

# Hanford Advisory Board Draft Advice

**Topic: Disclosure of Public Information and Meaningful Public Involvement in Setting Cleanup Budget Priorities**

**Authors: Gerry Pollet, Jeff Burrig, Tom Galioto, Dan Solitz, Jan Catrell**

**Originating Committee: PIC/BCC**

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## Background

The Hanford Tri-Party Agreement (TPA) provides for the field offices to disclose and take public comment during the spring on their proposal for cleanup work scope and budget for the fiscal year which is a year and a half away (See footnotes I and ii; TPA paragraphs 148, 149). In order for the Board and public to offer meaningful comments, it is vital that the field offices share their proposed budgets for the fiscal year being planned for, cleanup work planned for that funding level and how much it would cost (the “Compliant Budget”) to be on track to meet TPA and other regulatory or consent decree schedules during that fiscal year.

For many years, the field offices provided the following budget information to the Board, Tribes, public and regulators:

- The overall funding guidance from headquarters for each field office’s budget for the fiscal year being planned for and how the field office would break that out by Appropriation control point or account (now referred to as PBS level).
- Work scope and funding for each major activity within each control point or PBS, e.g., how much will be spent on emptying High Level Waste Tanks out of the \$677 million proposed for PBS ORP-14 for Radioactive Liquid Tank Waste Stabilization and Disposal and how many tanks would be emptied. This is referred to as the “Activity Data Sheet (ADS)” level in the TPA.
- An “Integrated Priority List (IPL)” showing each field office’s proposed funding in a building block format showing what would be funded up to the guidance level for the field office’s request and showing what work would be funded if Congress appropriated more funding than the guidance request. (Examples from past years can be provided at DOE’s request, sample documents will be shared with the Board).

In addition to holding an evening public meeting in Richland to present the budget, answer questions and take comment, the USDOE formerly hosted a half day (sometimes longer) public workshop to present proposed funding and work scope for the fiscal year being planned for and a five-year window. That workshop enabled regulators to ask questions and share views with the public and the Hanford Advisory Board (Board). There were also typically four public meetings around the region to share information and take comment on cleanup priorities for the planning window. These were typically well attended and credited with building public and Congressional support for funding cleanup work.

A Board Committee of the Whole (COTW) meeting has been proposed for Fall 2019 on the “2024 Vision and Annual Work Priorities.” This should provide a good educational forum and broad view of current funding priorities, opportunities and constraints. While it will provide the Board with necessary information on what DOE believes are the Hanford cleanup directions and priorities, it does not replace the need for the annual spring workshop and public meetings to enable meaningful Board and public comment on the detailed proposed funding and work scope for the planning fiscal year.

USDOE has not shared with the public or regulators any proposed funding levels or work scope for fiscal year 2021, which is the fiscal year being planned for during the latest comment period (through June 15,

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2019). USDOE also did not share proposed overall funding by major appropriation account (PBS) for each field office.

If the Hanford field offices returned to sharing meaningful planning proposals for budget and work scope in a workshop and regional public meetings, public understanding and support for cleanup funding and priorities would be enhanced across the region.

Sharing that information in a workshop would clear up considerable confusion over how proposed funding levels and work compare to longer term cost and schedule impacts from various funding levels discussed in the recently issued Lifecycle Scope, Schedule and Cost Report. It will also allow meaningful public input to USDOE in finalizing their budget submittal to DOE-HQ.

### Advice

#### **The Hanford Advisory Board advises:**

- USDOE to return to sharing, at the outset of the comment period each spring, the proposed PBS level funding for the upcoming fiscal year for which RL and ORP field offices are planning (including the guidance from HQ), the funding and work scope for the level below that (regardless of whether USDOE has changed the name of how it breaks out this level from the terminology in the TPA), and Integrated Priority Lists. The comment period is not meaningful without providing this information.
- The TPA agencies to resume holding public meetings on cleanup budget priorities during the comment period and prior to submittal of field office budgets to HQ. The meetings should:
  - include an effort for the public to understand the upcoming budgets and work scope in perspective of the Lifecycle Scope, Schedule and Cost Report in order to build support for long-term investments and priorities;
  - provide the public with an overview of the work required by TPA and other compliance documents along with the funding which would be required to stay on schedule (the Compliant Budget);
  - provide adequate information to avoid confusion by the public and facilitate public discussion with Congress, other regional and national leaders, news media perspective on budget and long-term funding necessary to complete the cleanup mission; and,
  - utilize the HAB and the HAB Public Involvement Committee to plan to meet these goals.
- Start the annual comment period with a half day workshop for Board and interested public, Tribes and regulators on the field offices' budget proposals and work scope for the upcoming fiscal year through five years, with Question and Answer period and adequate opportunity for preparing Board advice and informed comments. This should build on the foundation established from the planned Fall, 2019 COTW workshop planned with the Board.

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- If specific terminology in Paragraphs 148 and 149 of the TPA are updated, keep the same level of detail to be disclosed below the PBS which will allow the public, HAB, regulators, and Tribes to view work activity planned within large categories along with the estimated budget request and proposed prioritization of spending.

DRAFT

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## APPENDIX

This Appendix provides an explanation and examples of the requirements of TPA Paragraphs 148 and 149 (final version should have a page break before appendix to be clear it is supporting, not part of the advice):

TPA Paragraphs 148 and 149 clearly require the Field Offices to disclose the following budget information to the regulators and public for timely comment during this current comment period:

- The overall funding guidance from DOE-HQ for each field office’s budget for the fiscal year being planned for<sup>1</sup> and how the field office would break that out by Appropriation Control Point or account (now referred to as PBS level).
- Work scope and funding for each major activity within each control point or PBS, e.g., how much will be spent on emptying High Level Waste Tanks out of the \$677 million proposed for PBS ORP-14 for Radioactive Liquid Tank Waste Stabilization and Disposal and how many tanks would be emptied. This is referred to as the “Activity Data Sheet” ADS level in the TPA.
  - Regardless of whether USDOE has unilaterally chosen to change the name of ADS level information, USDOE is legally obligated to provide that level of disclosure.<sup>2</sup> It is not a valid legal excuse for USDOE to say it no longer produces Activity Data Sheets. Indeed, not producing the budget and work projection called for in the TPA is a violation of the TPA, which is enforceable by the State of Washington or the public.
- An “Integrated Priority List (IPL)” showing each field office’s proposed funding in a building block format showing what would be funded up to the guidance level for the field office’s request and showing what work would be funded if Congress appropriated more funding than the guidance request.

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<sup>1</sup> TPA Paragraph 148.A:

“Within two weeks after DOE Headquarters (DOE-HQ) issuance of Environmental Management planning and/or budget guidance, including target level funding guidance, to the Richland Operations Office (DOE-RL), DOE-RL shall provide a copy of it to Ecology and EPA along with a preliminary assessment of its impacts. DOE-RL shall also provide a copy of its initial contractor budget guidance to Ecology and EPA within two weeks after issuance.”

<sup>2</sup> TPA Paragraph 148.C requires the development of Activity Data Sheets (ADS) or equivalent along with disclosure and identification of the funding required to perform work described in ADSs to meet TPA milestones: “DOE-RL will submit its budget request with detailed ADSs, identifying both target and compliance funding levels, to DOE-HQ and identify any unresolved issues raised by Ecology and EPA. If these issues are not subsequently resolved prior to DOE’s submission of its budget request to OMB, DOE-HQ will also identify these issues and the funding required for compliance to OMB.”