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Department of Energy

Richland Field Office

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93-TPA-004

Mr. Paul T. Day
Hanford Project Manager
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Region 10
712 Swift Boulevard, Suite 5
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Mr. David B. Jansen, P.E.
Hanford Project Manager
State of Washington
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P.O. Box 47600
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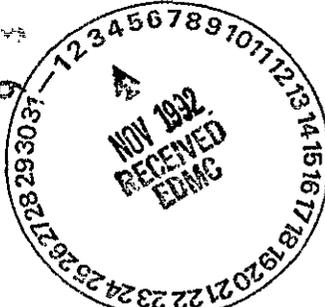
Dear Messrs. Day and Jansen:

INTERIM STABILIZATION MILESTONE, DISPUTE RESOLUTION

- Reference:
- (1) Letter, D. B. Jansen, Ecology, to S. Wisness, RL, "REQUEST FOR DELAY OF INTERIM MILESTONE M-05-04," dated September 25, 1992, received at RL October 1, 1992 - *0023799*
 - (2) Letter, S. H. Wisness, RL, to P. T. Day, EPA, and D. B. Jansen, Ecology, "REQUEST FOR DELAY OF INTERIM STABILIZATION MILESTONE," 92-OB-123, dated September 22, 1992 - *0023494*
 - (3) Letter, J. D. Wagoner, RL to C. Clarke, Ecology, and D. Rasmussen, EPA, "INTERIM STABILIZATION OF SINGLE-SHELL TANKS AT HANFORD SITE," 92-TPA-043, dated May 4, 1992. - *0020859*
 - (4) Letter, J. D. Wagoner, RL to C. Gregoire, Ecology, and D. Rasmussen, EPA, "INTERIM STABILIZATION OF SINGLE-SHELL TANKS (MILESTONE M-05-00)," 91-TPA-111, dated September 9, 1991. - *0016093*
 - (5) Joint Technical Commitments on Single-Shell Tanks 241-C-105 and 241-C-106 dated July 22, 1992, signed by the Washington State Department of Ecology and the U.S. Department of Energy. - *0022933*

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) of Tri-Party Agreement Change Request M-05-92-02B, "Administrative Delay to Fiscal Year

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1992 Interim Stabilization Milestone," and RL hereby invokes its rights to dispute Ecology's denial under Tri-Party Agreement Disputes process.

Reference (2) submitted a request for delay of only four months to interim milestone M-05-04, Interim stabilize 9 additional single-shell tanks (SST) by September 1992. The reason for this was twofold. First it would allow the parties time to complete a major renovation to the major milestone. Secondly, it reflected a "creation of danger" safety issue in the tank farms which prevents, to this day, the continuation of the interim stabilization program. The identification of this extension request for a four month period does not waive RL's entitlement to a longer extension under the Creation of Danger article of the Tri-Party Agreement, but was rather an attempt by RL to establish a reasonable timeframe for the development of a revised tank stabilization milestone. Reference (1) disapproved this Tri-Party Agreement change control form based on Ecology's perceived untimeliness of the request.

As early as September 1991, RL has been on record that interim milestone M-05-04 could not be met (reference 4). As was noted in this reference, because of the impacts associated with the uncertainties surrounding resolution of safety issues connected with SSTs, and physical/material conditions in the tank farms, RL recommended placing the interim stabilization milestones on hold. The reference also noted a third issue which has since been resolved. This change request was rejected by the Ecology, and subsequently by the U.S. Environmental Protection Agency (EPA), as being untimely in its request. Time has proven the timeliness of the request contained in reference (4) as these issues and others continue to plague this program.

In May 1992, the RL Manager again notified the Director of Ecology and the Regional Administrator of the EPA that milestone M-05-04 was impacted by safety concerns and requested that technical discussions be held prior to entering into negotiations to change the milestone (reference 3). A series of technical discussions have been held to date in which RL has provided to Ecology and EPA frank and open discussions on the problems associated with interim stabilizing SSTs, and the series of activities that must occur prior to entering into negotiations. These activities have unfortunately taken more time than originally anticipated. However, these activities exist to assure that proper coordination and funding is in place to support Tri-Party Agreement commitments.

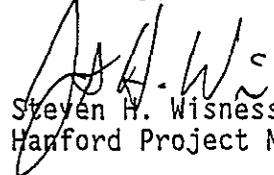
Reference (5) was the output of a technical discussion between Ecology and RL Unit Managers held in July 1992. This meeting was partly as a result of the reference (3) request, and partly to discuss milestones proposed by Mr. Roger Stanley of Ecology dealing with specific SSTs. The commitments documented in reference (5) were a direct result of Mr. Stanley's request, and were to be incorporated into the Tri-Party Agreement as milestones via a change to milestone M-05-00. RL honored this agreement and incorporated these commitments into the change package submitted under reference (2). Ecology

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has now disapproved this change in its entirety and thereby is not honoring the commitments made nor is it being consistent in its regulatory capacity. RL vigorously objects to the reason and the basis for Ecology's disapproval of the change package submitted under reference (2), and is so notifying you within the time allocated by the Tri-Party Agreement. It is RL's desire to comply with the requirements of the Tri-Party Agreement, which requests parties to make reasonable efforts to informally resolve disputes at the unit manager level. In an attempt to expedite the Dispute Resolution process, RL suggests that an informal meeting of the Tri-Party Agreement SST Interim Stabilization Unit Managers be held on October 14, 1992. This would be in conjunction with the SST Unit Manager meeting scheduled for that same day. If you are agreeable to this, the location and specific time for the proposed meeting will be provided to you by telephone.

If you should have any questions regarding this, please contact me at (509) 376-6798, or Mr. Jon Yerxa of my staff at (509)376-9628.

Sincerely,


Steven H. Wisness
Hanford Project Manager

EAP:JKY

cc: S. McKinney, Ecology
D. Sherwood, EPA
B. A. Austin, WHC



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