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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1315 W. 4th Avenue • Kennewick, Washington 99336-6018 • (509) 735-7531

February 22, 1999

Mr. James Rasmussen, Director
U.S. Department of Energy
Richland Operations Office
P.O. Box 550, MSIN: A5-15
Richland, Washington, 99352

Mr. William Adair
Fluor Daniel Hanford, Incorporated
P.O. Box 1000, MSIN: H6-21
Richland, Washington, 99352



Dear Messrs. Rasmussen and Adair:

The Washington State Department of Ecology (Ecology) has completed the decision-making process for the procedural closure of the 221-T Containment Systems Test Facility and the 2727-WA Sodium Reactor Experiment Sodium Storage Building, both Resource Conservation and Recovery Act treatment, storage and disposal units. The public comment period ended on January 24, 1999. A copy of the attached Responsiveness Summary has been sent to the commentor. The Responsiveness Summary addresses the concerns identified in the comments received, and no changes will be made in the decision by Ecology due to the received comments. Therefore, Ecology is making the decision to terminate interim status for the 221-T Containment Systems Test Facility and the 2727-WA Sodium Reactor Experiment Sodium Storage Building. Ecology is requesting that the U.S. Department of Energy (USDOE) submit the Part A, Form 3 for these units stamped "Closed with the current date."

Messrs. Rasmussen and Adair
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If you have any questions, you may contact me at (509) 736-3025.

Sincerely,

A handwritten signature in cursive script that reads "Greta Davis".

Greta Davis
Nuclear Waste Program

GD:al

Attachment

cc: Cliff Clark, USDOE-RL
Ellen Mattlin, USDOE-RL
Doug Sherwood, EPA-RL
Russell Jim, YIN
Mary Lou Blazek, OOE
Hanford Administrative Record

**Responsiveness Summary on Comments received on the Procedural Closure of the
2727-WA Unit**

The following are the Washington State Department of Ecology (Department) responses to comments received from Ms Alisa Huckaby during the public comment period, which ended on January 24, 1998. Included are the Department's proposed actions in response to these comments:

General: In consideration of the regulatory definitions outlined in your letter, each aspect has been carefully investigated and thoroughly discussed in detail with Department¹ management. The Department has made the decision that we do not have to maintain interim status of the building to control the sodium in question.

Comment 1: *Washington State Department of Ecology's regulatory analysis of the definition of solid waste as it relates to the 2727-WA SRE sodium should consider the following elements of WAC 173-303-016(4):*

- *A material is a solid waste by virtue of being abandoned if the material is "accumulated, stored or treated (but not recycled) before or in lieu of being abandoned by being disposed of...". As the 2727-WA SRE sodium has reuse potential, it may not be considered "abandoned".*

- *Commercial chemical products are not solid wastes as long as they are not abandoned by being stored in lieu of disposal, regardless of time in storage (i.e., no speculative accumulation limits). As such, the 2727-WA SRE sodium as a commercial chemical product may be stored while awaiting reuse.*

Department's Response: The commentator's statements are true and the regulatory sitings are accurate, but the metallic sodium in question was not abandoned. Therefore it is not a solid waste, and is identified as a commercial product that is being stored while waiting to be used for a different function than its original intended use.

Department's proposed action: No action required

Comment 2: *Third bullet.*

- *Spent materials are solid wastes defined as "any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without reprocessing" (WAC 173-303-016 Table 1 and -040). The 2727-WA SRE sodium is contaminated, but may not require reprocessing for potential use.*
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Department's Response: The third bullet on spent materials does not apply to the 2727-WA metallic sodium. By definition in WAC 173-303-040, "spent material," means any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing. The 2727-WA metallic sodium is not a spent material, since it could be used as a coolant for a sodium cooled reactor. As in the Fast Flux Test Facility (FFTF), until the decision not to restart FFTF is made, the Department will consider the metallic sodium a product.

Since the definition of spent material cannot be applied to the 2727-WA metallic sodium; the argument of not being able to reprocess without declaring it a waste is not applicable at this time. This confirms that the 2727-WA unit was storing a product when it was storing the metallic sodium, and therefore, this unit has never stored a dangerous waste. It should be noted that an alternate use for the metallic sodium is a conversion to NaOH, which is needed for the operation of the Hanford Tank Waste Remediation Systems.

Department's proposed action: No action required.

Comment 3: *Considering the above regulatory definitions, an analysis should conclude that the definition of a solid waste may relate to the 2727-WA SRE sodium only if the sodium is reused without reprocessing. Although it is recognized that there is a sodium plan, it should also be recognized that planning documents are easily modified. In addition, it is unlikely that the sodium plan is an enforceable document, (i.e., no Tri-Party Agreement {TPA} milestone exists which explicitly requires the 2727-WA SRE sodium to be reused without reprocessing). In addition, it should be acknowledged that even if a TPA milestone existed which required the 2727-WA SRE sodium to be reused without reprocessing, it should be recognized that the TPA milestone can be easily modified. Therefore, it is recommended that the procedural closure not be processed and approved until such time that the 2727-WA SRE sodium is actually reused without reprocessing.*

Department's Response: This commercial chemical product (i.e., 2727-WA SRE sodium) has been identified by U.S. Department of Energy (USDOE) as a product that can be re-used, without reprocessing. It has been managed as product and will continue to be managed as a product. However, it should be noted that procedural closure affects only the closure of the 2727-WA building, and does not affect regulatory authority over the sodium. It also does not relinquish the Department's control if in the future the SRE sodium becomes a solid waste.

Regardless of the existence of the Tri-Party Agreement, or milestones regarding disposition of the sodium, WAC 173-303-016(5)(ii), will be upheld if in the future a determination is made, that the sodium cannot be used, or cannot be used without recycling or reprocessing.

Department's proposed action: No action required.

Comment 4: *The Focus Sheet for the Proposed Procedural Closure for the 2727-WA SRE Storage Building does not identify that the sodium is no longer stored in the 2727-WA Sodium Storage Building but has been overpacked and is now stored in a unit designed to store reactive*

material. It should be acknowledged that the dangerous waste requirements associated with the sodium (as waste) could be substantially reduced as they are related to the 2727-WA Sodium Storage Building. Therefore, it is also recommended that a significant number of dangerous waste requirements associated with the 2727-WA Sodium Storage Building be either waived or substantially reduced. Similarly, it is recommended that the dangerous waste requirements associated with the 2727-WA Sodium, now stored elsewhere in the 200 West Area, be imposed on the sodium until such time as the sodium is reused without reprocessing.

Department's Response: In the Focus Sheet, in the second paragraph under the **2727-WA Sodium Storage Building** bullet, last sentence, the Department does state, "**Presently, all of the SRE sodium containers have been removed from the 2727-WA.**" The Department is currently pursuing a decision by USDOE for the disposition of all sodium being stored on site. By identifying the future FFTF and Tank Waste Remediation System needs, the Department will have a good idea of how much sodium will be needed, allowing the remainder to be excessed, and disposed of as waste, or possibly sold.

Department's proposed action: No action required.