

April 2, 2004

Jessie Roberson, Assistant Secretary of Energy
U.S. Department of Energy, Headquarters
1000 Independence Avenue
Washington, D.C. 20585

Re: 2005-2007 Budget

Dear Ms. Roberson,

The Hanford Advisory Board (Board) repeats its advice that the Department of Energy (DOE) must request funding in accordance with the requirements of the Tri-Party Agreement (TPA) as those requirements exist at the time of the budget planning process.

Along with its Fiscal Year (FY) 2003 Budget Request, DOE unilaterally, and outside of the TPA process, adopted "strategies" and "goals" for cleanup that did not meet the requirements of the TPA. The TPA continues to reflect the regional consensus for cleanup. DOE must show the outyear costs of meeting the TPA and associated cleanup standards, and identify the projected shortfall between the "target" budgets and compliance actions. As the Board advised in prior years, this disclosure is necessary to comply with TPA paragraphs 148 and 149. Baseline changes need to be opened for public review (see Advice #155), rather than showing up in budget requests. Withholding funds to change TPA work activities is not acceptable.

DOE should not use the budget process to drive TPA changes. The Board advises DOE to utilize the dispute resolution mechanism of the TPA when it has a disagreement on required cleanup activities, rather than seeking to withhold funding from cleanup.

According to DOE's budget request, \$64 million for Hanford tank waste cleanup "will be requested only to the extent that legal uncertainty concerning certain reprocessing wastes is satisfactorily resolved through pending litigation or by new legislation." This approach harms DOE's credibility. This withholding could reduce the cleanup workforce by approximately 640 people. The TPA has well-established mechanisms for revision and dispute resolution.

Baseline and Budget Priorities

The Board is very concerned about budget requests that reflect baseline changes made without public review. When the funding to support the TPA-compliant baseline is not requested, restoration of those funds is extremely difficult.

DOE-Richland Operations (DOE-RL) has eliminated from its long-term baseline the final removal of nuclear reactor core blocks along the Columbia River. Undoubtedly, this appears to reduce the cost of Hanford cleanup. Long-term stewardship costs and risks from such a decision have not been calculated. The Record of Decision (ROD) requiring that the reactor cores be removed and the River Corridor restored (after allowing for significant decay of the radiation from the cores), has not been changed. The ROD was issued following a full Environmental Impact Statement (EIS) process.

DOE-Office of River Protection (DOE-ORP) baselines should reflect the TPA until such time as it has been altered through the TPA public process. Budgeting based on assumptions that use of "supplemental technology" will be accepted in lieu of vitrification, and before consideration of the full costs of such alternatives, is misleading.

In the Central Plateau, budgets and baselines only set aside funding for capping waste sites, rather than meeting the full regulatory requirement of excavating, removing and treating waste. This controversial set of strategies, now appearing in the Risk Based End State Vision variance reports, does not reflect the assumptions and waste management priorities for cleanup in state law, Superfund, or the current TPA. The Board is concerned that the variances from the current TPA path that have been identified in the Risk Based End State Vision threaten to reduce both the level of cleanup and the degree of protectiveness to human health and the environment at the Hanford Site. Failing to set aside funding in the baselines to meet current regulatory requirements could mislead Congress and the public into believing that the greatly reduced funding levels proposed after 2005 will be adequate to meet TPA requirements.

Baselines still do not include funding and schedules for:

- Retrieving transuranic (TRU) wastes buried before 1970, and wastes from the PUREX tunnels. (Pre-1970 TRU volumes may be 2-3 times more than post-1970 quantity.)
- Funding and schedules for constructing remote-handled (RH) TRU compliant storage, while accepting more from offsite.
- The costs for the new M-91 milestones for retrieving post-1970 buried TRU, and constructing RH and Mixed TRU storage and treatment capacity.
- The long-term fully-burdened costs of accepting waste from offsite as proposed in the Final Hanford Solid Waste EIS.

- The likely full costs from Decontamination, Decommissioning and Demolition of the highly contaminated 300 Area facilities under the yet to be awarded River Corridor Contract.
- Security for the Plutonium Finishing Plant after FY 2007. This assumes the material will actually have been shipped off site by then.
- Additional safety and worker health resources, e.g., engineering controls to prevent exposure; ensuring that only fully trained “beryllium assigned workers” perform work in certain buildings; additional training; and, reduced work pace to accommodate necessary use of protective equipment.

The target budgets adopted by DOE for Hanford cleanup reduce funding by \$700 million between FY 2004 and FY 2010 and will increase competition among projects that are not fully funded in the DOE-ORP and DOE-RL baselines. Much of the cost, workscope and schedule for the River Corridor Contract remain unknown, making it impossible to comment on how these will interact with plans for other projects when target funding levels are being reduced.

Information about the reduction in target budgets is also of vital importance to the community and region for purposes of planning, and must be fully disclosed along with the ramifications from reducing the workforce by thousands.

Baselines should not be changed to delete cleanup work until requirements have been changed with a full public process and there is an integrated review of the baseline changes.

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: Keith Klein, Manager, U.S. Department of Energy Richland Operations Office
John Iani, U.S. Environmental Protection Agency, Region 10
Linda Hoffman, Washington State Department of Ecology
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Michael Wilson, Washington State Department of Ecology
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