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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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April 6, 2000

Mr. Alan J. Dobson, Manager
Operations and Safety
River Protection Project
Waste Treatment Plant
200 George Washington Way
Richland, Washington 99352

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EDMC

Dear Mr. Dobson:

The Washington State Department of Ecology (Ecology) would like to thank you for your letters of December 30, 1999, and January 18, 2000, summarizing the information you provided during the major issue workshop discussions of, respectively, offgas treatment issues on August 12, 1999, and waste characterization and sampling and spent melter disposal on September 16, 1999. Thank you also for the issue summaries forwarded by your staff earlier this month. This letter is in response to all these submittals.

Major Issue Workshops

Ecology understands from your letters that British Nuclear Fuels Limited's (BNFL) approaches to these issues is continuing to evolve as you develop more detailed design information, waste characterization information, and risk-assessment data and procedures. As you know, Ecology's positions will, likewise, continue to evolve and be refined as the information in your proposals changes and becomes more detailed. As discussed with Lee Bostic, of your staff, in February, given the timing of your letters relative to the on-going U.S. Department of Energy (USDOE) review of your application, the expected date of your final, certified application, and the likely continued evolution of your plans and positions on these issues, Ecology does not plan to react to these last two major issue workshop summaries except by this letter. Instead, we plan to address these issues in our review of your April 29, 2000, application for a permit modification. As you know, Ecology has already provided informal, oral reactions to these issues at the major issue workshops and more formal reactions in two separate sets of comments on your preliminary and draft permit modification applications.

Issue Summaries

Ecology has reviewed the issue summaries Lee Bostic sent by e-mail earlier this month. We understand that, given the timing of the issue summaries relative to the timing of internal review

Mr. Alan J. Dobson
April 6, 2000
Page 2

and preparation of your application, they were provided to help Ecology forecast the content of your April 2000 application. With this in mind, Ecology will not provide detailed comments on the issue summaries but will, instead, plan to address these issues in our review of your April application. At the same time, with a view towards helping you prepare for Ecology's likely reaction to your April application, we were disappointed with both the quality of the analysis and the substance reflected in the issue summaries. We emphasize that Ecology has not approved, and in many cases does not agree with, the summaries of the issues or, more importantly, the recommended "paths forward." In some cases, these recommendations seem to be in direct conflict with guidance that we have already provided.

For example, in "level of design information," rather than indicating that "detailed design drawings do not have to be provided in the application," it would be more accurate to say (as Ecology has advised many times) that the application must provide adequate information to clearly demonstrate that the requirements of the dangerous waste regulations are being met. This information can be provided in any type of design media including design drawings, reports, specifications. In the section on secondary containment, Ecology has no record of requesting that sumps and related piping be provided on one drawing. We assume the reference to "3D drawings" is actually meant to refer to the 3D computer design model. In the section on references, anything submitted that will form the basis of our review or approval of your facility must be included in the application (or included by reference in the application) and must be under change control. And, in the section on other design information, the list is incomplete and should also include, at a minimum, information on materials selection, mass balance, corrosion protection, and tank integrity assessments.

Similarly, in the paper on "ignitable / reactive waste," the issue discussion does not seem to reflect the key issue, which Ecology believes is: what specific process knowledge is available now and what process knowledge (or knowledge through sampling and analysis) will be developed in the future and is this information adequate to support removal of the ignitable and reactive codes from the double shell tank (DST) waste. Ecology notes that we have expressed discomfort with an approach that relies exclusively on process knowledge, especially the current approach which seems to deem the current process knowledge about DST waste as inadequate to support removal of the ignitable / reactive codes from the DST system but proposes to use the same process knowledge to support removal of the codes once the DST waste is accepted at the Treatment Plant. Finally, when Ecology suggested that USDOE and BNFL *consider* a strategy that would remove the ignitable / reactive codes from the DST, it was in the context of an understanding that the codes would be removed only if information supported such removal. It was not an assessment of, or a recommendation on, the adequacy of existing information to support removal.

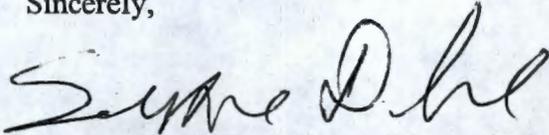
Finally, the papers on inspections, container labeling and storage, and subpart AA do not seem to reflect detailed guidance already provided by Ecology in these subjects. While we understand that we may not, yet, have reached agreement on many issues, where Ecology has provided

Mr. Alan J. Dobson
April 6, 2000
Page 3

detailed guidance and you plan, in your application, to deviate from this guidance, we believe it would be helpful to reflect, in the issue summary, the status of discussions of the planned deviation, if any, with Ecology.

We're looking forward to receipt of your April 2000 application and to the public review and comment on the application. In the meantime, if you have any questions or require more information please feel free to contact Elizabeth McManus at (360) 407-6524.

Sincerely,



Suzanne Dahl, Tank Waste Disposal Manager
Nuclear Waste Program

SD:sb

cc: Lee Bostic, USDOE/BNFL
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