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September 26, 1996

John Wagoner, Manager
U.S. Department of Energy,
Richland Operations Office
P.O. Box 550
Richland, WA 99352



RE: Hanford Strategic Plan; Strategic Plan Relation to Hanford Remedial Action EIS and Comprehensive Land Use Plan

Dear Mr. Wagoner:

We urge that hearings be held on the Strategic Plan in conjunction with hearings on the Ten Year Plan and Hanford Remedial Action EIS following full disclosure of impacts and alternatives, as required by law. Such combined hearings on related decision documents makes sense from both a public involvement and fiscal view. Hearings on the Draft Hanford Remedial Action EIS (HRAEIS) and Comprehensive Land Use Plan (CLUP) should be canceled until such time as the Strategic Plan is integrated into the HRAEIS and hearings can be combined on both documents. As discussed below, the Strategic Plan should not be finalized absent compliance with the National Environmental Policy Act, full disclosure (including, disclosure of the impacts and alternatives to end points or goals chosen and disclosure of the relationship of various planning documents), and a full opportunity for public comment on the Plan's End Point Targets, assumptions, goals, etc...

The Strategic Plan and Mission Direction Document are being adopted outside of the National Environmental Policy Act (NEPA) process to be utilized by the Department in setting priorities, contractor objectives and budgets. These two documents set direction regarding proposed post remediation land uses and cleanup objectives, activities or proposed actions theoretically covered in the Hanford Remedial Action EIS. USDOE has failed to explain to the public or regulatory agencies the role which the EIS or CLUP will play in decision processes.

This failure to integrate key documents is exacerbated by the Department's closing of public comment on its Draft Strategic Plan prior to the hearings on the EIS and

CLUP. The Strategic Plan has proposed land uses and restrictions on future use of land

and groundwater which are clearly different than the alternatives identified in either the EIS or CLUP. Yet, absolutely no NEPA analysis of impacts and alternatives accompanies the Strategic Plan despite the Plan's adoption of new assumptions with significant impacts to human health and the environment.

The adoption of the Plan without complying with NEPA and integrating the Plan with the HRAEIS is contrary to the repeated advice given by the Hanford Advisory Board and our organizations:

"New assumptions, goals or 'endpoints' should not be utilized in Hanford's planning, prioritization and budget preparation without the disclosure of impacts and alternatives, public reviews and dialogue called for in our prior advice.¹ Nor should assumptions be adopted in guidance or other USDOE documents which include a directive or decision to violate a Tri-Party Agreement requirement..."

"These assumptions vary significantly from prior published planning assumptions, principles, advice and values, do not comply with the Tri-Party Agreement (TPA), and have significant potential impacts on human health and the environment. In addition, these new assumptions have out year effects which influence current planning and prioritization decisions. This is true even for those assumptions that do not have an immediate implementing action in the FY 1996 through 1998 budgets."

"The Board urges that new assumptions not be used in budget development prior to public, regulator, and tribal review and disclosure of impacts in NEPA processes."

Hanford Advisory Board Consensus Advice No. 44: FY 1998 Budget; adopted March 14, 1996.

Despite the repeated advice from the Hanford Advisory Board and warnings from public interest groups, USDOE-RL has proceeded to finalize a Strategic Plan and Mission Direction Document which adopt and utilize these new assumptions, including "End Point Targets" for cleanup of Hanford's various geographic zones, in violation of the National Environmental Policy Act (NEPA). There is no justification for circumventing NEPA in the adoption of a Mission Direction Document and Strategic

¹ Footnote No. 1 to the HAB advice No. 44 "Consensus Advice on DOE-RL's 1998 Budget Proposals", Adopted March 14, 1996 reads as follows:

"In December, 1995 and February, 1996 the Hanford Advisory Board objected to the use of new planning assumptions, goals and endpoints in the budget processes without full disclosure, review and dialogue. Failure to ensure that impacts of new assumptions are disclosed prior to reliance in budget and planning engenders serious controversy and opposition to DOE-RL's proposed budget at a time when regional unity on behalf of Hanford Clean-Up budget is critical... Such assumptions (goals) include limiting cleanup along the Columbia River to allow only recreational use eight hours a day, seven days a year..."

Plan containing such new assumptions. These two documents are clearly the Department's real decision documents, with which the Ten Year Plan and Multi-Year Program Plans and budget decisions are required to be consistent.

The Strategic Plan and Mission Direction Document are the Department's planning, budget and decision base documents. Therefore, holding hearings on the HRAEIS and CLUP without disclosing impacts and alternatives to the "End Point Targets" and other assumptions in the Strategic Plan and Mission Direction Document can only be viewed as an invitation for the public to comment on a dry well - while the Department proceeds to pump its budget priorities and directives to contractors from the wells whose existence it is not disclosing to the general public.

The public is owed full disclosure in an EIS - before any new assumption is utilized in the MDD, MYPP, Ten Year Plan, ADS (Activity Data Sheets), or Budget Prioritization documents - of all assumptions and preferred alternatives, and their impacts.

The Strategic Plan and Mission Direction Document clearly identify that along the Columbia River, the USDOE has decided to plan for:

1. a limited cleanup with permanent restrictions on groundwater use;
2. failing to remediate contaminated groundwater as required by law, and instead, seek to only plan for containing contaminants (this has major budget planning implications which the Department is clearly implementing in the prioritization given to Environmental Restoration funding);
3. restricted public use of eight hours a day for seven days a year;
4. failing to remove contaminated structures in and along the River;
5. failing to identify a post remediation land use map designation in the Strategic Plan protective of the proposed National Wild and Scenic River designation, which your Department is supposed to support.

Other objectionable assumptions adopted in the Strategic Plan without NEPA analysis and compliance include, but are not limited to:

1. importation and burial of offsite radioactive and hazardous wastes;
2. capping of radioactive and hazardous wastes in place, rather than treatment, removal and other preferred actions required by both federal and state law;
3. illegal placement of wastes in existing weapons plant processing facilities and failing to decommission and close such facilities;

4. illegally restricting groundwater use instead of proceeding to remediate *the state's groundwater resource* as required by law;
5. planning remediation and post remediation activities (i.e., "lease land for private and public uses to support regional industrial and economic development") which directly violate Native American Nations' Treaty Rights and commitments to achieve cleanup levels for unrestricted use made in response to the recommendations of the Hanford Future Site Uses Working Group.
6. "Groundwater use remains restricted for a yet to be determined period" - an assumption clearly violative of the Tri-Party Agreement milestones for completion of remedial action, which, if the Department was complying with applicable laws, would require remediation to unrestricted use by 2018 for the entire site (and by 2011 to meet your TPA commitments to accelerate remediation along the Columbia River).

The public can not help but to notice the irony in the Strategic Plan's statement of Values' reference to honoring commitments and complying with applicable laws.

Glaringly missing from your Strategic Plan is any meaningful process for actual strategic planning; i.e., how the Department will plan for uncertainty, its priorities in the event of funding shortfalls, its commitment to processes that honor stakeholder involvement in planning.

In sum, this is not a "strategic plan".

While the plan presents a static "End Point Target" vision, it says nothing of the process and priorities to be applied to get from here to there. Nor does the Department offer any justification for presenting a set of proposed "land uses" (i.e., 600 area: "support regional industrial and economic development"). Such post remediation decisions are not necessary for determining cleanup records of decisions, clean up levels or priorities. In fact, the guidance given in the Hanford Future Site Uses Working Group is sufficient to allow all decisions to be made as to cleanup for unrestricted use versus imposition of industrial institutional controls - if the Department was committed to the Future Site Uses Working Group Report. However, it is apparent that this Plan is intended to violate the recommendations of that consensus product.

Likewise, the Strategic Plan fails to include any strategy for reducing contractors' costs, which are so intolerable as to jeopardize all progress towards cleanup and any commitments to honor the Tri-Party Agreement. The public would have far more confidence in a five or ten year strategic plan that addressed how to lower the Department's costs, how to involve the public in strategic planning than a document that ignores public values to create a site management vision of a radioactively contaminated End Point Target for Hanford.

The preliminary draft of the HRAEIS identified many of the above goals for the Columbia River and Reactors Along the River geographic areas under the designation of "Preferred Alternative." Despite the bald faced denial of that identification by one senior DOE-Richland manager at a public meeting last March, the preliminary draft did make that designation. Now, however, the Department is illegally hiding its preferred alternatives by having dropped the designation from the HRAEIS despite the fact that these goals have actually been adopted (without disclosure or analysis of impacts and alternatives) in the Strategic Plan and Mission Direction Document.

The HRAEIS fails to disclose its relation to the previously adopted decision documents.

The HRAEIS fails to even offer a post hoc analysis of all end point targets and new planning assumptions adopted in Hanford's Strategic Plan and Mission Direction Document.

The HRAEIS fails to inform the public of what documents will actually be relied upon by the Department in making the decisions which the HRAEIS purports to support, and that those documents have already been adopted.

The HRAEIS fails to even analyze the impacts and alternatives to the land use plan proposed in the CLUP appended to the HRAEIS, or the impacts and alternatives to the land use plan proposed by Benton County.

The HRAEIS fails to disclose the impact to the federal government's own proposed National Wild and Scenic River designation from the assumptions in the Strategic Plan and Mission Direction Document and the restricted use alternatives in the HRAEIS, which had been identified as the "Preferred Alternative" in the preliminary draft. Those impacts include violating the intent of the designation by utilizing an exposure assumption of just eight hours a day, seven days a year for public usage of the Hanford Reach of the Columbia River.

The HRAEIS fails to explain the massive differences between the map adopted in the Hanford Strategic Plan and the CLUP map in the HRAEIS. Nor does the CLUP map indicate land use restrictions and "End Point Targets" identified in the Strategic Plan. Nor do the Strategic Plan and CLUP maps relate to one another in terms of time: the CLUP (bizarrely) proposes a land use for the year 2046, while the Strategic Plan map apparently relates to an "End Point" time period eighteen to twenty eight years sooner.

The Department should cancel all currently scheduled hearings on the HRAEIS and CLUP, and withdraw the Strategic Plan and all new assumptions in the Mission Direction Document pending disclosure and analysis in a rescoped EIS.

The Department owes the public a clearly understandable description of: the purpose of the HRAEIS; which documents provide budget and planning direction for issues covered in the EIS; where assumptions analyzed in the EIS are found; which proposed land use designations and cleanup standards are planned to be complied with. Hearings should be rescheduled only after the Department can meet this disclosure duty.

Sincerely yours,



Gerald Pollet

CC:

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