



# Oregon

Theodore R. Kulongoski, Governor



OREGON  
DEPARTMENT OF  
ENERGY

625 Marion St. NE  
Salem, OR 97301-3737  
Phone: (503) 378-4040  
Toll Free: 1-800-221-8035  
FAX: (503) 373-7806  
[www.Oregon.gov/ENERGY](http://www.Oregon.gov/ENERGY)

May 14, 2009

Paula Call  
U.S. Department of Energy  
Richland Operations Office  
P.O. Box 550, A7-75  
Richland WA 99352

Dear Ms. Call:

We appreciate the opportunity to review and comment on proposed changes to the Hanford Tri-Party Agreement (TPA).

Oregon supports the proposed TPA Change Package with its increased emphasis along the Columbia River and the new milestones related to groundwater treatment. However, given that Hanford is in line to receive nearly \$2 billion in additional funding through the American Recovery and Reinvestment Act (ARRA) of 2009, we expect there will be sufficient funding to eliminate the need for any of these milestones to be significantly delayed. We are hopeful as well that some of the new work being proposed can be completed sooner than dates listed as new milestones.

We are especially pleased to see milestones related to the treatment of contaminated groundwater, primarily through expansion of several pump-and-treat systems. Oregon has long recognized that contaminants reaching the groundwater and the Columbia River is the most likely way in which Oregon and its citizens could be impacted by Hanford. As a result, we have long encouraged aggressive action toward containing and cleaning up Hanford's contaminated soil and groundwater.

Given the additional funds that Hanford will receive through the ARRA, we believe the proposed new milestones for groundwater treatment are not as aggressive as they should be. We would hope that chromium could be kept from entering the Columbia River in the 100 Areas prior to the end of 2012, and that strontium and other contaminants could be kept from entering the Columbia River in the 100 Areas sooner than the end of 2016. We challenge the Tri-Parties to beat these milestones and help protect the Columbia River much sooner.

The TPA Change Package includes a commitment for the U.S. Department of Energy (DOE) to propose new milestones by December 31, 2009 for all the milestones that are being delayed. As we indicated earlier, we expect that delays will be minimal, especially for the retrieval of retrievably stored wastes in Hanford's burial grounds as that program has already received some ARRA funding. We will carefully examine the proposed new milestones when they are available at the end of this year.

One milestone in particular that we expect should not receive a lengthy delay is milestone M-091-01, which now requires DOE to complete the acquisition of capabilities and/or new facilities (new or modified) to allow retrieval, designation, storage, and treatment/processing of remote-handled transuranic and transuranic-suspect waste. It was just a few short years ago – 2003 – when DOE agreed to the schedule to have that capability by June 30, 2012 and we are concerned to see it revisited so soon. 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 will be unable to remediate these burial grounds.

We are also concerned about potential delays in dealing with the K-Basins sludge. As part of the proposed Change Package, DOE is not required to submit revised work plans to include milestones for the removal and treatment of the sludges until March 31, 2011. While the major risks in the K Areas have been resolved by removing the spent nuclear fuel and containerizing the sludges, we would like to see some urgency returned to this program to get the sludge dealt with once and for all.

All TPA milestones and schedules should continue to be enforceable. Usage of “target dates” in lieu of actual milestones does not encourage reliable or timely accomplishment, nor provide the regulators with the means needed to assure that the goals are met. We urge the Tri-Parties to avoid negotiating milestones as target dates.

We appreciate DOE’s ongoing efforts to engage Oregon, the Tribes and other stakeholders in the revision of the TPA and look forward to continuing discussion of these modifications and other issues as you proceed in the coming months. Oregon is encouraged by the Tri-Parties’ vision for the clean up of broad swaths of Hanford and the strategic use of the stimulus dollars. DOE and its regulators, the U.S. Environmental Protection Agency and the Washington Department of Ecology, deserve a good deal of credit for being ready to take advantage of this unique funding opportunity. Oregon looks forward to seeing substantial progress in the Hanford clean-up program over the next few years.

Finally, the legibility and readability of the TPA document itself needs to be addressed. Bring the document out of the 1980s. Having the document in all capital letters makes it difficult to read and comprehend, and the shaded proposed changes in this particular change package were nearly indecipherable when printed.

Should you have any questions or wish to discuss any of our comments, please call me at 503-378-4906 or Dale Engstrom of my staff at 503-378-5584.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Niles". The signature is written in a cursive, somewhat stylized font.

Ken Niles  
Assistant Director