



Oregon

Theodore R. Kulongoski, Governor



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Matthew S. McCormick,
Assistant Manager for the Central Plateau
Richland Operations Office
U.S. Department of Energy
P.O. Box 550, MS A6-38
Richland WA 99352

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Dear Mr. McCormick:

Oregon appreciates the opportunity to review the Proposed Tri-Party Agreement (TPA) Changes for Mixed Low-Level Waste and Transuranic Mixed Waste.

Oregon has long supported the removal of transuranic waste from the Hanford Site for ultimate disposal in the Waste Isolation Pilot Plant (WIPP). We are pleased that the Tri-Parties have reached agreement on a schedule to remove all legacy transuranic waste from Hanford. However, we do encourage the Tri-Parties to change the proposed milestone for completing this task from 2035 to no later than 2030. Correspondence with regulators at the New Mexico Environment Department indicate that WIPP's presumed closure date is 2030 and they recommend the proposed milestone be consistent with the WIPP permit (although they acknowledge that WIPP's operating life could certainly be extended beyond 2030).

We are concerned that this proposed change package again delays Hanford's acquisition of "capabilities" for retrieval, storage, and treatment/processing of transuranic waste. As we indicated in our comments in May 2009 to a previous TPA change package, DOE had agreed in 2003 to have that capability by 2012, and we are disappointed by yet another delay. DOE will be unable to fully complete its 2015 cleanup vision unless it is able to remediate the 618-10 and 618-11 burial grounds. Without better capabilities for dealing with remote-handled wastes, DOE may be unable to meet its schedules to remediate these burial grounds.

We are also concerned that this current proposed change package ignores the pre-1970 burial grounds, which are known to have significant quantities of waste that if generated today would be considered transuranic waste. We expect that there are areas of significant concentration of transuranic-type waste in various locations within the pre-1970 burial grounds. We recommend that the Tri-Parties agree to a schedule to identify and characterize those "hot spots" and develop a plan for how to mitigate the risks posed by these wastes.

In developing schedules for shipment of transuranic waste from Hanford, we strongly encourage the U.S. Department of Energy (DOE) to avoid shipping during the winter months when at all possible. Portions of the WIPP transportation corridor in northeast Oregon are especially susceptible to unpredictable and harsh winter weather conditions. Oregon worked closely with DOE and other Western states to develop a comprehensive transportation safety program for shipments of

transuranic waste. This safety program has been in place since shipments to WIPP began in 1999 and began from Hanford the following year. While we do believe that this safety plan does prevent shipments from moving when the road or weather conditions are bad, scheduling winter shipments from Hanford often results in significant delays, which wastes money and sometimes leads to pressures to get a shipment on the road. Avoiding the winter months leads to a more reliable shipping schedule.

If you have any questions or comments about our recommendations, please contact Dale Engstrom of my staff at 503-378-5584.

Sincerely,



Ken Niles
Nuclear Safety Division Administrator

Cc: Dennis Faulk, U.S. Environmental Protection Agency
Jane Hedges, Washington Department of Ecology
Stuart Harris, Confederated Tribes of the Umatilla Indian Reservation
Gabriel Bohnee, Nez Perce Tribe
Russell Jim, Yakama Nation
Susan Leckband, Hanford Advisory Board
Max Power, Oregon Hanford Cleanup Board