

Change Number L-96-01	Federal Facility Agreement and Consent Order Change Control Form <small>Do not use blue ink. Type or print using black ink.</small>	June 1, 1996
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Originator: **Ecology/DOE** Phone: _____

Class of Change
 I - Signatories II - Executive Manager III - Project Manager

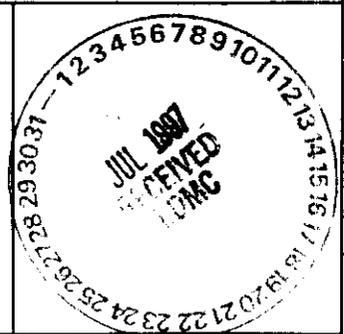
Change Title
Hanford Federal Facility Agreement and Consent Order (Agreement) modifications pursuant to milestone M-33-00 negotiations, a subsequent Agreement In Principle dated June 30, 1995, and the establishment of new major milestone series', M-90-00, M-91-00, and M-92-00.

Description/Justification of Change
 Agreement modifications made here reflect the Parties recognition that effective management of Hanford cleanup and waste and materials management demands a fully coordinated approach (See milestone M-33-00). In addition, these changes have been developed pursuant to the Parties recognition that a number of Hanford site special nuclear materials may no longer be needed for their original purposes and have no clearly identified future use. Specific waste/materials project management milestones are established under new major milestones M-90-00, M-91-00, and M-92-00.
 These (L-96-01) Agreement modifications document corresponding changes being made to Agreement "legal provisions" (modified Article XI, and new Article XLIX), and Action Plan (revised sections 4.0, 9.0 and 11.0).

Impact of Change
 Approval of this change request by the Parties modifies Agreement "legal provisions" by modifying Article XI, and by establishing new Article XLIX (Inclusion of Nonregulated Nuclear Materials). Approval of this change request by the Parties also modifies Agreement Action Plan Sections 4.0, 9.0 and 11.0. On approval, Hanford site planning and budget development documents (e.g., Sitewide System Engineering control documents, Project Management Plans, and Multi Year Work Plans) will be modified accordingly.

Affected Documents
Hanford Federal Facility Agreement and Consent Order, as amended by its Sixth Amendment, February 1996, Hanford site internal planning and budget documents (e.g., Sitewide System Engineering control documents, Project Management Plans, and Multi Year Work Plans).

Approver's <i>John D. Wagner</i> DOE	<u>12/16/96</u> Date	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Disapproved
<i>Chuck Clark</i> EPA	<u>12/31/96</u> Date	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Disapproved
<i>Mary Rowland</i> Ecology	<u>12/24/96</u> Date	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Disapproved



The following modifications are made to Parts Two and Five of the Hanford Federal Facility Agreement and Consent Order (Agreement). Additions to existing Agreement language are shown as shaded, deletions are shown as strikeouts:

Part Two:

ARTICLE XI. SCHEDULE

42. A. Tank waste remediation system milestones will be established in accordance with section ~~11.7~~ 11.8 of the Action Plan.

B. Except as provided above, specific major and interim milestones, as agreed to by the Parties, are set forth in the Action Plan.

Part Five

ARTICLE XLIX: INCLUSION OF NONREGULATED NUCLEAR MATERIALS

154. The Parties recognize that with the close of the cold war the DOE is reassessing current management practices to ensure sound management and compliance with applicable requirements of a wide range of nuclear materials and chemicals nationwide. Many of these materials in inventory, such as surplus nuclear materials, may no longer be needed for their original purposes and have no clearly identified future use. This recognition, coupled with the Parties recognition that effective management of all Hanford cleanup and waste management activities demands a fully coordinated approach (See Agreement milestone H-33-00), has resulted in agreement to include management of nuclear materials that are not currently regulated under RCRA or CERCLA (nonregulated nuclear materials) within this Agreement.

155. Target dates pertaining to nonregulated nuclear materials are identified within this Agreement by the prefix "MX", e.g., MX-00-00T. Inclusion and management of such nonregulated nuclear materials shall be pursuant to Section 12 of the Action Plan. The Parties recognize and agree that inclusion in this Agreement of target dates pertaining to management of nonregulated nuclear materials confers no regulatory authority over these materials to Ecology or EPA. The Parties recognize and agree however, that work schedules associated with non regulated nuclear materials may impact DOE's ability to comply with the requirements of this Agreement. DOE agrees that delays in nonregulated nuclear material(s) projects will not excuse or constitute a defense with regard to any failure to comply with regulated Agreement activities (e.g., milestones).

Article ~~XLIX~~ COMPLIANCE WITH APPLICABLE LAWS

156 ~~154.~~ All actions to be taken pursuant to this agreement shall be taken in accordance with the requirements of all applicable federal and state laws and regulations. All Parties acknowledge that such compliance may impact schedules to be performed under this Agreement. Extensions of schedules shall be provided in accordance with Article XL (Extensions).

157 ~~155.~~ In any judicial challenge arising under this Agreement the court shall apply the law in effect at the time of the challenge, including any amendments to RCRA and CERCLA enacted after entry of this agreement. Where the law governing this agreement has been amended or clarified, any provision of this agreement which is inconsistent with such amendment or clarification shall be modified to conform to such change or clarification.

ARTICLE ~~II~~ ~~E~~ EFFECTIVE DATE

~~158~~ 156. This Agreement is effective upon signature by all Parties.

ARTICLE ~~III~~ ~~F~~ ATTACHMENT 1

Attachment 1 to this Agreement is a letter dated February 26, 1989, from Donald Carr, Acting Assistant Attorney General, Land and Natural Resources Division, U.S. Department of Justice, to Christine Gregoire, Director, Department of Ecology. This letter sets forth the Department of Justice's position on the enforceability of this Agreement.

The following modifications are made to Sections 4.0 and 11.0 of the Action Plan of the Hanford Federal Facility Agreement and Consent Order (Agreement). Additions to existing Agreement language are shown as shaded, deletions are shown as strikeouts.

Section 4.0

4.0 AGREEMENT MANAGEMENT

4.1 PROJECT MANAGER ROLE

The DOE and the lead regulatory agency(ies) (see Section 5.6 for discussion of lead regulatory agency) shall each designate an individual as a project manager for each operable unit, TSD group/unit or specific milestone to be completed under this Agreement. Project managers will only be identified for those areas where effort is ongoing or planned in the near future; A listing of currently assigned project managers shall be maintained and distributed to all Parties by the DOE. Each project manager shall represent his/her respective party and keep his/her agency informed on the status and any problems that arise.

Project managers from each party must have experience and capabilities necessary to carry out their assigned responsibilities. The lead regulatory agency(ies) will assign a project manager with the experience and capability to provide all the routine regulatory oversight necessary for DOE's successful completion of the assigned milestone. DOE will assign a project manager with the experience and capability to manage the project, to oversee the actions of contractor staff, and to maintain regulatory compliance necessary to the completion of the milestone. The project manager from the lead regulatory agency (see Section 5.6 for discussion of lead regulatory agency) shall be responsible for regulatory oversight of all activities required by this action plan for completion of that milestone.

The primary responsibilities of the project managers are to implement the scope, terms, and conditions of the Agreement, direct and provide guidance to their respective contractors and staff, maintain effective communication among each other, and report status to their respective management.

Subject to the limitations set forth in Article XXXVII (Access) of the Agreement and, in addition to other authorities and responsibilities, the Ecology and EPA project managers, or their designated representative(s), shall have the authority to: (1) notify and/or take/issue compliance actions deemed necessary should DOE and/or its contractors fail to comply with Agreement terms, (2) take samples, request split samples of the DOE samples, and ensure that work is performed properly and pursuant to the EPA protocols as well as pursuant to the attachments and plans incorporated into this Agreement; (3)

observe all activities performed pursuant to this Agreement, take photographs, and make sure other reports are prepared on the progress of the work as the project manager deems appropriate; and (4) review records, files, and documents relevant to this Agreement. In addition, the project manager for the lead regulatory agency has authority to require changes to any procedural, design, or specification document that is referenced in a supporting work plan. Such required changes will be subject to the appropriate dispute resolution process as specified in the Agreement.

The DOE project managers or their representatives shall be physically present on the Hanford Site or reasonable available to supervise work performed at the Hanford site during the performance of work performed pursuant to this Agreement and shall be available to the EPA and Ecology project manager for the pendency of this Agreement.

Other authorities and responsibilities are identified in the context of this action plan. The project managers may delegate their authority and responsibilities with notice to the other effected party(ies).

Project managers for DOE and the lead regulatory agency shall meet to discuss progress (including the status of all key project tasks), address issues, and review near term plans pertaining to their respective projects, milestones, operable units and/or TSD groups/units. For TSD groups and operable units, meetings shall be held monthly, unless the project managers agree that a meeting is not appropriate. The assigned DOE project manager shall provide current work schedule information including project task element schedule status and associated "float" (defined as the projected number of days until a task becomes critical path), marked up the appropriate schedules from the RI/FS work plan, closure plan, etc., and/or appropriate detailed near term schedules prior to the meeting. The schedules shall address all ongoing activities associated with the milestones, operable unit or separate TSD groups/units, to include actions on specific units (e.g., sampling). These schedules will be provided to all parties and reviewed at the meeting. Any agreement and commitments (within the project managers level of authority) resulting from the meeting will be prepared and signed by all parties as soon as possible after the meeting. Signed meeting minutes will be issued to the lead regulatory agency and the administrative record by the DOE project manager summarizing the discussion at the meeting. The minutes will include, at a minimum, the following:

- Status of previous agreements and commitments
- Any new agreements and commitments
- Schedules (with current status noted)
- Any approved changes signed off at the meeting in accordance with section 12.2

In the event that the lead regulatory agency project manager forms an opinion that DOE actions or failure to act, jeopardizes completion of an Agreement milestone, they shall notify DOE of that fact in a timely manner. Such notification shall be in writing and shall provide the project manager's detailed rationale for the opinion. On receipt, DOE's project manager will reply in writing within 15 working days. Such reply will either assure that compliance is intact and that DOE's ability to meet Agreement milestones has not been unduly jeopardized, or will describe in detail, expected impact(s), causative factors, and action(s) DOE has/is taking in response.

Section 9.0

Table 9-1. Primary Documents

Waste/Material Stream Project Management (Work) Plans (see Action Plan Section 11.5).
(To be added to Table 9-1 of the Tri-Party Agreement)

Section 11.0

11.0 WORK SCHEDULE AND OTHER WORK PLANS, AND ASSOCIATED REPORTS

11.1 INTRODUCTION

This section describes the format and content of the work schedule, supporting plans and reports, and the process for annual updates and other revisions. In addition, this section also identifies those primary documents that contain other schedules that directly support the work schedule.

The work schedule is contained in Appendix D. It includes the major and interim milestones and additional associated target dates that support the accomplishment of the major milestones described in Section 2.0. Both major and interim milestones are considered enforceable under the Agreement. Dates specified as target dates are incorporated in the work schedule for the purpose of tracking progress toward meeting milestones, and are not enforceable. Work plans and reports will specify additional target dates and milestones. Plans and reports prepared in support of Appendix D (milestone) requirements will specify more detailed work elements and interfaces between Hanford site programs and projects over time (See Sections 11.4 through 11.7).

Milestones and target dates will be incorporated into the Agreement via the change process defined in Section 12.0 upon issuance of the approved work plan (including Project Management (Work) Plan) or report, and incorporated into the work schedule as part of the revision update process. The work schedule will indicate actions required within each major milestone heading, and at each operable unit identified in Appendix C, or TSD group identified in Appendix B. Such actions include, but are not limited to, the following:

- Permitting activities
- Closures
- Groundwater monitoring
- Achieving compliance with interim status requirements
- Ceasing disposal of contaminated liquids to the soil column
- Investigations and characterization
- Remedial and corrective actions
- Technology improvements
- Acquisition of New new facilities, and/or modification of facilities as necessary, e.g., to enhance operations and eliminate long-term storage
- Land disposal restriction requirements

11.2 WORK SCHEDULE

A listing of major and interim milestones and associated target dates, current as of the last Agreement update, is provided in Appendix D.

11.3 WORK SCHEDULE UPDATES

The work schedule will be updated as necessary in order that printed copies of the Agreement remain reasonably current periodically. In addition, any approved Work schedule changes (see Section 12.0 for formal change control system) will be incorporated at this time if not previously incorporated. Each update will be performed as agreed by the three parties.

The work schedule may also be updated for clarity consistent with ~~to incorporate~~ previously approved changes made in accordance with Section 12.2. Such updates do not require approval signatures and are not subject to the public comment process.

11.4 DOE MULTI YEAR WORK PLANS AND SYSTEMS ENGINEERING CONTROL DOCUMENTS

Unless otherwise agreed to by the Parties, DOE Multi Year Work Plans (MYWP) and sitewide systems engineering control documents, shall be consistent with this Agreement, e.g., such plans and documents shall describe work necessary to maintain or achieve compliance with the RCRA, CERCLA, and the requirements of this Agreement. At the time such plans/control documents are submitted they shall describe in detail work to be done, e.g., project start and completion dates, interfaces between programs and projects, and performance standards to be met. Such plans/control documents shall include a DOE determination that they are consistent with the requirements of this Agreement.

11.5 WASTE/MATERIAL STREAM PROJECT MANAGEMENT (WORK) PLANS PREPARED UNDER AGREEMENT MILESTONE SERIES M-90-00, M-91-00, AND M-92-00

Waste/Material Stream Project Management (Work) Plans (PMP) described here serve as the key project defining document consistent with Project Hanford and the requirements of this Agreement. As such, these PMPs will detail project objectives, work schedule(s), and expected outputs, integration with other programs and projects and project management alternatives consistent with established Agreement and other project constraints.

PMPs prepared under Agreement/milestone series M-90-00, M-91-00 and M-92-00, will (with the exceptions noted below) be prepared, reviewed, and approved as primary documents to the extent they deal with waste streams regulated by Ecology and/or EPA (non-regulated nuclear materials are identified with the milestone prefix "MX", and are established pursuant to Article XLIX, and paragraph 155). At the time PMPs are submitted for approval, they shall describe in detail the work to be done and performance standards to be met. They shall also include critical path (implementation) schedule(s) with start and completion dates.

While the lead regulatory agency may review and comment on all elements of PMPs submitted pursuant to milestone series M-90-00, M-91-00, and M-92-00, neither Ecology nor EPA shall have approval authority for the PMP Funding Profile element, nor overall approval authority for Project Schedule and Critical Path Analysis, and Change Management elements. These elements shall be incorporated within the PMP as a distinct section or appendix. The Funding Profile shall include a life-cycle projection of annual funding required to accomplish project scope in accordance with the top-level WBS and schedule. The parties also agree that lead regulatory agency review and approval of PMP Schedule and Critical Path Analysis, and Change Management elements is required for the purpose of ensuring consistency with Agreement milestones. PMPs submitted to the lead regulatory agency under this subsection which deal with waste streams regulated by Ecology and/or EPA shall contain following elements:

- **Project Goals and Objectives:** a brief and concise statement documenting project objectives and requirements.
- **Background:** A description of key history, considerations, actions, and decisions leading to establishment of the project schedule. Elements will include the following:
 - (1) **Physical information covering each identifiably different waste stream component (e.g., current inventories, component generation projections and component characterization data);**

(ii) Discussion of current commercial disposition activities if any;

(iii) A discussion of component and stream stability, and known and suspected instances of contaminant migration;

(iv) A summary of (and appropriate citation for) any earlier evaluation of management and disposition options for each waste stream; and,

(v) A discussion of specific applicable regulatory requirements, and expected impacts to the project.

• **Project Scope:** A concise definition of the project including:

(i) A description of facility(s)/unit(s) clearly delineating the physical boundaries of the project;

(ii) A description of the planned approach (i.e., actions) clearly delineating the action boundaries of the project;

(iii) A top-level work breakdown structure (WBS) with an appended WBS dictionary which includes a brief description of each WBS element; and,

(iv) Projected TSD capability relevant to management and disposition of each component. Capability information will include performance and specification requirements and projected capacity needs.

• **Project Constraints, including established Agreement milestones:** A concise description of externally established schedule requirements (e.g., performance specifications, specified start date(s), finish date(s), or logical relationship) with an identification of their source(s) for the project.

• **Schedule and Critical Path Analysis:** A logic-tied life-cycle schedule including major and interim milestones for the top-level work breakdown structure (WBS) and the project critical path. This is typically displayed as a milestone and critical path item listing and as an appended GANT chart.

• **Key Deliverables/Products:** A description of key deliverables and products resulting from each top-level WBS element including critical performance parameters.

• **Performance Measurement:** Documentation and description of specific performance measures (e.g. milestones and accomplishments) necessary to assess progress toward achieving project and management plan objectives.

• **Project Control:** Identification of requirements and a summary description of the approach for each of the following:

(i) Project interface control (i.e., Site-Wide Systems Engineering); and,

(ii) Reporting and notification requirements and processes.

• **Change Management:** Identification of change control requirements (e.g., thresholds). To include a summary description of the change control process, participants including their roles and responsibilities, and documentation.

Draft Agreement change requests, proposed for approval will be referenced, and attached as an appendix to the PMP. With the exception of Tank Waste Remediation System (TWRS) projects governed by Section 11.8 of this Agreement, each PMP shall identify completion dates for major tasks and deliverables as interim milestones. Milestones shall be set in a manner which fits the requirements of the work to be accomplished, with at least one milestone every twelve months, unless otherwise agreed to by the project managers.

Schedules may be constructed in a manner that allows tasks or deliverables which require or follow regulatory agency review to be due a fixed number of days after approval, rather than on a fixed date. The project managers will rely primarily on project schedules (e.g., reported progress and critical path analysis) for tracking purposes.

~~11.4~~ 11.6 OTHER WORK PLANS AND SUPPORTING SCHEDULES

Unless otherwise specified, other workplans, including those operable unit (OU) workplans prepared under the Hanford Past-Practice Investigation Strategy, shall be prepared, reviewed and approved as primary documents. At the time work plans are submitted for approval they shall describe in detail the work to be done and include the performance standards to be met. They shall also include an implementation schedule with start and completion dates. The work plan schedule shall identify completion dates for major tasks and deliverables as interim milestones. Milestones shall be set in a manner which fits the requirements of the work to be accomplished, with at least one milestone every twelve months, unless otherwise agreed to by the project managers. A change package shall be submitted with the work plan which identifies the interim milestones.

Schedules may be constructed in a manner that allows tasks or deliverables which require or follow regulatory agency review and approval to be due a fixed number of days after approval, rather than on a fixed date. The project managers will rely primarily on the supporting schedules for tracking progress.

Required work plans include:

- RI/FS work plan
- Remedial action work plan
- Closure plan
- RFI/CMS work plan
- CMI plan
- LFI work plan
- ERA work plans/EECA's.

These ERA work plans/EECA's are not to be prepared, reviewed and approved as primary documents, but are subject to approval in accordance with Section 7.2.4 of the Action Plan. Additional detailed schedules, beyond those contained in the above plans, may be needed as agreed to by the assigned project managers to provide more definitive schedules to track progress. These may be part of other plans or may be stand-alone schedules.

~~11.5~~ OTHER WORK PLANS

In addition to the work plans previously described, other work plans may be developed for special situations at the request of the lead regulatory agency. These work plans will be considered primary documents as discussed in Section 9.1, and are subject to all work plan requirements, including those identified above in Section 11.4.

~~11.6~~ ~~11.7~~ SUPPORTING TECHNICAL PLANS AND PROCEDURES

In addition to the requirements as specified in this Agreement, supporting technical plans and procedures may be developed by DOE. They will be reviewed for approval by EPA and Ecology as primary documents or reviewed as secondary documents as determined by EPA and Ecology. In the event that such supporting technical plans and procedures apply only to a specific operable unit, ~~project~~ TSD group/unit or milestone the lead regulatory agency will provide the necessary review and approval. The DOE may submit such plans or procedures at any time, without request of the regulatory agencies. The EPA or Ecology may also request that specific plans or procedures be developed or modified by DOE, consistent with Article XXX of the Agreement. These technical plans and procedures shall pertain to specific compliance and cleanup activities conducted pursuant to this Agreement and shall provide a detailed description of how certain requirements will be implemented at the Hanford Site. DOE shall comply with the most recent approved versions of these technical plans and procedures and those secondary documents which are in effect.

Appendix F contains a listing of current supporting technical plans and procedures and their respective status. Changes to Appendix F will be accomplished in accordance with Section 12.0. Appendix F will be updated annually in conjunction with the annual update to the Work Schedule.

~~11.7~~ ~~11.8~~ TANK WASTE REMEDIATION SYSTEM CRITICAL PATH PROCESS

Tank waste remediation milestones will be established using a critical path process as described in this section. The tank waste remediation program will be established and managed as an integrated system and shall include all activities associated with waste characterization, retrieval/closure, tank stabilization, pretreatment, treatment of high-level and low-level tank waste, acquisition of new tanks, and the multi-purpose storage complex. The parties will develop detailed operating procedures and implement the critical path milestone system on a trial basis, in April 1994, with full implementation by September 30, 1994.

- A. For the purposes of critical path analysis, negotiated dates for completion of single-shell tank waste retrieval, the final closure of single-shell tank farms, and completion of all high-level and low-level tank waste treatment shall be designated as program endpoints and shall be major milestones.
- B. Activities and associated schedules for this program shall be included in the Site Management System (SMS). All activities, milestones, and target dates necessary for tracking the program will be negotiated for inclusion in this Agreement. Activity definition will be based generally on SMS Level 0 schedules, but may in some instances include SMS Level 1. Based on a critical path analysis, any event appearing on the critical path shall be designated as either a major or an interim milestone. Any event not on the critical path shall be designated a target date.
- C. On a semi-annual basis, the integrated schedule shall be updated by the project managers or their designees and the critical path shall be re-evaluated. Updates shall be based on current Site Management System (SMS) information. Additional events falling on the critical path shall be designated as interim milestones. The integrated management schedule shall identify schedule float for each task. Schedule float shall be defined as the amount of time available before an activity becomes a critical path activity. Any activity found to be no longer on the critical path shall revert to target date status.

- D. The Department of Energy shall have the ability to reschedule any activity associated with a target date as necessary to efficiently manage the project, provided such movement shall not adversely affect the critical path or the program endpoints. Project managers shall be advised in advance in writing of any such changes.
- E. Changes to any activity or schedule which affects the critical path, a major or interim milestone, or program endpoints must be requested in accordance with Section 12.0 of the Action Plan.
- F. Based on the information in the monthly SMS report, the Department of Energy shall take all appropriate actions to correct schedule slips in critical path activities.

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