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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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January 16, 2019

19-NWP-012

Brian T. Vance, Manager
Office of River Protection
United States Department of Energy
PO Box 450, MSIN: H6-60
Richland, Washington 99352

Re: Denial of the United States Department of Energy – Office of River Protection's (USDOE-ORP)
Request for Waiver to Hanford Federal Facility Agreement and Consent Order Waste Retrieval
Criteria for Single-Shell Tank 241-C-106

Reference: See page 2

Dear Brian T. Vance:

The Department of Ecology (Ecology) received your letter 18-ECD-0055 (Reference) requesting waiver of the Hanford Federal Facility Agreement and Consent Order (HFFACO) Appendix H waste retrieval criteria for Single-Shell Tank (SST) 241-C-106.

Ecology cannot approve the waiver request at this time. USDOE-ORP must complete the Appendix H SST Waste Retrieval Criteria Procedure initiated in 2004. Ecology acknowledges that USDOE-ORP made the Request for Waiver and began consulting with the Nuclear Regulatory Commission (NRC) as required by Appendix H of the HFFACO. However, the necessary procedure has not been completed.

As you noted in letter 18-ECD-0055, USDOE-ORP anticipates proceeding with closure of Waste Management Area C (WMA-C) upon receiving approval of the waiver request from Ecology and the United States Environmental Protection Agency. However, Appendix H, Step 2(b) requires USDOE-ORP to establish an interface with the NRC and "reach formal agreement" with the NRC on retrieval and closure actions for SSTs. In addition, Appendix H requires this formal agreement between USDOE-ORP and NRC to address "allowable waste residuals in the tank and soil column."

During the initial Appendix H efforts related to 241-C-106 (2004-2008), USDOE-ORP requested the NRC's review of the Appendix I Performance Assessment (IPA) for the SST system (DOE/ORP-2005-01, 2006). The document USDOE-ORP submitted for NRC review was a fully-integrated IPA and properly included discussion of impacts from both the tank residuals and soil contamination.

Although USDOE-ORP properly initiated the Appendix H and I processes for 241-C-106, USDOE-ORP failed to reach formal agreement with the NRC regarding the allowable waste residuals in the tank and soil column. Many of the concerns expressed by the NRC in their second set of questions in the Request for Additional Information (RAI) dated January 30, 2009, remain a concern today. In fact, the NRC stated in its letter dated April 23, 2018, that USDOE-ORP "did not respond" to the 2009 RAI.



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Ecology understands that USDOE-ORP has directed the NRC to review only the portion of the IPA that evaluates tank residuals, intentionally excluding the contamination in the soil.

Ecology will continue to support USDOE-ORP in your efforts to close tank farms, but we can only do that when USDOE-ORP properly completes the HFFACO Appendix H and I processes initiated in 2004.

Ecology expects USDOE-ORP to establish an interface with the NRC that includes NRC review of the complete IPA and resolution of the 2009 RAI to the satisfaction of the NRC. This is necessary for Ecology to consider granting a waiver of the Appendix H waste retrieval criteria for 241-C-106.

If you have any questions, please contact Jeff Lyon, Tank Systems Operating and Closure Project Manager, at jeff.lyon@ecy.wa.gov or (509) 372-7914, or Cheryl Whalen, Cleanup Section Manager, at cherylwhalen@ecy.wa.gov or (509) 372-7924.

Sincerely,


Alexandra K. Smith
Program Manager
Nuclear Waste Program

jjl/aa

Reference: Letter 18-ECD-0055, dated August 15, 2018, "Request for Waiver to Hanford Federal Facility Agreement and Consent Order Waste Retrieval Criteria for Single-Shell Tank 241-C-106"

cc electronic:

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Hanford Facility Operating Record
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Hanford Administrative Record
NWP Central File