

Draft Comments for Discussion

RELATIONSHIP OF PERMIT TO TRI-PARTY AGREEMENT

A. Analysis

The Introduction to the Draft RD&D Permit (pages 3-4) lists as authority the following statutes and regulations: RCRA; HSWA; EPA regulations promulgated thereunder; the Washington Hazardous Waste Management Act (RCW Ch. 70.105); and Ecology's Dangerous Waste Regulations (WAC Ch. 173-303). The Draft RD&D Permit does not cite the Tri-Party Agreement (Hanford Federal Facility Agreement and Consent Order or "FFACO") as authority for the Permit, which indicates that the permit writers do not consider the Permit to be within the scope of the FFACO. The Permit defines "FFACO" and refers once to the FFACO in terms of maintaining records in information repositories. It appears clear, however, that the permit writers are taking the position that authority for the Permit exists independently of the FFACO.

For the reasons discussed below, this position is contrary to the FFACO and the Action Plan incorporated by the FFACO. The RD&D Permit is clearly within the scope of the FFACO and should be subject to the FFACO's provisions, including Dispute Resolution.

1. The FFACO Governs Permitting of TSD Facilities at Hanford.

The requirement to obtain an RD&D permit falls under RCRA. The FFACO clearly states that it governs RCRA regulation of treatment, storage of disposal (TSD) units and groups at Hanford.

RCRA compliance, and TSD permitting, closure, and post closure care (except HSWA corrective action) shall be governed by Part Two of this Agreement.

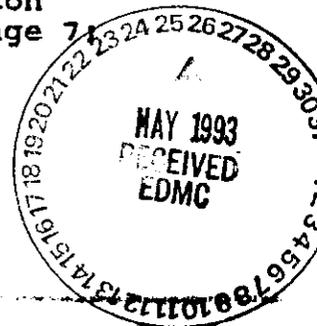
FFACO, page 2.

Parts One, Two, Four, and Five of this Agreement shall serve as the RCRA provisions governing compliance, permitting, closure and post-closure care of TSD Units.

FFACO, par. 6, page 5.

Even if it is argued that the Permit is independently authorized by State law, the FFACO would still apply. One of the FFACO's express purposes is to provide a framework for permitting TSD units to ensure compliance with RCRA and the Washington Hazardous Waste Management Act. FFACO, par. 13 B & C, page 7

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Action Plan, § 6.2. Part Two of the FFACO comprehensively sets forth DOE's obligation to obtain TSD permits, to close TSD units, and otherwise comply with applicable hazardous waste management requirements, whether arising under Federal or State law.

2. The Waste Water Pilot Plant is a TSD Unit Under the FFACO.

The FFACO's Action Plan contains plans, procedures and implementing schedules, and "is an integral and enforceable part" of the FFACO. FFACO, page 2. "The Action Plan lists the Hanford TSD Units and TSD Groups which are subject to permitting and closure under this Agreement." FFACO, par. 25, page 19. Appendix B of the Action Plan sets forth the specific TSD Units and Groups and lists "Physical and Chemical Treatment Test Facilities" as Group Number T-X-2. The Waste Water Pilot Plant (WWPP) falls within this category and is therefore a TSD Unit within the meaning of the Action Plan. Permitting of the WWPP is thus subject to the RCRA provisions of the FFACO.

3. The WWPP is Required to Support Numerous Milestones in the Action Plan.

Further evidence to support this position is provided by the fact that the WWPP is required to support the following Milestones in the Action Plan. In fact, submission of the WWPP RD&D Permit application is itself a Milestone. Under these circumstances, it is difficult to conceive of a rational argument that would extricate the WWPP RD&D Permit from the FFACO.

Relevant Milestones

- M-17-00A Complete liquid effluent treatment facilities/upgrades for all Phase I streams.
- M-17-14 Initiate full scale hot operations of '242-A Evaporator/PUREX Plant Condensate Treatment Facility' with permitted discharge of treated effluent to the soil column.
- M-17-14A Submit the Architect/Engineering firm design-construction schedule for '242-A Evaporator/PUREX Plant Condensate Treatment Facility' to the EPA and Ecology.
- M-17-14B Initiate pilot plant testing for '242-A Evaporator/PUREX Plant Condensate Treatment Facility' after the effective date of the RD&D Permit.

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- M-17-14C Submit Federal Delisting petition for treated effluent from '242-A Evaporator/PUREX Plant Condensate Treatment Facility' in accordance with 40 CFR 260.22 to the EPA.
  - M-17-14D Initiate Operational Test Procedures for the '242-A Evaporator/PUREX Plant Condensate Treatment Facility' using simulants and/or actual LERF-stored wastes, with recycle to the LERF basins.
  - M-17-20 Implement BAT/AKART for PUREX process condensate. No soil column disposal until BAT/AKART implemented as part of '242-A Evaporator/PUREX Plant Condensate Treatment Facility'.
  - M-17-29 Implement BAT/AKART for the 242-A Evaporator Process Condensate.
  - M-17-29A Cease all discharges to the 216-A-37-1 Crib. No soil column disposal of this effluent shall occur until BAT/AKART is implemented as part of '242-A Evaporator/PUREX Plant Condensate Treatment Facility'.
  - M-20-49 Submit RCRA research, development and demonstration (RD&D) permit application for the 242-A Evaporator/PUREX Plant Process Condensate Treatment Facility pilot plant testing in accordance with 40 CFR 270.65.
  - M-20-50 Submit complete RCRA Part B permit application for the 242-A Evaporator/PUREX Plant Process Condensate Treatment Facility to Ecology for approval, which includes 80% design, detail and available pilot plant test results.
  - M-26-03 Cease discharge of 242-A Evaporator process condensate effluent to LERF units.
  - M-26-04 Remove all hazardous waste residues from the 242-A Evaporator LERF units.
4. A RCRA Permit Issued Under the FFACO Must Reference the FFACO.

Paragraph 26 of the FFACO requires DOE to submit permit applications in accordance with the Action Plan, and further requires that the RCRA Permit issued after EPA and Ecology review "shall reference the terms of this Agreement . . ." Milestone M-20-49 of the Action Plan required DOE to submit an application

for the WWPP RD&D Permit. The resultant Permit must therefore reference the terms of the FFACO as underlying authority. As used in paragraph 26, "terms of this Agreement" is all-inclusive and does not allow the permit writers to pick and choose which terms they deem applicable and which are not.

**B. Suggested Revisions.**

Page 1, first paragraph

After "and the regulations promulgated thereunder in Title 40 of the Code of Federal Regulations."

Add: "and the Hanford Federal Facility Agreement and Consent Order (FFACO)."

Page 3, first paragraph, line 10

Prior to "a Permit is issued . . ."

Add: "and pursuant to the Hanford Federal Facility Agreement and Consent Order (FFACO),"

Page 3, second paragraph

After the second sentence

Add: "This Permit is intended to be consistent with the terms and conditions of the FFACO. In the event of a conflict between the Permit and any provision of the FFACO, the FFACO will prevail."

Page 3, third paragraph, first sentence

Revise the first sentence to read: "The Permittees shall comply with the FFACO and the federal regulations in 40 CFR Parts 124, 260 through 266, 268, and 270 as specified in this permit."

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**ROLE OF STATE IN ISSUING RD&D PERMIT**

**A. Analysis**

The Permit states that the State of Washington is not authorized to issue RCRA RD&D permits, but is co-issuing this permit under its independent state authority. The permit also states that all provisions are issued under concurrent authority, i.e., that there are no "state only" provisions which are more stringent than the federal regulations. This is an improper and unnecessary role for the State to take.

The Guidance Manual for RD&D Permits states that if a state is authorized to issue RCRA Permits but not RD&D Permits, the State "must decide whether to issue a full RCRA permit or defer to EPA to process an RD&D Permit." Ecology seems to have chosen neither alternative. It has neither deferred to EPA nor issued a full RCRA permit, but instead purports to issue a non-RCRA state law permit. The Guidance Manual does go on to state that if EPA issues the RD&D permit, a state or locality may impose additional limits. Here, while Ecology purports to issue the permit under state law outside RCRA, no provision is identified as an "additional" or "more stringent" state-only requirement. The State's role appears redundant at best.

**B. Suggested Revisions**

1. Delete all references to the Department of Ecology and state regulations from Page 1 of the permit.

2. On page 3, first paragraph, delete references to RCW 70.105, WAC 173-303, and Department of Ecology.

3. On page 4, delete the first two full paragraphs.

4. There are numerous other parallel references to state regulations throughout the permit which are rendered unnecessary.

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**REQUIREMENT FOR APPEAL AND STAY PROCEDURE**

**A. Analysis.**

The RD&D Permit provides that any challenges to EPA should be appealed to EPA in accordance with 40 CFR § 124.19, and any challenges to Ecology will be governed by WAC 173-303-845 which provides for an appeal to the Washington Pollution Control Hearings Board (PCHB). This provision should be modified for the following reasons.

If DOE is designated as the sole permittee, the only right to administratively challenge any condition of the Permit should be through the Dispute Resolution procedures of the FFACO. The Permit is clearly within the scope of the FFACO. If both DOE and WHC are designated as permittees, then DOE's appeal remains through the FFACO. WHC's appeal right should arise from Federal, not State, law, because there are no "State only" provisions in the Permit that would be appropriate for review under State appeal procedures. The Permit should be clarified to make clear that WHC is entitled to appeal any condition of the Permit to the EPA Administrator under 40 CFR § 124.19, thus eliminating any ambiguity regarding possible dual appeal procedures and conflicting results.

In the event that DOE is not the sole permittee, provision must be made for staying the application of a permit condition as to both permittees when the condition has been challenged by one permittee. The granting of a stay would be consistent with the Dispute Resolution provision of the FFACO which extends the time period for completion of work directly affected by a dispute for at least a period of time equal to the actual time taken to resolve a good faith dispute. FFACO, par. 29E, page 23. Extending the stay to both permittees would avoid inconsistent enforcement of the permit.

Clarification of the Permit is necessary to protect WHC, because applicable law does not provide for an automatic stay. WHC is not a party to the FFACO and would not therefore benefit from the Dispute Resolution provision of the FFACO in the event of a challenge by DOE. Were WHC to file its own appeal utilizing the procedures of 40 CFR § 124.19, a stay of a contested permit condition would only be invoked if the EPA Administrator granted the request for review. 40 CFR § 124.16. In the event that State appeal procedures were to apply, there is likewise no automatic stay. WHC would have to petition the PCHB for issuance of a stay. See RCW 43.21B.320. The Permit should therefore expressly provide for a stay in the event that either permittee challenges the Permit.

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B. Suggested Revision.

Page 4, second full paragraph

Replace the entire paragraph with: "The Agency shall enforce all Permit conditions in this Permit. Any challenges by the Department of Energy-Richland Field Office of this Permit shall be subject to the Dispute Resolution procedure of the FFACO. Any challenges by Westinghouse Hanford Company of this Permit shall be directed to the Agency in accordance with 40 CFR § 124.19. In the event of a challenge by either permittee, the Permit shall be stayed as to both permittees pending resolution of the challenge under the applicable procedure referenced above."

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INCLUSION OF REQUIREMENTS BY REFERENCE (SECTION I.B.1)

A. Analysis

Section I.B.1 incorporates into the permit by reference all the general permit requirements of WAC 173-303-810 and 40 CFR § 270.30, as well as all the final facility standards of WAC 173-303-600 and 40 CFR Part 264, "as applicable." This section is at best redundant and at worst dangerously vague, and should be deleted for the following reasons.

First, there is no counterpart to this section in the Model RCRA RD&D Permit, OSWER Policy Directive No. 9527.00-3C. Most of the other provisions of Parts I and II of the permit correspond to similar provisions in the Model RD&D Permit (although the order is different), but section I.B.1 does not. When the Model RD&D permit incorporates a regulation by reference, it does so specifically and for a specific purpose. For example, Model RD&D Permit § II.M on Security says: "The Permittee shall comply with the security provisions of 40 CFR § 264.14(b) and (c)." The first page of the Model RD&D Permit states that the Permittee must comply with the terms and conditions of the permit "and the regulations contained in 40 CFR Parts 260 through 265, 124 and 270 as specified in this permit." The Model RD&D Permit thus rejects the notion of wholesale incorporation of the substantive regulations.

Second, such a blanket incorporation by reference is also contrary to the underlying statutes and regulations. Section 3005(g) specifies that the EPA (or State) will include such provisions as it deems necessary to protect human health and the environment. It is specifically authorized to modify or waive permit requirements in the general permit regulations. § 3005(g)(2); 40 CFR § 270.65. The Guidance Manual for RD&D Permits explains that the standards in some parts of 40 CFR Part 264 will be used "as a guide to define general requirements for individual RD&D permits." (page 16) The Model RD&D Permit materials also stress that requirements from 40 CFR Parts 264 and 265 will be applied "where appropriate," but specifically lists many such provisions as optional. (Page i, iv-v.) Thus the statute, regulations and guidance materials all reject the wholesale incorporation of Parts 270 and 264. RD&D permits are designed not to simply incorporate whatever regulations would otherwise be "applicable"; rather, the EPA is supposed to specify in the RD&D permit which provisions are applicable and necessary.

Third, the provision is entirely redundant to the extent it incorporates WAC 173-303-810 and 40 CFR § 270.30. Those sections list some 14 standard conditions which every RCRA permit should contain (although they could clearly be waived for an RD&D permit

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under 40 CFR § 270.65). Every one of those conditions is spelled out explicitly in Part I of the permit, as listed below. There is absolutely no need to incorporate the regulations by reference. It can add nothing to the specific provisions of the permit, which go beyond the regulations already (e.g., in Part I.F.2).

<u>Requirement</u>	<u>§ 270.30</u>	<u>WAC-810</u>	<u>Permit Section</u>
Duty to Comply	(a)	(2)	I.E.1
Duty to Reapply	(b)	(3)	I.E.2
Duty to Halt	(c)	(4)	I.E.3
Duty to Mitigate	(d)	(5)	I.E.4
Proper Operation	(e)	(6)	I.E.5
Permit Actions	(f)	(7)	I.C.
Effect of Permit	(g)	(8)	I.A.
Provide Info	(h)	(9)	I.E.6
Inspection	(i)	(10)	I.E.7
Monitoring	(j)	(11)	I.F.1-3
Signatory	(k)	(12)	I.J
Certification	(k), 270.11	(13)	I.J
Reporting	(l)	(14)	I.F.4-9
Confidentiality	270.12	(15)	I.B.3

With regard to the incorporation of WAC 173-303-600 and 40 CFR Part 264, the clause is not redundant but instead vague and confusing. Unlike § 270.30, Part 264 is a wide-ranging regulation that takes up some 150 pages in the CFR. It is unreasonable to expect the Permittees to parse through that regulation and determine which provisions beyond those specified in the permit are "applicable." Further, while many of the topics covered by Part 264 are covered by Part II of the permit, the permit requirements are based on incorporation of (and specific modifications to) the Attachments, rather than incorporation of "applicable" regulations. Therefore, incorporation by reference of anything "applicable" in Part 264 creates the possibility of conflict between the permit and regulations.

Further, there are certain provisions in Part 264 which are not reflected in Part II of the permit. These provisions were omitted deliberately. Part I.B.1 creates the possibility for confusion and dispute over whether they are nevertheless

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"applicable." The most obvious examples are the financial assurance and liability insurance provisions of Part 264, Subpart H. While mandated for RD&D permits, these provisions are not applicable at a federal facility. The Guidance Manual for RD&D Permits addresses this specifically at Page 22:

It should be noted that the Federal government and State governments are exempt from the Subpart H financial requirements (§ 264.140(c)) if they own or operate the facility. When one party (the owner or operator) is an exempted party because it is a State or Federal entity, then any other private sector party may not need to comply with the financial responsibility requirements. The State or Federal government may, however, require the private sector party to demonstrate financial responsibility by means of a contractual agreement.

Thus financial responsibility of Westinghouse Hanford Company is a matter of its contract with Department of Energy, and is correctly omitted from this permit.

Finally, the incorporation of all of Part 264 "as applicable," rather than specific sections of the regulations as in the Model RD&D Permit, makes the exact permit requirements open-ended. The "applicable" requirements will not be determined until some time in the future. This deprives the Permittees of a meaningful opportunity to commit upon or challenge the appropriateness of any permit conditions that are incorporated by reference. Under 40 CFR § 124.19 and WAC 173-303-840(6), the Permittees must raise all "reasonably ascertainable issues" during the comment period. Inclusion of Section I.B.1 could create needless disputes over which provisions of Part 264 are "reasonably ascertainable" as "applicable."

In conclusion, Part I.B.1 is contrary to the EPA's own Guidance Manual and Model RD&D Permit. It is at best redundant and at worst a confusing source of potential disputes. Under the Model Permit and Guidance Manual, only those regulatory provisions specified in the permit are "applicable." If there are applicable provisions of Part 264 that can be identified, they should be specifically incorporated into the appropriate sections of the permit, as is done in the Model RD&D Permit. A corresponding change should be made on page 3 of the permit.

**D. Suggested Revisions**

1. Change title of Section I.B. to "Confidential Information."
2. Delete I.B.1 for reasons above.
3. Delete I.B.2 because the attachments are already incorporated by reference on page 5.
4. Text of I.B.3 retained as Section I.B.
5. On page 3 of permit, replace the third paragraph with the following:

The Permittees shall comply with the FFACO and the federal regulations in 40 CFR Parts 124, 260 through 266, 268, and 270, as specified in this permit. The Permittees shall also comply with any self-implementing statutory provisions which, according to the requirements of RCRA (as amended) or state law, are automatically applicable to Permittees' dangerous waste activities, notwithstanding the conditions of this Permit.

U.S. Department of Energy  
Washington, D.C.



NOTICE

SEN-22-90

SUBJECT DOE POLICY ON SIGNATURES OF RCRA PERMIT  
APPLICATIONS

DATE 5-8-90

This notice provides the Department of Energy (DOE) policy regarding signatures on Resource Conservation and Recovery Act (RCRA) permit applications. Each RCRA permit application requires the signature of both the owner and operator of the facility.

Based upon the Department's evaluation of the definition of Operator under EPA's RCRA regulations, the DOE policy is to have the duly authorized representatives of the Operations Offices sign RCRA permit applications as the owner and to sign jointly as the operator with their contractors who are responsible or partially responsible for hazardous waste activities at the facility. This policy is consistent with EPA's recognition that in some cases it is appropriate for both a Federal agency and the contractor to sign the RCRA permit application as the operator.

This policy recognizes that there are some aspects of facility operation, such as capital expenditure and other funding, policy and scheduling decisions, and general oversight, for which DOE is responsible, and other aspects of facility operation, such as the daily hands-on conduct of waste management activities, for which the contractor is responsible. Consequently, a joint signature policy most accurately reflects the manner in which DOE's Government-Owned Contractor-Operated (GOCO) facilities are managed.

Regulatory authorities should recognize that the responsibility for operating DOE's GOCO facilities is shared by the government and the contractor. In order to encourage regulatory authorities to recognize this sharing of responsibilities, dual signatures should be accompanied by the following explanatory statement, either in the permit application or in the transmittal letter to the regulatory agency.

The Department of Energy and its operating contractor, \_\_\_\_\_, have jointly signed this application as the operator of the permitted facility. The Department has determined that dual signatures best reflect the actual apportionment of responsibility under which the Department's RCRA

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responsibilities are for policy, programmatic, funding and scheduling decisions, as well as general oversight, and the contractor's RCRA responsibilities are for day-to-day operations, including but not limited to, the following responsibilities: waste analyses and handling, monitoring, records keeping, reporting, and contingency planning. For purposes of the certification required by 40 C.F.R. Section 270.11(d), the Department's and \_\_\_\_\_'s representatives certify, to the best of their knowledge and belief, the truth, accuracy and completeness of the application for their respective areas of responsibility.

This policy applies to any new or revised RCRA permit application and, to the extent the appropriate regulatory authority requests application of this policy to existing permit applications, the policy also applies. Naval Reactors facilities and activities are not subject to this policy. Further guidance on the implementation of this policy, including variance requests, will be issued by the Office of Environment, Safety and Health. In the interim, questions may be addressed to Mr. Ray Barube, Deputy Assistant Secretary for Environment.

*James D. Watkins*  
James D. Watkins  
Admiral, U.S. Navy (Retired)

- (1) *Substantive action*
- 2.
- (3) *Financial Assurances*  
*transfer*
- (1) *Pre-accident defense*

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DRAFT SUGGESTED LANGUAGE FOR DISCUSSION

(08/10/92)  
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## DESIGNATION OF PERMITTEE

Title 40, Code of Federal Regulations (CFR), Section 260.10, and Washington Administrative Code (WAC) 173-303-040 define "operator as "the person responsible for the overall operation of a facility." (Emphasis added.)

The contractors for DOE on the Hanford Site do not meet the regulatory definition of operator. WHC and PNL are not responsible for the overall operation of either the Hanford Facility or any individual unit within the Hanford Facility, therefore, neither is an "operator" within the meaning of 40 CFR 260.10 and WAC 173-303-040. Rather, DOE is responsible for overall management and operation of the Hanford Facility with authority over policy, programmatic funding and scheduling decisions, and general oversight of its contractors' work. DOE performs these activities for the individual TSD units and for the Hanford Facility as a whole. The contractors have certain responsibilities of an operational nature at certain RCRA Treatment, Storage and/or Disposal (TSD) units on the Hanford Site under their respective contracts with DOE. These responsibilities involve the performance of certain day-to-day activities such as waste analysis and handling, monitoring, container labeling, personnel training, and record keeping.

WHC is responsible for these activities at the 616 Nonradioactive Dangerous Waste Storage Facility. PNL is responsible for these activities at the 305-B Storage Unit. Additional TSD Units at which the contractors have responsibilities are listed with their respective certifications submitted with the permit application (attached).

The contractors do not have overall responsibility for any RCRA TSD unit on the Hanford Site; nor do they have such responsibility for the entire Hanford Facility, the facility for which Ecology contemplates issuing this permit.

The contractors' daily activities are governed by DOE regulations, orders and directives. The contractors can not make program, facility or major operational changes without DOE approval. More importantly, the contractors must request specific funding from DOE to accomplish any of

these activities. DOE's operation of the facility includes on-site "facility representatives" responsible for overseeing and providing detailed direction to the contractors' activities.

Given this division of responsibilities, Ecology does not have authority under the law to designate WHC and PNL as permittees along with DOE in a Hanford Facility permit. Any permit must recognize the division of responsibilities by function and TSD Unit which exists at Hanford. The permit writers acknowledged these requirements in the Fact Sheet for the initial draft permit released last winter but did not place appropriate language in the draft permit itself.

Additionally, the permit must address these issues in the context of the Hanford Federal Facility Agreement and Consent Order (FFACO). The FFACO does not provide for inclusion of contractors as permittees (see Article II), and therefore contractors would not be subject to its provisions for document review, dispute resolution, etc., while DOE would be. The different treatment of DOE and the contractors needs to be reconciled.

If the contractors are included in the permit, the following changes must be made:

#### Introduction

page 4, lines 11-14

Replace "a Permit is issued to the U.S. Department of Energy (USDOE), Westinghouse Hanford Company (WHC), and Pacific Northwest Laboratory (PNL) (hereafter called the Permittees), to operate a dangerous waste treatment, storage, and disposal facility located..."

with "a Permit is issued to the U.S. Department of Energy (USDOE), hereafter called the Permittee, and to Westinghouse Hanford Company (WHC) and Pacific Northwest Laboratory (PNL), as Co-Permittees, for the treatment, storage and disposal of dangerous waste..."

#### Introduction

DRAFT SUGGESTED LANGUAGE FOR DISCUSSION

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page 4, lines 16-17

Replace "The Permittees shall comply with all permit terms and conditions set forth in this Permit and all attachments."

with "The Permittee and Co-Permittees shall comply with the terms and conditions set forth in this Permit, including all attachments, which are specifically identified as applicable to each entity."

Introduction

page 4, line 42

Add: "In the event a decision of the Department is challenged by U.S. DOE under the FFACO and by a contractor under WAC 173-303-845, the Department shall stay the decision as it pertains to the contractor pending the resolution of the matter with U.S. DOE under the FFACO. Such stay constitutes a 'stay by the issuing agency' within the meaning of RCW 43.21B.320(1). Such stay shall remain in effect until resolution of the U.S. DOE challenge under the FFACO."

Definitions

page 10, lines 14-16

Replace "The term "Permittees" means the United States Department of Energy (U.S. DOE), Westinghouse Hanford Company (WHC), and Pacific Northwest Laboratory (PNL)."

with "The term "Permittee" means the United States Department of Energy (U.S. DOE).

Add new definition "The term "Co-Permittee" means Westinghouse Hanford Company (WHC) or Pacific Northwest Laboratory (PNL). "Co-Permittees" means WHC and PNL.

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Part I - Standard Conditions

Condition I.A.2.

page 14, lines 26-29

Delete "and areas" on line 28.

Add "At those units, WHC and PNL shall each be responsible for only day-to-day activities such as waste analysis, waste handling, monitoring, container labeling, personnel training, and record keeping. WHC and PNL are not responsible for complying with Part IV, Corrective Action."

Note The units identified in Attachments 3 and 4 should initially be only 616 Nonradioactive Dangerous Waste Storage Facility for WHC and 305-B Storage Unit for PNL. Other units added later should reflect the division of responsibilities set out on the certification page for the permit application.

Part I - Standard Conditions

Condition I.A.4.

pages 14-15, lines 43-04

Add "As WHC and PNL are not parties to the FFACO, the portions of the FFACO and its milestone schedules incorporated into this permit are enforceable under this permit only as to U.S. DOE. However, U.S. DOE is responsible under the TPA for its contractors' compliance with the FFACO and its milestones."

Part II - General Conditions

Condition II.H.

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**OFFICE OF GENERAL COUNSEL**

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DATE: <sup>15</sup>4-14-93  
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NUMBER OF PAGES: ~~8~~ 19  
Including Cover Sheet

MESSAGE:

