



October 23, 2008

Al Farabee
Federal Project Director
Richland Operations Office
U.S. Department of Energy
P.O. Box 550, A5-11
Richland, Washington 99352



Re: Joint Regulatory Agency Comments on Draft D of the 221-U Facility RD/RA Work Plan

Dear Mr. Farabee:

The Washington State Department of Ecology (Ecology) and the U.S. Environmental Protection Agency (EPA) have reviewed the *Remedial Design/Remedial Action Work Plan for the 221-U Facility* (DOE/RL-2006-21, Draft D). Overall, we are pleased with the changes that were made to address our comments on the previous version and to reflect the dispute resolution agreement. However, we have the following comments on the document:

1. We are somewhat dismayed that the institutional controls from the Record of Decision (ROD) are misrepresented in Section 3.8.1. This misrepresentation includes tacking "exclusive" onto "industrial" when describing the institutional controls. EPA and Ecology agreed only to the language that is in the ROD and adding "exclusive" in the text of Section 3.8.1 changes the meaning to be inconsistent with the 221-U Facility ROD. Wherever used in this section, strike the word "exclusive" and leave "industrial." Also, strike the reference to the CLUP EIS. That also is not in the text from the ROD.

If DOE wants to describe somewhere else in the work plan the latest language that has been placed in source operable unit CERCLA documents, that would be fine. That language describes how the land use is "industrial-exclusive" for at least the first 50 years and then "industrial" after that (implying non-DOE or non-radiological workers who would be limited to the 15 mrem/year dose rate).

2. The ROD requirement of shipping TRU waste to the Waste Isolation Pilot Plant (WIPP) by September 30, 2024, needs to be added to sections describing waste disposal and WIPP. This is especially important for the waste management plan section. The date is conspicuously missing considering it is clearly called for in the ROD.

3. *In Section 6.6.6, page 6-21, second to the last paragraph in the section, last sentence.* Insert "not" between "does" and "meet" when describing how rubble will be disposed in ERDF or another approved facility if it does not meet the criteria for use under the barrier.
4. The schedule only shows the first five-year review and the initial monitoring activities. There should be some text added in the schedule and budget section that better describes the ongoing nature of these activities. Also, when describing the duration of performance monitoring for the barrier the document contains wishful thinking about how long such monitoring and maintenance will have to continue (specifically at the end of Section 3.8.2.3). It would be best to delete the final sentence in Section 3.8.2.3.

We believe the changes to address these comments are minor and will be ready to approve the document once they are made. The Tri-Parties need to put this document in place to cover the surveillance and maintenance activities necessary at the facility. Ecology and EPA look forward to the upcoming negotiations (beginning in late October) on central plateau facilities provided for by the Agreement-in-Principle signed earlier this year.

If you have questions, please contact us.

Sincerely,



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cc: Matt McCormick, USDOE
Admin. Record: 221-U Facility (Canyon Disposition Initiative)