



August 16, 2022

Comments submitted via email: CPmilestones@rl.gov

Attn: Jennifer Colborn,
U.S. Department of Energy
P.O. Box 450, H5-20
Richland, WA 99352

RE: Public Comment Period for Proposed Tri-Party Agreement Changes Related to Adaptive Milestone Approach for Establishing Scope and Schedule for Central Plateau Cleanup Work

Dear Ms. Colborn,

Thank you for the opportunity to comment on Proposed Tri-Party Agreement Changes Related to Adaptive Milestone Approach for Establishing Scope and Schedule for Central Plateau Cleanup Work.

Hanford Challenge is a non-profit, public interest, environmental, and worker advocacy organization located in Seattle, WA.¹ Hanford Challenge is an independent 501(c)(3) membership organization incorporated in the State of Washington with a mission to create a future for the Hanford Nuclear Site that secures human health and safety, advances accountability, and promotes a sustainable environmental legacy. Hanford Challenge has members who work at the Hanford Site. Other members of Hanford Challenge work and/or recreate near Hanford, where they may also be affected by hazardous materials emitted into the environment by Hanford. All members have a strong interest in ensuring the safe and effective cleanup of the nation's most toxic nuclear site for themselves and for current and future generations.

Cleanup delays are an unfortunate part of Hanford cleanup. Hanford Challenge is not opposed to trying a new approach to set more realistic and achievable milestones. However, we are concerned that the Adaptive Milestone Approach won't adequately solve the problem of continual cleanup delays. We believe that deeply entrenched systemic issues and budget shortfalls are two of the main reasons why milestones are missed or delayed. Hanford Challenge believes that the Tri-Party Agreement (TPA) agencies must identify these systemic issues of chronically missed milestones in order to develop effective solutions that will prevent further delays to Hanford cleanup.

¹ Hanford Challenge mailing address: P.O. Box 28989 Seattle, WA 98118.

Please take the following comments into consideration.

- **Address Systemic Problems:** Get to the root of the problem. What are the factors deeply embedded in the culture, structure, and management of Hanford cleanup that consistently result in delays? Design a strategy that transforms the system, behaviors, and management to result in a timely and effective cleanup without cutting corners. There are known systemic issues within USDOE that cause milestones to be missed or delayed, such as a history of retaliatory safety culture.

The Waste Treatment Plant (WTP) is the perfect example of how milestones are missed when USDOE refuses to listen to workers raising safety and technical concerns. Several high-level engineers working on the WTP project were retaliated against for voicing their concerns. USDOE eventually admitted that nuclear safety and design problems with the plant indicated that it may not function correctly or safely unless design changes are made. The original deadline to open the Waste Treatment Plant was 2007. The current estimate is the high-level waste portion of tank waste treatment may not begin until 2036 or later. By empowering workers to safely raise concerns without fear of retaliation, issues can be addressed upfront instead of being dismissed or pushed under the rug with increased cost and schedule ramifications.

A computer model isn't going to fix entrenched systemic issues such as mismanagement, retaliatory safety culture problems, refusal to listen to dissenting voices, and a culture of denial. Until these issues are taken seriously and resolved, milestones will continue to be missed and delayed.

- **Prioritize Meaningful Collaboration with the Public:** There are multiple opportunities in the future to inform and collaborate with the public on the new Adaptive Milestone Approach. Provide the public with an opportunity to review and comment on the Adaptive Milestone Approach model tool, inputs, and success metrics.

In the future, if the TPA agencies decide to greenlight the Adaptive Milestone Approach for all non-tank Central Plateau work and River Corridor work, please provide an opportunity for the public to comment before expanding the Adaptive Milestone Approach to other Hanford cleanup areas. If the Tri-Party Agencies are planning on adding the Adaptive Milestone Approach to the TPA, meet with the public for open discussion and input, and provide an opportunity for public comment. Take advantage of every opportunity available to engage and collaborate with the public and don't simply "check the box" with the bare minimum requirements under the TPA. Ensure your public involvement efforts are guided by [Hanford Advisory Board advice #239](#), part of which states:

The art and craft of public involvement is successful when: clear goals are defined; stakeholders contribute early to the design and development of public involvement; involvement is interactive, inclusive, engaging and

respectful; the public has early input influencing the decision-making process (for example, the identification of alternatives for evaluation); the decision-makers demonstrate openness to having input influence their decisions and the decision-making process; and the public sees meaningful results from participation.²

- **Increase Transparency:** Increase the quality of detail provided in briefings and public involvement materials. During the Spring 2022 Budget/Cleanup Priorities meeting, USDOE knew the specific priority work for 2022, 2023, and 2024, yet it didn't outline the work during the meeting. Share the specific cleanup priorities established in out-year milestone negotiations at the annual Budget/Cleanup Priorities public meeting, not just the big buckets of overarching cleanup work.

The public involvement materials for this comment period are difficult to understand. The USDOE fact sheet for this comment period did not clearly explain the comment period or use plain language to effectively communicate basic information such as the definition of a milestone or the jargon used in milestone descriptions. Basic background information was not provided to give the public context to understand the comment period. The public meeting felt like a conversation among TPA agency colleagues, not a presentation tailored to the public. The presentations failed to explain basic information such as what a milestone is or provide clear descriptions of the various proposed milestones and milestones in abeyance. Most of the meeting was spent discussing the Adaptive Milestone Approach, a tool which the agencies state they aren't seeking input on at this time.

Include supplemental, plain-language explanations of terminology used throughout the change package in the comment period materials. Do not assume that the public has memorized the specific operable units that are referenced in the milestones. Include a map of where the operable unit is on the Hanford Site and a simple description of what the operable unit is and a plain language explanation of the work described in each milestone

The title of the comment period is misleading and indicates that the TPA agencies are seeking input on the Adaptive Milestone Approach. The TPA agencies have had to correct this misunderstanding by stating they are not seeking input on the Adaptive Milestone Approach. Choose a title that accurately describes what the comment period is about, instead of creating more confusion for the public. Ask for input on how to improve your materials and implement suggested changes before you send them out. Meaningful and accessible public involvement is non-negotiable.

- **Build a Case for a Fully Funded Cleanup:** Use the 2022 Lifecycle Scope, Schedule, and Cost Report to convince Congress to increase funding for Hanford cleanup. The math is easy—

² Hanford Advisory Board Advice #239, https://www.hanford.gov/files.cfm/HABAdv_239.pdf

more money above the current levels will contribute significantly to actual cleanup work, instead of only having enough funding to cover sitewide services.

USDOE can promote the Adaptive Milestone Approach as an innovative tool capable of fixing the issues that cause milestones to be missed or delayed. The reality is, a computer model and a different approach to tackling milestones are not going to fix Hanford's budget woes—one of the main reasons milestones are missed. Simply put, if you don't have the funding, you can't do the cleanup work.

USDOE consistently portrays itself as operating within a fiscally constrained environment. In contrast, USDOE's 2022 Lifecycle, Scope, Schedule and Cost Report estimates a need for dramatically increased yearly spending in the coming decades to keep pace with Hanford cleanup. These estimates are at odds with USDOE talking points that prepare for cuts before they are made, instead of galvanizing the public and Congress around the need for increased funding. USDOE's rhetoric about expectations of flat funding and fiscally constrained environments does not pave a path towards increased funding for Hanford cleanup. Hanford Challenge believes that there is work to be done within USDOE to reckon with the contradiction between USDOE's own written projections and verbal budget expectations so that they align in a common vision that can be leveraged for increased funding for Hanford cleanup.

Increased funding is necessary to move the cleanup forward, however, USDOE seems intent on undermining any effort to advocate for more funding. During the public meeting for this comment period on August 9, 2022, Mike Cline with USDOE-RL stated, "We gotta put our heads together and do something different, because this just isn't working. We need to be smarter. We are not getting more money. That's obvious. We haven't. And we need to find a way to get this worked on with what we have." Mr. Cline's statement was disturbing in light of the letter addressed to the White House requesting full funding for Hanford cleanup.³ The letter, signed by twelve agencies and organizations, asked the Biden Administration for at least \$3.76 billion in funding in FY2024. There is a striking disconnect between USDOE's approach to work backwards and expect inadequate funding and a coordinated approach of advocating for a compliant cleanup budget.

It is imperative that USDOE use its Lifecycle Report to make a strong case to the Office of Management and Budget and to Congress for compliant funding. Milestones will continue to be missed if USDOE doesn't advocate for more funding. By building a case for a fully funded cleanup and asking for the funding needed to maintain a compliant budget, Hanford cleanup can stay on track and protect human health and the environment without increasing the burden future generations must bear.

³<https://fortress.wa.gov/ecy/ezshare/NWP/Funding%20News/FY24%20Hanford%20Funding%20letter%20final%208%209%202022%20Final.pdf>

- **Don't Lose Sight of Major Milestones:** The new milestone approach tackles the milestones in 3-year batches. Hanford Challenge is concerned that by focusing on the near-term 3-year interim milestones, the TPA agencies may lose sight of the major milestones and completely miss the deadlines. How are the TPA agencies ensuring that they don't lose sight of the major milestones as they reconfigure the interim milestones in 3-year batches?
- **Protect Groundwater by Prioritizing Certain Milestones in Abeyance:** Many of the milestones placed in abeyance are characterization milestones. M-015-93C is about initiating characterization field work for the 200-SW-2 Operable Unit landfills. Hanford Challenge believes this milestone in abeyance should be prioritized and not placed in abeyance. Initiating characterization is neither cumbersome nor expensive. It does not require extensive resources. The milestone was missed in 2018 and is now set to be renegotiated in 2024. This is unacceptable. The TPA agencies must stop delaying this milestone and follow through with characterization to determine what contaminants are present. 200-SW-2 could generate transuranic waste. If this milestone is further delayed, it could jeopardize the opportunity to move transuranic waste offsite to the Waste Isolation Pilot Plant (WIPP) before it closes in 2050.

Additionally, M-015-84 is a milestone in abeyance that outlines completing a remedial investigation of 200-WA-1 and 200-BC-1 operable unit waste sites. The 200 West Area and BC cribs are areas where higher-level waste, including technetium-99, cesium-137, and strontium-90, was dumped. Tritium, uranium, nitrate, and carbon tetrachloride have historically been detected at several of the BC cribs. These contaminants are a significant threat to groundwater. This milestone in abeyance should be prioritized by the TPA agencies in order to protect the Columbia River and future generations.

Milestone M-015-110B Submit Corrective Measures Study & Feasibility Study Report and Proposed Plan/Proposed Corrective Action Decision for the 200-DV-1 OU, is another milestone in abeyance that is important to Hanford Challenge. Sites like this, with deep vadose zone contamination that are difficult to clean up, and contain technetium-99, should be prioritized to prevent additional contamination from traveling to groundwater.

M-085-70 is another milestone in abeyance that should be prioritized and not placed in abeyance. M-085-70 addresses B-Plant and B-Canyon and includes investigation of the canyon itself and the waste sites around it. There is known transuranic waste at B-Plant and B-Canyon. In order for the TPA agencies to stay on track with moving transuranic waste offsite to WIPP, M-085-70 should not be placed in abeyance. Placing this milestone in abeyance pushes this work further down the road and jeopardize the chance to move transuranic waste offsite before WIPP closes in 2050.

- **Maintain M-015-110 as a Proposed Milestone:** M-015-110 is one of the newly proposed milestones that calls for USDOE to complete a treatability test for 200-DV-1 unit and

submit the test to WA Department of Ecology. The proposed milestone is a positive step toward addressing contamination in the deep vadose zone. Hanford Challenge supports this milestone and asks USDOE to outline multiple effective treatment methods. A treatment method will never be a one-size-fits-all for Hanford's deep vadose zone cleanup. USDOE must develop a toolbox of different treatment methods that can be used depending on the specific deep vadose zone area on site.

- **Maintain M-015-117 as a Proposed Milestone:** The Representative Analogous Site Coordinating Agency Liaisons (RASCAL) team recently developed new operable unit 200-IA-1, that is comprised of shallow, "easy-to-clean" waste sites. M-015-117 requires submitting a proposed plan for operable unit 200-IA-1. Hanford Challenge supports this milestone because it is a proactive method of getting dirty dirt for the Environmental Restoration Disposal Facility.
- **Make Progress Toward Actual Cleanup Work:** Many of the new interim milestones are deadlines to set deadlines to address the milestones in abeyance that are behind schedule. The new interim milestones provide the illusion of progress, but many of the cleanup activities are well past their deadlines to begin with. Creating deadlines to set deadlines only pushes the actual cleanup work further down the pipeline—delaying remediation of soil and groundwater in the Central Plateau. Make progress toward the actual cleanup work. Establish firm, binding deadlines for actual cleanup to avoid long delays and convoluted processes of deadlines to set deadlines that will exacerbate contamination problems at Hanford.
- **Ensure Cleanup Goals are Based on Tribal Future Land use and Tribal Exposure Scenarios:** The Hanford Nuclear Site encompasses a large area within culturally significant lands of the Confederated Tribes and Bands of the Yakama Nation, Confederated Tribes of the Umatilla Indian Reservation, Nez Perce Tribe, and the Wanapum people. In 1855, the Yakama Nation, Warm Springs, CTUIR, and Nez Perce, signed treaties ceding millions of acres of their lands to the United States, but reserved important rights, including Usual and Accustomed rights. The Tri-Party Agreement agencies must ensure Hanford cleanup goals are based on Tribal future land use and Tribal exposure scenarios. The unique exposure pathways for Tribal members must be addressed in cleanup plans, and protectiveness must be demonstrated for a reasonable Tribal risk scenario.

USDOE and EPA have a federal commitment to implement the Justice40 Initiative. In a presentation to the Hanford Advisory Board on May 2017, 2022 Nicole Nelson-Jean presented slides that read, "The focus of EM's environmental cleanup work under the Justice40 Initiative is soil and groundwater remediation. Hanford's efforts on soil and groundwater remediation are covered under the Justice40 Initiative." Efforts to remediate soil and groundwater must account for Tribal future land use and Tribal exposure scenarios. If cleanup efforts do not incorporate Tribal future land use and Tribal exposure scenarios, they become a grave environmental injustice.

We appreciate the opportunity to comment on TPA milestone changes and the use of the Adaptive Milestone Approach in Hanford's Central Plateau. Thank you for considering our comments.

Sincerely,

A handwritten signature in black ink that reads "Nikolas F. Peterson". The signature is written in a cursive, slightly slanted style.

Nikolas Peterson, Executive Director, Hanford Challenge