

Advance Policy Questions for Anne White
Nominee for Assistant Secretary of Energy for Environmental Management

Duties and Qualifications

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

The Office of Environmental Management's mission is to cleanup the legacy of environmental contamination resulting from over five decades of nuclear weapons development and government-sponsored nuclear energy research. Integral to this mission is the need to safely and in accordance with applicable laws and regulations, disposition large volumes of radioactive and mixed radioactive waste, deactivate and decommission several thousand radiologically and chemically contaminated facilities no longer needed for the Department of Energy's (DOE's) mission, and remediate surface and groundwater contamination. If confirmed, my top priority as the Assistant Secretary of Energy for Environmental Management will be to continue making steady progress in carrying out the EM mission while ensuring the safety of the workers at DOE sites, the public and protection of the environment.

If you are confirmed, what duties and functions do you expect that Secretary Perry would prescribe for you?

The Secretary will expect me to complete my duties and functions safely and in compliance with applicable laws and regulations, and within the budgetary resources allocated to the Office of Environmental Management.

What qualifications and experience do you have that would qualify you to perform the duties of the Assistant Secretary of Energy for Environmental Management?

As you may know, I hold a master's degree in nuclear engineering, and I began my career performing physical cleanup before forming my own small business in 1995. Over the past 25 years, I have gained invaluable experience working in almost every capacity of the environmental restoration industry ranging from commercial, to governmental and international organizations. This experience has provided me with an appreciation for the complex technical challenges the Office of Environmental Management faces. My company has subcontracted to the major EM contractors at a number of the EM sites. In addition, I have successfully provided leadership and strategic advice to entities at a variety of cleanup sites and often in the most challenging circumstances.

My experience has traditionally been to provide strategic leadership and guidance to those who provide the hands-on management of large EM cleanup projects. I ascended to the strategic advisor role because I had performed work in the areas of regulatory compliance, radiation worker protection, nuclear safety and waste management. This breadth of experience allows me to understand the complexities of the various parts of environmental projects and makes me an effective problem solver.

Major Challenges and Priorities

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

Clearly a major challenge has been contractor performance in the areas of completing projects on time and within budget. This has been especially the case for new facility construction and start up.

Another major challenge is the need to allocate EM funding to be more productive in making progress toward the cleanup mission. A large cost component of the budget is taken up by maintaining aging infrastructure and high “hotel load” at the facilities across the EM complex which leads to investments that do not advance the EM mission.

EM has not had a major closure since Rocky Flats, Fernald and Mound, over a decade ago. The completion and closure mindset that was present earlier in the EM program needs to be re-energized.

Finally, EM has had challenges meeting project milestones and regulatory and other commitments.

If confirmed, what plans do you have for addressing these challenges?

If confirmed, I will prioritize deepening my understanding of contracting approaches that have been successful and those that have been less successfully and apply those lessons learned to future contracting actions. This will set the stage for successful contractor performance for the multitude of procurement actions that will occur in the next several years. I will also work to leverage opportunities in existing contracts to maximize performance in both safety and project completion.

If confirmed, I will address funding challenges through a review of the EM site budgets to ensure the funding Congress has allocated is being appropriately applied to the cleanup mission. For example, I will prioritize the use of budgetary resources to decontaminate and demolish aging buildings and infrastructure rather than maintaining them. This approach will both advance the EM cleanup mission and allow funding to be applied more productively. If confirmed I will work with Congress to refine these approaches.

Project completion is achieved through having a plan, working the plan and completing the plan. As small successes accumulate, momentum is gained and a completion mindset develops. In general, people like to accomplish their work and meet expectations. I believe this kind of culture change is brought about through leadership. This includes communicating expectations clearly and making timely decisions that enable the field units to perform their mission successfully.

Improvement in meeting schedule and regulatory milestones will be achieved through the perspective that milestones are hard deadlines. I understand in certain circumstances, budgetary constraints may make meetings commitments challenging. Under such circumstances, I commit to early communication with stakeholders and thorough exploration of ways to address the issues.

If confirmed, what would be your main priorities?

Ensuring a safety conscious work environment where issues and ideas for improvement are elevated and addressed quickly and appropriately. Executing the cleanup mission in the most efficient way possible while meeting regulatory commitments. Making decisions with deliberate speed that are technically credible and fiscally responsible.

The Government Accountability Office (GAO) continues to add the federal government's environmental liability to its High Risk List.

Do you believe the GAO findings are warranted?

While I have not yet fully reviewed the report, my experience as a consultant at several of the EM sites indicates environmental liabilities are not being addressed in a timely fashion. I understand GAO has reported environmental liabilities are up to \$447 billion from \$212 billion in 1997. The EM program is responsible for 83 percent of the liabilities. Further the GAO report notes that it has made 28 recommendations for improvement since 1994 and 13 remain unimplemented by the EM program. In my personal view, based on this summary level information, the GAO findings may be warranted. I will study the issue further if confirmed.

If confirmed, how will you address the GAO concerns?

Accomplishing the Department's cleanup goals requires applying innovative strategies to these challenges while ensuring that work is completed safely and technically-sound decisions are made in a timely manner. If I am confirmed, I commit to leading an EM program that is focused on these principles. EM has made progress completing the cleanup at 91 sites, however, the remaining cleanup work is some of the most complex and challenging work. Managing the environmental liability is rooted in achieving steady progress through the efficient and cost-effective management. Specifically, I will review the GAO report and the 28 recommendations for improvement. I will determine what of the 13 unimplemented recommendations will lead to effective liability reduction within budget constraints. I will manage the EM mission and reduce its environmental liability through safe work practices in compliance with applicable laws and regulation. I will document the rationale for any unimplemented recommendations.

Relations with Congress

What are your views on the state of the relationship between the Assistant Secretary of Energy for Environmental Management and the Senate Armed Services Committee in particular, and with Congress in general?

I have had several meetings with members of the Senate during my confirmation process. During the meetings with the Senators and their staff, it was clear there is broad frustration with EM's lack of progress given its approximately \$6 billion annual budget. If confirmed, I will be accountable for meeting the commitments EM makes. I understand in certain circumstances, budgetary constraints may make meeting commitments challenging. Under such circumstances, I commit to early communication with stakeholders and thorough exploration of ways to address the issues.

If confirmed, what actions would you take to sustain a productive and mutually beneficial relationship between Congress and the Assistant Secretary of Energy for Environmental Management?

I understand and appreciate this committee's oversight responsibilities for elements of the EM program. I believe I share the same goal of many Members of Congress which is completing a safe and effective cleanup in the most fiscally responsible manner. If confirmed, I intend to maintain a regular dialogue with congressional stakeholders regarding EM's progress in its cleanup mission. I look forward to regular meetings and briefings with this committee to ensure Senators and staff are fully aware of the current status of the program.

Management Issues

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

What are your views on the roles and responsibilities of field managers relative to those of EM headquarters managers?

Field managers are responsible for the safety and effectiveness of the cleanup at their sites including, the day-to-day operations, strategic site planning and mission execution. Headquarters managers should be primarily enabling the work to be done in the field, whether that is through executing oversight responsibilities in a way that helps improve the sites' performance, sharing corporate lessons learned across sites, or helping ensure the field office managers have the resources they need to complete the work as safely and efficiently as possible.

What is your view of the EM program'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?

In my view, organizational structures do not deliver completed projects. The right people, doing the right things, at the right time lead to successfully completed projects. If confirmed, I will review the skills and qualifications of staff to ensure they are appropriately matched with their strengths, and that the staff is empowered to do their work. I will also ensure that my staff clearly understand my expectations and well understand the lines of communication. I understand the Office of Environmental Management is organized to ensure focus on the core mission of the Field offices with the Headquarters operation structured to support those missions. Line management flows from the field managers to very senior levels of EM Headquarters management who are positioned to provide assistance and strategic support where needed.

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?

I believe field offices have enough latitude to appropriately oversee their contractors and the work conducted at their sites. Contractors must be held accountable for the safe and efficient execution of their work. If confirmed, I will be looking closely at opportunities to ensure sites are receiving the right balance of autonomy and flexibility, while ensuring EM's contractors are held fully accountable for safety and performance.

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

Delivery on our commitments to complete the cleanup the Cold War legacy can only be accomplished through the day-to-day operations at our field sites. Having seen first-hand the field operation, I believe the authorities delegated to the field give those closest to the work the ability to manage projects safely and efficiently, while ensuring adherence to performance requirements and expectations. Additionally, I believe there is an appropriate role for Headquarters' leadership to facilitate engagements and the sharing of knowledge and experience across EM sites in order to enable safely and efficiently meeting various performance objectives.

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

What is your view of the utility and appropriate role of these, or other, contracting methods?

Having a variety of contracting options is advantageous since it provides the flexibility to structure specific contracts that maximize and incentivize the safe and efficient execution of cleanup responsibilities, while minimizing risk to the taxpayer as appropriate. It is

important to take lessons from the spectrum of EM's experience to structure the best approaches for various cleanup efforts.

What principles do you believe DOE should follow when entering into EM contracts in the future?

Contracts need to include clear scopes of work and clear expectations in order to make safe and timely progress on the EM mission. The terms and conditions of a contract should be structured to provide appropriate incentives to the contractor to provide the best outcomes, while discouraging negative outcomes. Effective contracts that support EM mission and functions must provide DOE with the tools that allow for firm but fair management of contractors, while holding them accountable for the work they perform or fail to perform. Setting realistic interim fee bearing milestones, while also incentivizing safety and compliance allows for early identification of project delivery risks and potential cost overruns. Early identification of issues will allow for adequate time for project recovery. I understand there is a significant amount of work for which new contracts will need to be executed over the next several years and, if confirmed, I plan on carefully reviewing the acquisition plans, contract terms, award criteria, and other aspects of the contracting process to ensure the principles of maximizing safety and performance and minimizing risk are achieved.

Mission

DOE has offered changing views, over the lifetime of the EM program, as to whether the program should focus on cleaning up the sites within its purview as of a date certain or whether the program should have an ongoing mission of cleaning up all surplus DOE facilities, as the facilities become excess, over time.

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 DOE into the EM program for decommissioning, decontamination, and disposal?

I believe at the heart of any environmental restoration cleanup project is to end the cleanup mission. EM mission completion is still decades into the future. However, the skilled workforce used to complete the EM mission could be transferred to sites with enduring missions. While I believe that EM could continue to accept additional cleanup assignments, I believe that acceptance of those assignments should include corresponding funding so those assignments do not "pile up".

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?

EM has a set of cleanup agreements with state regulators and the Environmental Protection Agency for the existing cleanup program. I believe it is important for EM to prioritize the cleanup missions that correspond to those agreements. EM has additional

decades of work in order to complete its known, current cleanup mission. EM has a memorandum of understanding for the transfer of unneeded National Nuclear Security Administration facilities to EM for decontamination and decommissioning. I believe that this would be a template for the transfer of facilities from other DOE offices to EM for cleanup. It is consistent with nuclear industry best practices to have a decommissioning plan and a decommissioning funding stream throughout the operational life of the facility in order to accomplish the eventual decontamination and decommissioning effort for those facilities.

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, in your view, how should newly generated wastes be managed and which program (EM or the program generating the waste) should budget for these activities?

If confirmed, my first priority will be to execute the existing cleanup scope in a safe and efficient manner that meets regulatory requirements. The fundamental principles of international radioactive waste management requires the generator pay for the disposition of the waste. This principle ensures generators minimize waste and make operational choices that decrease overall project costs because they must pay the costs for their waste management approach. Any changes to how newly generated waste is managed will require a shift in resources or priorities. If confirmed, I plan on working with DOE programs that generate waste to gain an accurate understanding of how they currently manage newly generated waste and discussing waste management options with those programs and their stakeholders.

Do you believe that making the program responsible for newly generated waste would incentivize the program to minimize the amount of waste created or, conversely, would it result in the program storing waste, perhaps indefinitely?

As noted in my answer above, the “generator-pays” principle has been recognized internationally and within the U.S. commercial market to incentivize efficient and best-practices behavior. Also as noted above, I will work to gain an accurate understanding of current practices within DOE. If confirmed, I will work with other DOE programs and Congress to discuss efficiencies and best practices for the management of non-EM programmatic wastes.

The EM program demonstrated that accelerating cleanup at specific sites could result in a more cost effective approach to cleanup over the long term. After the Rocky Flats and the Fernald Sites were completed, the accelerated approach was abandoned.

If confirmed, would you look at renewing an accelerated approach for specific sites if significant long-term cost savings could be achieved?

Yes, having started in my career around the time of the Rocky Flats project, the accelerated closure model is a potentially successful approach for some sites and, if confirmed, I will explore, which, if any sites may be appropriate for such an approach.

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

While I have not yet fully evaluated this issue, it is one of interest to me. Accelerated cleanup could yield positive results, but may require a higher, up-front investment. If confirmed, I look forward to discussing accelerated clean models with members of this committee, Congress at large, and their staff.

Technology Development

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?

I am not fully aware of the breadth of the EM program's technology development efforts. However, I believe that the Department's cleanup program has reached a mature stage, and that appropriate applications of available well-developed technologies can result in benefits. There are also remaining environmental challenges for which innovative solutions are necessary, and can be obtained, to enable the EM program to continue to make progress in a safe and efficient manner.

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?

If confirmed, I would pursue the appropriate application of existing technologies to tackle cleanup challenges. For waste streams that currently do not appear to have a readily available disposal pathway (e.g, the high level calcine and similar waste), I believe in a focused research effort based on developing solutions to known and well developed requirements.

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

The currently remaining mission of the EM program is focused going forward on some of the most difficult, and long-term, environmental challenges. I believe that a technology development program should focus first on the adaptation of successfully proven, existing technologies for application in various settings, including a nuclear setting.

For those instances when adapted, proven technologies are not available, I believe in a focused research effort based on developing solutions to known and well-developed requirements.

Workforce Restructuring

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

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

If confirmed I believe I have an obligation to lead the EM program in a manner that serves as a good steward of taxpayer resources, while also addressing workforce-related issues in a thoughtful and transparent manner with sensitivity. It is essential that the EM program recruits and retains the workforce with the skills necessary to carry out hazardous and challenging cleanup activities.

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

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

Shifts in skill mix often occur throughout the life of a project or cleanup activity and shifts in funding sometimes occur as projects are completed or emerging issues or risks arise. When a contractor decides it is necessary to restructure its workforce, I will expect that it do so in a thoughtful manner that is in accordance with the terms of the contract and the laws prohibiting discrimination. Additionally, if confirmed, I commit to working with DOE contractors to ensure open and transparent communication with the workforce and ensuring early and frequent communication to Congress and employees when these types of changes are expected.

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.

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

I do not know the details of each regulatory agreement at this time. If confirmed, I will receive a full briefing on the status of all of DOE’s regulatory milestones associated with proposed waste shipments to WIPP.

Savannah River National Lab is constructing a facility to produce mixed-oxide fuel (MOX) from 34 metric tons (MT) of weapons grade plutonium that falls under the Plutonium Management and Disposition Agreement. The National Nuclear Security Administration (NNSA) and GAO have estimated that the cost of this project has significantly increased beyond feasibility. As an alternative, NNSA proposes the 34 MT be diluted and disposed of, and shipped to WIPP for storage.

WIPP was recently re-opened and is now receiving small amounts of waste after an accident that shut down the facility for a number of years. The current capacity of WIPP is insufficient to dispose of the 34 MT of diluted and disposed plutonium that was originally meant for MOX at Savannah River, along with the waste for WIPP already in queue. WIPP is the only facility currently receiving transuranic waste in the United States.

Do you believe NNSA should expand WIPP? If so, when do you believe that process should start?

I understand that EM has offered a concept relative to this issue for the public's consideration to calculate the amount of waste disposed of at WIPP in order to comply with the limits in the Land Withdrawal Act. If confirmed, I will receive a full briefing on the matter to fully understand the issue involved.

Do you anticipate concerns from the New Mexico Congressional delegation and local government about expanding WIPP?

I have learned throughout my years in this field that stakeholder outreach and communication is essential to effective project delivery. If confirmed, I will establish and maintain solid relationships with all stakeholders including the New Mexico delegation, and would discuss this and other issues with them as appropriate.

As nuclear waste increases daily and storage options are limited, what alternatives to WIPP for transuranic waste storage do you propose?

WIPP is a crucial component of the entire Environmental Management complex and is the only operating deep geologic repository. I recognize the importance of managing WIPP's operation to execute its intended mission as a safe disposal option for transuranic waste generated from atomic energy defense activities. If confirmed, I intend to receive a detailed briefing on the existing capacity of WIPP, and the ability the Department may have to optimize WIPP's statutory and regulatory capabilities. In general, the waste management capabilities have historically changed overtime and EM will continue to monitor development within the industry.

Hanford Waste Treatment Plant and the Office of River Protection

The Waste Treatment and Immobilization Plant (WTP), intended to treat high level waste and part of the low-activity waste in the Hanford tank farms, has experienced cost and schedule overruns as well as ongoing technical and management challenges, and the resulting delays have promoted ongoing legal activity around the consent decree between DOE and the State of Washington.

What is your assessment of the construction at the WTP of the (1) pre-treatment facility, (2) High Level Waste Facility, and (3) Low Level Waste Treatment Facility?

I understand the importance of the Department's efforts to treat radioactive tank waste at the Hanford Site. I have not had the opportunity to visit WTP and cannot fully assess the construction of the various parts of the facility, but do I understand progress is being made on Direct Feed Low-Activity Waste (DFLAW) to initiate waste treatment in the near-term. I share the Department's firm commitment to implementing the DFLAW approach for tank waste treatment at Hanford.

The WTP, when complete, will only treat about 40% of the low-activity waste in the Hanford tanks. DOE has yet to make a final determination on the course of action to treat and dispose of the remaining low-activity waste, referred to as supplemental treatment, but has proposed making a decision in April 2018.

If confirmed, how will you determine a course of action for the remaining 60% of low activity waste?

I believe an effective approach to waste management is appropriate characterization of the material and selection of disposition options based on a strong technical justification. All waste streams should be appropriately dispositioned by relying on valid data and inconsideration of all available waste routings. I commit to continue utilizing this philosophy to make waste management disposition decisions at Hanford and other EM sites. The decision on Supplemental LAW has been delayed several times and given the long timelines associated with development of potential treatment capacity and waste routings, if confirmed, I look forward to working with members of this committee and Congress at large to make this decision a high-priority.

With the recent partial collapse of a PUREX tunnel at DOE's Hanford Site, questions have been raised about the adequacy of DOE's monitoring efforts and whether the Department fully understands the risks posed by some of its lower risk infrastructure.

If confirmed, will you ensure DOE adequately assesses risks in safety and infrastructure and diligently monitors its waste sites?

Yes. While I am not yet at the Department, I am aware and understand the long-term nature of the EM cleanup mission. I believe there is a need to appropriately and

efficiently monitor and manage the infrastructure at EM sites while making sustained progress in tackling remaining cleanup challenges.

Salt Waste Processing Facility

The Salt Waste Processing Facility at the Savannah River Site has had a series of cost overruns associated with the production of processing tanks at the facility.

This facility is critical to removing the high level waste for the underground waste storage tanks. What is your assessment of this program?

While I am not at the Department, I understand the important role the Salt Waste Processing Facility will play in addressing one of the largest environmental challenges at the Savannah River Site the treatment of radioactive tank waste. It is my understanding that the facility was completed in 2016 and progress is being made in startup and commissioning. It is my understanding that current progress on this project was, at least in part, the result of skilled and dedicated management focus on issues as they arose. If confirmed, I will learn more details of the progression of the project to propagate the lessons learned from this project to other projects throughout the EM complex. If confirmed, I also commit to working with Congress and other stakeholders to continue this progress.

Consent Order Milestones

As you are aware, most, if not all, of the defense cleanup sites are under agreements with their host states to achieve well defined milestones.

If confirmed, will you inform this Committee in a timely fashion when DOE determines it will miss major consent order milestones?

Yes.

Congressional Oversight

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

Do you agree, if confirmed, to appear before this Committee and other appropriate committees of Congress?

Yes

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?

Yes

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 in a timely manner?

Yes

Do you agree to provide documents, including copies of electronic forms of communication, in a timely manner when requested by a duly constituted committee, or to consult with this Committee regarding the basis for any good faith delay or denial in providing such documents?

Yes

Do you agree to answer letters and requests for information from individual Senators who are members of this Committee?

Yes

If confirmed, do you agree to provide to this Committee relevant information within the jurisdictional oversight of the Committee when requested by the Committee, even in the absence of the formality of a letter from the Chairman?

Yes