

United States Government

Department of Energy

# memorandum

DATE: 05 FEB 2001

REPLY TO  
ATTN OF: EM-30 (R. Bradley, 301-903-7646)

SUBJECT: Review Comments on "DOE Order 435.1 and Environmental Restoration Disposal Facility Crosswalk Matrix"

TO: Keith A. Klein  
Manager  
Richland Operations Office

The Low-Level Waste Federal Review Group (LFRG) has reviewed your "Department of Energy (DOE) Order 435.1 and Environmental Restoration Disposal Facility (ERDF) Crosswalk Matrix" (the Crosswalk) prepared to demonstrate compliance with the requirements of DOE Order and Manual 435.1 by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) process. This approach for demonstrating compliance is provided for under Section I.2.F(5), Environmental Restoration, Decommissioning, and Other Cleanup Waste. In the guidance for this provision, the term "substantive requirements" is described as "...those that set environmental protection requirements, criteria, or limitations; all other requirements are considered administrative." The definition is based on the Environmental Protection Agency (EPA) deliberations for the National Contingency Plan (53 FR 51394).

Although the ERDF was not specifically incorporated in the Implementation Plan for Defense Nuclear Facility Safety Board Recommendation 94-2, the decision was made to prepare a crosswalk to identify possible deficiencies in the regulatory basis so they can be rectified. The Radioactive Waste Management Order in effect at the time of startup of ERDF, and many of the provisions, are similar to those of DOE M 435.1-1. The review produced the following findings (must be corrected) and recommendations (should be corrected).

**FINDINGS:**

1. The substantive requirement of DOE M 435.1-1 that ensures "defense-in-depth principles are incorporated where potential uncertainties or vulnerabilities warrant their use...." is not included in the Crosswalk (Section I.2.F(9)).

Compliance with this requirement should be addressed in the Crosswalk.

2. The stated compliance status in some of the crosswalk entries is simply an affirmative restatement of the original requirement.

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Example: Section IV.I(1) in DOE M 435.1-1 states, "Data Quality Objectives. The data quality objectives process, or a comparable process, shall be used for identifying characterization parameters and acceptable uncertainty in characterization data." The corresponding entry in the Crosswalk states: "The data quality objectives process is used to identify characterization parameters and acceptable uncertainty in waste characterization data."

The Crosswalk should include a citation or description of the alternative requirement or process that satisfies the substantive DOE M 435.1-1 requirement.

The DOE Manual 435.1-1 requirements to which this finding applies are:

- Section IV.I, Waste Characterization
- Section IV.I(1), Data Quality Objectives
- Section IV.J(3), Maintaining Certification
- Section IV.M(1)(c), Facility Siting
- Section IV.M(3)(a), Confinement (in Low-Level Waste Disposal Facility Design)

3. In addition to submission of the Crosswalk, the Field Element Manager must submit to Headquarters a signed certification of compliance with DOE Order and Manual 435.1 as documented in the "Crosswalk" when the remaining issues have been resolved.

#### RECOMMENDATIONS:

1. In many cases, ERDF documentation requires compliance with older versions of DOE Orders. The Crosswalk states, in some instances: "DOE Directives not currently in the contract will be evaluated for implementation **when directed**" (emphasis added). The extended implementation schedule for 435.1 is October 1, 2001. It is requested that the plan to achieve compliance for the relevant sections of the Crosswalk be provided in the matrix where applicable.

The DOE Manual 435.1-1 requirements to which this recommendation applies are:

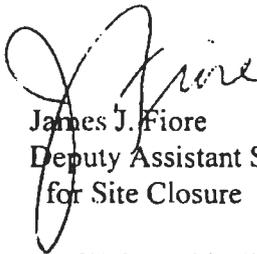
- Section I.1.E(6), Environmental and Occurrence Reporting
- Section I.1.E(8), Hazard Analysis Documentation and Authorization Basis
- Section I.1.E(9), Life-Cycle Asset Management
- Section I.1.E(12), Quality Assurance Program
- Section I.1.E(14), Records Management
- Section I.1.E(18), Site Evaluation and Facility Design
- Section I.1.E(21), Worker Protection

2. In some cases, DOE M 435.1-1 includes requirements to implement "new series" DOE Orders that are not included in the Bechtel Hanford, Incorporated, contract. It is requested that the plan to achieve compliance with the relevant sections of the Crosswalk be provided in the matrix where applicable.

DOE Manual 435.1-1 requirements to which this recommendation applies are:

Section I.1.E(1), Analysis of Operations Information  
Section I.1.E(17), Safety Management System  
Section IV.F(1), Order Compliance  
Section IV.P(4)(b), Determination of Continued PA/CA Adequacy  
Section IV.P(4)(c), Annual Summaries

We look forward to working with you to complete this documentation. If you have any questions, please contact William Murphie at 301-903-3250 or Jay Rhoderick at 301-903-7211. A draft of this memorandum was shared with your LFRG site representative, Doug Hildebrand, prior to signature.



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cc: W. Murphie, EM -30  
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