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STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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August 1, 1994

Mr. Patrick Willison
Office of Chief Counsel
U.S. Department of Energy
P.O. Box 550
Richland, WA 99352



Dear Mr. Willison:

Re: Initial Ecology Comments Regarding Facility Transition Change Requests

Please note the following initial comments regarding draft U.S. Department of Energy (USDOE) Facility Transition change requests. I have provided my comments here, and have also enclosed comments developed by Tom Tebb and Moses Jaraysi of Ecology's Kennewick office. Please consider the two sets of comments together as USDOE redrafts its change requests in preparation for our August 16, 1994, negotiation session.

Also note that I have only recently been able to provide our Attorney General's Office with USDOE draft definitions of terms given me this past week. Ecology and legal counsel comments regarding these terms will be provided to you as our internal review is completed. Finally, please note that the following comments have been based on review of change request versions provided to us during our negotiation session of July 26, 27, and 28.

Comment One: One of the more troubling aspects of transition negotiations to date has been USDOE's reluctance to negotiate facility transition schedules based on the USDOE-HQ definition of transition (see also our recently agreed to definition for purposes of negotiation which was incorporated in our July 18, 1994, Agreement In Principle (AIP)).

Ecology expects USDOE will meet its commitment to negotiate schedules covering the breadth of facility transition, and which effectively drives progress. In addition, Ecology expects that schedules for facility transition will be consistent with the high priority transition warrants, consistent with agreements reached during Tri-Party Agreement (TPA) Amendment Four negotiations.¹

¹ Tentative Agreement on Tri-Party Agreement Negotiations, Page 81, U.S. Department of Energy, U.S. Environmental Protection Agency, and Washington State Department of Ecology, October 1993.



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Comment two:

I also note that negotiating facility transition schedules can not be conducted in a vacuum, and that agreed on schedules and projected costs must be realistic when considered in the larger context of (cross programmatic) Hanford cleanup costs, e.g. compared to each of the other major elements of Hanford cleanup (Tank Waste Remediation System, Environmental Restoration, Spent Nuclear Fuels Management, Solid and Liquid Waste Programs, etc).

Comment three:

USDOEs' current draft change requests are typically titled as: Complete Facility XX Transition, or Establish Facility XX Transition Milestones. Unfortunately, subsequent interim milestones and target dates refer to deactivation rather than transition. This approach is confusing, unacceptable, and would equate to a rejection of commitments made by John Wagoner, Mary Riveland, and Chuck Clarke within our AIP. The words facility transition should replace deactivation throughout the subject change requests.

Comment four:

To date USDOE has chosen to propose very few enforceable (milestone) schedules. Doing so would leave USDOE's Richland facility transition program open ended, inefficient, and with little structure.

In order to effectively drive the transition program, and to ensure that presently high facility costs are reduced to acceptable surveillance and maintenance (S&M) levels within a reasonable amount of time: (a) each facility specific transition program should be based on a reasonable, and achievable, major milestone for the completion of transition. In addition to the major milestone, a sufficient number of enforceable interim milestones and target dates should be established to ensure that transition programs are effective, and can be managed efficiently. Establishment of these interim milestones and targets should be based on critical path activity at each facility (recognizing that at some facilities there may be more than one critical path).

Comment five:

Because USDOE is requesting that once transition is complete, Ecology agree to allow the subject facility to remain in an environmentally safe low maintenance mode for an extended period of time, a set of enforceable (process) milestones will need to be established (which parallel physical transition activities), and drive agreement between USDOE programs and the regulators on acceptance criteria, and on what constitutes an acceptable (post transition) S&M program.

In addition, descriptive language will need to be developed and incorporated which cites initial agreements between the parties regarding the establishment of final disposition (e.g., dismantlement) drivers. The overall process of closure, and how closure within a reasonable time will take place, needs to be spelled out.

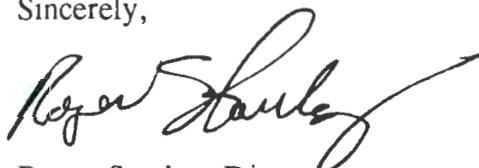
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Comment six: In regard to the draft change request covering Plutonium Finishing Plant (PFP) processing line stabilization, I note that the change request provided is inconsistent with commitments made by USDOE during our "Amendment Four" (TPA) negotiations, i.e., **"Although no shutdown decision has been made for PFP, negotiations for the stabilization of the PRF and Oxide Process Lines will be completed in 1994. The criteria for stabilization of the PRF and Oxide process Lines is intended to meet the same or equal goal of transition."** USDOEs' change request should reflect this existing commitment rather than discarding it in favor of no negotiations at this time.

Comment seven: In regard to USDOEs' draft Fast Flux Test Facility (FFTF) change request, it is my understanding that USDOE is now developing revised language for incorporation which will delineate permitting and compliance activities/processes for existing and planned FFTF facilities managing waste sodium.

Thank you for the opportunity to provide comments on these developing draft change requests, and I look forward to working with you and with USDOE staff as Hanfords' transition program takes shape.

Sincerely,



Roger Stanley, Director
Tri-Party Agreement Implementation
Nuclear Waste Program

cc: Doug Sherwood, EPA
Jim Mecca, USDOE RL
Jack Waite, WHC TPA1
Tanya Barnett, AG's Office

DEPARTMENT OF ECOLOGY

July 29, 1994

TO: Roger Stanley
Nuclear Waste Program

FROM: G. Thomas Tebb *GTT*
Moses Jaranyi *MJ*
Nuclear Waste Program

SUBJECT: Comments on USDOE Facility Transition Change Packages for PUREX/UO₃, PFP, and FFTF, dated July 1 and 13, 1994

This memorandum transmits our comments on the referenced subject for your consideration. Our attached comments primarily focus on two specific areas of the Facility Transition change packages. These areas are: 1) the basic overall strategic approach USDOE has applied, and 2) comments directed at specific facility change packages for PUREX/UO₃, PFP, and FFTF.

The attached list includes our comments, your initial comments, and the comments we received from the PUREX Team. Feel free to include any additional comments before you transmit the final list to USDOE.

If you have any additional questions or comments regarding this memorandum, please contact Tom at (509) 736-3020 or Moses at (509) 736-3016.

GTT:MJ:mf
Attachment

cc: Doug Sherwood, EPA
Steve Alexander
Julie Atwood
Norman Hepner
Dave Lundstrom
Ted Wooley

**COMMENTS ON
FACILITY TRANSITION CHANGE PACKAGES**

I. Strategic Approach

General Comments:

1. **Replacing enforceable Milestones with Target Dates:** Original change packages for PUREX and FFTF submitted by USDOE on or around June 20, 1994, need to reflect our desire to have major enforceable milestones drive the activities that take facilities from standby to decontamination and decommissioning (D&D). The July 1, 1994, (PUREX) and July 13, 1994, (FFTF) change packages have actually retreated from the initial submittal in this regard. The reasons for this change from our understanding, was to have a clear regulatory driver for the portions of deactivation or transition that were relevant to regulatory involvement. This approach is unacceptable and is not within the spirit of the Agreement In Principal (AIP), dated July 18, 1994. The recently negotiated Tri-Party Agreement (TPA) for the Tank Waste Remediation System (TWRS) program milestones are an example of milestones that drive work (e.g., project schedules that have critical path activities and associated enforceable milestones for those schedules). Presently, the change packages are ill defined in this context and don't make sense.
2. **Applicable regulatory requirements:** The change packages submitted do not reflect or make specific comments to applicable regulatory requirements, documentation (e.g., closure plans, schedules to achieve interim status, etc.) or regulatory strategies.
3. **Lack of Site-Wide Integration Language:** The change packages submitted do not reflect or have specific language that integrates these transition activities with other Hanford programs such as Environmental Restoration (ER) or TWRS. In addition, the change packages do not contain milestones or language that provides attention to or monitor critical path activities that drive transition.
4. **Definitions:** The use and definitions of the words *transition*, *deactivation*, *shutdown*, and *stabilization* are confusing and are unclear.
5. **End-point Criteria:** The change packages do not contain specific language that identifies the process at which the facilities are transferred from EM-60 to EM-40. Nor do they contain specific applicable requirements or definitions that relate EM-60's end-point criteria with EM-40's acceptance criteria and how that relates to RCRA closure requirements or other applicable regulated activities (e.g., air or water discharge permits, Notice of Construction, etc.). End-point Criteria is a key document to the whole transition process and should be linked to an enforceable milestone for each of the facilities to be transitioned. In addition, it may be appropriate to establish an end date for the D&D program or EM-40's responsibilities that integrates with other Hanford programs.

6. **Waste Minimization:** The change packages do not contain specific language regarding waste minimization or pollution prevention planning related to transition activities. USDOE needs to provide language that requires investigations that include waste reduction alternatives are reviewed and approved by the regulators prior to commencement of the activity.
7. **Public Involvement:** The change packages do not contain milestones or language specific to stakeholder and public involvement. USDOE needs to provide language that provides public involvement opportunities such as workshops or open house, etc.

II. Facility Specific

PUREX

1. See general comments.

2. Under "Description/Justification of change," attachment, last paragraph:

A closure plan will be submitted to include the S&M Plan. This closure will then be coordinated/integrated with the D&D Plan when submitted. Milestone M-20-24 will be revised to reflect the new date for the submittal of this closure/S&M Plan by May 31, 1996. This will allow for two years to review and approve the plan, and make it ready for implementation at the completion of transition in 1998.

3. Under "Description/Justification of change," attachment, last paragraph:

The Part B permit application will not be withdrawn or terminated for the following reasons:

- The function of the tunnel (storage) will not be terminated by the end of the transition of PUREX, hence, the tunnels do not satisfy the definition for "facility transition."
- The review of the Part B Permit Application is almost complete, making it inefficient to terminate a process that can be finalized with minor funding impact.
- This facility may provide a valuable alternative for the temporary storage of "Highly Radioactive Mixed Waste" which is being studied and evaluated in the mean time.

4. Major Milestone M-80-00:

- Replace "deactivation" with "transition."
- Clearly identify the process of facility transition to EM-40.

- Recognize the DQO agreements with Ecology and EPA regarding "Heels," and sampling and analysis requirements.
5. M-80-00-T02: Delete, see comment 3.
 6. M-80-00-T03 (second line): What is meant by "appropriate samplers"?
 7. M-80-00-T04: Tank 40 will have to comply with the applicable interim status requirements as long as it contains waste.
 8. M-80-00-T07: Will there be any tanks that will not require flushing?
 9. A study of "alternatives" for the transfer of the single pass reactor fuel should be submitted and reviewed prior to actual transfer.
 10. Placing M-80-00-T11 and T12 for UO_3 in the middle of PUREX milestones is confusing and may imply that all the consecutive milestones are UO_3 milestones.
 11. M-80-02: The S&M Plan will be part of the closure plan to be submitted by May 31, 1996. The S&M Plan needs to be reviewed and ready for implementation prior to completion of actual transition. The contents of the S&M Plan should include annual reports:
 - Inspections made during elapsing year.
 - Results of these inspections: stability of waste left in place, any detected releases, integrity of systems inspected, and corrective action taken if any was necessary.
 12. There was no mention of "waste minimization" or "pollution prevention" efforts mentioned what so ever.
 13. There was no mention of follow up on public involvement activities during the transition period.
 14. There is no link established between the site-wide "systems engineering study" and the transition activities.

FFTF

1. See strategic approach, general comments, specifically #1.
2. All of the major, interim and target milestones are TBD. Why? The FFTF shutdown plan delineates activities with dates for starting and completing activities that transition this facility. Submit a change package that reflects USDOE's plans and commitments in terms of dates for deliverables for this facility.

3. The change packages lack any mention of applicable regulatory strategies, requirements or documentation for FFTF fuel washing, sodium residuals, sodium storage facility, and sodium reaction facilities. No language or milestones were provided for submittal of appropriate permits or closure plans to support the construction or permitting of these facilities or activities as it relates to transition or shutdown. Incorporate those requirements into the resource loaded program schedule.
4. Why was the fuel milestone (M-81-01) changed from major (enforceable) to target from the June 20, 1994, version versus the July 13, 1994, version? Defueling the reactor core is a critical path activity that should warrant an enforceable milestone.
5. The change package should include text that defines to the extent practicable residual heels in vessels or tanks and sodium residuals in system piping and traps, etc.
6. The change package should include a permitting/closure strategy or applicable text that addresses the fact that once the reactor fuel is removed, the liquid sodium is no longer serving as a coolant. Once the liquid sodium no longer has a function as a coolant, technically the facility has ninety days to disposition it as a mixed waste.
7. The change packages should contain or reference (M-45-93-01) a procedure to establish a means to set, evaluate, and revise criteria for determining the allowable waste to remain in vessels, piping, and tanks following transition activities.

PFP

1. The change package for PFP lacks tangible commitments. This is undoubtedly because of the pending Environmental Impact Statement (EIS) and associated Record of Decision (ROD). However, interim or target milestones for the development and or submittal of the EIS would provide a better package that could be presented to the public.
2. The change package should include interim activities that will not be complete by the time the negotiations have been concluded. Examples could be the 10-L solution testing, and duct work associated with the 234-5 building.
3. The change package has no language about future commitments or impacts related to either storage of spent nuclear fuel or plutonium disposition.
4. The applicability of the definition of "facility transition" per the AIP to this facility is not clear.