

NOV 25 1992

MEMORANDUM FOR: Central File

FROM: Philip M. Altomare, Senior Project Manager
Repository Licensing and Quality
Assurance Project Directorate
Division of High-Level Waste Management, NMSS

SUBJECT: TELEPHONE CALL FROM JOHN TSENG, U.S. Department of Energy
(DOE), CONCERNING HANFORD TANKS REMEDIATION

John Tseng called on Monday, November 16, 1992, regarding information related to the Hanford Tank remediation program that he wanted to pass on to NRC. I informed Mr. Tseng that I wanted to arrange a teleconference with Ron Ballard and Rick Weller of NRC to hear the information he wished to transmit. Unfortunately, Mr. Ballard was out of the office so it was decided to have the conference on Friday or Monday to Wednesday next week when Mr. Tseng would be in the office. I will set up a time. He did, however, give me some information. DOE had requested, about last September, a change request, under the Tri-Party Agreement (TPA) for remediation of the Hanford Tanks, to delay the grouting of tank waste. This request has been denied by the State of Washington and the EPA. The State apparently said, that if NRC reversed its non-HLW determination for the tank waste, it would not hold DOE liable. Mr Tseng, however, believes that NRC has the jurisdiction over HLW.

Mr. Tseng indicated that DOE will proceed with "dispute resolution" under the TPA. He asked if we had copies of the letters from the State. I informed him that we did not. He informed me that they would be faxed to us (the faxed copies are enclosed.)

Philip M. Altomare, Senior Project Manager
Repository Licensing and Quality
Assurance Project Directorate
Division of High-Level Waste Management, NMSS

Enclosure: As stated

cc: B. J. Youngblood, HLWM
R. L. Ballard, HLGE
J. R. Wolf, OGC
M. Webber, LLWM

J. J. Linehan, HLWM
R. A. Weller, HLGE
N. S. Tanious, RES
C. J. Glenn, LLDR

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LPDR PAltomare, HLPD RJohnson, HLPD

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NAME	Altomare/wd		RJohnson		JHolonich			
DATE	11/23/92		11/ /92		11/ /92			

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15/
Philip M. Altomare, Senior Project Manager
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LSS PDR ACNW NMSS R/F
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OFC	HLPD	E	HLPD	E	HLPD	E		
NAME	<i>Altomare/wd</i>		<i>RJohnson</i>		JHolonich			
DATE	11/20/92		11/23/92		11/ /92			

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

NOV 25 1992

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A handwritten signature in cursive script, appearing to read "P. Altomare", is written above the typed name.

Philip M. Altomare, Senior Project Manager
Repository Licensing and Quality
Assurance Project Directorate
Division of High-Level Waste Management, NMSS

Enclosure: As stated

cc: B. J. Youngblood, HLWM
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C. J. Glenn, LLDR



Department of Energy

Richland Field Office

P.O. Box 660

Richland, Washington 99352

SEP 27 1982

92-DSD-003

Mr. Fred A. Olson, Acting Director
State of Washington
Department of Ecology
Mail Stop PV-11
Olympia, WA 98504

Ms. Dana Rasmussen
Regional Administrator
U. S. Environmental Protection Agency
Region 10
Seattle, WA 98101

Dear Mr. Olson and Ms. Rasmussen:

HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (TRI-PARTY AGREEMENT) CHANGE PACKAGE M-01-92-01A

Please find the enclosed copy of change control form M-01-92-01A which provides the Department of Energy's (DOE's) proposal to modify schedules for completion of milestone M-01-00 "Complete 14 Grout campaigns of double-shell tank waste and maintain currency with feed thereafter."

This change package provides the technical justification for the delay in the restart of Grout operations and the modification of the milestones associated with the grouting of Double-Shell tank waste. The proposed delay and modifications stem from: the uncertainty associated with the petition before the NRC challenging the definition of certain Double-Shell tank wastes as incidental wastes; the required rewrite of the Performance Assessment for grout to address the concerns raised by the DOE-HQ Performance Assessment Peer Review Panel; and the on-going problems associated with the heat of hydration of the grout and the need to pour the grout campaigns in lifts. These concerns and issues have been detailed to your technical staffs at the State of Washington's Department of Ecology (WDOE) and the EPA, Region 10, through an issue paper. This issue paper has been further discussed in a meeting with WDOE and EPA.

While I recognize that it is in neither of our best interest to continue to delay the restart of grouting operations, it is essential that we take all the right steps up front before starting the grouting process. Toward this end it is proposed that we take the additional time to ensure that grouting operations will meet regulatory requirements for hazardous waste treatment, NRC requirements which characterize this material as incidental waste and DOE requirements for the protection of the surrounding environment from the disposal of low level radioactive wastes.

SEP 27 1992

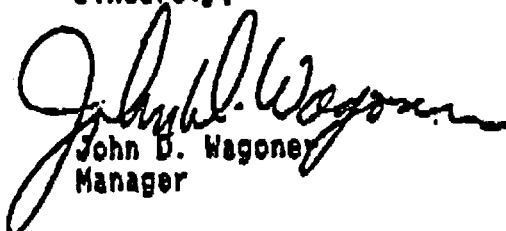
Fred Olson/Dana Rasmussen
92-DSD-003

-2-

The original change request is being forwarded with this letter to Ecology. Once signed, Ecology is requested to forward the change request to EPA for signature and return to DOE-RL.

Please contact me and provide me with any comments or concerns surrounding the delay in the restart of grouting operation. If you or your staff require additional information, John Anttonen (509) 376-7591 or Jim Bauer on (509) 376-7229 will ensure your questions are answered.

Sincerely,


John D. Wagone
Manager

cc: B. A. Austin, WHC
P. T. Day, EPA
D. B. Jansen, Ecology
N. Pierce, Ecology
T. B. Veneziano, WHC

Change Number

M-01-92-01A

Federal Facility Agreement and Consent Order
Change Control Form

Do not use blue ink. Type or print using black ink.

Date

Originator

G. H. Sanders

Phone

(509) 376-6888

Class of Change

□ I - Signatories

□ II - Project Manager

□ III - Unit Manager

Change Title

Technical Justification For The Delay Of Grout Operations

Description/Justification of Change This change package provides the justification for the delay in the restart of Grout operations and the modification of the milestones associated with the grouting of Double-Shell tank waste. The proposed delay and modifications stem from: the uncertainty associated with the petition before the NRC challenging the definition of certain Double-Shell tank wastes as incidental wastes; the required rewrite of the Performance Assessment for grout to address the concerns raised by the DOE-HQ Performance Assessment Peer Review Panel; and the on-going problems associated with the heat of hydration of the grout and the need to pour the grout campaigns in lifts. These concerns and issues have been detailed to the State of Washington's Department of Ecology (WDOE) and the EPA, Region 10, through an issue paper. That issue paper has been discussed in a meeting with WDOE and EPA, and comments requested. How to proceed with Grout operations while considering these issues and concerns is still in question and requires decision making by DOE, WDOE and EPA.

The Petition before the NRC, submitted by the States of Washington and Oregon, asks the NRC for formal rule making defining incidental waste and to (continued, Pg. 2)

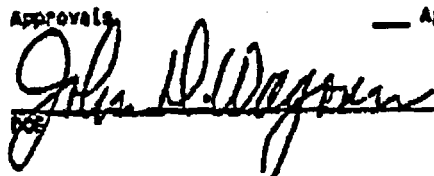
Impact of change The delay in grouting double-shell tank (DST) waste will delay the Grout milestone, M-01, and create potential safety issues in the near future by reducing the availability of DST space. This reduction impacts the ability to mitigate tank waste with demonstrated safety concerns as well as the ability to separate, treat and stage HWVP feed material. These activities include other TPA milestones such as M-05, Stabilization, M-07, Retrieval and M-08 Closure. The delay will precipitate changes to the implementation of the grout program. Work scope which is no longer critical path, such as new vault construction and the operational readiness review, will be delayed until this work is required to support the next grout campaign.

Affected Documents The Federal Facility Agreement and Consent Order and related documents and data bases. The Grout Program planning and baseline documentation. Tank Waste Remediation System Decision Plan and related TWR documentation.

Approval

___ Approved

___ Disapproved

9/12/92
Date

EPA

Date

Ecology

Date

Change Number
M-01-92-01A
Page 2

Description/Justification of Change (Cont.)

reevaluate the application of the incidental waste definition to certain double-shell tank (DST) waste at Hanford. These DST wastes are currently slated for disposal as low level waste utilizing the grouting process and near surface disposal vaults. At the heart of the petition issue is the quantity of radionuclides disposed of in the nearsurface vaults. Should the NRC accept the premise that additional radionuclides are required to be removed from this waste before grouting, all the waste currently in double-shell tanks, including double-shell slurry (DSS) and double-shell slurry feed (DSSF) would require pretreatment.

Currently, DOE is proceeding at risk while working toward the restart of grout operations without an NRC resolution of the petition. Should pretreatment be required for DSS/DSSF, it is likely that a 5-10 year delay in the grout program will result. New facilities must be designed and constructed to carry out pretreatment operations. Further, the requirement to treat the waste will physically change the waste characteristics, precipitating changes to the PA, grout formulations and possibly grout vault design. This could invalidate much of the ongoing work in these areas. The continued uncertainty associated with the NRC ruling dictates that prudent management suspend the construction of new grout vaults and the restart of the grout facility until the NRC decision and petition resolution have been finalized.

Significant comments have been received from the HQ PA Peer Review Panel relative to the long-term performance of grout. The Grout PA is being rewritten to address these comments. The PA provides the documentation to the public and DOE management that disposal of low-level radioactive waste in grout meets the established criteria for protection of the public and the environment from the hazards of radioactive wastes. As such, it is essential that a defensible PA be written.

The Grout program will continue to work at risk on the Grout Performance Assessment (PA) to expand and reevaluate the PA in accordance with the Peer Review Panel's guidance. The DOE-HQ Peer Review Panel concluded the PA must provide justification for each assumption made, that sensitivity analyses be performed on the calculations, and that projections be carried to the peak release of radionuclides to the environment. In addition, the Peer Review Panel requested comparison of analyses to compliance requirements and demonstration of the protection of ground water. The requested additional documentation, new calculations and additional analyses greatly expands the scope of the PA.

Currently, the schedule projects a delay in the completion and approval of the PA until 9/93. This will delay the proposed restart of the grout operation to 10/93. The DOE internal milestone for completion of the PA draft submittal to the HQ Peer Review Panel will be established for 3/93 and an internal milestone for the Peer Review Panel submittal of comments back on the draft PA will be established for 6/93. Resolution of the PA Peer Review Panel comments and the completion of the remaining documentation for startup of Grout operations once the PA has been finalized is expected to take an additional 3 months. DOE proposes that milestone M-01-01A, Complete and verify 2 campaigns of double-shell tank waste, be reestablished for 10/94. Additional milestones will be established in September 1993 as part of milestone M-01-02. These two milestones are contingent on a favorable NRC decision and petition resolution by June of 1993. If the NRC decision and petition resolution are not reached by June 1993, the September 1993 milestone negotiation will reflect this impact on the schedule.

Change Number
M-01-92-01A
Page 3

Description/Justification of Change (Cont.)

Milestone M-01-02A calls for the initiation of the construction of grout vaults 106-109 starting in November of 1992. The completion of design and the start of vault construction are proposed to be delayed to consider design changes which may be required by the approved PA and the NRC rulings. Changes may also result from the expansion of the ORR based on recent experience on DOE facility startups and feed back received on these startups from the congressionally established Defense Nuclear Facility Safety Board which is responsible for overseeing DOE activities.

The current milestone schedule for the completion of grout campaigns calls for up to 4 campaigns a year. This aggressive schedule, as emphasized during the negotiations in the spring of 1991 and in Change Request M-01-90-03 establishing the current schedule, was based on resolving heat of hydration problems. Resolution of the heat of hydration problems would allow pouring grout in a single pour without encountering the high heat generation which could degrade the performance of the grout structurally and environmentally. While progress has been made to date, the heat of hydration problems have not been completely resolved. Grout formulation work has ameliorated some of the heat problems, but that has not eliminated the need to pour grout campaigns in lifts. Pouring grout campaigns in lifts will slow the process and lengthen the time to complete the grouting of a million gallons of waste from a single tank. Because a final solution to the heat of hydration is not readily apparent, it is likely the grout campaigns will be poured in lifts.

There are two basic alternatives for approaching the heat of hydration problem. The first alternative is to reduce the number of campaigns projected each year. This would result in an extended schedule to meet M-01-00. The second alternative is to perform an engineering evaluation of process and design improvements which would maintain the current projection of grouting four million gallons of waste each year. DOE proposes the latter and requests that an interim milestone for August, 1993 be established to deliver the study to the regulators. The time between grout campaigns will be established at this point and new milestones would be established for future grout operations and for grout vault construction.

CURRENT GROUT MILESTONES

M-01-00	Complete 14 grout campaigns of double-shell tank waste by December 1996 and maintain currency with feed thereafter.	Dec. 1996
M-01-01	Complete a total of 3 grout campaigns of double-shell tank wastes (includes one campaign of phosphate-sulfate waste) (Replaced by M-01-01A and M-01-01B.)	Sept. 1991
M-01-01A	Complete and verify 2 campaigns of double-shell tank waste (this includes one campaign of phosphate-sulphate waste)	Sept. 1993

M-01-01B	Complete 1 additional campaign of double-shell tank waste (this makes a total of three campaigns including 1 phosphate-sulfate waste campaign)	Dec. 1993
M-01-02	Complete 3 campaigns of double-shell tank waste in CY 1994	Dec. 1994
M-01-02A	Initiate construction of vaults 106-109	Nov. 1992
M-01-03	Complete 4 campaigns of double-shell tank waste in CY 1995	Dec. 1995
M-01-03A	Initiate construction of vaults 110-113	Nov 1993
M-01-04	Complete 4 campaigns of double-shell tank waste in CY 1996	Dec. 1996
M-01-04A	Initiate construction of vault 114	Nov. 1994
M-01-05	Commitments for additional grout campaigns after December 1996 will be incorporated as interim milestones	Biennially beginning Sept. 1996

PROPOSED GROUT MILESTONES

M-01-00	Complete 14 grout campaigns of double-shell tank waste and maintain currency with feed thereafter.	TBD
M-01-01	Complete an engineering study on the heat of hydration process and design improvements	Aug. 1993
M-01-01A	Complete and verify 2 campaigns of double-shell tank waste (this includes one campaign of phosphate-sulphate waste), contingent on a favorable NRC decision and petition resolution by June 1993	Oct. 1994
M-01-02	Propose new milestones for the completion of double-shell tank waste grout campaigns, maintaining currency with feed and building new grout vaults. The new milestones will be contingent on a favorable NRC decision and petition resolution by June 1993	Sept. 1993

Change Number
M-01-92-01A
Page 5

M-01-01B	Complete 1 additional campaign of double-shell tank waste (this makes a total of three campaigns including 1 phosphate-sulfate waste campaign	Delete
M-01-02A	Initiate construction of vaults 106-109	Delete
M-01-03	Complete 4 campaigns of double-shell tank waste in CY 1996	Delete
M-01-03A	Initiate construction of vaults 110-113	Delete
M-01-04	Complete 4 campaigns of double-shell tank waste in CY 1996	Delete
M-01-04A	Initiate construction of vault 114	Delete
M-01-05	Commitments for additional grout campaigns after December 1996 will be incorporated as interim milestones	Delete



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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October 5, 1992

Mr. John D. Wagoner, Manager
U.S. Department of Energy
Richland Field Office
P.O. Box 550
Richland, WA 99352

Dear Mr. Wagoner:

Re: Change Package M-01-92-01A / Grout Treatment Facility
(Milestone M-01-00)

Please note that we are in receipt of the Department of Energy's (DOE) September 27, 1992 letter transmitting Change Control Form No. M-01-92-01A regarding the Grout Treatment Facility. Based on this submittal we have directed our staff to delineate an approach to the grout program which is both protective of human health and the environment and supportive of timely tank waste remediation.

The Washington State Department of Ecology is the lead regulatory agency for Milestone M-01-00. The U.S. Environmental Protection Agency provides support to Ecology on this issue. Ecology's position on the grout program was characterized in general within David Jansen's July 22, 1992 letter to Steve Wisness. Staff are now considering specific justifications provided within DOE's Change Control Form.

While at present we cannot accept DOE's proposal (and Tri Party Agreement Milestone M-01-00 schedules stand), we recognize the complexity of issues which surround the grout program and also the necessity of timely decision making. Consequently, we expect to notify DOE of our determination regarding your submittal by October 30, 1992.

You should note that prior to any final agreement regarding the grout program DOE is required to maintain its ability to comply with current Tri Party Agreement work schedules. Please notify us if DOE reaches a point where compliance cannot be maintained due to deviations from project critical path activities (e.g., construction contracting, waste transfer operations).

RL-Commitment Control

OCT. 08 1992

Richland Operations Office

Mr. John Wagener, Manager
Page 2

Staff inquiries regarding this issue should be directed to Mr. David Jansen, Ecology Project Manager at (206) 438-7021 or Mr. Paul Day, EPA Project Manager at (509) 376-6623.

Sincerely,

Fred Olson

Fred Olson
Acting Director
Department of Ecology

for Randall F Smith
Dana A. Rasmussen
Regional Administrator
EPA Region 10

cc: Paul Day, EPA
David Jansen, Ecology
George Sanders, DOE-RL
Steve Wisness, DOE-RL
Administrative Record



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504-8711 • (206) 459-6000

October 30, 1992

Mr. John D. Wagoner, Manager
U.S. Department of Energy
Richland Field Office
P.O. Box 550
Richland, WA 99352-0550

Dear Mr. Wagoner:

Re: Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Change Package M-01-92-01A

This letter transmits Washington State Department of Ecology (Ecology) and Environmental Protection Agency (EPA) responses to the U.S. Department of Energy's (USDOE) September 27, 1992, request for delays in Hanford grout operations. Ecology and EPA hereby deny all proposed changes to the Grout Treatment Facility milestones.

Changes to milestones M-01-01A, M-01-01B, and M-01-02A are denied on the grounds that the referenced change request was not submitted on a timely basis as required by paragraph 109 of the Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement or TPA). By the time USDOE submitted its change request for milestones M-01-01A (complete and verify 2 campaigns of double-shell tank waste by September 1993), M-01-01B (complete 1 additional campaign of double-shell tank waste by December 1993), and M-01-02A (initiate construction of vaults 106-109 by November 1992), these milestones were no longer achievable because of USDOE's unilateral decision to delay waste characterization, waste transfer operations, and construction contract negotiations necessary to meet these milestones.

In addition to failing to meet the timeliness requirement for changes to TPA milestones M-01-01A, M-01-01B, and M-01-02A, we find that USDOE has failed to provide good cause justification for the proposed deletion of all remaining interim Grout milestones and its proposed "to be determined" schedule for the major milestone. According to USDOE's change request, these milestone modifications are necessary in light of the Washington and Oregon States' petition to the U.S. Nuclear Regulatory Commission (NRC) for classification of high-level waste, revision of the Grout Performance Assessment (PA), and a higher than expected grout heat of hydration. Our review of information available to date on these issues has led us to the following conclusions:

Teague
Antisera
Buntin
Byrne
Calley
Chapman
Crawford
Crockett
Griffith
Gunn
Gupta
Hastings
Hennessy
Herbst
Robert
Lane
Mark
Mellinger
O'Dell
Ohl
Payer
Pepson
Powers
Sohn
Wiffen
Zimmerman

Denison
Scherer
Pelletier
Yaimi
Oakley

11-9

Mr. John D. Wagoner, Manager

Page 2

October 30, 1992

1. We recognize USDOE's concern over NRC petition issues and the difficulties placed on each of us by the continuing delay of a determination by NRC. It is Ecology's position as petitioner to the NRC that we will not require remedial actions (i.e. removal of waste) to be taken at grout vaults filled prior to an NRC ruling. Furthermore, we note that Ecology has received no indication from either the NRC or USDOE that the NRC will require remedial action(s) on such a vault. Therefore, we do not agree that USDOE will incur undue risk by continuing with the grout program in the absence of an NRC decision. Until a final NRC ruling is received, or the NRC indicates that the Grout program is at risk due to their pending decision, Ecology and EPA cannot give adequate consideration to, or accept, modifications to the Grout program.
2. As you know, the Grout PA is internally developed, reviewed, and approved by USDOE. Therefore, it is USDOE's responsibility to ensure that this assessment is completed in a timely manner, without impact to TPA schedules. Furthermore, USDOE's peer review of the Grout PA concluded that the assessment "is technically unacceptable" but made no conclusions as to the technical acceptability of the actual grout treatment and disposal processes. Therefore, the PA revealed no technically compelling reasons to modify Grout milestones.
3. We recognize that high heats of hydration which may necessitate filling each grout vault in lifts may slow the rate of filling grout vaults to less than the scheduled four per year as required by milestones M-01-03 and M-01-04. However, we also note that, at this time, there is no definitive basis for changing existing milestones. Until experience from vault 102 supports an alternative filling rate, Ecology and EPA will not accept revised grout schedules on the basis of this issue.
4. Impacts on other TPA milestones from delays to grout have not been adequately documented. Ecology has requested (e.g., October 15, 1992 letter from Roger Stanley to John Anttonen) that USDOE provide detailed tank waste volume projections which incorporate the evaluation of competing tank space requirements of grout, single-shell tank stabilization, vitrification plant feed preparation, single-shell tank waste retrieval, and other actions which affect tank waste volume. Until impacts on other TPA milestones have been clearly demonstrated, Ecology and EPA cannot give adequate consideration to, or accept, proposed modifications to the Grout program.

Please note that although Ecology and EPA are denying USDOE's request to delete, delay, or leave open-ended Grout milestones at this time, we recognize that such milestones may be impacted in the future by an NRC ruling on the petition, by technical problems such as grout chemistry, or by mutually agreed

Mr. John D. Wagoner, Manager

Page 3

October 30, 1992

upon conclusions of the Tank Waste Remediation System (TWRS) study. Any changes to grout schedules would have to be based on good cause and submitted in a timely manner, as required by the TPA. However, USDOE extension requests which simply propose new milestone dates as "to be determined" will not be acceptable in any case.

Finally, Ecology and EPA must object to the piecemeal deferral of TPA tank-related milestones in favor of the parallel TWRS planning effort. Although we support and recognize the need for a comprehensive assessment and the integrated management of tank related work, we regard these efforts as management decisions which do not justify indefinite delays to binding schedules in a legal agreement to which all parties have agreed. Until Ecology, EPA, and USDOE can together evaluate a fully integrated TWRS program, we will not renegotiate schedules for individual projects such as Grout. However, we do believe that USDOE should accelerate development of early pretreatment systems and alternative low-level waste forms.

Please do not hesitate to contact either of us in regards to this decision. Should your staff have questions, please have them contact Mr. David Jansen, Ecology Project Manager at (206)438-7021 or Mr. Paul Day, EPA Project Manager at (509)376-6623.

Sincerely,

Fred Olson

Fred A. Olson
Acting Director
Department of Ecology

Dana A. Rasmussen

Dana A. Rasmussen
Regional Administrator
EPA Region 10

RS:FO:ph

cc: John Anttonen, USDOE-RL
Samuel Chilk, NRC
Paul Day, EPA
Dave Jansen, Ecology
Dave Nylander, Ecology
John Tseng, USDOE-HQ
Steve Wisness, USDOE-RL
Admin Record - Grout Treatment Facility (TD-2-1)

**Department of Energy**

Richland Field Office

P.O. Box 550

Richland, Washington 99352

NOV 8 1992

92-LLB-012

Ms. Dana A. Rasmussen
Regional Administrator
U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

Mr. Frederick A. Olson, Acting Director
State of Washington
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

Dear Ms. Rasmussen and Mr. Olson:

DISPUTE RESOLUTION ON TRI-PARTY AGREEMENT CHANGE REQUEST M-01-92-01A

Pursuant to the Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement), Article XL, Paragraph 114, Extensions, the U.S. Department of Energy, Richland Field Office (RL), is notifying you that RL objects to the disapproval by the State of Washington Department of Ecology (Ecology) and the U. S. Environmental Protection Agency (EPA) of Tri-Party Agreement Change Request M-01-92-01A, "Technical Justification For Delay Of Grout Operations"; and RL hereby invokes its rights under the Disputes provisions of the Tri-Party Agreement.

In the letter formally denying Change Request M-01-92-01A, received on October 30, 1992, Ecology and EPA notified this office that it denied the change request based on timeliness. Ecology and EPA also rejected the technical arguments provided by the change request, indicating the issues raised were within RL's purview to quickly resolve or that the concerns raised were without real repercussions. RL objects to the reason of timeliness and the rejection of the technical arguments as the basis for that decision, and is so notifying you within the seven days allocated by the Tri-Party Agreement.

The technical arguments provided by Change Request M-01-92-01A are real technical issues facing RL. RL understands Ecology's position that, as petitioner, if grout is subsequently determined to be high level waste, RL will not be required to remove the grout from a vault. However, it continues to be RL's opinion that the position Ecology and EPA are now expressing is inconsistent with the position Ecology has taken in its petition before the NRC. This inconsistency by Ecology has placed the program at risk. If the NRC determines the grouted waste is not incidental waste, the grout vault most likely would not meet the requirements of 40 CFR 191. In addition, it

Ms. Rasmussen and Mr. Olson

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would be contrary to sound public policy to proceed with grout disposal before an adequate performance assessment is completed that provides clear, substantiated documentation that the disposal of radionuclides in grout vaults is protective of human health and the environment and will meet the criteria developed by DOE for disposal of radioactive waste. Consequently, the Grout PA does require the extensive rewrite that DOE has directed the contractor to complete. Finally, the ability to pour good grout is essential in building the confidence of the Public that DOE can safely dispose of low level radioactive waste at Hanford. To this end, insuring the proper formulation of grout with a limited temperature rise due to heat of hydration, before running a campaign, is essential. Resolving these key issues and technical concerns are essential for the Grout Program to be a success.

In an attempt to promptly resolve this dispute informally, RL will initiate discussions with the Ecology and EPA Unit Managers. If these discussions can not resolve the differences, RL suggests a meeting of the Tri-Party Agreement Project Managers be held to discuss the approach the parties will pursue in resolving this dispute.

If you have any questions regarding this issue, you may contact Mr. George Sanders of my staff on (509) 376-6888.

Sincerely,


John D. Wagoner
Manager

DSD:LAH

cc: P. T. Day, EPA
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