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Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

00-ORL-020

FEB 01 2000

Mr. Michael A. Wilson, Program Manager
Nuclear Waste Program
State of Washington
Department of Ecology
P. O. Box 47600
Olympia, Washington 98504

RECEIVED
FEB 07 2000

EDMC

Dear Mr. Wilson:

**PLUTONIUM FINISHING PLANT (PFP) HANFORD FEDERAL FACILITY AGREEMENT
AND CONSENT ORDER (TRI-PARTY AGREEMENT) NEGOTIATIONS**

On December 11, 1997, the U.S. Department of Energy (DOE), Richland Operations Office (RL) received your letter suspending Tri-Party Agreement transition negotiations for the PFP. In your letter you cited three specific issues which needed to be adequately resolved in order to reopen negotiations. Meetings with your respective staff in recent weeks has resulted in agreement that sufficient progress on the first two items cited in your December 1997 letter have been achieved. These items, uncertainty regarding scope and uncertainty regarding schedule, have been discussed and are now adequately developed to proceed with transition negotiations. 48440

The third issue centered on the designation of PFP waste. DOE has completed an extensive evaluation of the PFP inventory and has made a clear designation of what portion of the inventory is waste. DOE and the State of Washington Department of Ecology (Ecology) met on October 28, 1999, to review the DOE designation of PFP waste. An unclassified portion of the waste discussion was accomplished within normal regulatory presentation modes and a small, but significant aspect of the waste designation required a classified discussion that occurred immediately following the unclassified material discussion. A complete picture of the waste designation issue and how DOE's pathway meets the intent of your letter of December 1997 was provided.

The October 28, 1999, presentation focused on what specific items at PFP have been declared waste. During the meeting, Ecology Lead Negotiator, Roger Stanley, made several requests for information that would help him to better understand the waste designation pathway used by RL. I have documented below what I believe are Ecology's specific requests and have enclosed the appropriate information in the seven enclosures.

1. The regulatory citation that excludes regulation of Special Nuclear Material (SNM) or by-product material under the Resource Conservation and Recovery Act of 1976 (RCRA).
2. Rationale and supporting criteria/logic on RL's basis for defining the materials or non-waste portion of the PFP special nuclear materials inventory.
3. The RL to contractor letter that designated some residues as waste.

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4. A list of non-radioactive RCRA hazardous materials (chemicals) in hold-up at PFP. The non-radioactive chemicals list provided herein does not include radioactive constituents mixed waste dangerous/hazardous chemicals.
5. A summary description of <90-Day Storage and Satellite Accumulation Area management.
6. Documentation on the standards to which SNM are managed during storage and a comparison of the Atomic Energy Act standards to RCRA.
7. In addition, Fluor Hanford, Inc., provided Ecology with a copy of the draft DOE Standard-3013, "Stabilization, Packaging, and Storage of Plutonium-Bearing Materials," during the presentation and a final copy of the Standard is enclosed.

DOE believes that sufficient resolution of the three issues has been accomplished to reopen Tri-Party Agreement negotiations for PFP stabilization, transition, surveillance/maintenance and final disposition that will occur under the Tri-Party Agreement section 8 process. DOE looks forward to working with you and your staff to achieve the most cost effective Tri-Party Agreement compliance strategy that is in concert with DOE Site Manager, Keith Klein's vision for the Transition of the Central Plateau.

If you have any questions, please contact me on (509) 376-6888, or Larry Romine, Director, Materials Disposition Division on (509) 376-4747.

Sincerely,



George H. Sanders, Program Manager
Office of Regulatory Liaison

ORL:JKY

Enclosures: As stated

cc: See page 3

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cc w/encls:

S. Mohan, Ecology
R. F. Stanley, Ecology
D. A. Faulk, EPA

cc w/o encls:

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