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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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March 14, 1994

Mr. James D. Bauer  
U.S. Department of Energy  
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Richland, WA 99352-0550



Mr. Ronald E. Lerch  
Westinghouse Hanford Company  
P.O. Box 1970 MSIN: B3-63  
Richland, WA 99352

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Dear Messrs. Bauer and Lerch:

Re: Letter, R.G. Holt, USDOE, R.E. Lerch, WHC, to D. Butler, Ecology,  
"Development of PUREX Deactivation Regulatory Compliance Approach  
DOE/RL 93-RPS-326," dated September 30, 1993 31355

Since early 1993, Ecology, has recognized the importance of PUREX deactivation, and has given this project an increasingly high priority among projects being addressed by Nuclear Waste Program staff. We have appreciated the efforts of your staff in providing us necessary information related to the deactivation of these facilities. Though it has been difficult to rapidly process all documentation, we felt it was critical that we consider both pertinent site wide and facility specific elements before finalizing a PUREX/UO3 regulatory compliance approach. Additional factors which have played a role in our decision making included regulatory requirements, site integration needs with other U.S. Department of Energy (USDOE) programs, e.g., spent fuel and the need for stakeholder involvement.

Ecology has determined that deactivation of the PUREX/UO3 facilities will require incorporation of a three-step process for successful completion. These steps are: 1) Submission of a revised (updated and complete) "Part A", which includes all systems which have handled, are handling, or will handle hazardous and/or mixed waste (e.g., during PUREX/UO3 facility deactivation; 2) the development of a comprehensive public involvement process; and 3) the establishment of a compliance schedule and the negotiation of associated Tri-Party Agreement milestones by December 1994. Additional discussion regarding these requirements is described in the following text:

I. Regulatory Requirements

After careful consideration, Ecology has determined that the deactivation of PUREX/UO3 will be achieved most efficiently and appropriately by adhering to both Washington's Hazardous Waste Management Act (Chapter 70.105, Revised Code of Washington (RCW) and its implementing regulations), and the provisions of the Hanford Federal Facility Agreement and

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Consent Order (Tri-Party Agreement or TPA). As you may know, recently amended TPA language calls for streamlining approaches to regulatory implementation in order to achieve both efficiencies and compliance. Deactivation and decontamination and decommissioning (D&D) of Hanford canyon facilities is undoubtedly an area which will see management and regulatory streamlining attention throughout the coming year. Ecology is fully committed to this endeavor.

It is important to note that applying the regulations is not the goal, but rather the tool in ensuring the protection of human health and the environment during deactivation of these facilities. PUREX/UO3 deactivation is probably among the few projects where the regulatory and technical challenges are, even for Hanford standards, complex and demanding. It will require all parties to look for, develop, and implement creative ways to resolve technical and regulatory issues. My staff have been instructed to ensure that regulatory requirements are met, with an eye towards regulatory streamlining and common sense in order to minimize impacts on resources and progress. Ecology expects to use the TPA as the regulatory framework to meeting interim status requirements. Negotiated milestones will provide the schedule for achieving compliance during deactivation (and closure) of these facilities.

According to applicable regulations within Washington's Dangerous Waste Regulations, Chapter 173-303, Washington Administrative Code (WAC), the PUREX/UO3 facilities must meet operating and permitting requirements of a dangerous waste Treatment, Storage, and/or Disposal (TSD) facility. In order to achieve compliance with these requirements, the following actions must be taken:

1. PUREX facility Form 3 of the Hanford Part (A) Permit Application must be modified to include all parts of this facility which have, are, or are expected to handle hazardous and/or mixed waste, i.e., tanks, vessels, evaporators, cells, tunnels, etc.
2. The UO3 facility should also be reviewed, and a Hanford Part (A) Permit Application submitted as necessary, to include all parts of the facility which have, are, or are expected to handle hazardous and/or mixed waste, i.e., tanks, vessels, evaporators, cells, etc.
3. USDOE, with Ecology participation, should prepare a *draft* milestone change request(s) which addresses compliance issues, defines PUREX/UO3 deactivation/facility transition work schedules, and leads to eventual facility closure and D&D. These draft change requests should include both actual work schedules, as well as schedules for the submittal of major planning documents: e.g., (i) submittal of a final deactivation plan for PUREX/UO3 facilities; (ii) submittal of a closure/D&D plan for PUREX/UO3 facilities; and (iii) submittal of annual progress and fiscal reports to assess the status of deactivation and closure/D&D.

## II. Public Involvement

Before making final decisions on deactivation alternatives, e.g., waste shipment, treatment, storage, or disposal, a coordinated effort must be made by both Ecology and USDOE to present pertinent information to the tribes, and to other Hanford stakeholders for consideration and

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comment. The public involvement process will provide an opportunity to present deactivation alternatives and to ensure that comments and values are considered during the decision making process. Essential elements of the involvement process for PUREX/UO<sub>3</sub> (as well as other facilities going through the facility transition/deactivation processes) include:

1. A tabulation of systems/equipment to be deactivated with schedules for fiscal and project planning.
2. The identification of a process and timetable which ensures adequate tribal and stakeholder involvement.
3. The identification of interim status (and other) requirements which USDOE and its contractors will need to meet at PUREX/UO<sub>3</sub>.
4. The identification of necessary additional environmental documentation (e.g., documentation under State and National Environmental Policy Acts) with value added emphasis.

Ecology is committed to support your staff throughout the PUREX/UO<sub>3</sub> project, making sure that applicable regulations are identified and complied with, and that all necessary steps are taken to optimize resources, protect human health and the environment, involve effected tribes and the public, and achieve efficient deactivation. Should you have questions regarding any items in this letter, please feel free to contact me at (206) 407-7150 or Moses Jaraysi, of my Kennewick staff, at (509) 736-3016.

Sincerely,



Dru Butler, Manager  
Nuclear Waste Program

DB:GTT:j

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Subject: DEVELOPMENT OF PUREX DEACTIVATION REGULATORY COMPLIANCE APPROACH

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