

HANFORD ADVISORY BOARD

A Site Specific Advisory Board, Chartered under the Federal Advisory Committee Act

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US Environmental
Protection Agency
Washington State Dept
of Ecology

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Jay Manning, Director
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Elin Miller, Regional Administrator
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Re: Proposed Decades of Delays to Hanford Cleanup from Tri-Party Agreement
Negotiations are not Justified

Dear Messrs. Rispoli and Manning and Ms. Miller,

Hanford cleanup actions which are vital to protect the Columbia River, the environment and public safety would be delayed by decades under proposals to change the Hanford Cleanup Agreement (Tri-Party Agreement, or "TPA") milestones.

The eight-year delay and cost overruns for construction and operation of Hanford's High-Level Nuclear Waste Vitrification Plant (WTP) prompted negotiations to change milestones. The Hanford Advisory Board (Board) does not believe that the agencies have demonstrated that this delay warrants changing the 2018 deadline to 2040 for emptying the wastes from leaky Single Shell Tanks (SSTs) and placing those wastes in compliant storage or treatment. Nor has the Department of Energy (DOE) demonstrated that the eight-year delay in operation of the WTP technically justifies delaying the completion of treating wastes and cleanup of tank farms until the year 2052, twenty-four years past the current deadline of 2028.

Delays to the TPA milestones should be based only on technical achievability not budget. Risks from delay, and the impacts on other cleanup actions, must be fully understood and mitigated. The Board is concerned that the proposals to delay

cleanup are based on DOE's inadequate cleanup budget "targets" and outyear funding projections. DOE's funding plans are admitted to fall *billions of dollars short* of funding the currently required work over the next ten years.ⁱ

The Board supports the proposal to create a Hanford Lifecycle Scope, Schedule and Cost Report (Hanford Lifecycle Report), to be due in September 2008. This report should detail the schedule on which each element of cleanup can be completed if full funding is available ("unconstrained" by DOE's target budgets). The report will also estimate the lifecycle cost of completing that work. This tool is innovative, building on legal requirements to report the lifecycle and annual costs of cleanup projects. It would be an important step forward by providing analyses of what is possible to accomplish if DOE's inadequate funding plans were not the basis for scheduling.

The Hanford Lifecycle Report should allow all parties to determine if Board-supported proposals for early startup of the Low Activity Waste (LAW) portion of the WTP and adding a third melter to the LAW portion of the WTP can assist in achieving the goals of emptying tanks before 2040, and completing treatment of all tank wastes before 2047, with lower lifecycle costs and greater reliability.ⁱⁱ The Board urges the agencies to proceed promptly with this report so that the regulators and the public can evaluate whether delays are necessary and understand the impacts of delays.

On these bases, the Board believes that the Tri-Parties should not agree to significant delays in existing major TPA milestones until the proposed Hanford Lifecycle Report is issued. There is no valid reason to adopt delays in major TPA milestones without first providing critical information from the Hanford Lifecycle Report to the regulators and the public to evaluate whether delays are necessary and to understand the impacts of delays.

At the same time, the Board supports negotiations proceeding on proposals to add new milestones to achieve the goals for controlling the spread of groundwater contamination and add interim milestones to complete construction of WTP.

The Washington State Department of Ecology (Ecology) believes that the reviews of the WTP construction, costs and flow sheets provide confidence that the proposed startup date of 2019 for this plant is technically justified. However, the proposed delays for such vitally important actions as moving waste from SSTs into compliant storage have no such technical justification and merely echo DOE's budget-based plan to slow tank retrieval. Just last spring, Ecology, the Oregon Department of Energy and the Board strongly objected to DOE's plans to slow retrieval of SSTs. Nothing has changed to justify delays in retrieval.

The workshop provided to the Board on the proposals coming from DOE, the Environmental Protection Agency (EPA) and Ecology negotiations is appreciated. This resulted in the Board's understanding of the potential value of the proposed new Hanford Lifecycle Report, as well as understanding the scope of both proposed delays and new milestones. The workshop should be the launch, not the sum total of public involvement in these major TPA negotiations.ⁱⁱⁱ There is a need for extensive early public involvement, utilizing an iterative process, for public feedback to the agencies on such wide-ranging and long-lasting proposals to dramatically change the timing and scope of Hanford Cleanup.

The agencies need to include in the scope of their negotiations those issues raised by the public, Tribes and Board members for inclusion in the TPA, rather than limiting discussion. Those include provisions requiring removal, rather than capping, of wastes in soil (especially pre-1970 transuranic [TRU] and similar long-lived or highly radioactive and untreated chemical hazardous wastes); and, provisions to prevent disposal of additional off-site wastes before existing Hanford wastes are cleaned up and brought into compliance, or before the impacts from the wastes that will be left in the soil or will go into landfills, are understood.

Adopting milestones with decades of delays in emptying SSTs and other critical cleanup efforts could jeopardize funding for Hanford cleanup. Congress may view such agreements for lengthy delays as a tacit admission that the urgency claimed for these efforts was false. Stretching out the timelines for action will create a disincentive for providing funding to get the job done. There is no indication that Congress would not fund both WTP construction and emptying tanks (including the construction of new double shell tanks if new tanks are determined necessary) prior to the startup of the WTP. Congress has repeatedly demonstrated that it will fund the activities needed to meet TPA and other compliance requirements, providing funds far above the DOE's budget requests year after year. Thus, DOE's woefully inadequate "target" budgets^{iv} should be rejected as the basis for any milestone changes.

The Board presents the following advice:

Advice:

1. Any delays to major TPA cleanup milestones should be agreed to *only if* demonstrated to be *technically necessary*, with analysis of the impacts of delay on lifecycle costs and on other cleanup efforts. There should be full disclosure and consideration of the risks to the environment and to human health and safety before agreeing to any delays. There has been no technical justification provided that warrants delaying the 2018 deadline to 2040 for emptying the wastes from leaky SSTs and placing those wastes in compliant storage or treatment. Nor does the eight-year delay in operation of the WTP technically

