0056294

Meeting Minutes – Approval

M-026 LDR Report Project Manager Meeting Minutes
For
2420 Stevens Building, Conference Room 224
Richland, Washington
Meeting Held December 12, 2001
From 7:30 to 9:0 0 AM

The undersigned indicate by their signatures that these meeting minutes reflect the actual occurrences of the above dated meeting.

Date: 01/22/02
Greg Sinton, Project Manager, DOE-RL

Date: 01/22/02
Woody Russell, Project Manager, DOE-ORP

Date: 1/22/02
Laura Ruud, Project Manager, Washington State Department of Ecology

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Contractor Concurrence

Date: 22 Jan 02
Richard Gurske, LDR Report Project Manager, FH

Date: 1/22/02
Anthony Miskho, LDR Report Coordinator, FH

Purpose: Discuss TPA Project Manager dispute of the CY2000 LDR Report
The attached minutes are comprised of the following:
Attachment 1 - Meeting Agenda
Attachment 2 - Attendance List
Attachment 3 - Action Items
Attachment 4 - Ecology Handout

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ADMINISTRATIVE RECORD: M-026 LDR Report [Care of EDMC, LMSI (H6-08)]

Please send comments on distribution list to Eileen Murphy-Fitch (376-8868).

Attachment 1

M-026 LDR Report Project Manager Meeting Minutes
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Meeting Agenda

1. Background of LDR report
2. Ecology Handout
3. Pathforward for Dispute

All agenda items were discussed at the meeting.

Attachment 2

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Attendance List

Name	Organization
R. H. Gurske	FH
J. B. Hebdon	DOE-RL
A. P. Larsen	DOE-RL
M. F. Jarvis	DOE-RL
A. G. Miskho	FH
P. A. Powell	CHG
J. E. Rasmussen	DOE-ORP
W. Russell	DOE-ORP
L. E. Ruud	Ecology
G. L. Sinton	DOE-RL
R. R. Skinnarland	Ecology
R. W. Wilson	Ecology

Attachment 3

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Summary of Commitments/Agreements

Action Item #	Responsible Party	Description	Date Closed
1*	Ecology (Ruud)	Ecology to discuss dispute extension with Attorneys General office	
2*	DOE (Sinton)	DOE to provide response to Ecology expectations	

**New* = action item assigned at this meeting

Attachment 4

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Ecology Handout

(9 pages excluding cover sheet)

Dispute Resolution – LDR CY 2000

Ecology's Expectations for LDR Reporting:

1. Short-term commitments (within the three-year planning cycle) will either be incorporated into the LDR Report as enforceable TPA milestones or as schedules within the LDR Report. Project managers have authority to adjust these short-term commitments through the primary document modification provisions in the TPA.

2. Longer-term commitments (beyond the three-year planning cycle) will be incorporated into the TPA as milestones. This will include both milestones to establish commitments to negotiate as well as milestones to establish a path forward for treatment, storage, and disposal of mixed waste.

3. DOE shall propose TPA milestones for the characterization (for storage, LDR treatment, and disposal) of all mixed waste where treatment and disposal cannot be accomplished within one year of generation. Milestones shall reflect the known or reasonably anticipated risks of the waste and current location, as well as overall strategic plans and priorities for the site.

4. Designation of "Potential Mixed Waste" ("stuff") with regard to solid and/or dangerous waste criteria will occur as soon as reasonably achievable and in accordance with site wide strategic planning agreements, and will address "stuff" that is believed or suspected of posing a significant human threat. A reasonable future use must be identified for material with the potential to be solid waste (column E of the Potential Mixed Waste Table).

5. Where characterization results provide a basis for designation of "stuff" as solid waste, or solid wastes as mixed wastes, DOE shall propose milestones for compliant storage where such wastes are not currently located in compliant locations under final or interim status standards, and for treatment and disposal of those wastes, including any additional characterization.

6. If characterization results provide a defensible basis that "stuff" is not a solid waste, or is a solid waste that does not designate as a mixed waste, then the "stuff" may be removed from further consideration under the LDR report.

7. In establishing TPA milestones, it is anticipated that multiple waste streams or "stuff" may be addressed under a single TPA milestone or milestone series. DOE may satisfy this requirement in the LDR report as follows:

    a. **For mixed waste and "stuff" that are covered by existing milestones**, the LDR report will identify those milestones.

b. **For mixed waste and stuff not covered by existing milestones and for which DOE proposes to negotiate a path forward during the year following the current LDR reporting period**, the LDR report will contain a commitment to negotiate for specific waste streams. The commitment will include a date by which DOE will submit a draft change package identifying major and interim TPA milestones for treatment, storage, and disposal of the stream, which will be the starting point of negotiations; and how the Treatment Plan elements of "Requirements for Hanford LDR Plan" and/or corresponding requirements of the FFCA, will be addressed.

c. **For mixed waste and "stuff" not covered by existing milestones and for which the start of characterization, treatment, and/or disposal is to be deferred beyond a period of one year from the LDR reporting date**, DOE shall, at a minimum propose a TPA milestone to negotiate a path forward for that stream. In addition, DOE shall propose a second TPA milestone to submit a plan to fill data gaps, if any, necessary to support path forward negotiations. All milestone proposals shall be in the form of signed TPA change request forms. To support the proposed TPA milestones, DOE shall provide:

   i. An evaluation of the storage conditions and supporting rationale demonstrating that continued storage is adequately protective of human health and the environment.

   ii. All outstanding data needs, where available or definable, necessary to support negotiations of path forward milestones. DOE shall identify, via a commitment in the LDR report or through a proposed TPA milestone, when they will have a detailed work plan to fill the identified data needs, and will propose a milestone to submit that plan. Such plans for filling data needs are to be submitted as primary documents and will be fully enforceable upon approval.

   iii. Integrating factors, such as the need to develop treatment technologies or capacities, coordination with key waste treatment or disposal facilities (such as WIPP), or key strategic plans (such as transition), affecting waste generation or management.

8. The three parties have agreed to a procedure for storage assessments for any location where "stuff" is currently located, as well as for permitted units or units operating under interim status standards. For permitted units or units operating under interim status standards, there is the expectation that the location will meet all RCRA TSD storage requirements. For locations containing "stuff," the evaluation will identify where regulatory requirements are not met and what

precautions are being made to ensure that the threat to human health and the environment is minimized. This information will be used to create schedules and/or milestones for compliance with characterization, storage, and/or treatment requirements, as needed.

9. The LDR Report shall identify DOE storage assessments planned for the next three years.

Examples of deficiencies in the CY2000 LDR Report

POTENTIAL MIXED WASTE TABLE

224-T TRUSAF:

- ACCEPTED: DOE did propose a milestone to initiate TRUSAF deactivation negotiations by 2012. This milestone is acceptable; however, may need to be renegotiated based on the results from the evaluation of the storage conditions and the results from filling the data gaps.
- A second TPA milestone is needed to submit a plan to fill data gaps to support the path forward negotiations, including an evaluation of the storage conditions (per the agreed upon procedure).

231-Z:

- DOE did propose a date of 2014 to complete 231-Z deactivation; however, it needs to be presented in the form of a milestone for start of negotiations or reference an existing milestone. The negotiation start date may need to be renegotiated based on the results from the evaluation of the storage conditions and the results from filling the data gaps.
- A second TPA milestone is needed to submit a plan to fill data gaps to support the path forward negotiations, including an evaluation of the storage conditions (per the agreed upon procedure).

324 Building:

- DOE did propose a date of FY2002 through FY2003 to perform deactivation activities; however, there is no reference to existing milestones for the deactivation commitments. These activities may need to be presented in the form of a milestone commitment.
- A second TPA milestone may be needed to submit a plan to fill data gaps to support the path forward negotiations, including an evaluation of the storage conditions (per the agreed upon procedure).

333 Building:

- DOE did propose a date of 2008 to complete 333 Building deactivation; however, it needs to be presented in the form of a milestone for start of negotiations or reference an existing milestone. The negotiation start date may need to be renegotiated based on the results from the evaluation of the storage conditions and the results from filling the data gaps.
- A second TPA milestone is needed to submit a plan to fill data gaps to support the path forward negotiations.
- DOE did make the commitment to do a storage assessment in November 2002.

340 Building:

- DOE did propose a date of September 30, 2006 for tank heel removal and any residues resulting from the cleanout of ancillary equipment, and referenced TPA Milestones M-92-12 and –14.
- DOE did propose a date of FY2009 to begin 340 Vault Tank removal and characterization; however, it needs to be presented in the form of a milestone for start of negotiations or reference an existing milestone.
- A second TPA milestone is needed to submit a plan to fill data gaps to support the path forward negotiations.
- DOE did make the commitment to do a storage assessment in July 2002.

340-A Tanks:

- DOE did propose a date of September 30, 3006 for 340-A tank cleanout and any residues resulting from the cleanout of ancillary equipment, and referenced TPA Milestones M-92-12 and –14.
- DOE did propose a date of FY2009 to begin 340-A tanks and ancillary equipment removal and characterization; however, it needs to be presented in the form of a milestone for start of negotiations or reference an existing milestone.
- A second TPA milestone is needed to submit a plan to fill data gaps to support the path forward negotiations.
- DOE did make the commitment to do a storage assessment in July 2002.

340-B Tanks:

- DOE did propose a date of September 30, 3006 for 340-B cleanout of process piping and ancillary equipment and referenced TPA Milestones M-92-12 and –14.
- DOE did propose a date of FY2009 to begin 340-A tanks and ancillary equipment removal and characterization; however, it needs to be presented in the form of a milestone for start of negotiations or reference an existing milestone.
- A second TPA milestone is needed to submit a plan to fill data gaps to support the path forward negotiations.
- DOE did make the commitment to do a storage assessment in July 2002.

330-RRLWS:

- DOE did propose a date of 2009 to commence remediation of the RRLWS; however, it needs to be presented in the form of a milestone for start of negotiations or reference an existing milestone. The negotiation start date may need to be renegotiated based on the results from the evaluation of the storage conditions and the results from filling the data gaps.
- A second TPA milestone is needed to submit a plan to fill data gaps to support the path forward negotiations, including an evaluation of the storage conditions (per the agreed upon procedure).

330-RLWS:

- DOE did propose a date of September 30, 3006 for cleanout of the radioactive liquid waste sewer piping and ancillary equipment and referenced TPA Milestones

M-92-12 and –14.

- DOE did propose a date of FY2009 to begin 330-RLWS piping and ancillary removal and characterization; however, it needs to be presented in the form of a milestone for start of negotiations or reference an existing milestone.
- A second TPA milestone is needed to submit a plan to fill data gaps to support the path forward negotiations.
- DOE did make the commitment to do a storage assessment in July 2002.

T Plant Canyon:

- DOE did propose a date of October 2002 for clearing off 10 sections of canyon deck, 8 canyon cells, and removing 4 pieces of equipment.
- DOE did propose a date of 2028 to fill data gaps; however, this date is too far in the future. The date to fill data gaps will need to be based on the results from the evaluation of the storage conditions and presented in the form of a milestone or reference an existing milestone.
- DOE did make the commitment to do a storage assessment in July 2003.

325 Radiochemical Processing Laboratory:

- DOE did propose a date of 2025 to begin deactivation negotiations; however, it needs to be presented in the form of a milestone for start of negotiations or reference an existing milestone. The negotiation start date may need to be renegotiated based on the results from the evaluation of the storage conditions and the results from filling the data gaps.
- A second TPA milestone is needed to submit a plan to fill data gaps to support the path forward negotiations, including an evaluation of the storage conditions (per the agreed upon procedure).
- DOE did make the commitment to do a storage assessment in October 2001.

701-A Ventilation Building:

- DOE did propose a date of FY2005 to begin negotiations; however, it needs to be presented in the form of a milestone for start of negotiations or reference an existing milestone. The negotiation start date may need to be renegotiated based on the results from the evaluation of the storage conditions and the results from filling the data gaps.
- A second TPA milestone is needed to submit a plan to fill data gaps to support the path forward negotiations, including an evaluation of the storage conditions (per the agreed upon procedure).

IMUSTS not associated with a building:

- DOE did suggest an anticipated date of FY2004 have specific M-13 milestones set. DOE also proposed a date of FY2008 for completing the RI/FS process; however, it needs to be presented in the form of a milestone or reference an existing milestone. These dates may need to be renegotiated based on the results from the evaluation of the storage conditions and the results from filling the data gaps.

- A second TPA milestone is needed to submit a plan to fill data gaps to support the path forward negotiations, including an evaluation of the storage conditions (per the agreed upon procedure).

REDOX:

- DOE did propose a date of 2032 to begin negotiations; however, it needs to be presented in the form of a milestone for start of negotiations or reference an existing milestone.
- A second TPA milestone is needed to submit a plan to fill data gaps to support the path forward negotiations, including an evaluation of the storage conditions (per the agreed upon procedure). The negotiation start date may need to be renegotiated based on the results from the evaluation of the storage conditions and the results from filling the data gaps.
- DOE did make the commitment to do a storage assessment in May 2003.

U Plant:

- DOE did propose a date of 2011 (or later) to decommission U Plant, however, it needs to be presented in the form of a milestone for start of negotiations or reference an existing milestone.
- DOE did make the commitment to submit a proposed plan in FY 2002. It is unclear as to whether or not this proposed plan will include an evaluation of the storage conditions (per the agreed upon procedure). The negotiation start date may need to be renegotiated based on the results from the evaluation of the storage conditions and the results from filling the data gaps.

UO3 Facility:

- DOE did propose a date of 2023 to begin decommission of UO3 Facility; however, it needs to be presented in the form of a milestone for start of negotiations or reference an existing milestone.
- DOE did reference the UO3 S&M plan; however, it is unclear as to whether or not this S&M plan includes an evaluation of the storage conditions (per the agreed upon procedure). A second TPA milestone may be needed to submit a plan to fill data gaps to support the path forward negotiations, including an evaluation of the storage conditions. The negotiation start date may need to be renegotiated based on the results from the evaluation of the storage conditions and the results from filling the data gaps.

200 North Area:

- DOE did reference the 100 Area Remaining Sites ROD; however, commitment dates needs to be presented in the form of a milestone or reference an existing milestone.
- A second TPA milestone may be needed to submit a plan to fill data gaps to support the path forward negotiations, including an evaluation of the storage conditions (per the agreed procedure).

DOE'S RESPONSE TO ECOLOGY'S COMMENTS

#1-7: Ecology asked for, among other things, the criteria DOE uses to determine when the "material" or "solid waste" undergoes a dangerous waste designation in accordance with WAC 173-303, and the "clear use or path for reuse/recycling" that has been established for potential mixed wastes. DOE responded by saying that "The Potential Mixed Waste Table is not subject to the requirements cited in the Director's Determination." In response to Comment #1-5, DOE acknowledged that the Potential Mixed Waste Table was developed as a compromise to avoid litigation with respect to the violation cited in the Director's Determination of failing to identify all mixed waste at Hanford. Ecology believes that it is reasonable to ask DOE the criteria used at Hanford to make future-use determinations.

#1-8: The Hexone tanks are a TSD unit and the contents have designated as mixed waste. These tanks should not be represented on the PMWT.

#2-1 through #2-17: Responses are unacceptable. Tank farm assessments were not conducted in accordance with the agreed upon procedures. Ecology has met with DOE-ORP representatives regarding the deficiencies. Ecology will communicate these deficiencies as well in a face-to-face meeting with DOE-RL.

#2-19: Ecology asked for specific information as to what was included in the assessment of the 241-Z tanks and if the findings were transmitted to the contractor for corrective action. DOE responded by saying that "Specific comments are beyond the scope of the LDR Report." Ecology believes that it is reasonable to ask DOE for specific information as to the quality of the assessment and if corrective actions were scheduled.

#3-1: DOE did not propose TPA milestones for the characterization of all mixed waste where treatment and disposal cannot be accomplished within one year of generation. DOE did propose a TPA milestone for treatment and disposal of most of the MLLW-01 through MLLW-10 waste; however, characterization milestones are also required. However, several streams, including some under MLLW-01 through 10, do not have adequate characterization schedules. Also, it is difficult to establish accountability when characterization and treatment is not tied to specific waste streams or treatability groups.

#3-4: Ecology asked for specific schedules and milestones for characterization and treatment of TRUM waste. It is acceptable for DOE to negotiate these commitments as part of M-91 negotiations. However, there needs to be some assurance that the milestones for characterization and treatment of TRUM will be specifically required under M-91 negotiations. It appears from the text of M-91 that the main focus of this milestone is to complete the acquisition of new facilities and/or modify existing facilities; however, specific milestones for characterization and treatment of TRUM waste would be welcomed.

#3-5: Ecology commented that the milestones that DOE referenced for treatment do not necessarily provide the specific data for scheduling waste treatment and do not explain

coordination with commitments made in the LDR report. DOE's response did not address the comment.

#3-6: Ecology and DOE need to again have a conversation about the requirements for generators to characterize their waste. Reference to the Regulatory DQO is acceptable as a compliance schedule that meets those characterization requirements; however, is it not acceptable to state that the no further characterization is needed for waste designation and/or LDR for storage.

TPA CHANGE CONTROL FORM

Ecology would like to engage in detailed conversation with DOE regarding development of clear, accountable language for characterization and treatment of mixed waste. The milestones presented are, in general, acceptable, although will need to have additional language to clarify the commitments. Additional milestones will be needed, as noted above, to complete the requirements of the Hanford LDR plan and M-26-01K.