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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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May 12, 2004

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

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EDMC

Dear Mr. Klein:

Re: Review of the *Revised M-91-03 Transuranic Mixed Waste (TRUM) and Mixed Low-Level Waste (MLLW) Project Management Plan (PMP)* Pursuant to Hanford Federal Facility Agreement and Consent Order Action Plan Section 9.2

The Washington State Department of Ecology (Ecology) is in receipt of the Revised PMP, entitled M-91 TRU MIXED/MIXED LOW-LEVEL WASTE PROJECT MANAGEMENT PLAN (HNF-19169, Revision 1), dated March 25, 2004, submitted by the United States Department of Energy (USDOE-RL) and accompanied by USDOE letter (04-AMCP-0254), entitled TRANSMITTAL OF THE TRANSURANIC MIXED WASTE (TRUM) AND MIXED LOW-LEVEL WASTE (MLLW) PROJECT MANAGEMENT PLAN, dated March 30, 2004 (USDOE-RL Transmittal Letter).

Milestone 91-03, in accordance with Agreement Change Number M-91-03-01¹, requires USDOE to:

“SUBMIT REVISION OF THE HANFORD SITE TRUM AND MIXED LOW LEVEL WASTE PROJECT MANAGEMENT PLAN (PMP) TO ECOLOGY PURSUANT TO AND IN COMPLIANCE WITH THE REQUIREMENTS OF AGREEMENT SECTION 11.5. REVISIONS OF THE PMP SHALL ADDRESS RCRA MIXED AND SUSPECT MIXED TRANSURANIC AND LOW LEVEL WASTE AND WILL CONSIDER AND EXPRESSLY EVALUATE THE IMPACT OF M-91 RETRIEVAL, TREATMENT AND PROCESSING CAPABILITIES, THAT MAY RESULT FROM RETRIEVAL, TREATMENT AND/OR PROCESSING OF ANY OTHER TRANSURANIC OR SUSPECT TRANSURANIC WASTE INCLUDING BUT NOT LIMITED TO OFF-SITE TRANSURANIC WASTE AND

¹ Agreement Change Control Number M-91-03-01 was tentatively approved by Ecology, USDOE, and the U.S. Environmental Protection Agency (EPA) on October 23, 2003. Final approval is subject to public comment.



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HANFORD SITE TRANSURANIC WASTE GENERATED AFTER 1/1/03. REVISIONS OF THE PMP SHALL BE SUBMITTED ON 12/31/2003, 3/31/2009 AND 3/31/2013. EACH REVISION IS A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THIS AGREEMENT."

"WITH RESPECT TO RH MIXED WASTE AND MIXED WASTE IN BOXES AND LARGE CONTAINERS, THE PMP SUBMITTED ON 12/31/2003 WILL SPECIFICALLY IDENTIFY MEASURABLE ACTIONS TO BE TAKEN BY USDOE TO ACQUIRE CAPABILITIES TO MANAGE SUCH WASTE. THE PMP SHALL IDENTIFY SUCH MEASURABLE ACTIONS AT LEAST YEARLY."

"IN ADDITION, THE PMP SUBMITTED ON 12/31/2003, WILL NOT BE REQUIRED TO CONTAIN PLANS AND SCHEDULES FOR THE LDR TREATMENT (OR CERTIFICATION IN LIEU OF SUCH TREATMENT AS PROVIDED FOR IN M-91-42 AND M-91-44) OF TRUM WASTE."

Further, the Hanford Federal Facility Agreement and Consent Order (HFFACO, also known as the "Agreement") Section 11.5 states: "PMPs prepared under Agreement/milestone series M-90-00, M-91-00 and M-92-00, will ... be prepared, reviewed, and approved as primary documents to the extent they deal with waste streams regulated by Ecology and/or EPA". As the Agreement states: "The Department of Ecology (Ecology) is the state agency designated by RCW 70.105.130 to implement and enforce the provisions of the Resource Conservation and Recovery Act as amended" and, further, "The Parties agree that the generation, treatment, storage, and disposal of hazardous waste is regulated by the State of Washington,...." As set forth above in Agreement Change Number M-91-03-01, this PMP is required to assess the impact on M-91 capabilities for both regulated and non-regulated wastes.

As the USDOE-RL Transmittal Letter states:

"The PMP content relative to the management of TRUM waste is focused on retrieval of post-1970 retrievable stored suspect TRU. Information is provided on TRUM waste processing capabilities; however, enforceability of milestone schedules for treatment or certification of TRUM waste will be determined through the court decision in Washington vs. Abraham, No. CT-03-5018-AAM, as described in the M-91-03-01 Change Package.

The treatment schedule proposed for Milestones M-91-12 and M-91-12A, which requires thermal treatment of a cumulative volume of 600 m3 of MLLW by December 31, 2005, has been revised to correspond with the schedule in the change package based on your comment (Ecology's February 1, 2004 letter). In order to demonstrate a good faith effort at procuring thermal treatment, a Request for

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Proposals (RFP) has been prepared and is expected to be issued by early April 2004 to solicit proposals for treatment of this waste to meet the mandated schedule. Based on the responses to the RFP and other available information at that time, the ability to meet the milestone dates will be evaluated and a change request submitted if required.

It should be noted that re-baselining of the Waste Disposal Project to meet the proposed M-91 change package requirements is ongoing. A baseline change request (BCR) is expected from Fluor Hanford, Inc. (FHI) in the near future. As such, the life-cycle funding profile included in the PMP is the best estimate at this time for the cost of performing the work based on the draft FHI proposal. This funding may be revised after RL review of the final BCR submittal. We believe the funding profile provided meets the Tri-Party Agreement Action Plan section 11.5 requirement for 'a life-cycle projection of annual funding required to accomplish project scope.' The funding profile does not currently include adequate funding to meet the thermal treatment milestone schedule included in the M-91 Change Package. It is not anticipated that capacity would be available to provide treatment on the current schedule, even if funded. This profile may change based on the results of the RFP that should better establish unit costs and available capacity."

Ecology staff met with USDOE-RL and contractor representatives on several occasions to review this information and the Revised PMP, beginning April 7, 2004, followed by additional discussion, meetings, and other communications continuing to as recently as May 10, 2004, to address specific details for confirming schedules and USDOE-RL plans and commitments as set forth above. Ecology has confirmed the USDOE-RL's Revised PMP: (1) Provides a plan for the management of TRUM waste, as well as MLLW waste; (2) Provides a treatment schedule for thermal treatment in accordance with the schedule in the M-91 Change Package; (3) Provides for development and issuance of an RFP for treatment of MLLW, to be USDOE approved for release May 2004; (4) Provides both a PMP Funding Profile (tied to a baseline change request) and a PMP Work Breakdown Structure (WBS) as required by Agreement Action Plan Section 11.5; and (5) Provides a description of the impact of M-16 activities on the capabilities planned pursuant to M-91, stating "*It should be noted that the potentially large volume of TRU/TRUM waste could be generated as a result of CERCLA remediation decisions scheduled to be made in 2008. The only exception is the remediation of the 618-10 and 618-11 burial grounds ... as required per the Record of Decision for the 300-FF-2 Operable Unit (April 2001). This project has forecast large quantities of CH-TRU waste to be generated. In order to address the remaining uncertainties, milestone M-16-93 has been established and requires that an implementation work plan be prepared that describes the acquisition of capabilities required to prepare this waste for disposal at the WIPP. The plan is required to be updated on a schedule consistent with the required updates to the M-91-03 TRUM and MLLW PMP in order to ensure*

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integration occurs between planning efforts and that adequate capabilities have been acquired to process future waste streams."

In addition, Agreement Action Plan Section 11.5 requires performance measurement. Procedures for statusing, updating, and tracking M-91 progress have been developed to address performance measurement. Agreement Action Plan Section 4.1, Project Manager Role, provides in part as follows:

"Project managers for DOE and the lead regulatory agency (Ecology) shall meet to discuss progress (including the status of all key project tasks), address issues, and review near-term plans pertaining to their respective projects, milestones, operable units and TSD groups/units. For TSD groups and operable units, meetings shall be held monthly, unless the project managers agree that a meeting is not appropriate. The meetings shall emphasize technical issues and work progress."

Agreement Action Plan Section 4.1 continues on further, stating:

"Signed meeting minutes will be issued to the lead regulatory agency and the administrative record by the DOE project manager summarizing the discussion at the meeting."

Reporting/Tracking TRUM/MLLW Waste Management Activities

USDOE-RL has agreed to provide monthly and year end TRUM/MLLW waste reporting and tracking, in a format agreed to by Ecology and USDOE-RL. This information will be presented/reviewed at the monthly Project Manager Meetings (PMMs).

Updating M-91-03 PMP and M-91 Progress

Several issues relating to the Revised PMP continue to evolve. This will likely result in the need to update information provided in the Revised PMP on a fairly regular basis. Specific near-term examples are changes to the Funding Profile based on USDOE-RL FHI proposal review expected this summer, and changes to thermal treatment plans and the related funding profile based on the response to the RFP.

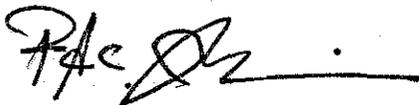
In addition to the M-91 Change Package specified updates of the Revised PMP in 2009 and 2013, additional updates will be provided, tracked, and documented through the monthly PMMs. Formal changes to the PMP will be in accordance with the Agreement Action Plan Section 9.0, Documentation and Records, and Section 9.3, Document Revision. Changes or revisions to the Revised PMP may also result in the need to modify TPA milestones. Such changes are subject to the requirements of Agreement Action Plan Section 12.0, Changes to the Agreement.

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The PMMs will also be used to provide cost performance data for M-91 (e.g., Work Schedules, Actual Cost of Work Performed [ACWP]/Budgeted Cost of Work Performed [BCWP], etc). This activity will commence after the re-baselining incorporating the M-91-03-01 Change Package requirements is completed. The cost performance data will correspond to the type of cost/schedule variance information typically provided in the quarterly TPA meetings. This information will typically be provided at least in the PMM in the month of the TPA quarterly to provide an opportunity to present and discuss the information at the Project Manager level prior to the TPA quarterly meeting.

Ecology hereby approves the Revised PMP in conjunction with the USDOE-RL's agreement to provide additional information as part of the monthly Project Manager Meetings to status and update the Revised PMP and any subsequent revisions of the document, and to track M-91 progress in accord with the M-91 Change Package and Agreement Action Plan Section 4.1.

Sincerely,



Fred C. Jamison
Waste Management Project Manager
Nuclear Waste Program

FCJ:nc

cc: Mike Wilson, Ecology
Laura Cusack, Ecology
Max Power, Ecology
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Environmental Portal
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