



Oregon

Theodore R. Kulongoski, Governor



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February 9, 2004

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U.S. Department of Energy
Richland Operations Office
P.O. Box 550, MS A4-79
Richland, WA 99352

Laura Cusack
Washington State Department of Ecology
Nuclear Waste Program
1315 West 4th Ave.
Kennewick, WA 99336

Nick Ceto
U.S. Environmental Protection Agency
Hanford Project Office
512 Swift Blvd, Suite 5
Richland, WA 99352

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Subject: Proposed Changes for the Cleanup of Buried Wastes at the Hanford Site (M-91, M-16)

Dear Ms. Cusack and Messrs. French and Ceto,

We appreciate the opportunity to provide comments on the proposed action. In general, we support the milestones negotiated and recommend the agencies proceed. However, we do see areas needing additional negotiation. We agree with the consensus advice provided by the Hanford Advisory Board on this matter.

We are encouraged that the proposals provide:

- Enforceable schedules for the retrieval, treatment and storage of Mixed Low Level Waste,
- Increased emphasis on waste treatment, and
- Retrieval, designation and processing of post-1970 transuranic (TRU) waste.

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We believe the proposed milestones fall short in some areas and additional work is needed. M-91 and M-16 are restricted in scope and fail to address the large amount of pre-1970 buried waste, both TRU and non-TRU. If these burial grounds must be exhumed for any reason, it is highly likely that they will result in the generation of a large quantity of TRU waste needing characterization and treatment.

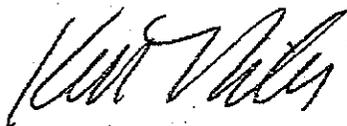
Additional Tri-Party Agreement milestones are needed to provide for characterization, retrieval, treatment and storage/disposition of all buried waste. By limiting the focus as M-91 and M-16 do, the agencies are left with many outstanding issues to resolve later. This makes it difficult to ensure that facilities are available when needed, and are of sufficient capacity and capability to handle all of the wastes that may be sent to them. We encourage the Tri-Parties to immediately begin negotiation on these larger issues to ensure that the funding is available and the plants are built when needed.

The Tri-Parties should:

- > Include milestones for quantification, retrieval and disposition of pre-1970 TRU waste and require the work to be fully funded;
- > Require DOE to aggressively obtain capacity to handle, characterize, treat and package wastes;
- > Focus on the highest risk wastes first; and
- > Ensure regulatory compliant storage of all wastes.

If you have questions regarding our comments, please contact Dirk Dunning at the Oregon Department of Energy (503) 378-3187.

Sincerely,



Ken Niles
Assistant Director

Cc:

Todd Martin, Chair, Hanford Advisory Board
Stuart Harris, Program Manager, CTUIR
Russell Jim, Program Manager, Yakama Indian Nation
Patrick Sobotta, Program Manager, Nez Perce Tribe