

February 6, 2004

Keith Klein, Manager
U.S. Department of Energy, Richland Operations
P.O. Box 550 (A7-50)
Richland, WA 99352

Roy Schepens, Manager
U. S Department of Energy, Office of River Protection
P.O. Box 450
Richland, WA 99352

Re: Public and Regulator Review and Input to Baselines

Dear Msrs. Klein and Schepens,

Hanford's cleanup success has been, in part, a result of public and regulator input into the development of cleanup priorities. In the past, public and regulator involvement in priority setting created a groundswell of public support for Hanford's budgetary requests.

The Department of Energy (DOE) no longer manages cleanup by "priority lists" on an annual basis. Rather, cleanup activities are prioritized through development of multi-year baselines and contracts. The Hanford Advisory Board (Board) supports this long-term baseline planning and management. The Tri-Party Agreement (TPA), however, does not reflect this shift, which has:

- Placed DOE out of compliance with TPA requirements for regulator and public involvement in the development of budget, workscope and schedule priorities;
- Left the agencies, the Board and the public without a process to disseminate priority information and collect input on appropriate cleanup priorities; and,
- Given the impression that baselines and contracts are driving the TPA, as opposed to the TPA driving baselines and contracts.

The lack of a process by which to publicly consider baseline changes has crippled the Board's ability to advise the agencies on appropriate priority tradeoffs. For example, DOE-Richland Operations Office (DOE-RL) is considering baseline changes in the face of budgetary requirements for the new TPA M-91 milestone series. This issue is ripe for Board and public input; however, a process does not currently exist for the Board and public to consider such baseline changes.

The Board advises DOE, the Washington Department of Ecology (Ecology), and the Environmental Protection Agency (EPA) to preserve the rights of regulators and the public (including the Board) to provide input to baselines and comment upon them prior to adoption. The Board advises:

1. Update the TPA to include an annual review of any new proposed baselines, or significant proposed modifications to baselines. This annual review should coincide with the existing budget development and review process for regulator and public input, and should include review and comment on the baselines, and presentation of regulator, Board, Tribal or other stakeholder alternative proposals for DOE-RL and DOE-Office of River Protection (DOE-ORP) baselines for the public to comment on. Target funding levels should also be clearly disclosed and discussed to increase public awareness of plans to reduce funding, and their potential impact.
2. Use the annual spring public meetings on budget priorities (which may be combined with "State of the Site" meetings) to receive input and build public consensus on priorities to be reflected in the DOE baselines.
3. The proposal to modify the TPA to reflect the annual process for review and comment on DOE's baselines should be part of the annual budget priority review public process in the Spring of 2004, with public comment taken at that time on a proposed TPA modification.

This process should be based on sound public involvement including, (1) early access to information, (2) an opportunity to provide input on that information, and (3) a response outlining how the input was utilized.

The Board recognizes that changes to the baselines may occur more often than yearly. Therefore, in addition to the annual review, the Board looks forward to a continuing dialogue between the Board and DOE to discuss, in a timely manner, whether proposed baseline changes are significant and warrant Board and public attention.

Sincerely,

Todd Martin, Chair
Hanford Advisory Board

This advice represents HAB consensus for this specific topic. It should not be taken out of context to extrapolate Board agreement on other subject matters.

cc: John Iani, U.S. Environmental Protection Agency, Region 10
Linda Hoffman, Washington State Department of Ecology
Howard Gnann, Deputy Designated Federal Official, U.S. Department of Energy
Michael Gearheard, Environmental Protection Agency
Michael Wilson, Washington State Department of Ecology
Sandra Waisley, U.S. Department of Energy Headquarters
The Oregon and Washington Congressional Delegations

U.S. Senators (OR)

Gordon H Smith
Ron Wyden

U.S. Senators (WA)

Maria Cantwell
Patty Murray

U.S. Representatives (OR)

Earl Blumenauer
Peter DeFazio
Darlene Hooley
Greg Walden
David Wu

U.S. Representatives (WA)

Brian Baird
Norm Dicks
Jennifer Dunn
Jay Inslee
Richard Hastings
Rick Larsen
Jim McDermott
George Nethercutt
Adam Smith

State Senators (WA)

Pat Hale
Mike Hewitt

State Representatives (WA)
Jerome Delvin
Shirley Hankins