

October 1, 1996

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



RE: Hanford Remedial Action EIS and Comprehensive Land Use Plan

Dear Mr. Wagoner:

We, the Hanford Public Interest Network groups listed below, urge that hearings on the Draft Hanford Remedial Action EIS (HRAEIS) and Comprehensive Land Use Plan (CLUP) be canceled.

USDOE has failed to explain to the public or regulatory agencies the role which the EIS or CLUP will play in decision processes. Two other documents - the Strategic Plan¹ 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 latter two documents set direction regarding proposed post remediation land uses and cleanup objectives, activities or proposed actions theoretically covered in the EIS. 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 accompany the Strategic Plan and Mission Direction Document (MDD) despite their adoption of new assumptions with significant impacts to human health and the environment.

The adoption of the Plan and MDD 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

¹ The proposed Ten Year Plan, which is supposed to be consistent with the Strategic Plan and Mission Direction Document, is also being developed outside of the NEPA process and without disclosure and opportunity for comment during the HRAEIS process.

for in our prior advice.² 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 can be no justification for circumventing NEPA through the adoption of a Mission Direction Document and Strategic 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.

² 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..."

The public is owed full disclosure in the HRAEIS - 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 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 disclose how the "End Point Targets", recreational and restricted use scenarios (identified as the Preferred Alternative in the prior draft) impact the health, cultural, and other interests of Native Americans and violate Treaties of the United States Government with three Native American Nations. In so failing, the USDOE is violating its federal trust responsibilities. Indeed, any land use designation or future use analysis must, to be consistent with those federal Treaty and trust responsibilities, consider alternative uses that attempt to honor treaty commitments for unrestricted future use for purposes provided in the Treaties and pursuant to subsequent federal laws regarding trust responsibilities in the disposition of federal lands.

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 HRAEIS fails to justify the inclusion of the USDOE's CLUP. The CLUP has not been through the NEPA process and its utility has not been established. Any Record of Decision on the CLUP would violate NEPA and numerous statutes pertaining to

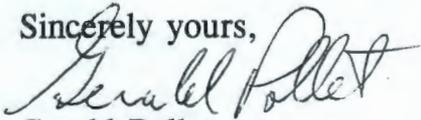
cleanup levels, federal land disposition, the Treaties of 1855, federal trust responsibilities, trust responsibilities for land reverting to "open" status, etc...

See attached endnote page for a partial listing of key planning and budget assumptions adopted in the Strategic Plan and Mission Direction Document without disclosure in the EIS that these have been adopted or are defacto adopted Preferred Alternatives.

The magnitude of these failures requires the Department to cancel all currently scheduled hearings on the HRAEIS and CLUP. If the HRAEIS is allowed to proceed at all, it should only be after the Strategic Plan and all new assumptions in the Mission Direction Document are withdrawn pending disclosure and analysis in a rescoped EIS. At that time, 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.

The Department clearly does not have the capacity to explain these issues and allow for integrated analysis by the public prior to the scheduled dates for hearings on the HRAEIS in October. Nor can the public give informed comment without integrated disclosure of the assumptions, targets, etc... found in the documents which this EIS fails to reference. Therefore, the Department should immediately cancel those hearings and discuss with regulators and stakeholders what course should be followed to comply with NEPA and have the desired public dialogue regarding the Department's controversial land use and end point assumptions for Hanford Clean-Up.

Sincerely yours,



Gerald Pollet

On behalf of :

Columbia River United
 Government Accountability Project
 Hanford Action
 Hanford Education Action League
 Hanford Watch
 Heart of America Northwest
 Sierra Club, Cascade Chapter
 Washington Environmental Council

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**RL COMMITMENT
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**RICHLAND
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Endnote Regarding Strategic Plan and Mission Direction Assumptions:

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.

The preliminary draft of the HRAEIS identified such goals 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.