exist at defense nuclear sites in South Carolina, Washington, and Idaho. Last year, Congress granted DOE, in consultation with the Nuclear Regulatory Commission, the authority to determine that portions of this waste are not high level radioactive waste and thus DOE may leave residue that meets the requirements of the provision at the bottom of the tanks in South Carolina and Idaho after these tanks are otherwise emptied.

1. How is DOE using this new authority?
2. How will DOE complete the cleanup of the tanks at the Hanford site in Washington State in the absence of equivalent authority for those tanks?
3. What is the timetable for completing cleanup of the Hanford tanks?
4. What effect has the passage of Initiative-297 by the State of Washington had on the Department's ability to complete the cleanup at Hanford?

At this time, I cannot comment on the specifics to the use of the authority. I recognize the interest in this issue by members of the Committee and I will seek to both understand the details and commit to working with the Committee should I be confirmed.

## I. Waste Treatment Plant

The Department of Energy has notified the congressional defense committees that the Waste Treatment Plant (WTP) being constructed to treat and immobilize the liquid, high-level radioactive waste at Hanford is experiencing "significant" escalation in the total project cost.

1. In your view, should the WTP be considered a high risk project from a cost and management perspective?

Without doubt, this project to build a waste treatment plant at Hanford is complex. I consider any such unique project dealing with the complexity of chemical and nuclear waste to be high risk. Several experts have told me that it may very well be the most difficult and complex nuclear and chemical process facility in the world, and in size it equals building three nuclear power plants. I see the effective management of risk as integral and essential in successful delivery of a project of this size and complexity.

2. If confirmed, what remedies or precautionary actions would you recommend the Secretary of Energy implement in the near term to bring this project under control from the perspectives of cost, schedule and technical risk?

If I am confirmed to the position of Assistant Secretary, recognizing that this project is likely the most complex of its type in the world, and recognizing the significance of the cleanup work at Hanford, I will give a high priority to personally understanding the risk management approach and its integration into the project management for, and the eventual operation of, this facility.

3. If confirmed, how would you use your experience in leading the DOE Office of Engineering and Construction Management to improve the overall execution of project management within the EM program, particularly for major projects such as the WTP?

My career as a Navy Civil Engineer Corps officer, then as a senior officer in two environmental companies, and now as the Director of the Office of Engineering and Construction Management, have imbued in me a clear sense for leadership and management of both individual projects and entire programs. I recognize that the EM program is extremely complex and challenging, but I am not daunted by taking on this challenge if I am confirmed. There are sound and proven leadership and management techniques that have served me well in my career; I also recognize that each leadership position, and each set of challenges, requires a reasoned application of those techniques. As I have stated above, I would focus on the processes and tools, and the utilization and understanding of those processes and tools by leaders and managers at all levels, both Federal and Contractor.

4. What, if any, technology uncertainties exist with respect to the WTP or with respect to the operational waste treatment and immobilization steps planned for use in the WTP?

As you may know, during the execution of this project, it has been reviewed not only by EM, but also by two independent reviews performed by the Logistics Management Institute, and two independent reviews by the Corps of Engineers. This is a challenging project, and in the opinion of some, the most challenging and complex of its type in the world. Certainly during the planning and design stages there were technology uncertainties. As I have stated above, if I am confirmed, I will give a high priority to personally understanding the risk management approach and its integration into the project management for this facility at this point and going forward.

#### J. Buried waste

The federal government and the State of Idaho have been in dispute regarding whether and to what extent DOE is obligated to remediate substantial quantities of buried waste that underlie the Idaho National Laboratory.

1. What is the status of any pending litigation involving this dispute and what is the DOE position regarding its cleanup obligations for this waste?

If confirmed I will carefully review the status of this disagreement and would then look forward to working with the Committee on this issue.

2. How is DOE addressing any environmental risks associated with this waste?

Again, if confirmed I would be able to review and understand this issue.

#### K. Waste Disposal

Completion of cleanup at a number of EM sites depends on the timely shipment of quantities of transuranic waste to the Waste Isolation Pilot Plant (WIPP) in New Mexico for disposal. In some cases, DOE is under regulatory deadlines for completing shipments to WIPP.

1. What regulatory deadlines does the EM program currently face related to WIPP shipments and what is the current progress against those deadlines?

As I do not currently work in the EM program I do not know the answer to this question. If confirmed, I must learn about this issue, and similar issues related to committed deadlines.

2. Are you aware of any issues that jeopardize DOE's ability to meet these deadlines? If so, what is DOE doing to address these issues? What, if any, additional permits or permit modifications are needed for WIPP in order to meet these deadlines?

Again, I do not know the answer to this question at this time. If confirmed, I must learn about our committed deadlines and issues related to them. With an understanding of these issues, I would be able to address any questions the Committee may have on this subject.

#### L. Enduring sites

Cleanup under the EM program occurs not only at closure sites, but at DOE national laboratories and other sites with ongoing missions. These locations are sometimes distinguished from the closure sites by use of the term "enduring sites."

1. Does the EM program approach cleanup differently at closure sites than at enduring sites?

As I have not yet been involved in this aspect of EM's operation, I need to become familiar with EM's approach to this issue.

2. How should the EM program best manage the interfaces between its cleanup operations and other ongoing missions at the enduring sites?

If confirmed, I would work with other Departmental elements as appropriate to best insure that we are addressing EM's activities responsibly while also minimizing the impact to ongoing missions at operating sites.

3. Does the EM program prioritize work differently at enduring sites, and if so, in what way?

Again, as I have not yet been involved with this aspect of EM's operation, I am not prepared to answer this question at this time.

#### M. Design Basis Threat

Secretary Bodman testified before this committee that DOE sites will not achieve compliance with the current design basis threat until the year 2008.

1. Given the seriousness of the need to secure nuclear materials, both abroad and at home, do you believe that this is a sufficiently rapid response to the threats currently outlined by the intelligence community, and against which DOE has agreed it must defend at its nuclear sites?

If confirmed, the Design Basis Threat would be a very high priority for me. I would intend to be personally involved, and understand this issue. Since I have no specific knowledge related to this question, I can not address it at this time.

2. If confirmed, what actions would you undertake to consolidate and more rapidly secure any special nuclear material existing within the EM program?

If confirmed, I will need to understand the nature and extent of the special nuclear material and wastes in the inventory, in order to be able to evaluate the potential for any improvement in this area.

3. Do you agree that, even with a primary focus on accelerating cleanup, it is still an essential responsibility of the EM program to secure these materials against the threats existing now?

Cleaning up our sites is an essential role of the EM program, and securing these materials is of paramount importance during that process. This is another issue that I will have to learn if confirmed.

## N. Congressional Oversight

In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of the Congress are able to receive testimony, briefings, and other communications of information.

1. Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

As a former career naval officer sworn to protect and defend the constitution of the United States, I believe in our system of government and its respective legislative and executive functions. If confirmed, I would welcome the opportunity to appear before this committee and other committees of Congress.

2. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

I believe I am a person of honor and integrity, and if confirmed, I would intend to bring those inherent characteristics to all my dealings with both administration officials, and with members of Congress and their staffs.

3. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of Energy for Environmental Management?

I do.

4. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

I believe that open and honest communication is vital to success and credibility. If I am confirmed, I would intend to maintain a most positive dialog with this committee, its members and staff, and other appropriate committees.