



Oregon

Tina Kotek, Governor



550 Capitol St. NE
Salem, OR 97301
Phone: 503-378-4040
Toll Free: 1-800-221-8035
FAX: 503-373-7806
www.oregon.gov/energy

12/18/2023

ORCR Document Control Officer, Mail Code 5305-P,
Environmental Protection Agency,
1200 Pennsylvania Avenue NW,
Washington, DC 20460;

Attn: Docket ID No. EPA-HQ-OLEM-2023-037
Submitted via www.regulations.gov comment portal

To whom it may concern;

Oregon appreciates the opportunity to express support for *Docket EPA-HQ-OLEM-2023-0372 Department of Energy (DOE) Hanford Mixed Radioactive Waste Land Disposal Restrictions Variance for the Test Bed Initiative (TBI)*. Oregon has previously stated support of and preference for radioactive waste¹ removal and disposal out of the region and away from the Columbia River. Oregon expects that EPA will maintain respect for the regulations of the state of the receiving facility and encourages EPA to ensure that the receiving state regulators concur with the variance.

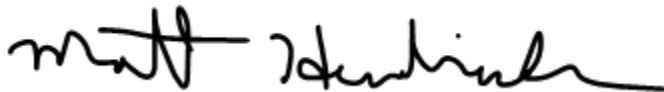
The TBI variance documentation is narrowly focused and applies only to the current proposed action: disposal of approximately 2,000 gallons of Hanford tank waste supernatant following removal of some key radionuclides. The variance acknowledges additional discussion to be completed by DOE, Washington State, and EPA; "EPA's decision to propose this treatment variance approval does not resolve DOE and the State's differing interpretations of the LDR requirements, and EPA is not concluding that HLWIT does or does not apply to the TBI waste. Rather, EPA proposes to approve this variance to provide a clear regulatory pathway for the 2,000-gallon TBI to proceed."^{p.48}

As noted, Oregon's support for this variance is specific to this phase of the TBI evaluation. Each Hanford tank has a different composition with highly variable nuclides, listed organics, characteristic metals, and salinity. Current pretreatment removes only a fraction of the nuclides, leaving most other contaminants in the wasteform. While stabilization and offsite disposal may be appropriate for the waste specific to the TBI, it has not yet been demonstrated and should not necessarily follow that; "... if the TBI demonstrates the effectiveness of a regulatory pathway for other Hanford low-activity waste via grouting and offsite disposal, that could substantially facilitate DOE's ability to meet its SST retrieval schedule and allow DOE to complete its cleanup mission in less time than it would if vitrification is required for all of Hanford's low-activity waste."^{p.68} Washington Ecology (Ecology) is expected to permit TBI as a Research Development and Demonstration program (RDD). This is appropriate since TBI is in the exploratory stages. Oregon does not currently support the position of US DOE that post-treatment characterization may not be required in the future, as described in footnote 35 without additional information demonstrating the contaminant load of future wastes from tanks other than SY-101. Periodic post-treatment sampling consistent with facility requirements is likely critical to demonstrate

that waste, particularly from a variable source like Hanford tank waste, meets the acceptance criteria of the receiving facility. Presumably, out of the region disposal facilities would require a demonstration of compliance with waste acceptance criteria, and EPA/DOE should respect other states' processes accordingly.

Oregon encourages and expects continued cooperation between Federal-level EPA and NRC-Agreement State agency partners. While EPA establishes the treatment standard to be used in the Land Disposal Restrictions, the identified disposal sites are co-regulated with the Nuclear Regulatory Commission and the host states; "The performance objective requirements for licensed MLLW disposal facilities in the Texas Administrative Code and the Utah Administrative Code mirror and are comparable to the NRC's performance objectives, as discussed in detail in the 2,000-gallon TBI Demonstration Final WIR Evaluation."^{p.82} It is important that the state regulatory agencies be included in the decision-making process and support any granted variance, as they have the working history and knowledge to determine whether a waste form is appropriate for disposal at a specific site. Agreement States must maintain the right of refusal of a waste form based on that state's interpretation of its regulated landfill acceptance criteria. Oregon supports the EPA in issuing this variance. The delicacy shown in constraining the variance to the 2,000 gallons of waste associated with the TBI demonstrates that the EPA understands that the initiative is still in its early stages and more research is needed before changing any LDR rules. We are pleased to see the consideration of options which will result in waste being safely transported and disposed out of the Northwest to disposal locations with better environmental and geologic settings than Hanford and encourage the EPA to continue evaluating any future variances on a case-by-case basis, subject to the waste acceptance criteria and in conformance with regulatory authority of the receiving facility and state. Please contact Matthew Hendrickson, matt.hendrickson@energy.oregon.gov with any questions regarding this comment.

Thank You,



Matt Hendrickson
Radioactive Waste Remediation Specialist
550 Capitol St. NE | Salem, OR
97301 Phone: 503-806-7476
matt.hendrickson@energy.oregon.gov

CC:

Dave Einan, U.S. Environmental Protection Agency
David Bowen, Washington Department of Ecology
Jennifer Colborn, U.S. Department of Energy, Office of River Protection
Matt Johnson, Confederated Tribes of the Umatilla Indian Reservation
Laurene Contreras, Yakama Indian Nation
Jack Bell, Nez Perce Tribe
Oregon Hanford Cleanup Board
Susan Coleman, Hanford Advisory Board