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JUL 28 2006

Ms. Jane Hedges, Program Manager
Nuclear Waste Program
State of Washington
Department of Ecology
3100 Port of Benton Boulevard
Richland, Washington 99354

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EDMC

Dear Ms. Hedges:

COMPLETION OF CERTIFICATION OF 1,800 CUBIC METERS OF TRANSURANIC WASTE TOWARD TRI-PARTY AGREEMENT MILESTONE M-91-42 REQUIREMENTS

The purpose of this letter is to notify the State of Washington Department of Ecology (Ecology) of the certification of 1,800 cubic meters of contact handled Transuranic (TRU) waste as of April 27, 2006. The 1,800 cubic meters is a cumulative total towards meeting Tri-Party Agreement Milestone M-91-42 certification requirements based on a start date of December 31, 2002. Per Tri-Party Agreement Milestone M-91-42, Requirement 5, the U.S. Department of Energy (DOE), Richland Operations Office (RL) chose to complete certification of contact handled TRU waste for disposal at the Waste Isolation Pilot Plant (WIPP) in lieu of Land Disposal Restriction treatment and is providing Ecology notification in writing of such completion.

RL has been making solid progress towards meeting M-91-42 milestones, but recognized that meeting the established certification rates would be difficult to accomplish and entered into discussions to revise the milestones with members of your staff in the fall of 2005. The milestone volumes were established based on data available when the M-91 milestones were agreed to in 2003, and these assumptions have changed significantly since that time. Changing conditions that have affected accomplishing the certification rate are as follows:

1. The quantity of newly generated TRU waste has been significantly less than the original 2003 planning basis and is expected to continue to be generated at well below the forecasted volumes.
2. The volume of retrieved waste requiring repackaging to meet the WIPP Waste Acceptance Criteria and associated transportation requirements is much higher than initially forecast. The initial planning basis was that 10 percent of the retrieved TRU drums would require repackaging, whereas experience to date has shown that 40 percent require repackaging.
3. The degraded condition of the containers has required that a higher percentage of the drums be placed in overpacks to allow for safe retrieval and movement onsite than originally planned. WIPP is not accepting overpack containers at this time in order to conserve repository space and improve shipping efficiency. Due to this condition the overpacked containers require repackaging.

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4. The T Plant Facility performed the treatment of the K Basins North Load Out Pit sludge in Fiscal Year 2006. This work was not planned when the milestones were established. The sludge generated is a contact handled TRU waste and the crew that was dedicated to this work is now working to repackage TRU waste containers.

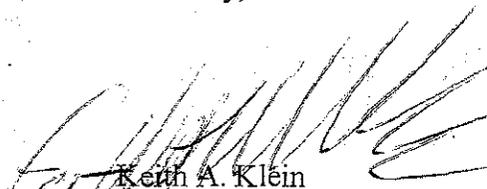
Due to the changing conditions identified above in retrieving and generating new contact handled TRU waste, RL is taking the following actions to increase throughput and maintain as best as possible the M-91-42 certification rates.

1. In October 2004 the Waste Receiving and Processing Facility (WRAP) facility increased staff and went to two full shifts.
2. In July 2005, a repackaging permacon unit (containment tent) started operation in the T Plant canyon.
3. In 2006 two more repackaging permacon units were set up at T Plant and became fully operational in June. Two of the three permacon units are currently being used for repackaging of TRU waste. The third unit is being set up to repackage 85 gallon drums of waste. Plans are to use all three permacon units for both TRU waste and nonconforming mixed low-level waste. The crew working the K Basins North Load Out Pit sludge treatment was switched to repackaging of TRU waste once the treatment campaign was completed.
4. Evaluations are on-going concerning the possibility of sending some TRU waste to another DOE site to assist in reducing the backlog.

RL considers that the M-91-42 TRU mixed waste certification milestone rates should be adjusted to align with more recent 2005 data and experience to date as allowed by the Tri-Party Agreement. Throughout the technical discussions with your staff, the Parties reviewed an RL developed draft Tri-Party Agreement change package that was based on December 2005 data to evaluate the impacts to all the M-91 commitments. RL is continuing to work on this change package that includes revised commitments based on recent data including waste management experience and is looking forward to discussing the change package with members of your staff.

If there are any questions, please contact me or your staff may contact, Matt McCormick, Assistant Manager for the Central Plateau, on (509) 373-9971.

Sincerely,



Keith A. Klein
Manager

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