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**Comments and Responses
to the
Tentative Agreement
on
Facility Transition**



June 1995



**U.S. Environmental Protection Agency
U.S. Department of Energy
Washington State Department of Ecology**

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INTRODUCTION

When a facility will no longer be used for its original purpose, it will be brought into a safe and secure condition which will minimize maintenance and surveillance expenses. This is facility transition.

Transition is the first phase of a three step process called Facility Decommissioning. Phase I, Transition, will include the deactivation and stabilization of plant equipment and systems. Phase II, Surveillance and Maintenance, is the bridge period. Phase III, Disposition, is final closure and disposal of a facility. Any time prior to disposition, a facility may be transferred to another useful purpose.

Scope:

This agreement establishes actions and schedules for transition activities or clean out at the following facilities:

■ Plutonium Uranium Extraction (PUREX) and Uranium Trioxide (UO₃) plants

The PUREX plant was built in 1955 to recover plutonium and uranium from reactor fuels. It extracted uranium and plutonium from irradiated uranium fuel rods. The facility, located in Hanford's 200 East Area about 20 miles northwest of Richland, operated from 1956 to 1972 and from 1983 to 1990. A decision to shut down was made in 1992.

The UO₃ plant, located in Hanford's 200 West Area, includes two primary processing buildings as well as several secondary buildings. The plant turned uranyl nitrate hexahydrate into uranium trioxide powder. It began operations in 1952 and operated intermittently until May 1989.

The PUREX plant transition (milestone M-80-00) will involve removing waste liquids and spent fuel, reducing utilities to the building and consolidating ventilation systems by July 1998. The target date for completing transition at UO₃ and beginning Surveillance and Maintenance is June 1995.

■ Fast Flux Test Facility

Located in Hanford's 400 Area about 10 miles northwest of Richland, the Fast Flux Test Facility began operating in 1982 to test fuels, materials and components as part of the national breeder reactor research program. The decision to shutdown the 400 megawatt liquid sodium-cooled reactor was made in December 1993.

Milestone M-81-00 calls for transition at FFTF to be completed by December 2001. Activities include defueling the reactor, dry cask storage of irradiated fuels, transfer of unirradiated fuel to the Plutonium Finishing Plant, transfer of sodium-bonded irradiated metals and carbide fuel pins to the Idaho National Engineering Laboratory, construction of a sodium storage facility, draining the liquid sodium from the reactor and deactivation of auxiliary systems.

■ Plutonium Finishing Plant

PFPP, located in the 200 West Area about 25 miles from Richland, first began operating in 1951. The plant processed plutonium-bearing chemical solutions, converting them to metals and oxides. PFPP production ceased in 1989. Reactive scrap material, including plutonium-laden sludges, process solutions and other hazardous materials, remain in processing areas.

A milestone date for PFPP clean out will not be set until after a National Environmental Policy Act environmental impact statement and record of decision is issued in June 1996.

Transition planning and cleanup actions are already underway at each of these units. Some other large Hanford facilities will be handled under the Facility Transition process in the future.

■ Other Modification to the TPA

Milestone changes in the M-20 series are proposed to support Facility Transition activities. Language is added in section 10.0 of the TPA Action Plan which pledges USDOE to submit key documents to the involved tribes at the same time as they are submitted to Ecology and EPA. New language is proposed in sections 3,5,6,7 and 9 of the Action Plan to support integration of closure, past practice and facility decommissioning activities. A number of terms are added and other definitions modified under Appendix A, Definition of Terms.

A new section, 14, is added to the Action Plan, detailing the Facility Decommissioning process. It includes planning and action paths for all three decommissioning phases and provides for regulatory integration.

Background:

On July 19, 1994, the U.S. Department of Energy (USDOE), U.S. Environmental Protection Agency (EPA), and Washington State Department of Ecology (Ecology) agreed to enter into formal negotiations on matters relating to the Hanford facility transition activities as provided for under subsection 3.1 of the *Hanford Federal Facility Agreement and Consent Order* (Tri-Party Agreement) Action Plan. The parties agreed to a common goal that facilities not required for future operation be transitioned in an expeditious manner to a safe, stable and cost effective surveillance and maintenance condition, so that emphasis and funding could be directed towards higher priority cleanup efforts.

Throughout negotiation the three parties consulted with the affected tribal nations. The three parties consulted with the Hanford Advisory Board members and received their input on issues. The Hanford Advisory board is made up of representatives from groups within Washington and Oregon that have an interest in Hanford cleanup.

A formal 45-day public comment period was held February 13 through March 30. This report presents the comments we received and our responses.

Comments on the proposed changes were collected in two ways: we recorded verbal comments at public meetings and we received written comments through the mail and fax.

We also requested comments through newspaper announcements and briefings to interested groups. In February and March we conducted public meetings in the Dalles, Pasco and Seattle. Stakeholders in these respective communities were asked for recommendations on the meeting format and their preferred location.

Approximately 42 comments were received with a wide range of views and opinions on the issues. We organized the comments by topics. The three agencies shared the responsibility to respond to the comments and conferred to discuss those responses. Unless noted otherwise, all agencies reviewed and agreed on the responses.

When several comments were very similar, we gave them one response. In other cases, we referred readers to responses which pertained to that topic. While we tried to keep responses short, sometimes the comment required a more detailed response. In a few cases, we referred readers to specific individuals or organizations who can discuss the topic in great detail or provide additional information.

How The Tentative Agreement Changed In Response To Public Comments:

After review and consideration of comments received the three parties have concluded that modification of this tentative agreement is not warranted. Negotiation team leaders have consequently recommended signature as is, except as noted below.

Other Changes Made To The Tentative Agreement:

M-83-94-01 Establish milestones for the stabilization of process areas in Plutonium Finishing Plant, milestone series M-83.

The due date for submittal of the Draft Environmental Impact Statement for public comment (M-83-01) was changed from August 1995 to November 1995. This was due to a delay in the allocation of funds to start the EIS preparation.

Addition Of The 324 Facility:

The July 19, 1994 Agreement in Principal also promised for negotiations of actions associated with the 324 facility at Hanford. A separate tentative agreement on the 324 facility change package (M-89-94-01) was signed on March 27, 1995, followed by a public comment period. No public comments were received. The 324 facility change will be signed in conjunction with the Facility Transition change packages.

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**PUBLIC COMMENTS AND RESPONSES TO THE TENTATIVE AGREEMENT ON FACILITY
TRANSITION FOR THE TRI-PARTY AGREEMENT**

The Tri-Parties are appreciative of each person who took the time to comment on the Facility Transition Tentative Agreement. We believe citizen participation continues to improve the Tri-Party Agreement. Thank You.

Historical Contamination Releases

1. I wish to let everyone know how I feel about the Hanford Nuclear Reservation cleanup. This all should have been done back in the 1940s. Since construction began in 1943, the Americans (taxpayers) should have been aware of the damage that can be done letting the I₁₃₁ out into the water and air on mice and not humans. So much discretion to human lives was overlooked, kept quiet. Perhaps "hush money" was given out.

I myself was diagnosed with two cancers, related to Hanford in March 1991. Multiple Sclerosis showed up August 1993 in me, and told that perhaps I've had M.S. most of my life. My parents did say that I was a very clumsy child. Our family lived in Pasco, Washington in 1959, 1965 and two more years in Richland, Washington.

I was first touched by the Hanford story as my first little girlfriend across the street in Pasco proceeded in death by her father (works at Hanford). The years 1942-1959 were the peak emissions from Hanford. I swam the Columbia River, ate fish from the River and irrigated our crops. It is so very sad when I wonder how many of my first friends are buried at the Pasco cemetery with still-born babies. I can see how my health problems are oddly coincidental as I was adopted and my adopted father died after 38 years of battling M.S. I also know that a medical expert wonders why M.S. is a disease mostly found in Northern agricultural regions, is found in Hanford areas quite often.

In the spring of 1992, I had a tumor on my face removed, two biopsies performed and turn out okay. My very first grandbaby will be born in May 1995. My daughter has Lupus diagnosed in 1990, as does the secretary of Downwinders. Myself as well as other mothers hope and pray to God that he will have mercy on the families of new babies. For two years, I worked and put myself through college, which is something I've wanted to do all my life. But, all I got out from graduation in 1994 was Social Security Disability. I guess since I am not termed disabled, no house taxes and no work. I'm very very angry. Please answer me and others, many, many others, why? When will it all stop for good? Even though it will take hundreds of years to clean our nuclear waste. Rid all of the damage done. Let Americans proud to be here pr...[remainder of the comment was undecipherable]. (Vickie Perry)

Response: We appreciate your comments. As you know Hanford's mission has changed dramatically over the last several years. Our only operational mission today is environmental management. A key element of

the mission is to reduce risks to the public, the workers and the environment.

Currently two research projects are scheduled to determine the effects Hanford has had on the environment and the people who live in this area. The Hanford Environmental Dose Reconstruction project and the Fred Hutchinson Hanford Thyroid Disease Study were designed to find answers to many of the questions and concerns you have raised.

Additional information on the Hanford Environmental Dose Reconstruction project may be obtained by calling either the Hanford Dose Reconstruction Project Hotline at (800) 545-5581 or Mr. Greg Combs of the Washington State Department of Ecology's Nuclear Waste Program, Technical Steering Panel Staff at (360) 407-7116.

Nitric Acid Shipments

2. Regarding the PUREX transition I understand the first major task is the transfer of the nitric acid to Britain for their use and I feel very strongly that we should get on with this. I understand that there will be a public hearing locally here later this month and I would urge each of those in the audience to support the agencies in proceeding promptly with this task. I believe it's being held up for reasons only of delay by certain national environmental organizations. The Environmental Assessment, which I have seen and read, clearly shows that the environmental risks associated with this task and the human health and safety risks are essentially negligible compared with the routine activities carried on with the shipment of corrosive acid chemicals throughout the world. Thank you very much. (Gordon Rogers, Hanford Advisory Board)

Response: The Tri-Parties appreciate your comments and observations regarding the accomplishment of this task.

3. I want to adopt the comment of Kathy Crandall relating to including a statement in this document which will be used against you ultimately in terms of Ecology and EPA, that you agree that this material has to be shipped to British Nuclear Fuels before there's been Environmental Assessment. There's a violation of the National Environmental Policy Act to make that statement.

Furthermore, the statement on page 10 that storage and treatment is a higher cost alternative doesn't belong in this document. The draft Environmental Assessment, we've made clear in commenting on and trying to work with USDOE on it. The draft Environmental Assessment will make clear that tank farm storage of the nitric acid is a ridiculous alternative. You don't need to put low contaminated uranium contaminated nitric acid in a double-shell high level nuclear waste tank. You can build for \$10 million sufficient storage capacity for all the tanks. I mean for all the 180,000 gallons of nitric acid. Now in terms of facility transition, the language here needs to only reflect that there's only 25,000 gallons of that nitric acid inside PUREX. Only

that acid, that 25,000 gallons, is in any way shape or form an obstacle to deactivation and that's what you should be focusing on in this language and noting that and you should simply say that that 25,000 gallons needs to be removed from the plant and you should not do anything which prejudices the outcome of the Environmental Assessment or accepts before the Environmental Assessment is done that this will be declared product and not waste and shipped to Britain. That I believe is the last comment. I thank you very much. (Gerald Pollet, Heart of America Northwest)

Response: The Tri-Parties thank you for your comment and concern regarding the shipment of acid samples to England and the proposed shipment of 183,000 gallons of contaminated acid. We have divided your comment into four parts in order to facilitate our response.

Your first point deals with an alleged violation of the National Environmental Policy Act (NEPA). We do not believe that shipping the samples in any way infringes upon the NEPA process. The shipping of samples is covered under a categorical exclusion.

Your second point deals with the consideration of storage and treatment as an option and the cost estimate for storage capacity. You note with disfavor the treatment option of direct neutralization and storage in tank farms. The treatment option was just one of the options considered in the EA. As cost is one of the factors used in evaluating these alternatives, it is important to include cost comparisons.

Your third point deals with the 25,000 gallons in U Cell in the Plutonium Uranium Extraction Plant. You imply that only this acid, and not the acid outside the plant, should be considered. Based on the fact that the acid in both locations is included in the scope of the deactivation project, we believe it is prudent to consider all of the acid together.

We agree with your final statement that nothing be done to prejudice the outcome of the EA. A Finding of No Significant Impact (FONSI) for disposition of 183,000 gallons of contaminated nitric acid was signed by John Wagoner on May 15, 1995. Shipments began the last week of May and will continue at two shipments per week. The goal is to complete all 52 shipments to BNFL by December 1995. As of June 20, the first two shipments had been unloaded in England. A total of ten shipments were in process.

4. Jess Kadison, address 10306 Avenue North, Seattle, Washington 98133. Okay. I'd like to start basically with the shipments too. I think it's kind of embarrassing and it's really very important that while doing an Environmental Assessment you don't make those kinds of mistakes and definitely it does undermine the trust that people are just beginning to build for you. (Jess Kadison)

Response: The Tri-Parties thank you for your comment and concern. We are sorry that this process has undermined your trust in us, however,

there never was a problem associated with the shipment of the samples. A major purpose of the Environmental Assessment and the public meetings is to build public trust and confidence in the work we are trying to accomplish at Hanford.

See also the response to comment 5 below.

5. I want to talk first about the nitric acid problem and I realize this is not a comment on the Environmental Assessment which I have looked at briefly. I think that this sample being sent without knowledge of anybody here in Washington really shows a lack of credibility and its very disturbing to me that on page 10 of this document it says that a key element to the success of the PUREX deactivation in a timely manner is the shipment of PUREX 203A nitric acid to British Nuclear Fuels.

It seems to me that you've already decided what you want to do with this even though it has not completed the Environmental Assessment process and I really think that just trying to do a quick Environmental Assessment process is wrong. A full Environmental Impact statement should be done. This is a very serious matter, brings up serious conflicts with the non-proliferation goals that this country and the administration and the Department of Energy have said that they fully support and I think that you know we're currently accepting shipments of low enriched uranium into this country so that they will not be reprocessed by British Nuclear Fuels or any place else and then we're sending nitric acid to Britain in order for them to continue their reprocessing goal.

It sort of feels like you guys think if you ship enough nuclear waste around it will all come out even or something. I think that particularly the lack of credibility indicates that you and the way that it was shipped, which, even if it wasn't lost, it was detained in a storage area, and I'm not very comfortable with the way in which it was shipped. I'm very concerned about the safety problems if you had larger shipments and I think you need to address those more carefully. (Kathy Crandall)

Response: The Tri-Parties thank you for your comment and concern regarding the shipment of acid samples to England and the proposed shipment of 183,000 gallons of contaminated acid. We have divided your comment into four parts in order to facilitate our response.

Your first point deals with the shipment of the nitric acid samples to England and whether the samples were lost or detained. The samples were shipped via certified carriers and all proper notifications were made. This type of activity occurs routinely at Hanford and around the world. Please be assured the samples were never lost. The samples were detained due to adverse weather conditions.

Your second point deals with the decision to ship the bulk acid to England, the timing to do the Environmental Assessment (EA), and the suggestion that an Environmental Impact Statement (EIS) be prepared. A

decision on the outcome of the EA will not be made until all comments have been considered. Comments on this document have been solicited from interest groups, government agencies, Indian nations, labor groups and the general public. We have spent the past seven months preparing and reviewing the EA. A FOSNI was issued in May 1995. If the EA did not result in a Finding of No Significant Impacts then an EIS would have been prepared.

Your third point discusses nonproliferation. This is discussed in the Executive Summary of the May 1995 EA on pages ES-3 to ES-4. In evaluating the nonproliferation policy aspects of the proposed shipment, DOE considered the fact that British Nuclear Fuels Limited has a readily available supply of nitric acid, which could be procured from any number of U.S. or other commercial sources, and that interested parties such as Ecology, the U.S. Environmental Protection Agency (Region 10), Yakama Indian Nation, and the Confederated Tribes of the Umatilla Indian Reservation do not object to the shipments.

In addition, the proposed shipment appeared to be a case-specific solution to a material disposition problem, promoting waste minimization and reducing potential emissions to the environment. The export would not, "... make a material contribution to the proliferation of weapons of mass destruction..." (from "The White House, Office of the Press Secretary, 'Fact Sheet, Nonproliferation and Export Control Policy,' September 27, 1993") and would be consistent with Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions." These facts appeared to support the position that the transfer of nitric acid from the Plutonium Uranium Extraction Plant was a policy-neutral decision, and did not set a precedent from either a technical or policy standpoint. Additional information on this issue is provided in the EA in Section 3.1, Proposed Action, on pages 3-3 to 3-5.

The Department also considered the proposed nitric acid transfer in terms of maintaining existing commitments with regard to European civil plutonium programs. Specific consideration was given to the perception that the transfer of the surplus PUREX Plant nitric acid might be inconsistent with the U.S. policy on nonproliferation because it would constitute encouragement of civil plutonium stockpiling by providing a necessary ingredient for reprocessing spent fuel. DOE considered that BNFL has a readily available supply of nitric acid, which could be procured from any number of U.S. or other commercial sources. Although the DOE surplus nitric acid contains uranium, the U.S. would retain title to the uranium, which could be stored at BNFL (under International Atomic Energy Agency standards) until shipped back to the U.S. for final disposition. The fact that there is no appreciable inventory of plutonium in the acid (less than 0.3 grams [0.01 ounces]) eliminates the issue of civil plutonium stockpiling.

The Department also considered the views of citizens groups such as Greenpeace, the Snake River Alliance, and Physicians for Social Responsibility which have objected to the shipments based on nuclear nonproliferation concerns. The two central points were that a sale

would not appear to be a firm, consistent step to lesson global proliferation threats and that a sale would conflict with actual policy. The response to these concerns is that DOE's policies and the President's Nonproliferation and Export Control Policy place no prohibitions on government or commercial industry providing nitric acid to BNFL. The rationale is that nitric acid is widely available from various commercial sources; therefore this nitric acid would neither encourage nor discourage civil plutonium stockpiling. The sale would only have a marginal effect on BNFL's operating cost.

After weighing these and other concerns, the Secretary of Energy authorized consideration of the transfer of the surplus PUREX Plant nitric acid to BNFL as an alternative to disposition of the material. The Secretary indicated that, upon completion of the National Environmental Policy Act process the shipment of the nitric acid from Hanford to BNFL is found to be appropriate and shipment could commence upon receipt of an export license approved by the National Regulatory Commission. The export license has been issued.

Your final point deals with safety problems associated with the shipments. Any shipments of nitric acid will be conducted in accordance with all applicable safety and environmental regulations.

Risk Assessment

6. My concern is the way that you use the word risk is that it's probably very confusing to the public. That in this case you're using risk in a much different way than it's used than, say by the Environmental Protection Agency when they're looking at what the risks are under the Superfund laws. That, here, the risk is an entirely different critter and it's not comparable to the kind of things that EPA does. As an example, in the case of the PUREX facility, some of the dissolver cells, my guess is based on what I've heard is that when this is in a shut down surveillance mode it will still be so dangerous that people would not be able to enter the areas of those dissolver cells. The radiation levels would just be enormous. (Dirk Dunning)

Response: The commentor is correct in recognizing that the use of the term "risk" could have a different meaning for different applications and the risk referred to at the public meeting related to facility transition is somewhat different than risk associated with a superfund cleanup. For example, one may associate risk with four areas: 1) Impact to workers, 2) Acute releases (e.g. a one-time release of radionuclides to the air resulting from earthquake damage), 3) Chronic releases (e.g. migration of contaminants into a usable groundwater source), and 4) Damage to the surrounding environment.

Whereas some elements of all these categories are considered for both facility transition actions and superfund cleanups, facility transition would be more concerned with addressing the first two and a superfund cleanup would concentrate on the latter two. In transitioning a facility, a primary objective is to reduce the access, and therefore

exposure, of personnel during the follow-on surveillance and maintenance phase.

In addition, actions are taken with consideration of minimizing the future risk to those who will be conducting the final disposition of the facility. Even though acute releases would normally result from a highly unlikely event, actions are also directed at stabilizing the contamination within the facility to minimize releases to the environment that could result from such an event.

Public Involvement

7. My comments have more to do with form rather than substance, although form may ultimately affect the validity and relevance of the substance. I'm concerned about the public presentations. I know the subject matter is extremely complicated and technical. That is a given and the nature of the beast. I guess, though, it would be more relevant and user-friendly for "John Q. Public" if they (the presentations) could be made more simple and understandable to the lay public. As they stand now, it is like "preaching to the choir." Only people from watchdog groups or directly involved in the process understand what is going on, or what the "pros and cons" of the various alternatives actually mean. I don't know if there is a solution, or if this is anything you can address or influence, but I wanted to pass on my perceptions after attending the Dalles public meeting. Thanks. (Steve White)

Response: The Tri-Parties continue to evaluate the effectiveness of public meetings and public presentations. Your comments will assist the agencies in developing more effective public presentations.

Hanford Advisory Board

8. The Hanford Advisory Board submitted 14 pieces of consensus advice to USDOE or in some cases to the Tri-Parties, and in December we submitted Consensus Advice No. 8. As a portion of that advice six points were agreed to that pertained to facility transition. I would like to have on the record how the board operates. We have a committee structure. We review issues and then in the reviewing of those issues and develop a lead person. They will have indepth information presented to the committee from the agencies. From that, they will develop some position papers that stay within the committee recognizing that those will be always more indepth than the board itself wishes to deal with, and they finally get those condensed down into a form that they believe the board will be willing to listen to and agree.

We're a policy board so many of the technicalities the board does not get into. As the facility transition was part of a very large packet of advice that we provided in December and it's advice that has a great deal of substance to it. So these are the points then that the board agreed upon, and I want to emphasize we agree to every single word and this is a large board and there are 32 of us and if any word is a word that does not fit with the values of that board member, that board

member says "I don't like that word," and then we say, "Well, is it just the word that's bothering you? Is it the phrasing?" So when I read this, every word I jokingly say has blood on it because every word's been really worked upon and that is the way the committee operates, the board operates. (Marilyn Reeves, Chairperson of the Hanford Advisory Board)

Response: The Tri-Parties agree that the Hanford Advisory Board has and will continue to have an important role in advising the parties in the development of major policy at the Hanford site. The parties appreciate your comments regarding the importance of developing and building consensus. In regards to the Board's Consensus Advice No. 8, DOE responded in writing on February 1, 1995. The program-specific response concurred with all of the issues/concerns expressed in the referenced consensus advice.

9. I want to compliment the Hanford Advisory Board on the hard work that you've done. I have to say that I understand consensus really well because I went to a Quaker college and we did everything by consensus and I know its a very difficult process and I think that you guys did a great job and I endorse your points. (Kathy Crandall)

Response: Please see the response to comment 8.

Budget Issues

10. I was unable to attend the hearing in Seattle on March 2, but would like to add my voice to those who expressed concern regarding request for funding to meet safety obligations for cleanup at Hanford. The wasteful practices of contractors is a serious matter. Funding for cleanup is essential. Please pursue funding to protect the Columbia River from contamination. (Willa Halperin)

Response: The Hanford Site contractors are currently involved in a significant downsizing and cost efficiency campaign so that more of the available funds can be directed toward cleanup. To address the cleanup effort that is planned for the Hanford Site, it is imperative that the surveillance, maintenance and operating costs for older facilities be reduced. These costs are referred to as mortgages. The faster the mortgages are reduced, the more quickly funding is available to support the cleanup effort. The Environmental Restoration Refocusing package, which preceded the facility transition package, has as one of its major themes the protection of the Columbia River and every effort will be applied to meet this commitment.

11. Facility transition is obviously a critical step in cleanup of the Hanford site. However, compared to the risks currently posed by the K Basins spent fuel and the tank farms, facility transition does not appear to be a high priority item.

As the Tentative Agreement on Facility Transition negotiations points out, the Tri-Party Agreement signatories have made facility transition a

high priority item to, "Reduce the cost of maintaining transitioned facilities to a minimum so that the Hanford Site resources can be applied to higher priority cleanup efforts." This objective encompasses two critical issues: (1) money currently being spent on old facilities and (2) the transfer of those monies once the facilities are deactivated to other Hanford cleanup activities.

In these days of ever tightening budgets, both at Hanford and across the nation, the "mortgage" of the old facilities is a desirable target for reducing yearly expenditures. However, such a reduction comes with a downfall -- pursuing transition activities means less money in the short term for higher priority cleanup activities. According to the Tentative Agreement, after initial transition steps are completed, the monies that will no longer be needed for facility maintenance will be made available to other cleanup activities. At the very least, this is a dubious assumption.

The nature of the federal budget process in no way guarantees that monies no longer needed for facilities transition will be available for use at Hanford. Many would argue that it is highly unlikely that the funds "saved" through facilities transition activities can be transferred to higher priority cleanup efforts. The parties have appeared to capture the best of both worlds -- reducing the funds spent on old facilities and ensuring money in the out-years for high priority cleanup activities. But Hanford Education Action League is concerned that this best of both worlds solution may not be congruous with the real world. As a result, while facility transition activities are accomplished, high priority items will continue to be insufficiently funded. (Todd Martin, Hanford Education Action League)

Response: We share the commentors concern that dollars saved through facility transition will be taken away from the site. To make the most of available funds, including savings from mortgage reductions, DOE has requested the restructuring of funding appropriations received from HQ to allow for a single funding source, with full authority of the site manager to utilize the funds based on availability and site priorities.

With this possibility starting as early as fiscal year 1997, reductions in funding needs for individual areas will not be as visible as in the past. Also, indications are that Hanford will be given a flat funding profile beginning in fiscal year 1998. If this is the case, one could expect that specific savings from mortgage reductions, or any other cost management effort, should be available to apply to other Hanford priorities.

With respect to K Basins, this is not only an urgent risk issue, but it is also a mortgage reduction. DOE is currently trying to accelerate the K Basin project on a fast track schedule.

It is true that facility transition is taking some monies away from the Tank Waste Remediation System's (TWRS) disposal program, but the tank safety program, which is addressing potential near term risks, is

continuing. The TWRS disposal program requires a reasonable level of funding in order to effectively proceed. This level of funding under current funding constraints can only be achieved through maximizing mortgage reductions and cost efficiencies on site.

Unfortunately, DOE cannot guarantee that the funding made available through facility transition will remain on site. Therefore, as recommended in comment 12 below, it is not feasible for DOE to agree to specific language in the Tri-Party Agreement that ensures this.

See also the response to comment 10.

12. The parties must justify the assumption that facility transition activities will avail resources to other cleanup activities at Hanford. Based on such justification, language should be entered into the Tri-Party Agreement outlining steps which USDOE will be required to take to ensure the availability and transfer of the monies. The prospect that USDOE will have much more control over its on-site allocation decisions starting in FY 1997 heightens the importance of such language. (Todd Martin, Hanford Education Action League)

Response: Please see response to comment 11.

13. USDOE should not allow the cleanup budget to subsidize defense and energy programs. All transfers of defense programs, facilities or materials to the environmental management program should be accompanied by full commitment to funding at the time of transfer and this includes funding for safety, terminating the program, removing the potential product materials, and attaining a safe surveillance and maintenance mode. The facility transition budget must be based on legal compliance with applicable hazardous waste and environmental statutes including safety and hazardous materials training for the workforce. (Marilyn Reeves, Chair, Hanford Advisory Board)

Response: The Department of Energy mandated responsibilities are determined by the applicable enabling statutes and by approved congressional appropriations bills. The "FY 1996 Congressional Budget Request, Budget Highlights" published February 1995 (DOE/CR-0032), describes the transition of defense related programs, facilities, and materials to the Environmental Management program as being funded specifically to accommodate the transition of DOE facilities and to remediate the Cold War legacy of contamination at the nuclear weapons complex, as follows: "The responsibilities of the Department's Environmental Management program will expand dramatically in FY 1996. In addition to "cleanup" the Environmental Management program is tasked with managing more than 30 metric tons of weapons-usable plutonium including the necessary safeguards and security, storage facilities, and processing facilities. As a result of this new work scope, the FY 1996 Environmental Management program budget request of \$6.6 billion includes more than \$800 million in transferred authority from other DOE offices for managing thousands of other high-risk facilities located at active defense and non-defense installations."

14. USDOE should not allow the cleanup budget to subsidize defense and energy programs. All transfers of defense programs, facilities or materials to environmental management programs should be accompanied by full commitment to funding at the time of transfer. This includes funding for safety, terminating the program, removing potential product materials and attaining a safe surveillance and maintenance mode. And six, the facilities transition budget must be based on legal compliance with applicable hazardous waste and environmental statutes including safety and hazardous materials training. (Patty Burnett, Hanford Advisory Board Vice Chair)

Response: Please see the response to comment 13.

15. High priority Hanford cleanup activities are being deferred in part because of the upfront costs relating to the facility transition. These monies that are being deferred should not be lost and the out year savings must be requested for Hanford cleanup and USDOE must find a way to make this cleanup investment possible. I would like to explain that a little bit. If we're going to have to spend more and take it out of other cleanup activities but we spend it now we assume we're spending it now because later the cost will be lower. We don't want to lose those savings at Hanford. We don't want them to go into some other pot. We believe that there should be some way that we can make this cleanup investment possible and these out year savings can then be used for the necessary cleanup at Hanford. (Marilyn Reeves, Chair, Hanford Advisory Board)

Response: See the response to comment 11.

16. High priority Hanford cleanup activities are being deferred in part because of the upfront costs related to facilities transition. Those monies should not be lost. Out year savings must be requested for Hanford cleanup. DOE must find a way to make this cleanup investment possible. (Patty Burnett, Vice Chair, Hanford Advisory Board)

Response: Please see the response to comment 11.

17. Higher priority should be given to those facilities with the highest pay back in terms of safety projected cost savings and future reuse. High priority Hanford cleanup issues activities are being preferred in part because of the upfront cost related to facilities transition. These monies should not be lost.

Out year savings must be requested for Hanford cleanup. USDOE must find a way to make this cleanup investment possible and parenthetically for the other facilities. The Department of Energy should not allow the cleanup budget to subsidize defense and energy programs. All transfers of defense programs, facilities or materials to the environmental restoration and waste management program should be accompanied by a full commitment to funding at the time of transfer. This includes funding for safety terminating the program, removing potential product materials

and attaining a safe surveillance and maintenance mode and this is a break from what's happened in the past.

The fuel down in the K basins got into that sorry state because it fell between the programmatic stovepipes and the fuel deteriorated and minimal or the maintenance and the safety monitoring that was done was stolen from here there and the other place. In fact it was a safety program, a defense production program even though it came under environmental restoration or waste management because the plutonium in that fuel was still considered a national asset until I guess it was the 21st of December when the Secretary signed a new order saying that plutonium and highly enriched uranium recovered in the process of cleaning up these facilities would not be used for nuclear explosive purposes.

The facilities transition budget must be based on legal compliance with applicable hazardous waste and environmental statutes including safety and hazardous materials training. Again, worker health and safety are paramount among the concerns of the Hanford Advisory Board. Thank you. (Dick Belsey, Hanford Advisory Board)

Response: Please see the responses to comments 11 and 13.

18. The agreement should require the Department of Energy to accelerate and fund cleanup that is now being deferred while we are funding facilities transition. Once the facility costs are lowered. We're being asked to defer...(tape ended)...of millions of dollars lowering the mortgage.

I don't expect that the Department of Energy, especially we've seen it in their targets, they've already told you, in essence, that they're not going to transfer the money saved into the cleanup program. They will spend it on the defense program where they are shifting \$3.9 billion of cleanup funds directly into.

Now legally, Ecology and EPA cannot say in the agreement you will spend x, y or z funds when you're done lowering your mortgage, but what you need to do is take an integrated look at the agreement and other milestones and other high priority areas which I know that you'll agree there are other high priority areas like the Columbia River which has been promised an acceleration of remediation, Tank Waste Remediation System disposal milestones, and require the Department of Energy to sign up to accelerated milestones once facility transition costs are lowered with the explicit understanding and statement in the TPA that you're doing this on the basis of having deferred that work while funding facility transition and that enforcement actions will be taken if this state has to pay the long term consequences of paying for facility transition subsidized the defense program and energy program plants only to see the funds cut for the cleanup ultimately. (Gerald Pollet, Heart of America Northwest)

Response: See the responses to comments 11 and 13.

19. I'm going to be speaking for Heart of America Northwest and covering several issues. The first issue is request that the Department of Ecology and EPA seek to require the Department of Energy to use defense program funds for facilities until a shutdown order is signed and material in those facilities is declared a waste and this in terms of the facilities in front of us this is particularly applicable to PFP. The plutonium solutions are not being called a waste and if they're not being called the waste I don't see why cleanup funds should be used for them. Let the defense program which considers them an asset fund the facility transition costs and stabilization costs until they acknowledge that they are a waste and subject to regulation. (Gerald Pollet, Heart of America Northwest)

Response: The Washington Department of Ecology (Ecology) and the U.S. Environmental Protection Agency (EPA) concur with the commentor's first statement and have requested that DOE reconsider this apportionment, and that Defense Programs fund these activities that are clearly not related to the Department's Office of Environmental Management. The regulators transmitted this request in writing from the Hanford Project Managers (Ecology/EPA) on March 31, 1995.

On the commentor's second statement, the Tri-Parties continue to discuss the question of whether plutonium is a waste or national asset. The Tri-Parties believe that the fate of all U.S. surplus plutonium must be determined publicly. Meaningful decisions about plutonium disposition can only be made through informed public debate, which has only recently begun.

Plutonium residues and scraps that result from the sudden shutdown of plants like the Plutonium Uranium Extraction Plant or the Plutonium Finishing Plant mean many of the feed stocks, process (plutonium bearing) solutions and wastes were left in various conditions within these facilities. This agreement provides a regulation-based process to assure safe management and cleanout of the material left in these facilities.

20. Regarding paragraph 148 of the draft agreement, I mean actually the TPA, paragraph 148 includes the new language which makes it very clear in the very first sentence that the Department of Energy is obligated to request full funding for all milestones under the agreement. That language is very, very clear.

It is very important and we don't think it should be tinkered with adding program integration muddies the water in that sentence. You add issues about program integration throughout the body of paragraphs 148 and 149, but it weakens the funding obligation we think to say all of a sudden there's this weird thing called program integration which is also subject to this language and this requirement, but you can't define program integration. You can define the funding obligation. Right now it's a very clear, simple statement and it's very important to the public that you keep it a very clear, simple statement that says USDOE is obligated to request full funding for obligations under this

agreement. Please don't muddy that water by in that sentence adding program integration. You've got it elsewhere where it counts in paragraphs A through M. In fact paragraph M, I thought is particularly well structured. (Gerald Pollet, Heart of America Northwest)

Response: The commentor's statement that the introduction of the words "program integration" add confusion or dilute existing strong language is noted. It is the intent of the Tri-Parties, however, to strengthen and draw needed attention to the extreme importance of integrated or coordinated program baselines, funding decisions, and associated planning with limited resources. The proposed text was reviewed for clarity and it was determined that no revisions were required.

21. Regarding FFTF costs. As the Advisory Board has noted, FFTF costs don't seem to be of the same payback. Since we are being told that we are going to unbundle Hanford cleanup money in 1997, the argument that we're going to try to use energy research money after 1997 for FFTF becomes a little more dubious. Assistant Secretary of Energy, Thomas Grumbly told the Advisory Board and the National Gathering of Advisory Boards two weeks ago that he was committed to ending the stovepiping or unbundling the money and giving Hanford a lump sum starting in 1997. That means that if what is driving that decision is the fact that monies from the energy research program wouldn't have it anyway. That reason kind of gets thrown out the window starting in 1997 and we have more urgent priorities and I don't believe that the payback has been demonstrated for FFTF the way it has been for the other facilities. Nor have we seen an iota of a productivity commitment and undertaking comparable to other programs by the FFTF. The reactor program simply hasn't been subjected to the same cost savings and efficiency requirements that other programs have. (Gerald Pollet, Heart of America Northwest)

Response: Because these and other similar questions were first brought up during presentations to the Hanford Advisory Board in February, DOE (Office of Assistant Manager for Facility Transition) prepared a detailed written response. This letter was issued to Board members on March 14, 1995 and is contained in Appendix A to this document. Please refer to that letter for a complete response to the above comments regarding facility transition of the Fast Flux Test Facility.

22. I really do believe that in today's budgetary reality we must be very careful about how we prioritize. The recent battles that a lot of us have been looking at and facing and fighting in Congress over potential \$600 million in revisions for the 1995 FY budget bode very ill for the 1996 budget. It is doubtful that it will be supported at the presidential levels and some people are very, very scared about how low its actually going to get and so priorities are really more imperative I think now than they ever have been and although I know that PFP is a serious issue and I believe that PUREX also is a potentially serious issue, I think that people should be very careful about FFTF.

I also am very concerned about defense programs. I think that too much emphasis has been placed on DOE-HQ Environmental Management dollars to

try to do transition of facilities and that defense programs has an ever increasing budget and should be required to pay its fair share of facility transition. And I say that for the record because I think it's something USDOE has not fought hard enough and I think it needs to be fought so those are my comments. Thank you. (Cynthia Sarthou, Heart of America Northwest)

Response: Please see the responses to comments 11 and 13.

Priorities at Hanford

23. I just want to say that there are so many other priorities out there which it seems are being tabled and these are priorities that the public has persistently and consistently wanted. Things like cleanup along the Columbia River, the stabilization and increase monitoring at the high level nuclear waste tanks which are not being fully funded and I think that you ought to agree or adhere to the agreements that you've already made before you come up with a bunch of new milestones that are going to be taking money away from those clearly identified priorities. Thank you. (Kathy Crandall)

Response: Please see the response to comment 11.

24. I live west of the mountains, so perhaps do not have as much right to be concerned about the Hanford cleanup as those who live closer, but the Columbia River is a regional (and national as well) treasure. I am therefore very concerned that USDOE has put on a back burner the cleanup and protection of the Columbia River in the Hanford area. I protest vehemently against this action. (James Penfield)

Response: Please see the response to comment 11.

Federal Facilities Compliance Act

25. We're concerned that the facility transition provisions need to be well integrated with the Federal Facilities Compliance Act. There should be requirement that by a certain date there is going to be a high quality, quantitative assessment of how much Federal Facility Compliance Act wastes are in these facilities and we deserve a site treatment plan in essence for those just the same as every other site in the country. We're the only site without a site treatment plan.

The rationale for that is we have the cleanup agreement, but the cleanup agreement does not quantify those wastes, nor does it really give us a site treatment plan. That relates to the advice of the Hanford Advisory Board to barring offsite waste from being treated unless certain rigorous conditions are met in these same facilities. That has not been addressed in this draft and I would ask that you take a look at the Advisory Board advice and you incorporate that either by reference and then into the permits, but explicitly state it in the agreement or reiterate those conditions in the agreement itself if we go with this agreement in the first place for facilities.

I am concerned about the statement after you answered my question I went back and I did find that there is statements saying that equipment in PUREX may not be subject to regulation under RCRA if it was emptied within 180 days of shutdown and other qualifications. We're concerned it's under Washington state law, it's either dangerous waste or it's not. It doesn't depend on when it was emptied or when it wasn't emptied. It's either contaminated and used to hold dangerous waste or it wasn't. (Gerald Pollet, Heart of America Northwest)

Response: The first part of the comment refers to the provisions of the Federal Facilities Compliance Act (FFCA) which require development of a site treatment plan to manage land disposal restricted wastes. The management of efforts to develop and implement treatment capacity for land disposal restricted wastes at Hanford was negotiated in milestone M-26 of the Tri-Party Agreement. The commenter is correct in noting that the Hanford site is the only DOE site that has not prepared a site treatment plan. That is because the FFCA expressly states that a site treatment plan is not required where land disposal restricted waste plans have been developed in a pre-existing agreement, such as the Tri-Party Agreement.

Both the State of Washington and the U.S. Environmental Protection Agency (EPA) have recognized and agreed, in writing, that the M-26 milestone requirement for submission of the annual report on Hanford site land disposal restrictions for mixed waste satisfies the FFCA site treatment plan requirement and eliminates the need for a separate, but equivalent, report and plan. Additional information can be found in the 1994 Report on Hanford Site Land Disposal Restrictions for Mixed Waste, DOE/RL-94-21, published April 1994.

In the second part of the comment, a concern is expressed about equipment and waste not being properly managed under Washington State's dangerous waste requirements. Most of the liquids and solids in the Plutonium Uranium Extraction Plant (PUREX) vessels were considered "products" until PUREX received shutdown orders in December 1992. Any PUREX vessels that treated or stored dangerous waste during the production period (prior to receipt of shutdown orders) were already included on the PUREX Resource Conservation and Recovery Act (RCRA) Form 3 (i.e., the Part A permit application). When shutdown orders were received, potentially regulated material was left in PUREX process vessels. As provided in Chapter 173-303-071(3)(n) of the Washington Administrative Code (WAC), such material is excluded from the majority of the requirements of WAC 173-303 if it falls into the following category:

***Dangerous waste generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated nonwaste-treatment-manufacturing unit until it exits the unit in which it was generated. This exclusion does not apply...if the dangerous waste remains in the unit for more than 90 days after the unit ceases to be operated**

for manufacturing, or for storage or transportation of product or raw materials."

The EPA has provided clarification on the above regulatory exclusion to state that it was not the Agency's intent to regulate wastes in such units unless the waste remains in the unit for more than 90 days after the unit is no longer in operation. The 90-day accumulation period would begin when the waste exits the unit; or if the waste remains in the non-operating unit for more than 90 days, the 90-day clock would then start on day 91. Hence, permitting of the unit would be required only if waste remains in the unit for a total of 180 days after the unit ceases to be operated for manufacturing.

Based upon this exclusion, any PUREX tank emptied during the first 90 days after receipt of the shutdown order or during normal operations was not considered subject to regulatory control under RCRA. Any tank emptied during the first 180 days after receipt of the shutdown order was not required to be permitted.

Tentative Agreement

26. One of the objectives of the facility transition negotiations is that the milestones be fiscally realistic and achievable. In light of recent budget cuts, is the plan laid out in the Tentative Agreement still considered by the parties to be fiscally realistic and achievable?
(Todd Martin, Hanford Education Action League)

Response: The current budgets are fully funded for facility transition. In addition, efforts are being made to complete facility transition ahead of schedule. This could result in achieving the mortgage reductions earlier than planned without increasing the costs of the transition efforts.

27. In terms of what you can do in the TPA, we believe that the TPA should explicitly state that failure to fund milestones in other areas will result in enforcement actions if you use Environmental Management money for facility transition of defense program facilities that are in essence being subsidized by the cleanup program. A very clear statement of your enforcement priorities in the Tri-Party Agreement, signed by the Department of Energy, acknowledging that right now it already says USDOE's obligated to fully request funds. Well, enforcement priorities are often part of agreements like this and they ought to be included here and they ought to state very clearly that if the Department of Energy uses cleanup funds to baby sit defense program plutonium and just the cost of babysitting the plutonium in the vaults for the defense program is about \$20 million this year. Well, if you miss \$20 million worth of milestones for protecting the Columbia River it ought to be clearly stated that that will result in significant enforcement actions and it ought to reference the Department of Justice's environmental prosecution guidelines which state that if there is a willful disregard for a compliance agreement and funds are available but not spent that is one of the major factors for prosecution. In terms of Section 113H of

CERCLA and inclusion of facility transitions in this agreement at all, enforceability of the agreement was the number one issue raised by the public, thousands of members of the public as I recall, the last time the Tri-Party Agreement was changed and put out for public comment. The state needs to do a strategic legal analysis and share it with the public and the Advisory Board regarding whether facility transition should be included at all in this agreement. So as long as the Department of Energy claims that any facility or area that is covered in a cleanup agreement is not subject to independent regulation by the state or enforcement by the state or citizens, it does not seem very wise to me to put these facilities into the agreement. You have independent RCRA jurisdiction, we agree with you that you have it. Why weaken your case, why not use the schedules you've now negotiated for totally separate RCRA required compliance schedules and do not put it into this agreement and remove all reference to the facilities from this agreement? (Gerald Pollet, Heart of America Northwest)

Response: It would be inappropriate to set out facility transition requirements in a separate agreement or order based solely on the Resource Conservation and Recovery Act (RCRA) because these facilities raise concerns under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) as well as RCRA. The Tri-Party Agreement (TPA) addresses DOE's obligation under both laws. Furthermore, the three parties believe that requirements of the TPA, including facility transition provisions, are enforceable by the state and citizens. Section 7002 of RCRA authorizes citizen suits against any person, including the federal government, to require compliance with "any order which has become effective pursuant to RCRA." The hazardous waste management provisions of the TPA constitute such an order and, consequently, could be enforced by citizens under CERCLA Section 10.

See also the response to comment 13.

28. I think that instead of trying to do transitions on all four facilities or if any and taking away from funds for the environmental milestones, the public has already said were priorities. There needs to be a balance and not a balance towards the best services for the Department of Energy, but for once the balance is towards the people and the public's need and the public's exposure to environmental hazards not just the DOE workers' exposure. I think clearly that all milestones which have already been set need to be accomplished before taking on new tasks such as facility transitions. Most of the milestones which have been set have already been postponed and they need to be accomplished and I think that any good corporation would finish their task before starting a new one and I think that's what you people need to do. (Jess Kadison)

Response: Please see the response to comment 11.

29. There are four very different facilities here that you're being, are being lumped together and I think that it's important to look at each one of those separately. The FFTF is going to be is with nuclear energy

now and it looks like more money is going to be dumped into the environmental management whereas the UO_3 plant you said is essentially done with this process and then you have PFP and PUREX which have very difficult problems going on at them right now. Those are different problems and I would support waiting on the FFTF and analyzing perhaps a PFP and PUREX more closely to see as Gerry said everything else is accepting a productivity challenge, I think that this program ought to also. (Kathy Crandall)

Response: Please see the response to comment 21.

30. This administration has talked about reinventing government and taking a business-like approach to government and one of the things that business does is look at a return on investment. Now it's been pretty easy for the folks at Richland, not really but it's been easier for the people at Richland to tell the government that this is a good investment because they can invest an amount of money that will return to them approximately three years after the investment is finished and the facility is in a surveillance and maintenance mode. You don't have to be a space scientist to say that's a reasonable kind of return on investment and I'm delighted that you guys have done that and I think that it's a model for approaching the cleanup essentially being a new trap. None of us thought about the mortgage, neither among the USDOE or among the stakeholders, some of them did. Actually, I'm sure Gerry Pollet has been obsessing on it for some time, but the rest of us didn't understand that and the transition facility group has taken the lead and said a mouthful for the rest of the cleanup and we've seen some of that thinking showing up in other of the programs. Spent fuel people are thinking that way and they are a separate group. I think that that's a very important step forward, but again the issue that, the dispersion of this is going to be the most difficult part. Can you keep on coming up with clear winners? People are already looking at FFTF and saying is it really worth investing \$20 million a year extra for eight years or six years to get back money that's going to take you 10 years to recover your investment. That's not clear. Are the health and safety issues in the B Plant and some of the other facilities going to be factored into this equation or is it just going to be financial kind of approach. That's not clear and that's a very important distinction because some of the high risk areas may not immediately be addressed. (Dick Belsey, Hanford Advisory Board)

Response: Regarding the health and safety issues associated with B Plant and other facilities, it should be pointed out that B Plant transition planning is well underway. One of the things that has been driven by the current funding limitations is a more thorough look at ways to accomplish more for less cost and to reduce the costs associated with facility operations and surveillance. Allocation of limited funding in the future will no doubt be considered along with national and regional priorities. However, any funding that is received will be allocated based on sitewide environmental management priorities. Risk is a major factor in determining these priorities.

See also the response to comment 21.

31. I would like to put something in for the record from the Hanford Advisory Board. For those of you who don't know, the Hanford Advisory Board is an advisory board chartered under the Federal Advisory Committee Act. It's role is to oversee and advise the DOE, EPA and the state of Washington really but particularly the Department of Ecology on issues concerning cleanup from the public's perspective and the public is very well represented in many ways in this Advisory Board because it has 32 members, half of whom are from local interest groups and the other half are regional interest groups.

The total board including alternates runs about 90 people and it's a working board and it has been turning out, it was started last January and has been turning out advice to the three parties over the last eight or nine months and they have sent some advice to the Tri-Parties, you guys, or your bosses or the people at the top have seen this and some of you have been around when it's been asked, but I would like to put it into the record because it's directly relevant to the public's values about the running of the facilities that are going into transition and such. Facilities Transition, this was advice that was passed, adopted December 2, 1994, in a letter to John Wagoner and with copies to the regulators. All facilities should not be treated equally in terms of priority from making the investment to move into surveillance and maintenance mode.

The investment should be examined in light of safety, projected cost savings and future reuse considerations. So really safety was first, the monetary savings was second but also the issues of recycling of facilities or reuse of facilities was, which is also an economical issue, has been dealt with here and in fact I just heard the other day that the canister storage building which was started on the Hanford site and has site ...the foundation for the spent fuel storage facility which will have to be built as part of getting the spent fuel away from the river. (Dick Belsey, Hanford Advisory Board)

Response: Please see the responses to comments 8, 11 and 21.

32. We believe that all facilities should not be treated equally in terms of priority for making the investment to move into a surveillance and maintenance mode but that this investment should be examined in light of safety, projected cost savings and any future reuse considerations. We believe that higher priority should be given to those facilities with the highest payback in terms of safety, projected cost savings and future reuse. (Marilyn Reeves, Chairperson, Hanford Advisory Board)

Response: Please see the responses to comments 11 and 21.

33. My name is Patty Burnett and I would like this entered into the record on behalf of the Hanford Advisory Board. This is our consensus advice No. 8 directed to you on facilities transition. And according to our by-laws we ask for written response to consensus advice and I was

assured during the break that that was on the way. So I thank you very much. All facilities should not be treated equally in terms of priority for making the investment to move into surveillance and maintenance mode. The investment should be examined in light of safety, projected cost savings and future reuse considerations. Higher priority should be given to those facilities with the highest payback in terms of safety, projected cost savings and future reuse. (Patty Burnett, Vice-Chair, Hanford Advisory Board)

Response: Please see the responses to comments 11 and 21.

34. I just want to reiterate what I say at each one of these meetings that I've come to and it seems like there's one every other month and that is that the only way you have an enforceable contract is that you have an arms length contract where the people who are getting money have somebody outside actually keeping their hands separate from making profit from making mistakes. And that's the trouble with nuclear energy. It's been mixed up with the weapons production.

You do have these laws but the facts are that in World Press this month magazine that nuclear fuel was secretly sent to South Africa and that's on the record now. Who knows where else it's going and we have an extremely, the only group that has money now is the Mafia in the world it seems. They're running drugs. They're running arms. Nuclear weapons. Nuclear fuel. If it's going the traditional route of the way garbage has been handled in most of our cities it's been run by the mob. So that unless we can as a democratic society, write a contract that's clear and not fraudulent and a basic parameters of a non-fraudulent contract. That it's enforceable. And that the person pays for it gets a specific item or performance in return and for a specific cost and when you don't have the dollar figures and you don't, you still have the same people actually writing the contract that are actually going to be performing the contract we I have repeatedly asked for the international standards, the international atomic energy agency what are their criteria. Somebody outside this whole conspiracy of garbage.

I lived in Hanford, my mother worked there, I had to listen every night for 10 years of how things went out there at Hanford and she had a very low job and the only guy that was her supervisor that followed the rules got fired because they didn't. This was in the forties, the fifties and the sixties and the same people, the same corporations are running Hanford and we can play these little Environmental Impact Statement games. We can play these hearing games and I'm still willing to play them but until you do the baseline job of getting some arms-length-outsider to perform the actual evaluation of what's actually going on there now and if a contract is written so it can be enforceable we're all wasting our time and our money will be wasted too. (Barbara Zepeda)

Response: Your comments regarding an enforceable contract and getting specific performance for specific cost are appreciated and point to one of the Secretary's initiatives for reinventing government. The contract reform initiative has resulted in a performance-based contract being

signed with Westinghouse Hanford Company in January 1995. The contract is results-oriented in that it rewards exceptional performance and penalizes poor performance. Further contract reform is being implemented throughout the DOE Complex to improve contractor performance through specific contracting incentives.

35. Hi I'm Cynthia Sarthou with Heart of America Northwest. My first comment is, of course I have talked to Ecology, that the Attorney General for the state of Washington has reviewed this agreement. But I would caution them to very carefully review this agreement and not to make the mistakes that were made in the past with the Tri-Party Agreement and not to give up rights which they now possess by bringing things within the umbrella of Tri-Party Agreement, and I say this mainly because it is my personal opinion that the Department of Energy has found its strategy, finally, which is to bring everything within federal facility agreements and thereby preclude everybody else from doing anything. I have seen that sort of nationwide as occurred on some shipments of waste from Fernald to the Nevada test site where the citizens of Nevada were informed that they could not challenge those shipments nor could they ask for an Environmental Impact Statement because it was part of a CERCLA cleanup. So I would say that we should be cautious in the way we proceed. (Cynthia Sarthou, Heart of America Northwest)

Response: Please see the response to comment 27.

36. The Oregon Hanford Waste Board reviewed the Tri-Parties' proposed process for facility transition. The Board supports the proposal. We are particularly pleased to see the Tri-Parties include regulatory, tribal and public participation early in the process and then comprehensively through to completion. This input is especially important during the early planning and goal setting. We believe implementation of this plan will go a long way toward streamlining the process and avoiding many conflicts in the later stages.

The proposed modification to the Tri-Party Agreement covers PUREX, Plutonium Finishing Plant (PFP), and the Fast Flux Test Facility (FFTF). Including the shutdown of these facilities in the Tri-Party Agreement will allow better integration of the staffing, health, safety, environment, ecology and budget issues.

We strongly recommend the Tri-Parties incorporate the other major facilities into the milestones for facilities transition, including B-Plant, T-Plant, U-Plant, REDOX, the PUREX tunnels, and the major 300 Area facilities. The schedules for these and all other major facilities should be added as soon as the facilities cease to have a active defined mission. We look forward to working with the Tri-Parties on facilities transition. (Keith Burns, chair of the Oregon Hanford Waste Board)

Response: Section 14 of the TPA establishes the detailed framework for evaluating facilities for transition and for negotiating milestones specifically related to those facilities' transition. We agree that

facilities such as Redox, B-Plant, T-Plant, U-Plant, and the 300 Area facilities should be subjected to the decommissioning process when it is clear that these facilities no longer have an active mission. In fact, U-Plant and Redox are currently in the Surveillance and Maintenance Phase, as described in the proposed Section 14 of the Tri-Party Agreement (TPA). Both facilities have been declared excess and have undergone a previous transition to minimum operating conditions.

Several facilities in the 300 Area are currently in the Transition Phase. Transition planning at B-Plant is currently underway. T-Plant has a continuing mission of decontamination and decommissioning work in support of other on-site Environmental Management activities. There are definite opportunities to further reduce mortgages related to other on-site facilities.

37. The \$120 million five year investment in FFTF transition should be re-examined as to pace and priority. Re-programming from FFTF to higher Hanford priorities should be sought if far higher safety and legal compliance priorities at Hanford face shortfalls. (Patty Burnett, Vice Chair, Hanford Advisory Board)

Response: Please see the response to comment 21.

38. The \$120 million five year investment in the FFTF transition should be re-examined as to its pace and priority. Reprogramming from FFTF to higher Hanford priorities should be sought if a far higher safety and legal compliance priorities at Hanford face shortfalls such as the spent nuclear fuel removal from the K Basins. (Marilyn Reeves, Chair, Hanford Advisory Board)

Response: Please see the response to comment 21.

39. The \$120 million five-year investment in the Fast Flux Test Facility and it says FFTF here but I try and steer away from the acronyms myself, should be reexamined as to pace and priority. Reprogramming from the Fast Flux Test Facility to higher Hanford priorities should be sought if far higher safety and legal compliance priorities at Hanford face shortfalls. And the example at that time was spent nuclear fuel removal from K basins. (Dick Belsey, Hanford Advisory Board)

Response: Please see the response to comment 21.

40. My name is Gordon Rogers and I'm a resident of Pasco. I am a member of Hanford Advisory Board and I hold a public at large seat. I'm not sure that that gives me a license to speak for the public at large, but I will chance it and see what happens. I'd like to make two suggestions relative to facility transition program. I would recommend that the business and risk evaluations be made on each of the individual major sub-tasks for a given facility. As Jim Mecca pointed out using the example of the sodium removal from FFTF, that may be one that has a very substantial economic payoff and I believe this would help the agencies in prioritizing the order in which they could progress through the sub-

tasks associated with facility transition in light of the competition for budget authority to go around. (Gordon Rogers, Hanford Advisory Board)

Response: In the response to comment 8, the Tri-Parties discussed the types of risks that are factored into facility transition planning. DOE is committed to evaluating and considering risks in determining site wide environmental management priorities. This is an excellent point and one that will continue to be used in determining the best approaches to take when dealing with facility transition efforts.

41. Regarding page 13 of the Tentative Agreement states, "...specific milestones for completing stabilization and cleanout cannot be established until the Environmental Impact Statement process is completed." The quote is referring to Plutonium Finishing Plan milestones. Milestones have been created in the past prior to the completion of an Environmental Impact Statement. The tank waste treatment and disposal milestones were signed in January 1994 and the Environmental Impact Statement process has not even started yet. This needs to be explained further. (Todd Martin, Hanford Education Action League)

Response: The commentor is correct in noting that milestones have been established for the Tank Waste Remediation System Program prior to the National Environmental Policy Act (NEPA) process being performed. This is also true for other activities within the Tri-Party Agreement (TPA) where a planned pathway was in place pending the completion of NEPA documentation. If the NEPA process resulted in an alternative pathway, then the Tri-Parties would have to address the impact to the TPA. This is not the case for cleanout of Plutonium Finishing Plant (PFP). It was clear from the public responses received in January 1994 that the stakeholders did not want DOE to presuppose how the material in PFP would be stabilized prior to completing the Environmental Impact Statement (EIS) process. Therefore, there was no basis for establishing milestones beyond the EIS Process.

42. Regarding page 13 of the Tentative Agreement requests specific public comment on the potential for near-term cost and schedule savings if the National Environmental Policy Act review required for PFP is an Environmental Assessment instead of an Environmental Impact Statement. The public concern behind the call for an Environmental Impact Statement was based on the lack of consideration of stabilization alternatives to restarting the facility. The goal, which an Environmental Impact Statement would accomplish, is to ensure thorough consideration of the cost, schedule and health and safety impacts of stabilizing the material in PFP. Also, an Environmental Impact Statement would provide a forum for public involvement. An Environmental Assessment may be an acceptable avenue for the National Environmental Policy Act review if (1) USDOE material is inside PFP; (2) USDOE provides a forum and process for substantively collecting and responding to public comments. But, Hanford Education Action League would not recommend this route. As the Environmental Impact Statement process has already begun, Hanford

Education Action League recommends that USDOE concentrate on the Environmental Impact Statement and complete it in a thorough yet expeditious manner. (Todd Martin, Hanford Education Action League)

Response: DOE committed to full public involvement and thorough consideration of the cost, schedule, and health and safety impacts of cleanout of the Plutonium Finishing Plant, regardless of the format of the National Environmental Policy Act review. Current expectations are that the Environmental Impact Statement, now in preparation, will continue to be the vehicle for completing the review.

43. I am a process engineer at the Plutonium Finishing Plant and have had input and a working level participation for the NEPA documentation efforts at the PFP during the last couple of years. During December 1994, MACTEC was soliciting help from the PFP Engineering Department to better understand some of the plutonium stabilization technologies. However, in late December all work within USDOE and MACTEC on the PFP Environmental Impact Statement came to a screeching halt due to funding issues.

To this date, funding and work on the PFP Environmental Impact Statement has not resumed. My two questions are as follows: (1) Is the USDOE going to complete an Environmental Impact Statement for the stabilization of PFP plutonium material? (2) If no Environmental Impact Statement will be completed, why does WHC and USDOE continue to advertise and plan for completion of the Environmental Impact Statement through such vehicles as the *Tri-City Herald*? These issues need to be disclosed to the stakeholders and regulators so that they can fully prepare for the March 9 meeting. (Gregory Bergquist)

Response: DOE is currently preparing an Environmental Impact Statement for cleanout and stabilization of the Plutonium Finishing Plant. The Environmental Impact Statement (EIS) preparation resumed in March of this year.

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Department of Energy

Richland Operations Office
P.O. Box 550
Richland, Washington 99352

95-PCA-198

MAR 14 1995

Addressees

Dear Addressees:

RESPONSE TO QUESTION CONCERNING FY 1995 FUNDING REALLOCATIONS

This letter provides the U.S. Department of Energy, Richland Operations Office (RL) response to a request made during the Facility Transition Presentation at the February 2, 1995, Hanford Advisory Board (HAB) meeting, to review the board's December 12, 1994, letter, item 4. under "FACILITIES TRANSITION" on whether to continue to fund the Fast Flux Test Facility (FFTF) transition effort. Response to the remaining facility transition comments contained in the December 12 letter, which have been read into the record at the public meetings, will be provided as part of the response to public comment document.

During negotiations the parties analyzed and discussed the scope of cleanup activities and priorities at the Hanford Site in relation to facilities transition. The tentative agreement reflects the parties consensus that, assuming a fixed level of funding, reducing the mortgage on the transition facilities according to a reasonable and expedited schedule is necessary to make funds available to address the recognized high priority risks and important cleanup activities on the Hanford Site. The parties recognized that deferring the FFTF deactivation activities would result in cumulative higher surveillance and maintenance costs to maintain the facility in its present configuration.

At the February 2, 1995, HAB meeting it was noted that the cost profiles provided to the HAB and the public on page 12 of the summary section of the recently issued "Tentative Agreement On Facility Transition Negotiations", while based on the current FFTF Multi-Year Program Plan, did not reflect any additional cost savings that would result from ongoing productivity improvement initiatives and cost reduction efforts. The cost profiles did show the continued cost of maintaining FFTF in a minimum safe condition without conducting the planned deactivation activities. The figures, even without the additional cost savings, graphically indicated that deferring the FFTF transition is not cost effective.

The budgets contained in the FFTF Multi-Year Program Plan (MYPP) do not clearly depict the most recent estimates of the anticipated cost benefit to be achieved in deactivating FFTF. Table 2, enclosed, provides additional information and detail regarding the cost savings that result from ongoing productivity improvement initiatives and cost reduction efforts. These reductions have been realized through a concerted engineering effort by our FFTF staff to minimize costs. Figure 1, enclosed, shows the current Transition Budget for FFTF in comparison to the MYPP, and extends the costs through year 2009. The costs for treatment of the sodium have been deferred

to the time period when it is expected the Tank Waste Remediation program needs the resultant product.

Figure 1 also shows the comparison of the Transition Budget versus the Steady State S&M budget. As shown by Figure 1 and using the values from the enclosed Table 1, an incremental \$67.5 million for deactivation over the first five years can save \$353.3 million from FY-2000 through FY-2009, for a net savings of \$285.8 million. Figure 2, enclosed, provides a graphical representation of the cumulative comparison of the FFTF transition budget versus steady state S&M. Table 1 provides the actual values depicted on Figures 1 and 2.

In addition to cost, there were several other factors which the parties considered relevant to the development of the transition milestone package at FFTF, which explain the role and importance of the deactivation and subsequent transition of FFTF:

- The minimum safe operating level for the FFTF is approximately \$35 million per year. This minimum level is necessary to maintain the FFTF in a condition that is safe to the public and on-site worker, and in compliance with environmental, worker health and safety, and DOE Orders while the fuel and sodium remain in the facility. Extending this high mortgage for the facility into the outyears would greatly increase the overall cost for deactivation.
- Utilizing the highly trained, experienced cadre of staff currently employed at the FFTF is essential to a safe and successful deactivation of this unique facility. Extending the deactivation by dropping to the minimum safe funding level, would require decreasing the current staff by approximately 40%.
- The cost of retraining a staff on the plant for the complex plant evolutions necessary to achieve the deactivated condition would be high, and likely require at least two years. The level of expertise would clearly not be the same with new staff.
- Many critical activities (i.e., modifications, procurements, construction projects, resolution of technical issues, etc.) are in progress. Stopping momentum on these activities now, and trying to "revive" them later would clearly contribute to higher total cost.

The lowest cost, most efficient strategy is to complete the deactivation while the existing staff is available. To date, the FFTF Transition Project has been extremely successful and continues to be ahead of schedule and under cost. Challenging and innovative work is in progress to resolve technical issues and to support efforts to compress the transition schedule.

Addressees
95-PCA-198

MAR 14 1995

If you have any questions or additional comments please contact either
Mr. P. J. Krupin on (509) 372-1112 or Mr. Rod Almquist on (509) 376-2171.

Sincerely,



J. E. Mecca, Acting Assistant Manager
Office of Assistant Manager
for Facility Transition
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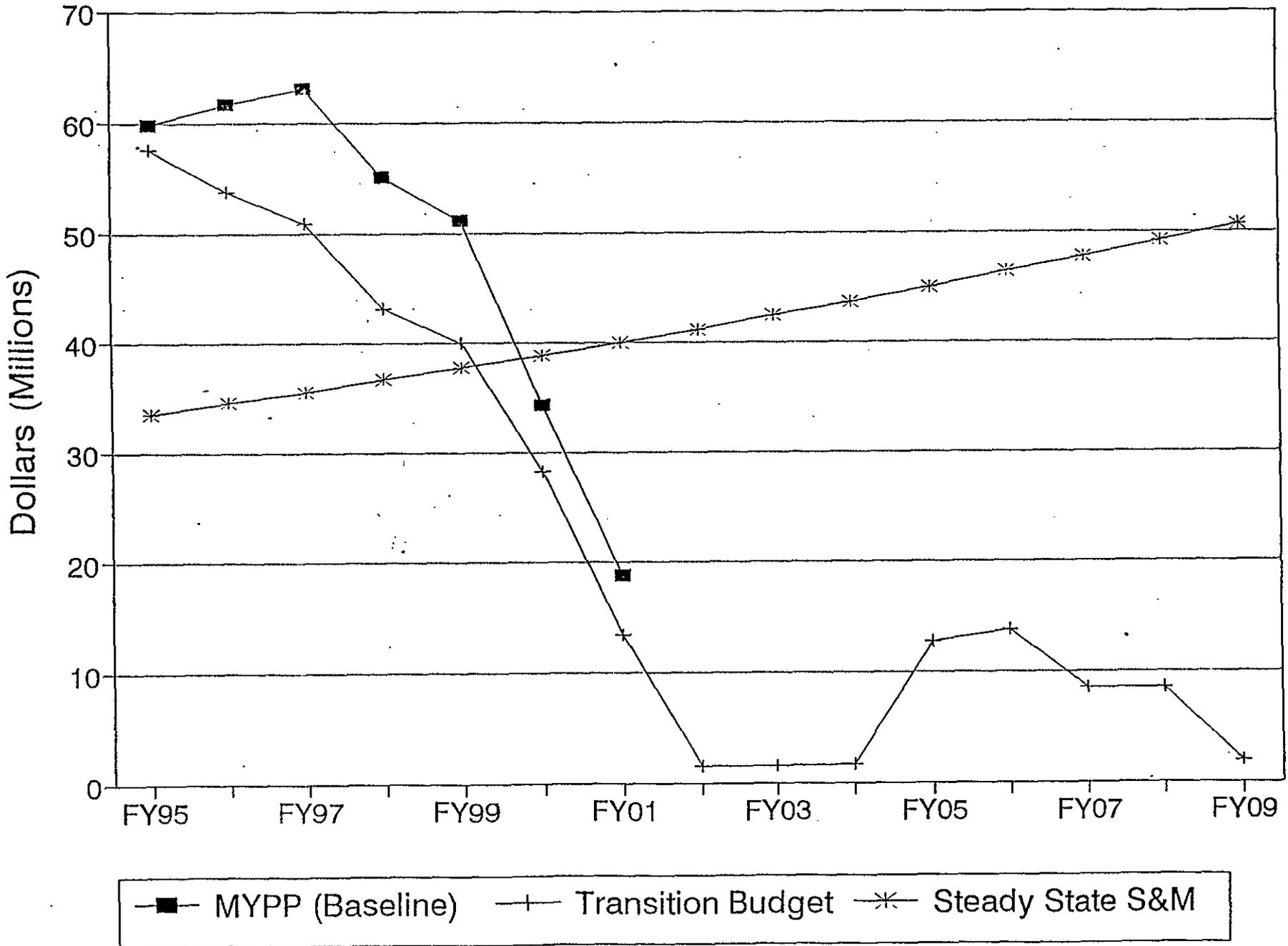
Enclosure

cc w/encl:
D. R. Sherwood, EPA
R. F. Stanley, Ecology

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FIGURE 1

FFTF Expense Cases



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FIGURE 2

Cumulative FFTF Expenses

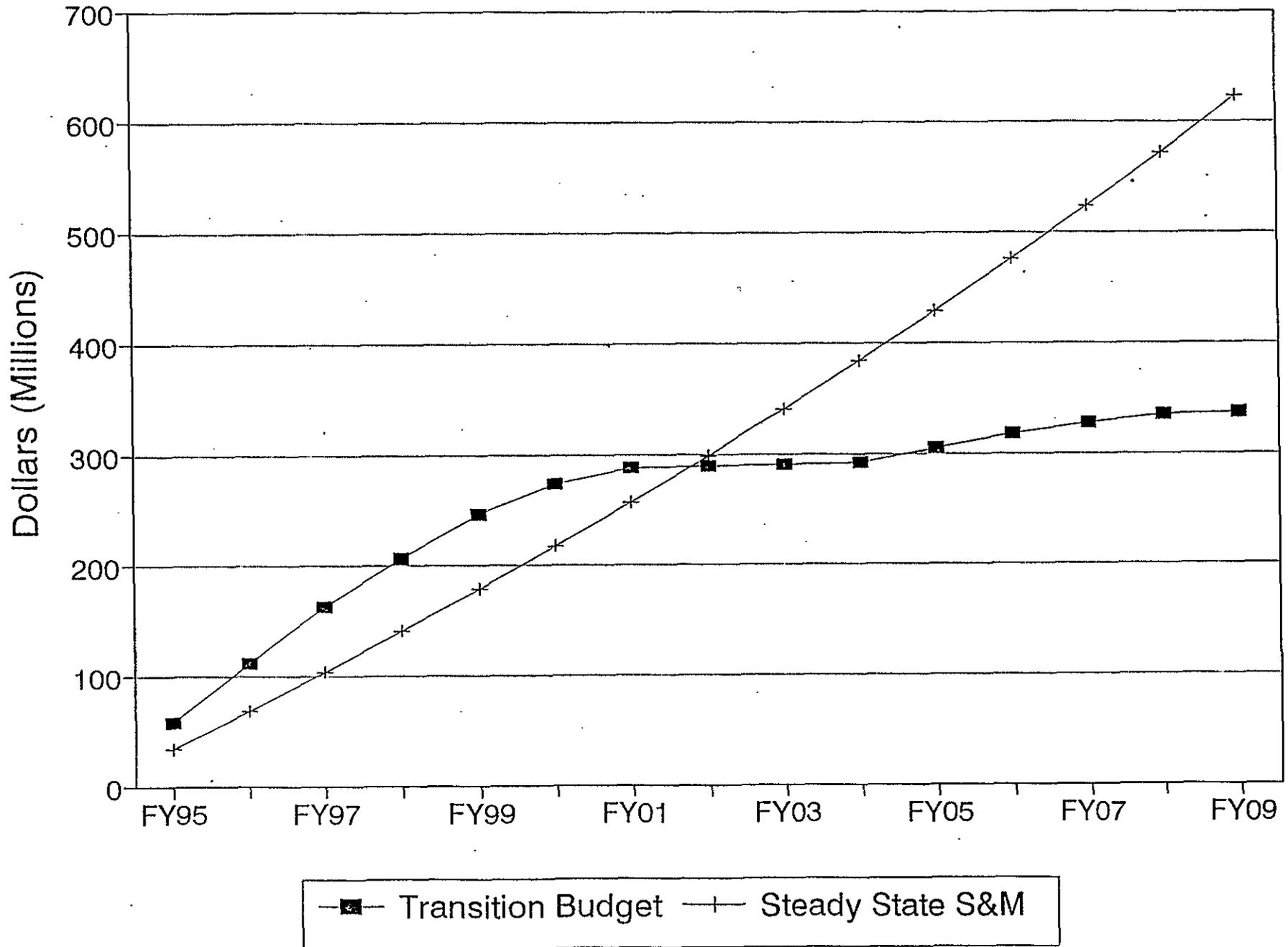


TABLE 1

FFTF EXPENSE CASES

(Dollars in 1,000s)

	MYPP (Baseline)	TRANSITION BUDGET (ADS)	STEADY STATE S&M	TRANSITION MINUS S/S S&M	CUMULATIVE	
					TRANSITION	S/S S&M
FY 1995	59,750	57,600	33,475	24,125	57,600	33,475
FY 1996	61,709	53,764	34,479	19,285	111,364	67,954
FY 1997	63,139	50,812	35,513	15,298	162,176	103,468
FY 1998	55,022	43,119	36,579	6,540	205,295	140,047
FY 1999	51,148	39,878	37,676	2,202	245,173	177,723
FY 2000	34,257	28,279	38,807	-10,528	273,452	216,530
FY 2001	18,812	13,421	39,971	-26,550	286,873	256,501
FY 2002		1,500	41,170	-39,670	288,373	297,671
FY 2003		1,545	42,405	-40,860	289,918	340,076
FY 2004		1,591	43,677	-42,086	291,509	383,753
FY 2005		12,639	44,988	-32,349	304,148	428,741
FY 2006		13,688	46,337	-32,649	317,837	475,078
FY 2007		8,489	47,727	-39,238	326,326	522,806
FY 2008		8,541	49,159	-40,618	334,867	571,965
FY 2009		1,845	50,634	-48,789	336,712	622,599

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TABLE 2

FFTF Transition Project Cost Reduction Initiatives/Expected Savings

Initiative	Amount	Savings Avoidance Deferral	Savings in FY	In Baseline Y/N
Containment Integrity Waiver & Technical Specification Reductions	\$1.1M	S	95	Y
Disposition of Irradiated Non-Fuel Core Components	\$4.3M \$38M	S A	95	Y
Phase I Security Reduction of FFTF	\$3.9M	S	95	Y
Staff Reductions and Reorganization	\$0.7M	S	95	N
Reduced G&A/CSP Rates	\$1.7M	S	95	N
Early Reactor Defueling Completion	\$0.5	S	95	N
Optimized Fuel Storage Cask Loading	\$2.6M	S	95	N
Early Secondary Sodium Transfer	\$1.9M	S	96-97	N
Early Offload of Category IC Fuel for Storage in Casks	\$1.9M	S	95	N
Phase II Security Reduction at FFTF	\$1.3M	S	96-97	N
TWRS use of FFTF Sodium in Tank Pretreatment	>\$10M	S	TBD	N
Install/Operate Ion Exchange System for Fuel Wash	\$2M	A	96-98	Y
Acceleration of Sodium Storage Facility Availability	\$18M	S	97	Y
Delay Design, Construction, and Operation of Sodium Reaction Facility	\$36.5M	D	TBD	N
Descoper Solid Waste Transfer Pit	\$0.3M	A	95	N

TRANSITION PROJECTS FY 1997 FIVE YEAR PLAN

Comparison of MYPP workscope baseline and ADS for FY 1996 and FY 1997

(\$ in Millions)

<u>EM-60 (Defense)</u>	<u>FY 1996</u>	<u>FY 1997</u>
9/94 Multi-Year Program Plan Baseline	158.0*	162.3*
Additional/Deferred Workscope:		
PUREX Organic Deferral	2.0	
PFP S/RIDs	0.3	
PFP IAEA	1.0	1.0
PFP Interim Actions/DNFSB 94-1	6.9	2.2
PFP EIS	0.6	
313 Building Demolition		(3.8)
PFP SAS Upgrade	<u>1.5</u>	<u>1.5</u>
Adjusted Baseline	170.3	163.2
Savings:		
Accelerated PUREX Deactivation	(7.0)	(7.1)
PFP S&M/Safe Storage	(7.4)	(7.4)
Overhead Productivity	(2.1)	(2.4)
3161 Restructuring	<u>(5.7)</u>	<u>(5.7)</u>
Savings Achieved	(22.2)	(22.6)
Remaining Productivity Commitment	<u>(0.6)</u>	<u>(2.6)</u>
Target Funding	<u>147.5</u>	<u>138.0</u>

PFP 85.6
 Purex 48.5
 134.1
 300 Acc Fee (P) + P.M. 13.4 > 147.5

* Includes \$20M Defense Program Funding

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TRANSITION PROJECTS

Comparison of MYPP Workscope Baseline and Five Year Plan (\$ in Millions)

<u>PUREX</u>	<u>FY 1996</u>	<u>FY 1997</u>	<u>FY 1998</u>	<u>FY 1999</u>	<u>FY 2000</u>
September 1994 MYPP	53.5	45.1	27.7	2.0	2.0
Added/Deferred Workscope: PUREX Organic Deferral	2.0				
Savings:					
Accelerated PUREX schedule	(7.0)	(7.1)	(25.1)		
Revised Baseline	48.5	38.0	2.6	2.0	2.0

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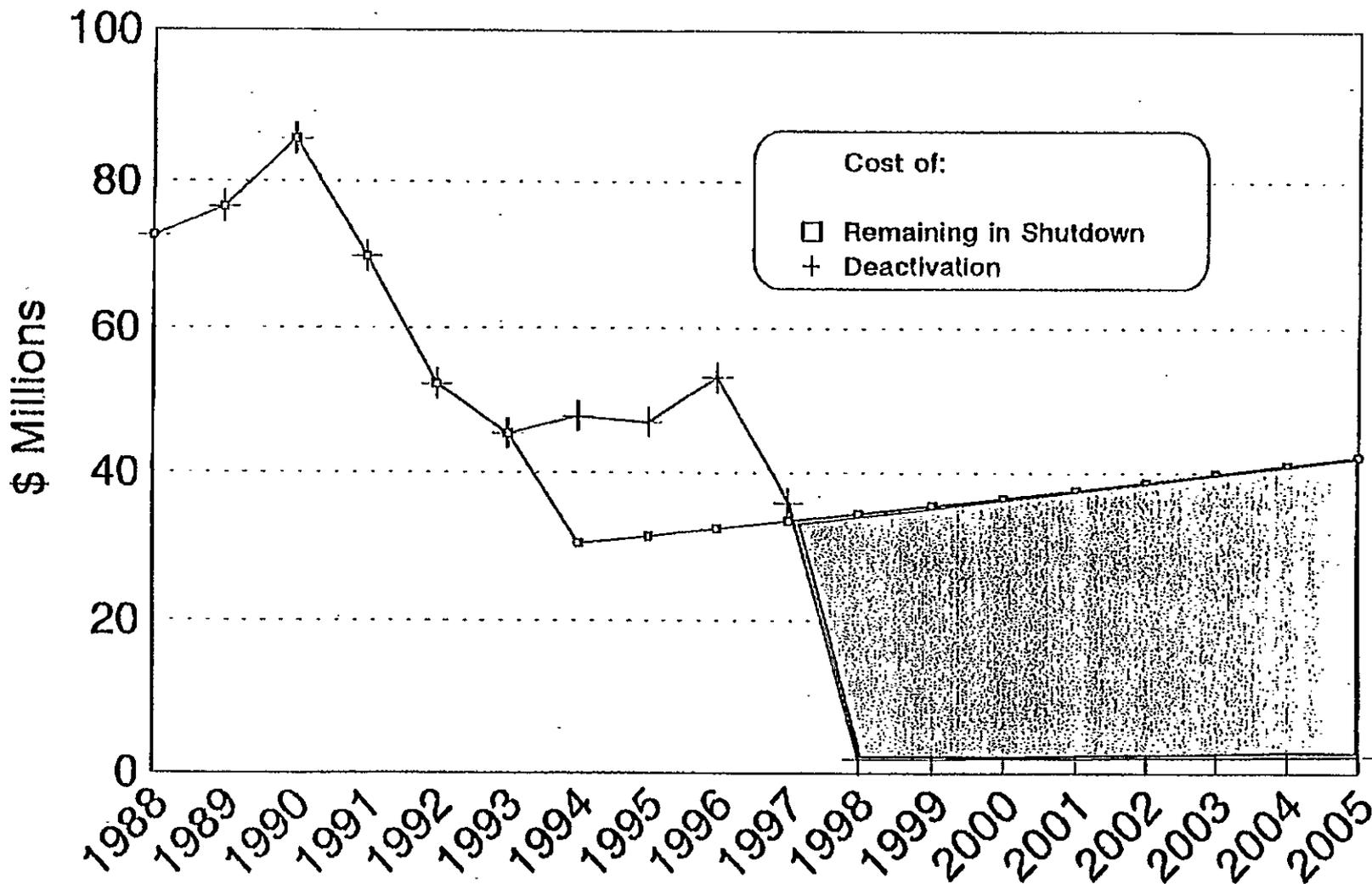
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003

Hanford Facility Transition

Cost to maintain PUREX will be drastically reduced following deactivation



TRANSITION PROJECTS

Comparison of MYPP Workscope Baseline and Five Year Plan (\$ in Millions)

<u>Plutonium Finishing Plant</u>	<u>FY 1996</u>	<u>FY 1997</u>
September 1994 MYPP	89.8*	93.6*
Added/Deferred Workscope:		
IAEA	1.0	1.0
Interim Actions/DNFSB 94-1	6.9	2.2
Safeguard & Security Upgrade	1.5	1.5
PFP EIS (Increased Estimate)	0.5	
PFP S/RIDs	<u>0.3</u>	
Adjusted Baseline	100.0	98.3
Savings:		
PFP S&M/Safe Storage	(6.6)	(7.4)
Overhead Productivity	(2.1)	(2.1)
3161 Restructuring	<u>(4.6)</u>	<u>(4.6)</u>
Savings Achieved	<u>(13.3)</u>	<u>(14.1)</u>
Target Baseline Funding	<u>85.6</u>	<u>84.2</u>
	EM-60 65.6	64.2
	DP 20.0	20.0

* Includes \$18.4M Defense Program Funding

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APPENDIX B: COMMENTS AND RESPONSES TO A LETTER FROM THE YAKAMA INDIAN NATION

Mr. Russell Jim, Manager
Environmental Restoration/Waste Management Program
Yakama Indian Nation
P. O.Box 151, Fort Road
Toppenish, Washington 98948

Dear Mr. Jim:

RESPONSE TO COMMENTS ON PROPOSED HANFORD FACILITY TRANSITION TRI-PARTY
AGREEMENT NEGOTIATIONS

Reference: Letter, R. Jim to J. Wagoner, "Hanford Facility Transition,
Surveillance and Maintenance and Decommissioning; UO₂/PUREX, FFTF
and PFP; Comments on --, Dated December 1, 1994.

The U. S. Department of Energy Richland Operations Office (RL) appreciates comments received from the Yakama Indian Nation (reference letter) regarding Facility Transition Tri-Party Agreement Negotiations. Early receipt of your comments during the negotiations allowed their consideration in developing the final Facility Transition package that was submitted for public comment on February 13, 1995. Specific responses to each of your five comments are contained in an attachment to the letter. The absence of any further comments during the public comment period hopefully is an indication of your satisfaction with the Facility Transition negotiations package.

If you have any questions regarding the attached responses, please contact Mr. Kevin Clarke of the Office of External Affairs on (509) 376-6332. Again, thank you for your involvement and support of these efforts.

Sincerely,

John D. Wagoner
Manager

Attachment

cc: C. Clarke, EPA
D. Powaukee, NPT
M. Riveland, Ecology
D. Sherwood, EPA
R. Stanley, Ecology
G. T. Tebb, Ecology
J. Waite, WHC
J. Wilkinson, CTUIR

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Responses to Yakama December 1, 1994 Letter

1. Since a major objective of transition phase activities being proposed is to effect reduced costs associated with maintenance and manning of the respective facilities, pending a decision to decommission, goals associated with costs for the respective facilities' subsequent phases (surveillance and maintenance or decommissioning) should be established to justify the scope of the transition phase actions. It is recommended that specific manning and utility requirements be specified for post-termination phase operations, and that engineered manning be designed for the future phase prior to the initiation of any termination activities. These requirements should be included in the "Facility End Point Criteria" applicable at the end of the transition phase.

Response: The current Multi-Year Program Plans covering both the PUREX/UO₂ and the FFTF facilities reflect manpower and resource planning through the completion of transition. This planning shows the post-transition manning requirements, and emphasizes the need for completing transition on an expedited basis to achieve the maximum cost benefit. The end point criteria will specify actions to be taken to the existing utilities in the facilities as part of transition. The Surveillance and Maintenance (S&M) plan will define the maintenance necessary for the utilities that will be functioning during the S&M phase while awaiting disposition of the facility. Both the facility transition and S&M phases are planned with consideration of potential future disposition alternatives.

2. Potential uses for each of the facilities for Hanford waste management, beyond that associated with operation of each of the facilities themselves, should be identified. For example, by high temperature sugar reduction of nitrate salts to carbonate salts, should be anticipated. Thus, termination phase actions which should cause additional expense in the initiation of any potential new operation within five years should be avoided. Engineering evaluations should be required to address this issue to verify that transition phase actions do not eliminate facility capabilities associated with future uses.

Regarding potential future processes that would currently require facility upgrades (for example, double isolation of hazardous fluid processing components, to meet regulatory requirements) such upgrades and regulatory requirements should be identified. Risk assessments associated with the handling of such hazardous materials in the double isolation should be estimated.

DOE should as warranted, considering potential cost savings and reductions in schedules, initiate actions to request exemptions from the ineffectual and unnecessary regulatory requirements, otherwise in the way of effective and safe use of the existing facilities.

The use of the existing facilities for environmental remediation or waste management at Hanford should be considered in the appropriate NEPA evaluations of alternative actions for waste management and

environmental restoration activities, including pursuing the course of negotiating regulatory exemptions of specific onerous requirements.

Response: At this time, no other future uses for PUREX, UO_3 , or FFTF have been determined. The new Section 14.0 provides for alternative use of a facility up to the point where disposition is initiated. Therefore, an alternative use may be selected anytime during the transition phase or while under S&M. Because of the need to minimize costs at Hanford so that cleanup can be achieved, priority will be given during transition to placing the facility in the most cost effective safe and stable condition pending eventual disposition. As part of this effort, DOE and Ecology have worked closely to ensure that the applicable environmental regulations are applied in a cost conscience manner which achieves the intent of the regulations.

3. "Facility End State Criteria" should be established as soon as possible and should not wait for decommissioning planning. Such criteria should be used to guide the transition phase work and to assure that tasks that are planned during the transition phase would not be unnecessary should decommissioning be accomplished directly. We consider that designing an integrated decommissioning/ transition work plan will minimize the total exposure of personnel and, thus, comply with ALARA criteria. For example, if decommissioning of the PFP is to proceed directly, it may not be warranted to attempt to remove excess plutonium from the ventilation piping system in the transition phase, since the actual removal of the ventilation pipes will be accomplished with less overall exposure and costs. Such planning has the potential for eliminating costly intermediate "clean-out runs." In no case should end state criteria require institutional controls beyond 100 years not leave intruders at risk beyond 500 years. (This criteria reflects our consideration that decommissioning criteria should be no less stringent than those which apply to commercial low-level radioactive waste burial grounds as specified in 10 CFR 61.

Response: Potential end states are considered in the transition planning. For example, systems such as cranes are being put in a state and maintained for anticipated future use during disposition. The final end state of these facilities will be determined through the NEPA process and will be driven by the overall cleanup strategy and end state established for the Hanford Site. With respect to the concern that if decommissioning is to proceed directly, DOE feels such a situation is very remote. It is anticipated that these facilities, and others, will be surveyed and maintained for an extended period of time while cleanup priorities are applied elsewhere (e. g. tank wastes). Therefore, the transition activities will be planned assuming a long S&M phase. This assumption is further supported with the recent information concerning the future Hanford cleanup budget.

4. We consider that volume reductions of waste streams associated with transition and decommissioning phases should be established as facility end point criteria respectively. Much of the metal in the respective facilities can be recycled following decontamination and/or used for

packaging wastes requiring engineered packages for disposal. Melting/slagging operations such as those being conducted at the Oak Ridge Laboratory to separate TRU wastes from steel and other ferrous alloys should be invoked to accomplish volume reduction of metallic wastes. Such activities should be integrated with other site waste management through Hanford systems engineering efforts to minimize the need for new facilities.

Response: Early in the transition phase, project goals and objectives are developed in conjunction with regulatory, tribal, and public input and involvement to enable a mutually agreeable and efficient transition. Vital to the success of this phase is development of transition end point criteria and Surveillance and Maintenance planning information. Documentation produced to fulfill these requirements support protection of human health and the environment and consider waste minimization and pollution prevention opportunities.

Regarding the recycling of existing metals in the facilities and the integration of this activity with other site waste management activities, the Hanford site is not currently equipped to perform metals melting/slagging operations to capitalize on the size reduction possibilities, nor is there evidence that such possibilities are viable, in light of current regulatory and cost prohibitions. However, this and the many other waste minimization opportunities are continually being evaluated to reduce costs and improve efficiencies related to the decommissioning of inactive facilities. As you are aware, many of the existing metals in the facilities being transitioned will remain in place until the disposition phase of the decommissioning process is initiated, which allows time for further development of waste minimization options before actual dismantling of the facilities reaches full scale.

5. Liquid waste streams should be reduced in volume to zero as technically feasible. Liquid or solid wastes should not be commingled with tank wastes unless there is no effective dilution of the tank wastes. In particular tritiated water at low concentrations of tritium should not be introduced into the double shell tanks if it were to dilute the existing tritiated water in the tank. Any dilution of wastes makes the subsequent management of the wastes more difficult.

Response: With respect to liquid waste streams volume from inactive facilities. Currently there is a "zero liquid discharge to the soil column" policy in place for all of the inactive facilities. This is true for UO3 and both PUREX and FTF end point criteria is designed to be in accordance with this policy. With the isolation of all pressurized liquid sources and all the elimination of all stored liquids in a facility, not only are pipelines blanked, but even floor drains and sewers are plugged to prevent inadvertent discharge.

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