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Department of Energy
Nevada Operations Office
P.O. Box 98518
Las Vegas, NV 89193-8518

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JUL 11 2001

Barbara A. Mazurowski, Manager, DOE/RF, Golden, CO

MEMORANDUM OF AGREEMENT (MOA) - NEVADA TEST SITE (NTS) MIXED LOW-LEVEL WASTE DISPOSAL UNIT

With the execution of the subject agreement, the National Nuclear Security Administration Nevada Operations Office can continue to work toward having a viable mixed low-level waste disposal unit on the NTS. Your willingness to fund an advance mixed waste disposal payment is appreciated, and we look forward to assisting the Rocky Flats Environmental Technology Site meet its cleanup goals.

It is my understanding that an identical MOA, executed by your office, has been transmitted to our office for retention, and the executed MOA enclosed will be retained by your office. Should you have any questions regarding this matter, please contact E. Frank Di Sanza at (702) 295-5855.

David L. Marks, Jr.
Assistant Manager for Business
& Financial Services

WMD:EFD

Enclosure:
As stated

cc w/encl:
D. G. Huizenga, DOE/HQ (EM-20) FORS
J. C. Lehr, DOE/HQ (EM-34) CLVRLF
K. C. Guevara, DOE/HQ (EM-22) CLVRLF
R. W. Tyler, DOE/RF, Golden, CO

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MEMORANDUM OF AGREEMENT

BETWEEN

THE NATIONAL NUCLEAR SECURITY ADMINISTRATION
NEVADA OPERATIONS OFFICE

AND

THE DEPARTMENT OF ENERGY
ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE

I. PARTIES

This agreement is entered into by and between the Department of Energy (DOE) National Nuclear Security Administration Nevada Operations Office (NNSA/NV) and the DOE Rocky Flats Environmental Technology Site (DOE/RF).

II PURPOSE

This agreement outlines the respective administrative and programmatic roles and responsibilities of NNSA/NV and DOE/RF related to implementation of a portion of the *Waste Management Programmatic Environmental Impact Statement* (WM PEIS) Record of Decision (ROD) for Mixed Low-Level Waste (MLLW) (65 FR 1006, February 25, 2000). The intent of this agreement is to: (1) define the role of DOE/RF as the funding support source for permitting and preparation of the Nevada Test Site (NTS) MLLW disposal facility that will allow acceptance of off-site MLLW by 2003; (2) identify methods for reimbursement of DOE/RF funding; and (3) provide a mechanism for the development of mixed waste acceptance criteria (WAC) and schedule with off-site MLLW generator sites.

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III. LINE MANAGEMENT RESPONSIBILITIES

A. NNSA/NV: Organization responsible for the NTS.
B. DOE/RF: Organization responsible for Rocky Flats Environmental Technology Site.

IV. ADMINISTRATION OF AGREEMENT

The NNSA/NV Manager and the DOE/RF Manager are jointly responsible for the implementation of this agreement; interpreting the provision of this agreement; and where necessary, issuing tasks and/or procedures regarding areas of joint interest.

Disputes, if any, relative to implementation of this agreement, are expected to be resolved at the lowest organizational level possible. Should disputes be raised to the NNSA/NV and DOE/RF Managers, and resolution is not forthcoming, such disputes may be elevated to the appropriate Cognizant Secretarial Officer(s).

V. AGREEMENTS

The timing of the issuance of the ROD and the DOE FY 2001 budget cycle did not permit the Office of Environmental Management (EM) to incorporate the cost associated with preparation activities for the NTS MLLW disposal facilities into the fiscal year budget. The Office of Integration and Disposition has provided $250,000 to NNSA for submittal of the Resource Conservation and Recovery Act (RCRA) Part B permit application to the state of Nevada, Division of Environmental Protection (submitted December 20, 2000). Also, the Corporate Forum held November 20, 2000, allocated $500,000 to the NNSA/NV for MLLW disposal preparation activities. $1.9 million is still required to complete the permitting process and construction of the facility before NNSA/NV can accept off-site MLLW. The disposal of MLLW is of particular concern to DOE/RF. Based upon the requirements of the recently signed DOE/RF Closure Contract for accelerated closure of the site, DOE endeavors to provide a disposal facility for MLLW by 2003. DOE/RF has agreed to provide funding support to complete preparation activities in support of this schedule. NNSA/NV is entering into this Memorandum of Agreement (MOA) with the understanding that the balance of funding support shall be provided by the DOE Oak Ridge Operations Office.

A. Funding Support:

1. DOE/RF agrees to provide an advance waste disposal payment of $600,000 in FY 2001 and $350, 000 in FY 2002 to complete the permitting process and construction of the MLLW disposal facility located on the NTS. This will allow off-site MLLW to be accepted at the NTS. The waste disposal payment is based upon an expected minimum disposal

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quantity of 100,000 cubic feet at a planned disposal fee as described below in Section V. A.3.

2. NNSA/NV will provide disposal services to DOE/RF in an amount equal to the advance waste disposal payment for waste shipments received beginning in FY 2003. NNSA/NV will request sufficient additional funds in its FY 2003 EM budget to provide these waste disposal services to DOE/RF as intended by this MOA. If FY 2003 additional funding is provided to NNSA/NV to cover these services, these services may be used by DOE/RF to cover the disposal fee for either MLLW or LLW. Should NNSA/NV not receive the additional funding in FY 2003, DOE/RF will pay for these services in FY 2003 and NNSA/NV will seek the additional funding in FY 2004, and/or NNSA/NV and DOE/RF will negotiate an equitable resolution in the follow-on agreement described in Section VI. These waste disposal services are not contingent upon the receipt of the RCRA Part B permit. Should unforeseen circumstances prevent the full utilization of these waste disposal services in FY 2003, this agreement will be extended or modified (Section VI. TERMINATION AND SUPPLEMENTAL TERMS OF AGREEMENT).

3. NNSA/NV anticipates that the disposal cost for MLLW will be approximately equal to the LLW disposal cost plus a mixed waste surcharge. The basis of the surcharge will include the state of Nevada's MLLW fee, verification costs, and any facility upgrades required by the RCRA Part B Permit. For initial planning purposes, DOE/RF should use a disposal fee of $9.50 per cubic foot.

B. Development of a MLLW disposal facility located on the NTS open to off-site waste generators.

1. If funding is provided and a RCRA Part B Permit is issued by the state of Nevada, NNSA/NV anticipated that a MLLW disposal facility located on the NTS, with a capacity of 20,000 cubic meters, would be available for off-site waste acceptance no later than FY 2003. The target date for acceptance of off-site waste is no later than December 31, 2002. DOE/RF will receive priority scheduling for any additional audits required to receive approval to ship off-site MLLW to the NTS.

2. NNSA/NV will develop a RCRA compliant MLLW verification program and facility. Acceptable waste types are identified in Appendix A.

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3. The NNSA/NV Radioactive Waste Acceptance Program will, where possible, involve major generator sites in the development of the MLLW WAC. A draft MLLW WAC is planned for the fall of 2001.

VI. TERMINATION AND SUPPLEMENTAL TERMS OF AGREEMENT

This agreement shall become effective upon the signature of both parties. This agreement, or any part thereof, may be modified or terminated by mutual written agreement between the NNSA/NV and DOE/RF Managers. The agreement will remain in effect until the end of FY 2003 or such date as may be mutually agreeable to the NNSA/NV and DOE/RF Managers. If the obligations of this MOA have not been fulfilled by the end of FY 2003, NNSA/NV and DOE/RF agree to negotiate a follow-on agreement.

VII. APPENDIX

The following document is incorporated into and made part of this MOA.

Appendix A. Summary of the Proposed Nevada Test Site Mixed Waste Disposal Capability

VIII. PARTY SO AGREE:

Date 07/11/01.

Kathleen A. Carlson, Manager
National Nuclear Security Administration
Nevada Operations Office

Barbara A. Mazurowski

Date 8-8-01

Barbara A. Mazurowski, Manager
Rocky Flats Environmental Technology Site

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APPENDIX A

SUMMARY OF THE PROPOSED NEVADA TEST SITE (NTS) MIXED WASTE DISPOSAL CAPABILITY

On December 22, 2000, the Department of Energy (DOE) National Nuclear Security Administration Nevada Operations Office (NNSA/NV) submitted a Resource Conservation and Recovery Act Permit Application to the Nevada Division of Environmental Protection. This Permit Application presents detailed information concerning the Area 5 Pit 3 Mixed Waste Disposal Unit (MWDU) facility design and operation to support the acceptance and subsequent disposal of DOE off-site generated mixed low-level waste (MLLW). The following provides a summary of the types of waste and volumes proposed in the Permit Application.

Waste Acceptance Criteria (WAC)

Each facility generating MLLW destined for disposal at the NTS must obtain advanced approval from the NNSA/NV. The approval process is a series of steps that a waste generator and NNSA/NV must successfully complete, resulting in the generator receiving an approval to ship waste to the NTS. The generator must demonstrate compliance with the NTSWAC by developing a waste certification program. Once the program is approved, waste profiles can be submitted for review and approval on a waste stream-specific basis. The approval process for waste generator programs includes review and acceptance of program documents, on-site facility evaluations (i.e., audits, surveillances, and program reviews), and biennial audits thereafter. Facility evaluations include comprehensive data reviews (i.e., characterization, traceability [including actual inspection of waste and the packaging containers], and quality assurance). NNSA/NV can suspend approvals at any time, based on programmatic or waste stream deficiencies.

NNSA/NV is establishing Real-Time Radiography (RTR) capabilities that will allow nonintrusive visual inspection of the contents of the waste containers. At this time, it is expected that, at a minimum, 25 percent of the boxes and 5 percent of 208 liter (55-gal) drums from a single waste stream will be subject to visual examination or RTR. RTR will be used to validate that the waste form indicated on the shipping documents is consistent with the waste form received.

Acceptable Waste Types/Verification Protocol

The verification program will limit the acceptable waste forms to macro-encapsulated lead solids, vitrified MLLW, stabilized MLLW (cement or grout), and some types of MLLW meeting the alternative treatment standards for hazardous debris.

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(1) **Macro-encapsulated Lead Solids** - In accordance with **40 CFR 268.40**, the treatment standards for radioactive lead solids include macro-encapsulation. These waste forms, when properly treated by the macro-encapsulation treatment technology, may be land disposed in the Pit 3 MWDU. Verification of these waste forms will be by visual examination to determine the effectiveness of the treatment. RTR may be used as a nonintrusive method of verification.

(2) **Vitrified MLLW** - Although not a commercially available treatment technology, the NTS verification program will have the capability to verify MLLW subject to vitrification using RTR.

(3) **Stabilized MLLW** - In accordance with **40 CFR 268.40**, the treatment standards for many listed and characteristic waste include primary and secondary treatment. The final waste form of many of these wastes will be stabilized MLLW. Verification of these waste forms will include visual examination to ensure that stabilization has occurred. RTR may be used as a nonintrusive method of verification.

(4) **Hazardous (Mixed) Debris** - In accordance with **40 CFR 268.45**, the treatment standards for hazardous debris include extraction, destruction, and immobilization technologies. Due to the variability of the final waste forms subject to disposal, NNSA/NV will evaluate hazardous debris on a case-by-case basis. Through the NTS Radioactive Waste Acceptance Program (RWAP), Waste Acceptance Review Panel, and prior to shipment of MLLW, NNSA/NV will submit a request to accept hazardous debris for disposal to NDEP. This request will contain the RWAP waste profile information and a verification plan for each hazardous debris waste stream proposed for disposal in the Pit 3 MWDU.

MLLW Packaging

Typical Department of Transportation packaging to include boxes, 208 liter (55-gal) drums, overpack drums. In addition, macro-encapsulated Debris may be packaged in alternative containers.

Maximum Proposed Disposal Volume

20,000 Cubic Meters

Proposed Waste Codes

D004, D005, D006, D007, D008, D009, D010, D011, D012, D013, D014, D015, D016, D017, D018, D019, D020, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D031, D032, D033, D034, D035, D036, D037, D038, D039, D040, D041, D042, D043

F001, F002, F003, F004, F005, F006, F007, F009

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P002, P003, P005, P010, P011, P012, P014, P015, P016, P022, P024, P027, P028, P029, P030, P031, P056, P073, P074, P075, P077, P087, P088, P092, P093, P098, P101, P104, P105, P106, P108, P113, P116, P119, P120, P121, P123

U001, U002, U003, U004, U007, U008, U009, U012, U014, U018, U019, U020, U022, U028, U031, U032, U037, U041, U042, U043, U044, U048, U052, U053, U055, U056, U057, U061, U063, U067, U068, U069, U070, U071, U072, U077, U078, U079, U080, U081, U083, U084, U088, U098, U102, U103, U107, U108, U112, U113, U116, U118, U120, U122, U123, U127, U128, U131, U133, U134, U135, U137, U138, U140, U144, U145, U147, U148, U154, U159, U160, U161, U162, U165, U166, U169, U170, U171, U182, U188, U190, U191, U196, U197, U201, U202, U204, U207, U208, U209, U210, U211, U214, U215, U216, U217, U218, U219, U220, U222, U225, U226, U227, U228, U234, U235, U238, U239, U240, U246, U328, U353, U359

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