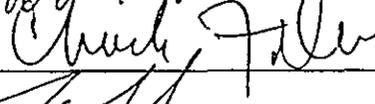
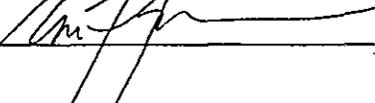
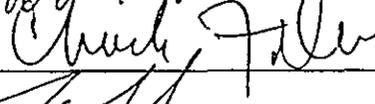
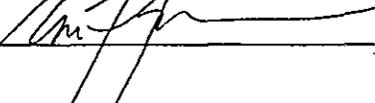
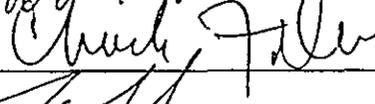
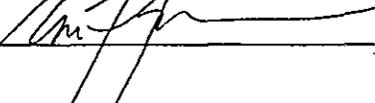
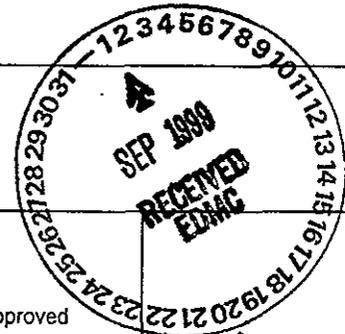


0051592

<b>Change Number</b> M-89-99-01	<b>Hanford Federal Facility Agreement and Consent Order  Change Control Form</b> Do not use blue ink. Type or print using black ink.	<b>Date</b> August 6, 1999																														
<b>Originator</b> Keith A. Klein		<b>Phone</b> (509) 376-7395																														
<b>Class of Change</b> <input checked="" type="checkbox"/> I - Signatories <input type="checkbox"/> II - Executive Manager <input type="checkbox"/> III - Project Manager																																
<b>Change Title</b> Complete closure of non-permitted mixed waste units in the 324 Building as described in the 324 Building REC/HLV Closure Plan, (DOE/RL-96-73). Due date for completion of closure activities may now be established as October 31, 2005, replacing the current "TBD" due date status of the major milestone M-89-00.																																
<b>Description/Justification of Change</b> The Parties are required to agree on a date for this milestone following Ecology's approval of the "324 Building Radiochemical Engineering Cells, High-Level Vault, Low-Level Vault, and Associated Areas Closure Plan" (per Tri-Party Agreement Milestone 20-55). Ecology issued its approval of the closure plan in a letter dated September 1, 1998. (The approved project technical baseline currently indicates these activities will be completed October 2005.)																																
<b>Impact of Change</b> No additional impacts are foreseen. This change merely fulfills the requirement of the existing milestone to establish a due date for completion of all closure activities noted above following approval of the closure plan referred to above.																																
<b>Affected Documents</b> Hanford Federal Facility Agreement and Consent Order Amendment Seven.																																
<b>Approvals</b> <table border="0" style="width: 100%;"> <tr> <td style="width: 30%;"></td> <td style="width: 20%;">8/6/99</td> <td style="width: 10%; text-align: center;">✓</td> <td style="width: 15%; text-align: center;">Approved</td> <td style="width: 15%; text-align: center;">Disapproved</td> </tr> <tr> <td>DOE</td> <td>Date</td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td>8-18-99</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">Approved</td> <td style="text-align: center;">Disapproved</td> </tr> <tr> <td>EPA</td> <td>Date</td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td>8/9/99</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">Approved</td> <td style="text-align: center;">Disapproved</td> </tr> <tr> <td>Ecology</td> <td>Date</td> <td></td> <td></td> <td></td> </tr> </table>				8/6/99	✓	Approved	Disapproved	DOE	Date					8-18-99	✓	Approved	Disapproved	EPA	Date					8/9/99	✓	Approved	Disapproved	Ecology	Date			
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EPA	Date																															
	8/9/99	✓	Approved	Disapproved																												
Ecology	Date																															



DATE: August 23, 1999

FROM: R. D. Morrison

A1-14

Telephone: 376-6574

TO: W. D. Adair	H6-21	R. P. Prosser	H0-20
M. L. Blazek	ODOE	D. E. Rasmussen	L1-04
S. B. Cherry	B3-15	J. E. Rasmussen	A5-15
M. Deleon	L5-65	J. G. Riddelle	L1-02
B. G. Erlandson	R1-51	H. M. Rodriguez	A5-15
J. S. Hertzell	H8-67	L. D. Romine	R3-79
A. M. Hopkins	L5-65	M. W. Rosenberry	R2-53
D. E. Jackson	A5-15	G. H. Sanders	A5-15
M. F. Jarvis	A5-15	J. F. Schwier	S7-41
R. Jim	YIN	D. R. Sherwood	B5-01
P. M. Knollmeyer	A5-11	S. A. Sieracki	A7-80
C. M. Kronvall	L1-08	E. Skinnarland	B5-18
D. L. Lenseigne	S7-80	P. Sobotta	Nez Perce
R. S. McBeath	H8-71	R. F. Stanley	OLY
G. J. McCleary	B3-53	J. M. Steffen	L1-08
J. E. Mecca	A2-45	D. W. Templeton	L1-08
R. M. Millikin	L0-31	A. J. Watts	B3-53
E. J. Murphy-Fitch	A1-14	J. R. Wilkinson	CTUIR
L. J. Olguin	L5-65	J. D. Williams	H6-06
W. J. O'Neil	B3-53	B. D. Williamson	A4-52
R. E. Piippo	A5-15	M. S. Wright	L1-02
S. M. Price	H6-23	J. K. Yerxa	A5-15
		EDMC/Administrative Record	H6-08

cc: RDM File  
OSK File  
TPA File

SUBJECT: APPROVED HANFORD FEDERAL FACILITY AGREEMENT AND  
CONSENT ORDER CHANGE REQUEST M-89-99-01

Attached is a copy, for your information, of approved Hanford Federal Facility Agreement and Consent Order change request entitled "Complete closure of non-permitted mixed waste units in the 324 Building as described in the 324 Building REC/HLV Closure Plan, (DOE/RL-96-73). Due date for completion of closure activities may now be established as October 31, 2005, replacing the current TBD due date status of the major milestone M-89-00." If you have any questions, please call me on 376-6574.

Attachment

## Comment on M-89-00 Milestone Change Request

### COMMENT #1

I submit my personal comments on the Proposed Changes to the Tri-Party Agreement establishing the completion date for the 324 Building Radiochemical Engineering Cells Closure. In general, I support the proposed Milestone M-89-02 date of November 30, 2000, for completion of removal of all excess equipment and waste material from the 324 Building B-Cell and M-89-00 completion date of October 31, 2005.

However, I must comment that both proposed Milestones dates are another example of continuing problem based on the approach used in the Tri-Party Agreement of agreeing to enforceable milestone dates in the future without any way of assuring that Congressional budget appropriations and the U.S. Department of Energy-Headquarters allocations to the U.S. Department of Energy, Richland Operations Office (RL) will adequately fund all the legally required and enforceable Tri-Party Agreement Milestone work. In view of the overriding priority of the Tank Waste Treatment, Spent Nuclear Fuel and Plutonium Finishing Plant projects and the uncertainty of Congressional funding, I feel it is unwise to agree to such milestones. In my opinion there is a serious problem that needs resolving in the interest of reducing the continuing large expenditure of management and staff time on negotiating disputes over milestone dates that will not be met because of funding inadequacy.

My suggestion is that the only enforceable milestones are those agreed to by the parties for the current budget year and these are to be set after RL receives the current budget year allocation. All other milestones are to be planning milestones. I would appreciate receiving your and the State of Washington Department of Ecology (Ecology) response to this comment.

### Response #1

In response to your letter to RL dated May 29, 1999; RL, Ecology, and the U.S. Environmental Protection Agency all appreciate your comment. While not perfect, the Tri-Party Agreement provides the basic framework for protection of the public and the environment. We must rely on the process in place as a means of managing the interests and responsibilities of the respective parties.

The Tri-Party Agreement reflects the technical risks, tasks, schedules, budget and funding considerations, and public values that are essential for planning and implementing successful accomplishment of the Hanford cleanup. We are committed to achievement of a technically sound and efficient cleanup; however, Tri-Party Agreement compliance is not optional. In particular, Ecology recognizes that RL is legally obligated to request adequate funding under Tri-Party Agreement Article XLVIII, Paragraph 148.

The (Tri-Party Agreement) language of Article XLVIII addresses funding requirements to ensure regulatory compliance schedules. The following Tri-Party Agreement Article

XLVIII language specifically addresses the cleanup funding issues: full funding requirement (Paragraph 148), Ecology participation in funding process (Paragraph 149), requirement to include Tri-Party Agreement cost estimates in "Annual Report to Congress" (Paragraph 150), EPA and Ecology reservation of rights (Paragraph 151), requirements subject to availability of funds (Paragraph 152), and agreements to adjust requirements if appropriated funds not available (Paragraph 153).

Ecology shares your concern regarding funding scenarios and commitments beyond the current year's Congressional budget appropriations (or "budget execution year"). For this reason, the only time Ecology will consider adjusting Tri-Party Agreement workscope or milestones due to lack of funding (as provided under Paragraph 153 of the Tri-Party Agreement) will be after RL has formally requested adequate funding to meet all its Tri-Party Agreement milestone obligations (as required under Paragraph 148) and Congress has denied RL's request.