



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

052569

00-OSS-163

FEB 22 2000

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

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EDMC

Dear Mr. Wilson:

RESPONSE TO REJECTION OF THE DANGEROUS WASTE PART A PERMIT APPLICATION (PART A), FORM 3 FOR THE WASTE ENCAPSULATION AND STORAGE FACILITY (WESF), REVISION 0 (WA7890008967)

On December 19, 1997, a certified Part A, Form 3 for WESF was submitted to the State of Washington Department of Ecology (Ecology) for approval. The WESF Part A, Form 3, addressed the storage of Hanford Site cesium-137 and strontium-90 capsules and unencapsulated salts, for which no commercial contract exists. Submittal of the WESF Part A, Form 3, to Ecology by December 31, 1997, was required to meet Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Milestone M-92-03. 48503

The U.S. Department of Energy, Richland Operations Office (RL) is concerned with the recent rejection of the WESF Part A, Form 3. Ecology's letter dated April 21, 1998, did not indicate substantive deficiencies in the WESF Part A, Form 3. Comments received over the last two years prior to the letter dated December 22, 1999, from Ecology indicated the WESF Part A, Form 3, had been prepared with adequate detail, and submitted in accordance with Washington Administrative Code (WAC) 173-303. The minor comments previously received from Ecology on the submitted WESF Part A, Form 3 were primarily editorial in nature. It was our understanding that the Form 3 had been accepted with these minor changes. However, on December 22, 1999, RL received a letter from Ecology rejecting the WESF Part A, Form 3, for two reasons. 49096

First the Ecology letter stated:

- The S99 miscellaneous storage description must include a detailed description of the capsules, storage areas/equipment, and ancillary systems used for the management of dangerous waste at the WESF. Chapter 173-303-805(7)(a)(i), Washington Administrative Code (WAC) requires "justification detailing the equipment and process or processes that the owner or operator will use to treat, store, or dispose of the new dangerous waste." 52337

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RL does not understand Ecology's application of WAC 173-303-805(7)(a)(i), since it applies to revising an approved Part A, Form 3, to add "new dangerous wastes not previously identified in the Part A." The WESF Part A, Form 3, was submitted in accordance with WAC 173-303-281 "Notice of Intent" and the information provided was completed in accordance with the Part A, Form 3 instructions.

The second reason the WESF Part A, Form 3 was rejected was the following:

- The process design capacity may reflect the maximum capacity of the WESF; however, the estimated annual quantity of waste must reflect the actual volume/weight of waste that was in storage at the time the Tri-Party Agreement Milestone M-92-03 was established.

Again, RL does not understand the rejection since the WESF Part A, Form 3 was prepared with the same approach as other Hanford Site treatment, storage and/or disposal (TSDs) units which have been approved.

Ecology also raised two additional concerns in their December 22, 1999, letter. The two concerns relate to the return of off-site capsule/materials to the Hanford Site and the scope of Tri-Party Agreement Milestone M-92-04.

To address the first concern, the Executive Summary of the "Project Management Plan for WESF 137 Cs & 90SR Capsule Storage" stated "Management of the capsule inventory will be a dynamic process; for example BWHC is continuously working to improve its surveillance and support systems, while TWRS continues to investigate disposition alternatives. ... Consequently, the information presented in this plan will be updated as the program evolves." RL has not vacated ownership of the capsules/materials offsite. WESF is projected to store capsules through 2017. There are presently no plans for the return of offsite capsules/materials to the Hanford Site. However, current offsite programs may not continue, requiring the capsules/materials to be returned to the Hanford Site for safe and efficient storage.

To address the second concern, Ecology referenced the Tri-Party Agreement milestone completion letter for M-92-04, "Complete Transfer of all 300 Area Cesium (Cs)/strontium (Sr) to Waste Encapsulation and Storage Facility (WESF) and/or an Approved Storage Location," dated December 21, 1998 (99-TPD-059). The completion of this milestone was related to transfer of the cesium-137 and strontium-90 capsules from the 300 Area of the Hanford Site to WESF. The Tri-Party Agreement milestone did not address cesium-137 and strontium-90 capsules other than those in the 300 Area inventory.

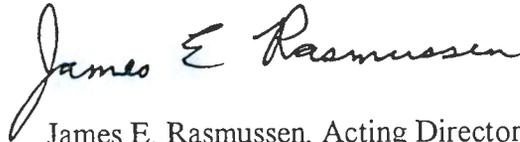
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In light of the information and documentation described in this letter RL requests Ecology reconsider approving Revision 0 of the WESF Part A, Form 3. If you have any questions regarding this information please contact Ellen Mattlin of my staff, on (509) 376-2385.

Sincerely,



James E. Rasmussen, Acting Director
Office of Site Services

OSS:EMM

cc: WESF Administrative Record, H8-08
Ecology Library
J. R. Wilkinson, CTUIR
B. L. Becker-Khaleel, Ecology
L. E. Ruud, Ecology
C. K. Girres, FHI
F. M. Simmons, FHI
B. Oldfield, FHI
J. D. Williams, FHI
Environmental Portal, LMSI
PHMC Correspondence Control, LMSI
P. Sobotta, NPT
R. Jim, YN