



Oregon

Kate Brown, Governor



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June 25, 2018

Brian Vance
Manager, Office of River Protection
U.S. Department of Energy
PO Box 450, MSIN H6-60
Richland, WA 99352

Dear Mr. Vance:

I officially request a 60 day extension to the comment deadline on the *Draft Waste Incidental to Reprocessing (Draft WIR) Evaluation for Closure of Waste Management Area C*. The importance and ultimate impact of the decisions that are being made require deliberate and thorough consideration by not just the State of Oregon, but by all affected parties.

I appreciate that the U.S. Department of Energy initially offered an extended comment period for this document. However, the 96 day period is not sufficient, for the following reasons:

- The documents themselves, the Draft WIR and the supporting *Performance Assessment of Waste Management Area C*, are lengthy (312 and 1,023 pages respectively), technically complex, and require extensive study and analysis. Due to other pressing issues at Hanford, my small technical staff is not able to devote all of its time to this review.
- As this is the first Hanford tank farm to go through the WIR process, this will be a precedent-setting action with potentially irreversible impacts well into the future.
- Because there was previous litigation challenging DOE's processes to reclassify waste, and Oregon was involved in that litigation, our comments will need legal and high-level policy review, which adds to the time we need to finalize comments. (This does not mean that we will necessarily engage in future litigation on this issue).
- Our staff has been promised an explanation from DOE's Office of River Protection and DOE Headquarters staff regarding the legal and regulatory basis for soils contaminated by past tank leaks. This briefing with DOE-ORP is tentatively scheduled for early August and will likely affect our final comments and our internal review schedule.
- The U.S. Nuclear Regulatory Commission is producing a Technical Evaluation Report of the WIR and associated Performance Assessment analyses, which is expected to be completed in March 2019. NRC will issue its first Request for Additional Information to DOE in the September timeframe. These actions by the NRC are critical inputs to public understanding of the WIR decision being proposed and may result in a revision to the WIR Evaluation and the Performance Assessment. Because DOE will offer no other opportunity for public comment between this draft WIR Evaluation and the final WIR determination, ideally the public comment period should extend until after the NRC report has been issued, or another comment period should be initiated for any revisions to the WIR evaluation. A 60 day extension to the comment

period would at least allow us to understand what information the NRC has found to be lacking in the draft documents.

In addition, there really is no urgency, as Hanford regulators have indicated that tank farm closure is not a priority at this time.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Niles". The signature is written in a cursive, flowing style.

Ken Niles
Assistant Director for Nuclear Safety

Cc: Alex Smith, Washington Department of Ecology
Doug Shoop, U.S. Department of Energy
Dave Einan, U.S. Environmental Protection Agency
Matt Johnson, Confederated Tribes of the Umatilla Indian Reservation
Rose Longoria, Yakama Nation
Jack Bell, Nez Perce Tribe
Oregon Hanford Cleanup Board
Susan Leckband, Hanford Advisory Board