

Comments on the Proposed Modifications to TPA Milestone M-45-00
Richard I Smith, P.E.

General Comments

The total change package is an obvious improvement over the original version, simplifying the individual milestone structure greatly, and making good sense in how these new milestones are utilized in moving the program forward. However, I could not find anywhere in the change package any avenues for public review and comment on a number of activities that would be of interest to the public. For example, DOE is required to submit documents to Ecology for approval, such as Tank Waste Retrieval Work Plans (TWRWP) prior to initiating retrieval actions on a tank, and Petitions for Regulatory Waivers (PRW) under Appendix H when the residual content of a tank exceeds the agreed-upon goal. It would seem reasonable to me that the public should have access to the submitted documents for review and comment during the same time frame as Ecology has for their review, and the public could provide their comments to Ecology within a perhaps shorter time frame such that the public comments might assist Ecology in their review. The more pairs of eyes that look over a proposal, the more likely it is that any inherent problems with the documents will be found.

There are presently four retrieval technologies/combinations of technologies scheduled to be demonstrated in the initial SST retrieval efforts. Are these four the only technologies that can be considered as candidates for secondary/tertiary retrieval attempts in a given tank when the results of the initial effort is not satisfactory? If none of these four are successful in achieving the residuals goal for that tank, will DOE be required to develop something entirely new?

The language in Appendix H appears to be rather flexible as to what Ecology could require DOE to do when the retrieval residuals do not satisfy the goals for a given tank, but it would also seem likely that DOE might move directly from having received a waiver rejection to the RCRA Dispute Resolution process if they don't want to spend any additional time and money on a given tank.

Step 2b in Appendix H says to establish an interface with the Nuclear Regulatory Commission (NRC) and reach formal agreement with NRC as regards allowable waste residuals in the retrieved tanks and related soil columns. Has such an agreement been reached? If so, where in M-45 is that agreement documented. If not, how can DOE and Ecology decide what residual waste levels are acceptable?

Specific Comments

Page 15, Appendix H, Attachment 2, paragraph 6: I suggest the meaning of paragraph 6 could be made more explicit by inserting the phrase 'using the initial retrieval process' on line 2 between 'actions' and 'will'. Similarly, by inserting the phrase 'using an alternative retrieval process' on line 7 between 'wastes' and 'until'.

Page 19, Full-scale LDMM are to be in place during waste retrieval from the first tank, with criteria for that demonstration to be agreed upon between DOE and Ecology. Since that first tank has been retrieved, it would seem appropriate that the agreed-upon LDMM criteria should appear somewhere in M-45, or at least a reference to a document containing those criteria.

Page 19, M-45-00B, first bullet: There appears to be something missing from the first sentence near the end of the third line. What is written there doesn't make sense.

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