

# memorandum

Fernald Environmental Management Project

DATE: FEB 20 2003

REPLY TO  
ATTN OF: FEMP:Sattler

DOE-0219-03

SUBJECT: BLANKET EXEMPTION FOR COMMERCIAL DISPOSAL OF LOW-LEVEL WASTE

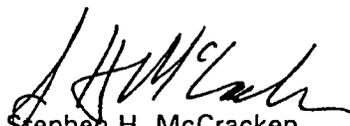
TO: Ward Best, Assistant Manager, OH/OCS

Reference: Memorandum from W. Best to S. McCracken, "Blanket Exemption's: Implementing a Best Practice to Dispose Waste, Reduce Risk," dated January 7, 2003

The Fernald Closure Project (FCP) currently has a blanket exemption in place for low-level wastes. This exemption was approved by the Manager of the Ohio Field Office on February 18, 1999. The FCP will continue to employ this exemption for ongoing disposal of low-level wastes at the Envirocare facility. The quantities of waste identified in the exemption will be monitored and, if necessary, a revision to the exemption to include additional volumes of waste will be submitted for approval. In addition, the applicability of the exemption for the disposal of the silo 11(e)2 materials will be reviewed and a determination will be made regarding the need to revise the exemption to incorporate these materials.

Recently, the FCP prepared and submitted a blanket exemption to the Ohio Field Office for approval. Per your request, a copy of the exemption is attached.

If you have any questions, please contact Victor Taylor at (513) 648-3121.

  
Stephen H. McCracken  
Director

Attachment: As Stated

cc w/attachment:

G. Gorsuch, OH/OCS  
J. Sattler, OH/FCP  
M. Cherry, Fluor Fernald, Inc./MS52-1  
B. Giroir, Fluor Fernald, Inc./MS52-3

cc w/o attachment:

N. Akgündüz, OH/FCP  
D. Lojek, OH/FCP  
V. Taylor, OH/FCP

United States Government

Department of Energy

Ohio Field Office

# memorandum

Fernald Environmental Management Project

DATE: DEC 30 1998

REPLY TO:

ATTN OF: FEMP:Sattler

DOE-0233-99

SUBJECT: REQUEST DEPARTMENT OF ENERGY, OHIO FIELD OFFICE APPROVAL TO INCLUDE VARIOUS MATERIAL FROM OTHER FERNALD ENVIRONMENTAL MANAGEMENT PROJECTS UNDER THE OU1 EXEMPTION

TO: G. Leah Dever, Manager, Ohio Field Office

- References:
1. Memorandum from J. E. Lytle to J. Baublitz, "Approval for Disposal of Fernald Low-Level Radioactive Waste from Operable Unit 1 at a Commercial Disposal Facility," dated November 8, 1994
  2. Memorandum from A. Alm to DOE Managers, "Delegation of Authority to Grant Exemptions to Department of Energy Order 5820.2A to Allow for the Use of Commercial Facilities for Disposal of Department of Energy Low-Level Waste," dated October 24, 1996
  3. "Secretarial Policy Statement on National Environmental Policy Act," dated June 1994

The purpose of this letter is to request Department of Energy, Ohio Field Office (DOE-OH) approval to include various material from other Fernald Environmental Management Projects (FEMP), as identified below, under the Operable Unit 1 (OU1) exemption from DOE Order 5820.2A. The OU1 exemption allows for waste generated during the remediation of the waste pits to be disposed at a commercial disposal facility (Reference 1). In the referenced memorandum, Department of Energy, Headquarters (DOE-HQ) granted approval for an exemption from the DOE policy that DOE low-level waste be disposed at a DOE site. An October 24, 1996, memorandum (Reference 2) delegated the approval authority for granting exemptions from DOE Order 5820.2A to the Field Level.

The original exemption approved by DOE-HQ allowed for Fernald to dispose of approximately 640,000 cubic yards (in-situ) of waste, resulting from the remediation of the OU1 waste pits, at a commercial disposal facility. The conditions that applied to the exemption were of a programmatic nature and included requirements such as audit, appropriate contracting, National Environmental Policy Act (NEPA), and waste characterization documentation.

Following the exemption approval, continuing site-wide integration efforts led to the conclusion that other FEMP projects whose wastes have also been identified as requiring off-site disposal, i.e., the wastes do not meet the Waste Acceptance Criteria (WAC) for the Fernald On-Site Disposal Facility (OSDF), could benefit from processing and disposing of their waste through the Waste Pit Remedial Action Project (WPRAP) facility. Specifically, waste streams similar to pit soils and waste have and will be generated from remediation of the site. These waste streams can be processed through the WPRAP, either as direct loadout or through the treatment process (WPRAP will blend the other project waste streams with pit wastes, if necessary, such that one homogeneous waste stream will remain to be disposed). Examples of waste streams include Advanced Wastewater Treatment (AWWT) sludge, above OSDF WAC soils, and legacy waste. The estimated volume of these additional materials to be included in the exemption is 95,000 cubic yards. Because the waste streams are similar to the pits wastes and soils, no additional constituents of concerns would be introduced into the project; the wastes will have to meet the WAC for radiological and chemical constituents of the commercial disposal facility. No Resource Conservation Recovery Act (RCRA) hazardous waste will be blended with pit material, i.e., processed by WPRAP.

Information on the estimated 95,000 cubic yards in this request are included in the following table. The table identifies the type of material, source, estimated volume, and which Record of Decision (ROD) the material is included for purposes of National Environmental Protection Agency (NEPA) documentation, evaluation of treatment options, etc. It should be noted that the original exemption allowed for disposal of 640,000 cubic yards of OU1 remediation waste. That volume was based on in-situ volumes of waste in the pits; the actual volume of treated waste anticipated to be disposed as a result of the OU1 remediation is approximately 500,000 cubic yards. Therefore, the addition of other project materials will not affect the total volume of waste to be disposed as identified in the original exemption; nor will it, as discussed in the above paragraph, affect the actual type of waste stream to be disposed.

TYPE OF MATERIAL	SOURCE	VOLUME (CUBIC YARDS)	NEPA DOCUMENTATION
Above OSDF WAC Soils	FEMP Site	59,500*	OU2 ROD OU1 ROD
AWWT Sludges	Slurry Dewatering Facility	32,666	OU5 ROD OU1 ROD
Legacy Waste	Legacy Drummed Process Materials	2,250	OU3 ROD OU1 ROD
TOTAL		94,416	

\* Includes soil and soil-like material in SP7

Reference 2 delegates authority to grant exemptions to DOE Order 5820.2A, provided that the field organizations provide appropriate information to the Office of Environmental Restoration, in consultation with the Office of Environment, Safety and Health (DOE-EH)

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for review and comment within a 15-day period. In addition, this reference states that five criteria must be satisfied. The following paragraphs state the criteria and DOE-FEMP's compliance with the requirements:

1. Such facilities must comply with applicable Federal, State, and Local requirements, and have the necessary permits, licenses, and approvals for the specific waste(s) involved, and be determined by DOE, based on a review, to have an adequate history of operational and regulatory performance. The review of operational and regulatory performance must be conducted annually by DOE. A review by one DOE entity can be referenced by another DOE entity to fulfill this requirement.

Annual DOE audits of Envirocare have been conducted as a team effort with representation from Oak Ridge, Fernald, Idaho, and Oakland DOE facilities. The most recent DOE audit was conducted March, 1998; there are no major outstanding findings as a result of that audit. The next audit is scheduled for January 1999. The focus of these audits have been the DOE mixed waste treatment contract. An audit specifically for the DOE low level waste disposal contract will be performed in early 1999.

2. The Operations or Field Office must document that the use of non-DOE disposal facilities is cost effective and is in the best interest of DOE. As part of the planning process, a range of waste disposal alternatives must be considered and documented, including on-site disposal, an alternative DOE disposal site, and available non-DOE facilities.

The 1994 OU1 Feasibility Study/Proposed Plan - Environmental Assessment (FS/PP-EA) provided an analysis of several alternatives for the remediation of OU1, including on-site disposal, disposal at Nevada Test Site (NTS), and disposal at a commercial facility. Appendix E of the FS/PP-EA provided detailed cost estimate for each alternative evaluated. In addition, the OU2, OU3, and OU5 RODs also evaluated disposal on-site, at other DOE sites, and at non-DOE sites. The conclusion, as documented in the OU1 ROD, was the most cost effective approach for remediation included off-site disposal at a commercial facility.

3. The DOE waste must be sufficiently characterized and verified to meet the non-DOE facility's waste acceptance criteria.

The OU1 Remedial Investigation (RI) provided documentation on the characterization of the OU1 pit waste, including process knowledge and sampling and analysis. The characterization documented in the OU1 RI was used to determine the design for remediation of the waste pit area. The OU2, OU3, and OU5 RIs also provided similar characterization data for the wastes within their scope.

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Envirocare have an established WAC that is consistent with their license requirements. The OU1 Draft Remedial Action Package contains the Sampling and Analysis Plan which demonstrates how the waste will be sampled to verify that it meets the Envirocare WAC. The Draft RA Package is currently under EPA review and is expected to be finalized in January 1999.

4. Appropriate NEPA review must be completed. For actions taken under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), it is DOE's policy to incorporate NEPA values into the CERCLA documentation (Reference 3).

In accordance with the referenced Secretarial Policy, the 1994 OU1 FS/PP-EA satisfied the requirement to incorporate all the requirements of an environmental assessment under NEPA into the CERCLA process. The document included an assessment of the potential impacts and risks associated with transportation of the OU1 waste between the FEMP site and the Envirocare site, in addition to the inherent assessment of the potential environmental impacts and risks associated with remediating OU1. Operable Units 2, 3, and 5 also incorporated NEPA requirements into the CERCLA process by including similar information in the OU3 and OU5 feasibility studies.

5. Host States and State Compacts must be consulted before approval of the exemption, and notified prior to shipments being made.

The OU1 Proposed Plan (PP) was submitted to the Tooele County, Utah commissioners and to the State of Utah for review and comment. No comments were received. In addition, prior to shipments, DOE and Fluor Daniel Fernald, Inc. (FDF) will contact state emergency response organizations in those states located along the transportation route.

In summary, because these other waste streams are similar to those found in the waste pit area, because these waste streams have been identified as requiring off-site disposal, and in order to facilitate site-wide integration, DOE-FEMP considers it to be in the FEMP's best interest to manage these wastes through WPRAP. In addition, for these same reasons, and in order to facilitate WPRAP's remediation schedule, DOE-FEMP considers it to be in the FEMP's best interest to modify the current OU1 exemption to allow for disposal of these other wastes at the commercial disposal facility. Accordingly, DOE-FEMP is hereby requesting DOE-OH approval to include such wastes under the current exemption from DOE Order 5820.2A.

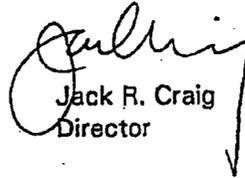
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In accordance with the exemption approval policy described in Reference 2, a copy of this memorandum has been forwarded to EH (as of the date of this memorandum) for review. EH will provide comments within 15 working days. If no comments are received within that period, you are authorized to approve this exemption request.

If you have any questions, please contact John Sattler at (513) 648-3145.

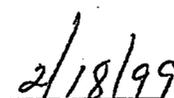
  
Jack R. Craig  
Director

cc:

A. Wallo, EH-41  
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D. J. Carr, FDF/52-2  
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Approved:

  
G. Leah Dever  
Manager

  
Date