

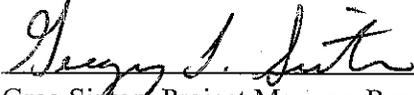
Meeting Minutes – Approval

Dispute Discussion: M-26-01 LDR Dispute/340 Complex Notice of Non-Compliance
Federal Building, Conference Room 564
Richland, Washington
Meeting Held September 13, 2005
9:00 am to 11:00 am

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The undersigned indicate by their signatures that these meeting minutes reflect the actual occurrences of the above dated meeting. Signatures denote concurrence with content only and do not imply agreement or commitments.



Greg Sinton, Project Manager Representative, DOE-RL

Date: 10/5/05

for 

Deborah Singleton, Project Manager, Washington State Department of Ecology

Date: 10/5/05

Contractor Concurrence



Anthony Miskho, LDR Report Coordinator, FH

Date: 10/5/05

Purpose: Discuss LDR Report related topics
The attached minutes are comprised of the following:
Attachment 1 - Meeting Agenda/Minutes
Attachment 2 - Attendance List
Attachment 3 - Actions

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Meeting Agenda/Minutes

1. Reasons for RL Dispute

Ms. Singleton asked why RL initiated dispute on August 26, 2005. Mr. Sinton responded with:

1. RL needed more time to resolve the issues than what was allowed for in the August 17, 2005 Notice of Non-Compliance from Ecology. RL is proposing a 60-day extension at the project manager level in order to allow sufficient time for discussions to occur. Ms. Singleton agreed and RL took an action to prepare a TPA extension. (Signature: Mark French, RL, Deborah Singleton, Ecology, and Rick Bond, Ecology), and
2. The alleged violation did not match up with the corrective measures.

As a secondary reason, Mr. Sinton stated that using a Notice of Non-Compliance to resolve an LDR storage assessment issue was not intended by RL in March 2002 when signing the LDR Resolution of Dispute. To resolve issues like this, RL expected discussions at the project manager level to be the preferred pathway.

2. Response to corrective measures and concerns

Corrective measure #1: This corrective measure relates to the surveillance program for the 340 Complex. RL wants to establish a surveillance program for the 340 Complex that will be used until such time the RCRA tank system completes the closure activities. Mr. Miskho stated that the 340 Complex surveillance program is not intended to be a Tri-Party Agreement Section 8 surveillance and maintenance plan. RL proposed the following response to Ecology based upon the text of the 340 surveillance procedure provided to Ecology at the February 23, 2005 200 Area Liquid Processing and Capsule Storage (LPCS) PMM for comment:

DOE Response: USDOE-RL and FH have evaluated Ecology's proposal and believe the surveillance program elements described in corrective measure #1 are not warranted based on the risk posed by the evaporating heels in the vault tanks. Existing data on the 340 vault tank heels do not demonstrate that such a rigorous program is warranted.

Alternately, USDOE-RL and FH are proposing a surveillance program to be used for the 340 vault tank heels until such time closure of the tank system occurs. The surveillance program consists of the following:

1. Perform an annual inspection at the 340 Building/Annex, 340-A Building, 340-B Building and the vault roof.
2. Monitor liquid level in the vault sump on an annual basis. If liquid accumulations are detected on the vault floor, a determination will be made if the source is external (e.g., precipitation or broken water line) or due to a leaking tank, and the appropriate response actions will be taken.

Mr. Miskho stated the proposal is based on Section 3.2.3, 3.2.4, and 3.2.5 of the 340 procedure provided at the February 23, 2005 LPCS PMM. Ecology agreed to review the proposed response and provide comment. Ms. Singleton asked about whether a surveillance would occur after a "significant event" in order to address Ecology's "monthly" concern. Mr. Szelmeczka responded by saying we would agree to consider such an approach and the wording would be an important factor. Ecology will factor this into the comments they provide. In addition, Mr. Szelmeczka stated that FH could open a hatch and look for water in the sump. Rain water and snow melt has made it into the 340 vault in the past. Appropriate measures have been taken after such events to prevent this from happening to the best of our ability. The recent water line break did not impact the vault. FH knows now that the tank level indicators are not reliable.

Ecology then questioned the waste verification program for the receipt of waste into the 340 complex. Mr. Szelmeczka stated that the 340 vault tanks are a generator tank system, not a TSD unit. Therefore, the 340 Complex does not have a waste analysis plan. Any verification activities were imposed by the Double-Shell Tank system TSD unit waste analysis plan.

Correction Measure #2: Mr. Sinton stated that RL signed a change request (M-094-05-01) proposing to extend the due date of M-094-01. RL's position is that the current M-094-01 milestone addresses the 340 facility. Mr. Bazzell indicated that RL needs to have discussions with EPA and Ecology about the 300 Area clean-up approach. Ms. Singleton asked how 340 fit within the priority of the 300 area. Mr. Bazzell indicated the regulators will have a chance to look at the priorities and discuss them. RL took an action to propose a response to corrective measure #2.

Concern: Mr. Sinton asked Ecology if they thought the concern was being addressed in the Land Disposal Restrictions (LDR) PMM. Mr. VanMason indicated yes they were. Mr. Miskho explained that the text on page 2 of the August 17, 2005 Ecology letter had two items and he felt that both of these items were being addressed in the LDR PMM. RL took an action to prepare a response to the concern.

3. Next meeting (date and time): Will be scheduled for the first week in October.

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Actions

| <u>Action #</u> | <u>Responsible Party</u> | <u>Description</u> | <u>Date Closed</u> |
|-----------------|--------------------------|---|--------------------|
| 09/13/2003-01 | DOE | Prepare a 60-day extension for signature by the project managers | |
| 09/13/2003-02 | Ecology | Provide comments on DOE/FH proposed response to corrective measure #1 | |
| 09/13/2003-03 | DOE | Provide proposed response for corrective measure #2 | |
| 09/13/2003-04 | DOE | Provide proposed response for concern | |

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Attendance List

| <u>Name</u> | <u>Organization</u> |
|------------------|---------------------|
| D. Singleton | Ecology |
| E. Van Mason | Ecology |
| A. G. Miskho | FH |
| D. M. Yasek | WCH |
| G. L. Sinton | RL |
| K. D. Bazzell | RL |
| P. W. Martin | FH |
| R. W. Szelmezcza | FH |
| E. Murphy-Fitch | FH |