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STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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January 14, 1992

Mr. Steven H. Wisness
Hanford Project Manager
Department of Energy
P.O. Box 550
Richland, Wa., 99352

Re: RCRA Facility Investigation/Corrective Measures Study (RFI/CMS) Work Plan for the 100-NR-1 and 100-NR-2 Operable Units

This is in response to your letter of December 19, 1991 which requested comment on the above referenced work plan.

We cannot accept your schedule to defer RCRA past practice remediation activities as a result of your decision to delay N-Reactor shutdown for two years due to "funding limitations" imposed during the Fiscal Year 1992 budget allotment process. As recently as July 2, 1991, Ecology was informed that shutdown activities would begin upon issuance of the DOE directive (which was issued September 20, 1991), to cease preservation and be completed by 1997. If, as postulated, remediation cannot begin until completion of shutdown, commencement of remediation would also be delayed by two years, until the end of 1999. The TPA target date for beginning remediation at the affected operable units is mid-1995. Shutdown delay would impact successful achievement of milestone M-16-00 which requires completion of remedial actions for all operable units by September, 2018.

It is our understanding that the N-Reactor shutdown delay was specifically caused by a decision to fund only a portion of the amount requested to support N-Reactor closure activities outlined primarily in Activity Data Sheet (ADS) 3014, entitled N-Reactor Facility Shutdown. We were informed that, of an approximate $27M requested to support ADS 3014 activity in FY92, approximately $19M was received for budget year execution. This effectively represents only an amount necessary to maintain the facility in standby status.

Apparently, approved funding to accomplish specific N-Reactor shutdown activities was not identified in the FY92 allotment process. Additionally, as a result of the FY93-97 planning process, funding for FY93 may not be provided. Due to these apparent directed funding constraints, decisions were made at the "local level" to reprioritize pertinent operable unit activities, with the resultant two year delay in shutdown and corresponding remediation activity. This situation, if true, represents a violation of paragraph 138 of the Tri-Party Agreement which states in part that: "DOE shall take all necessary steps and make efforts to obtain timely funding to meet its obligations under this agreement."

Assuming an approximate $19M per year cost to maintain N-Reactor in standby

status as a result of the proposed shutdown delay, $38M in standby-related costs will be expended over the two year delay period. Based upon recent discussions, the funding shortfall for FY92 alone is $8M. Likewise, the additional projected funding shortfall for FY93 is $8M. In essence, DOE's decision not to fund a total of $16M in FY92 and FY93 results in a total cost of $38M just to maintain the facility in non-operational/non-productive mode during the two year delay period. Coupled with the resultant impact upon the established TPA remediation milestones, we do not believe that such action is either economically or programmatically defensible.

In order to more thoroughly assess your proposal, we request the following actions be accomplished, and information be provided to us soon as possible:

- At what agency/management level (in the FY92 budget formulation and/or execution process), did the decision to cut N-Reactor shutdown funding occur? What was the name of the official(s) that made this decision?

- What were the reasons given for this funding decision? Please provide copies of any communications/documentation supporting the decision.

- Unless and until an acceptable explanation is provided, we expect funding be reinstated to maintain the integrity of the TPA milestones and to ensure commencement of remediation as soon as technically possible.

- If reprogramming strategy is required, please provide detailed information regarding the intent of such reprogramming, the specific activities to be affected, and the timeframe in which reprogramming will be requested/approved.

- What parameters and/or reasons were discussed/applied in reprioritizing activities as a result of the FY92 funding action(s)? Provide documentation/copies of the scheme used to reprioritize activities.

- If funding was withheld by higher agency/headquarters authority during the allotment process, please explain how funding was redistributed.

In addition, the second paragraph of your letter stated that the submitted revised O.U. schedules "...may not show the RFI or CMS tasks that are either undefined at this time, or are resource limited." Please identify the specific tasks that you consider to be "resource limited". You also state that you will work with the regulatory agencies to develop "...fully tasked schedules, with an understanding that when tasks are defined and/or resources are available, the tasks will be accomplished to meet the 30-month objective for issuing interim Records of Decision." Accordingly, what is your strategy to ensure full and timely availability of resources? What "resources" are required, for which activities, and in what timeframe?

The statement in enclosure 2 to your letter incorrectly states that remediation action must commence within 15 months after completion of the

RI/FS (RFI/CMS) process. CERCLA actually requires that remediation action commence "not later than 15 months after completion of the investigation and study". The proposed schedule indicates that the investigation and study report for 100-NR-1, the RFI/CMS report, would be completed in August of 1995.

I have no objection to any schedule-related linkage between decommissioning and decontamination activities and restoration (TPA-related) activities if there are obvious economic and/or technical reasons to do so and the TPA milestones are not negatively affected. I must however, reiterate our position, stated previously in our comment letter to the Fiscal Year 1993-1997 Hanford Site Specific Plan, that production facilities should not be transferred to the EM program until a decision has been made to proceed with decommissioning and decontamination.

I look forward to your response to the above stated comments and concerns during the reprogramming portion of our TPA funding language meeting scheduled for January 24, 1992. Comments regarding this request can be addressed to Dan Josue at (206) 493-2975. Thank you for the opportunity to comment on your proposed work plan.

Sincerely,

Tim Nord
Hanford Project Manager

cc: Jeff Breckel
Joe Stohr
Larry Goldstein
Laurie Davies

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Subject: RFI/CMS WORK PLAN FOR THE 100-NR-1 AND 100-NR-2 OPERABLE UNITS

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