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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
3100 Port of Benton Blvd • Richland, WA 99354 • (509) 372-7950

February 26, 2009

Mr. David A. Brockman, Manager
Richland Operations Office
United States Department of Energy
P.O. Box 550, MSIN: A7-50
Richland, Washington 99352

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EDMC

Mr. Michael Kluse, Chief Operating Officer and President
Pacific Northwest National Laboratory
P.O. Box 999, MSIN: K1-46
Richland, Washington 99352

Re: Notice of Non-Compliance Resulting from the 331-C Facility Dangerous Waste Inspection, November 5, 2008, by the Department of Ecology

Reference: Letter from E. Van Mason, Ecology, to D. Brockman, USDOE, and M. Kluse, PNNL, dated February 18, 2009, *Notice of Non-Compliance from the 331-C Facility Dangerous Waste Inspection.*

Dear Mr. Brockman and Mr. Kluse:

Please replace the letter referenced with this one. The salutation of the February 18, 2009, letter, incorrectly addresses Mr. Michael Weis of the Pacific Northwest Site Office of the United States Department of Energy (USDOE) - Office of Science and Mr. Michael Kluse of Pacific Northwest National Laboratory (PNNL). It should have addressed Mr. David A. Brockman of the Richland Operations Office - USDOE and Mr. Michael Kluse of PNNL.

Thank you for the assistance from PNNL staff during the recent inspection of the 331-C Facility beginning on November 5, 2008, by the Department of Ecology. The purpose of this inspection was to evaluate United States Department of Energy (USDOE) and PNNL's compliance with the Hanford Site Resource Conservation and Recovery Act Permit and the Dangerous Waste Regulations, Chapter 173-303 of the Washington Administrative Code (WAC).

We identified two violations and two concerns based on our observations of dangerous waste management and our records review at 331-C. We have decided to withhold formal enforcement pending the completion of one corrective action within the specified timeframe. The violations, corrective action, and concerns are listed below:

S-3-5

VIOLATIONS:

1. **Hanford Facility Resource Conservation and Recovery Act Permit, Dangerous Waste Portion, Revision 8C, Condition II.C.1**

   "The Permittees will conduct personnel training as required by WAC 173-303-330. The Permittees will maintain documents in accordance with WAC 173-303-330(2) and (3)."

   The following instances of training violations were observed:

   1) *The PNNL Environmental Management Services Department (EMSD) training plan documents were not maintained to include training elements specific to 331-C operations in accordance with Permit Condition II.C.1 and Washington Administrative Code (WAC) 173-303-330(2). The EMSD training plan documents have not required 331-C Building Emergency Plan training for employees working at that facility since March 29, 2006, when 331-C began operations. A recently undertaken revision of the training plan is not planned to be completed until March 2009.*

   2) *The 331-C Operating Record indicates two PNNL EMSD employees regularly worked at the 331-C Facility without specific training regarding the 331-C Building Emergency Plan.*

   3) *According to waste verification records, PNNL EMSD employee performed waste verifications for 31 waste containers without being trained to verify waste according the 331-C verification procedure. A second PNNL EMSD employee performed waste verifications for four waste containers without being trained to verify waste according to the 331-C verification procedure.*

2. **Hanford Facility Resource Conservation and Recovery Act Permit, Dangerous Waste Portion, Revision 8C, Condition III.15.A,Chapter 6.0, Section 6.2**

   "Weekly Inspections. Waste Management organization personnel conduct weekly inspections of both safety and operating equipment in the 331-C Storage Unit. Safety and emergency equipment are inspected for functionality and adequacy of supply. Staff conduct the weekly inspection each week using the inspection Logbook and the most current version of the Weekly Inspection Checklist Form that is on file at 331-C Storage Unit. . .The inspector is required to sign and date the inspection checklist after performing the inspection."

The inspection checklist for the week of August 22, 2008, could not be located by PNNL staff. Although the 331-C Operating Record for the week of August 22, 2008, indicates PNNL staff were present at 331-C during this week and may have conducted the required weekly inspection, the signed and dated inspection checklist showing what aspects of the 331-C Facility were inspected was not provided.

We noted in our inspection report the PNNL-EMSD has already taken some steps to correct these violations. These steps include, providing 331-C Building Emergency Plan and verification training for personnel working at 331-C, and beginning to revise the 331-C Training Plan to make these trainings required by the plan. In order to finish correcting the violations, please complete the following corrective measure within the time frames specified.

CORRECTIVE ACTION:

Within 30 days of receipt of this letter, USDOE/PNNL must complete the update to the 331-C Training Plan to include requirements to train personnel regarding the 331-C Building Emergency Plan and verification procedures.

CONCERNS:

1. During this inspection, PNNL staff stated that certain personnel were not trained to the 331-C Building Emergency Plan because working at 331-C was not their main work assignment. The sharing of personnel between operating facilities makes good sense from an efficiency standpoint. However, Ecology is concerned this concept of an assigned building will allow personnel to remain untrained regarding important information unique to each PNNL facility where they work.

2. Relying on the practice of updating the PNNL EMSD Training Plan according to a scheduled cycle may not always be adequate to maintain compliance with the permit or WAC 173-303. All required documents needed to maintain compliance should be reviewed and changed to reflect current operations. This must occur prior to, or concurrent with, an operational change (e.g., moving treatment, storage, or disposal operations from 305-B to 331-C). If these types of changes to permit documents are not completed, future violations may be identified.

Please contact me at 509-372-7929, if you have any questions regarding this letter.

Sincerely,

Eric Van Mason
Compliance Specialist
Nuclear Waste Program

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Enclosure

cc: Cliff Clark, USDOE
Steve Weil, USDOE
Gene Grohs, PNL
Alice Ikenberry, PNL
Kip McDowell, PNL
Michael Weis, PNSO
Gabriel Bohnee, NPT
Stuart Harris, CTUIR
Russell Jim, YN
Susan Leckband, HAB
Ken Niles, ODOE
Administrative Record: 331-C Compl Insp
Environmental Portal

Please complete and return to:

Eric Van Mason
Washington State Department of Ecology
3100 Port of Benton Blvd., MSIN: H0-57
Richland, Washington, 99354

CERTIFICATE OF COMPLIANCE

As a legal representative of the United States Department of Energy, I certify to the best of my knowledge, the compliance status of the 331-C Facility, Hanford 300 Area, WA7890008967 is as shown below:

COMPLIANCE STATUS

Corrective Action	Due Date	Date Completed	Initials	Comments
Update Training Plan	Within 30 days of letter receipt			

_____
Signature, USDOE–RL Representative

_____
Printed Name

_____
Title

_____
Date