



U.S. Department of Energy
Office of River Protection

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P.O. Box 450, MSIN H6-60
Richland, Washington 99352

AUG 18 2010

10-TPD-088

Mr. Jeffrey Lyon
Tank Waste Storage Project Manager
Nuclear Waste Program
State of Washington
Department of Ecology
3100 Port of Benton Blvd
Richland, Washington 99352

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AUG 18 2010
EDMC

Dear Mr. Lyon:

SUBMITTAL OF THE PHASE 2 RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) FACILITY INVESTIGATION/ CORRECTIVE MEASURES STUDY MASTER WORK PLAN FOR SINGLE-SHELL TANK (SST) WASTE MANAGEMENT AREAS (WMA), RPP-PLAN-37243, REVISION 2 (PHASE 2 MASTER WORK PLAN)

- References:
1. Ecology letter from J. Lyon, Ecology to R. Lober, ORP, "USDOE Response to Ecology Comments, 'Phase 2 Resource Conservation and Recovery Act (RCRA) Facility Investigation (RFI)/Corrective Measures Study (CMS) Master Work Plan for Single-Shell Tank (SST) Waste Management Areas, RPP-PLAN-37243,'" Revision 2, (Phase 2 Master Work Plan), dated June 2, 2010.
 2. ORP letter from S. Charboneau to J. Lyon, Ecology, "Submittal of the Phase 2 Resource Conservation and Recovery Act (RCRA) Facility Investigation/ Corrective Measures Study (CMS) Master Work Plan for Single-Shell Tank (SST) Waste Management Areas", RPP-Plan-37243, Revision 2 (Phase 2 Master Work Plan), 10-TPD-017, dated March 11, 2010.
 3. Proposed Consent Decree NO. 08-5085-FVS, between the U.S. Department of Energy and the State of Washington, and associated Tri-Party Agreement Change Package M-45-09-01.

The U.S. Department of Energy, Office of River Protection (ORP) is responding to the Washington State Department of Ecology's (Ecology's) conditional approval of the Phase 2 RFI/CMS Master Work Plan for SST WMAs, RPP-PLAN-37243 (Phase 2 Master Work Plan), Revision 2, and request for further revisions as noted in Reference 1. The updated Phase 2 RFI/CMS Master Work Plan incorporates changes to the Work Plan in response to Ecology comments that were resolved and agreed to by ORP and Ecology in a series of meetings and through formal correspondence as documented in Reference 2.

Reference 1 requested that ORP transmit a draft milestone for submittal of the next WMA RFI/CMS Master Work Plan update. ORP believes that this draft milestone submittal is

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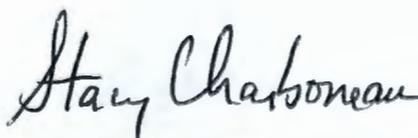
outside the scope of approval for the Phase 2 RFI/CMS Master Work Plan and that it should be addressed separately.

Ecology also identified three "minor issues" and requested additional changes to the Phase 2 Master Work Plan in response. The first of these issues is a request to develop an additional section in the Phase 2 Master Work Plan that lays out the process for prioritization and use of the corrective action selection criteria (currently identified in Section 7 of the Plan) for selection of subsequent WMA corrective actions. The second issue requests a schedule for "near term activities and lower tier actions required to ensure that ORP and Ecology have an understanding of the timing of activities necessary to meet near-term milestones, including the specific activities to finalize the criteria and implement them". This issue was understood by ORP to have been resolved in the previous comment resolution meetings with Ecology through the addition of language in the plan that identified proposed Milestones M-045-84 and M-045-85 (Reference 3) as the vehicles for proposing subsequent WMA corrective actions to support final closure and will be implemented through specific actions as identified in the currently pending Proposed Consent Decree and Tri-Party Agreement (TPA) modification package. Additionally, Ecology has identified a third issue, which involves minor unspecified revisions to text that Ecology would like to propose.

ORP believes that the issues raised should be resolved during the development of the deliverables for proposed Tri-Party Agreement Milestones M-45-84 and M-45-85. It is ORP's intent that prior to recommending the next WMA Area for closure, ORP would establish collaborative meetings with Ecology to discuss the rationale for subsequent WMA Corrective Action and Closure efforts consistent with the needs and intent of the proposed M-45-84 and M-45-85 milestones as implemented through Appendix I of the Tri-Party Agreement. It is anticipated that ORP will make the next WMA closure recommendation within the next 12 months, conditional on finalization of the Proposed Consent Decree and TPA modification package.

If you have any questions, please contact Robert Lober, Tank Farms Programs and Projects Division, (509) 373-7949.

Sincerely,



Stacy Charboneau, Assistant Manager
for Tank Farms Project

TPD:RWL

cc: **Administrative Record**
Environmental Portal