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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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April 24, 2007

Mr. Keith A. Klein
Richland Operations Office
United States Department of Energy
P. O. Box 550, MSIN: A7-50
Richland, Washington 99352

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EDMC

Re: Disapproval of the Responses from the United States Department of Energy (USDOE) to the Department of Ecology's Comments Regarding the Revised M-91-03 Interim Milestone *Transuranic (TRU) Mixed/Mixed Low-Level Waste Project Management Plan (PMP)* [HNF-19169, Rev. 2]

Dear Mr. Klein:

The Department of Ecology received the Revised M-91 PMP, HNF-19169, Rev. 2 prepared by Fluor Hanford, Inc. (FH) on January 2, 2007. Ecology provided written comments to USDOE on February 9, 2007. A comment resolution process followed, which included weekly discussions between Ecology, USDOE, and FH; and responses were submitted by USDOE March 12, 2007.

While Ecology was very pleased with the efforts of USDOE and FH, and the updates presented in the January 2007 revision, critical issues remain unresolved at this time. These issues include:

1. The plan must include Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) wastes in the description of mixed waste management. We request you include a section in the document with a range of waste volumes that are anticipated to be generated due to clean-up activities, whether or not Records of Decisions are available.
(Comment #10)
2. The plan must describe which project will provide waste management support. This includes activities such as retrieving, sampling, packaging, and shipping of the projected CERCLA wastes anticipated to be generated during clean-up activities.
(Comment #11)



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3. Assumption 9 in Appendix G-8 excluded sampling by the 200-SW-2 Operable Unit (OU) project. The response provided by USDOE stated that opportunistic sampling was not intended to be excluded by the PMP. However, the response also stated that sampling may be performed in accordance with the 200-SW-2 Data Quality Objective/Sampling and Analysis Plan or other applicable agreements. Ecology understands that the M-91 and the 200-SW-2 OU are two separate projects. However, these projects overlap and should be integrated more closely. Sampling should be encouraged, actively planned, and performed in 218-W-4B, 218-W-3A, and 218-E-12B during retrieval activities.
(Comment #46)
4. Assumption 13 of Appendix G-8 stated that the waste would be designated with process knowledge and limited sampling would occur. USDOE and FH noted in the comment response that a graded approach for sampling would be discussed. However, time during the PMP workgroup meetings did not allow for complete discussion and resolution of this comment. And in light of recent events, intrusive sampling of packaged waste should be considered to potentially avoid waste leaking from drums in storage.
5. Ecology did not agree to the original Change Control Form M-91-06-01 presented in Appendix B of the PMP, and the proposed changes were not elevated to the Inter-Agency Management Integration Team level for dispute. Therefore, Ecology understands that USDOE and FH are actively working towards the M-91 Milestones as currently written in M-91-05-01. The PMP revision needs to include a plan for meeting the 2012 date for M-91-01.

Ecology has agreed in the comment working-group meetings that USDOE and FH will revise and re-submit the PMP beyond the Tri-Party Agreement 45-day requirement for primary documents. Ecology expects to receive the revised document no later than August 30, 2007. This revised document shall contain the changes discussed during the PMP workgroup meetings and the five critical issues listed above. Upon receiving the revised PMP, Ecology will, within 30 days, determine if it is a complete and adequate primary document and meets the M-91-03 milestone.

If you have any questions, please contact me at 509-372-7923.

Sincerely,



Deborah Singleton
Waste Management Project Manager
Nuclear Waste Program

mm/pll

cc: See next page

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cc: Mark French, USDOE
Robert Piippo, USDOE
Greg Sinton, USDOE
Steven Joyce, FH
Curtis Stroup, FH
Stuart Harris, CTUIR
Gabriel Bohnee, NPT
Russell Jim, YN
Susan Leckband, HAB
Ken Niles, ODOE

Administrative Record: M-91-03/PMP
Environmental Portal