

AUG 23 1998



Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

0049588

AUG 20 1998

98-EAP-462

Mr. Michael A. Wilson, Program Manager
Nuclear Waste Program
State of Washington
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600



Dear Mr. Wilson:

**ELEVATION OF DISPUTE RESOLUTION FOR HANFORD FEDERAL FACILITY
AGREEMENT AND CONSENT ORDER CHANGE CONTROL FORM M-41-98-01**

- References: 1) Letter, from G. H. Sanders, RL, to M. Wilson, Ecology, "Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Change Control Form M-41-98-01, Interim Milestone M-41-24, Start Interim Stabilization of Nine Single-Shell Tanks; and Target Date M-41-27-T03, Complete Salt Well Pumping of Five Single-Shell Tanks," dated July 2, 1998. ✓
- 2) Letter, from G. H. Sanders, RL, to M. Wilson, Ecology, "Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Change Control Form M-41-98-01, Interim Milestone M-41-24, Start Interim Stabilization of Nine Single-Shell Tanks," dated July 21, 1998. ✓

On July 2, 1998, the U. S. Department of Energy, Richland Operations Office (RL) submitted Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Change Control Form M-41-98-01, which requested a change in the due date for Interim Milestone M-41-24, "Start Interim Stabilization of Nine Single-Shell Tanks," and Target Date M-41-27-T03, "Complete Salt Well Pumping of five Single-Shell Tanks," (Ref. 1). On July 16, 1998, the State of Washington Department of Ecology (Ecology) disapproved Change Control Form M-41-98-01. On July 21, 1998, RL invoked the Dispute Resolution provisions of the Tri-Party Agreement (Ref. 2).

In response to Ecology's rejection of the M-41-98-01 Change Control Form and the failure to resolve the dispute at the Project Manager level, RL by this letter of objection, exercises its right under Tri-Party Agreement Article VIII, Section 30 A, to elevate this matter to the Interagency Management Integration Team (IAMIT) for further consideration. A Statement of Dispute detailing RL's position on the disputed Change Control Form is attached to this letter.

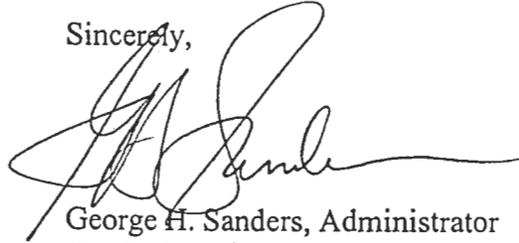
Mr. Michael A. Wilson
98-EAP-462

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AUG 20 1998

Should you have any questions or need additional documentation, please call Carolyn Haass on (509) 372-2731.

Sincerely,



George H. Sanders, Administrator
Hanford Tri-Party Agreement

EAP:FRM

Attachment

cc w/attach:

S. L. Dahl, Ecology
J. M. Kinmark, Ecology
C. O. Ruud, Ecology
L. D. Arnold, FDH
A. M. Umek, FDH
B. D. Williamson, FDH
B. G. Erlandson, LMHC
R. Jim, YIN
D. Powauke, Nez Perce
B. Burke, CTUIR
M. L. Blazek, OOE
D. R. Sherwood, EPA

**U.S. DEPARTMENT OF ENERGY
STATEMENT OF DISPUTE**

**HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER
INTERIM MILESTONE M-41-24 AND TARGET DATE M-41-27-T03
CHANGE CONTROL FORM M-41-98-01**

I. SUMMARY OF DISPUTE

Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Interim Milestone M-41-24 specifies "Start Interim Stabilization of 9 Single Shell tanks" by September 30, 1998. Target Date M-41-27-T03 requires completion of salt well pumping for five Single Shell Tanks by September 30, 1998. Identification and control of unforeseen safety problems affecting workers and the environment have resulted in unavoidable delays in performance of work required under this interim milestone and target date. The need to resolve safety problems constitutes, as defined in the Tri-Party Agreement, "good cause" for delay in completing milestones. On that basis, the U.S. Department of Energy (DOE) submitted Tri-Party Agreement Change Control Form M-41-98-01 to the Washington State Department of Ecology (Ecology) proposing extension of the completion date for Interim Milestone M-41-24 and Target Date M-41-27-T03. Ecology's rejection (apparently based upon its failure to agree that good causes exists) of DOE's tendered Change Control Form M-41-98-01, is the basis of this dispute.

II. U.S. DEPARTMENT OF ENERGY POSITION

DOE is concerned that Ecology has not given full and otherwise appropriate consideration to the facts concerning the identification of flammable gas safety issues in the single shell tanks, and the attendant threat posed to worker safety and the environment if work is forced to proceed before safety issues are properly resolved. DOE believes that the existence of unforeseen safety concerns related to the presence of flammable gas in the single shell tanks, and the necessity of resolving those concerns, constitutes good cause for extensions of the completion dates for Interim Milestone M-41-24 and Target Date M-41-27-T03, as requested in Change Control Form M-41-98-01. Interim stabilization work that has been, or will be executed during Fiscal Year 1998 will provide a prudent basis for establishing a new schedule for completion of interim stabilization of single shell tanks not addressed by Change Control Form M-41-98-01.

III. STATEMENT OF FACTS

A. Summary of Single Shell Tank Interim Stabilization Activities to Date

In 1978, DOE initiated interim stabilization activities for one hundred forty-nine large single shell underground storage tanks located at the central plateau (200 Area) of its Hanford Reservation in eastern Washington State. The purpose of interim stabilization is to reduce the quantity of liquids remaining in single shell tanks, and thus mitigate the threat of environmental damage in the event a tank should leak in the future. Single shell tank liquids are pumped and transferred to the newer double shell tanks, which have no history of leakage. To date, one hundred nineteen of the one hundred forty-nine single shell tanks have been interim stabilized. Twenty-nine single shell tanks remain to be interim stabilized.¹

Although sixty-seven single shell tanks have, or are suspected to have leaked in the past, sixty-five of these tanks have already been interim stabilized, or are in the process of being interim stabilized. The transfer lines to the two remaining tanks have failed and must be repaired or replaced before stabilization activities can begin.

B. Interim Stabilization Tri-Party Agreement History

Single shell tank interim stabilization requirements were originally incorporated into the Tri-Party Agreement under Major Milestone M-05-00, agreed upon in 1989. A number of single shell tanks were interim stabilized under several M-05-00 interim milestones, however, the Project began to experience unanticipated safety related delays in 1991.

DOE procedures require that an Unreviewed Safety Question declaration be made when a potential safety issue is discovered that represents a risk that may fall outside a previously established safety basis under which work may be performed on tanks and related systems. In 1991, safety issues were discovered that resulted in declaration of Unreviewed Safety Questions, and as a direct consequence, watch lists for the Hanford single shell tanks were established. The creation of tank watch lists imposed safety related restrictions on work performed (for example, requirements to modify ventilation systems to mitigate flammable gas), which unfavorably impacted the schedule for further single shell tank interim stabilization. Since 1991, progress on interim stabilization has been constrained by the need to resolve the Unreviewed Safety Questions referred to above and subsequent requirements to implement safety controls on tanks.

While the necessity of resolving unanticipated safety concerns delayed Project progress as explained above, lessons learned during the problem solving process provided valuable project management insights. Those insights suggested that modifications of existing procedures would likely lead to significantly enhanced Project efficiencies. In addition, while early tank interim stabilization activities were for the most part successful, experience demonstrated that the rates at which liquids could actually be pumped from tanks varied significantly, making it virtually

¹ One single shell tank, C-106, is planned as a retrieval demonstration and will not be interim stabilized.

impossible to predict completion dates. The interim milestones of the M-05 series specified completion dates for interim stabilization of tanks, and were developed before the difficulty in predicting completion dates was understood.

In 1993, DOE, Ecology and the U.S. Environmental Protection Agency (the three Parties to the Tri-Party Agreement) negotiated modifications that would become Tri-Party Agreement Amendment 4 in January 1994. During those negotiations, it was realized that an opportunity existed to capitalize on lessons learned, and to eliminate frustrations arising from milestone commitments tied to completion dates for stabilization of tanks. As a consequence, the M-05 series of milestones was replaced by Major Milestone M-41-00, with interim milestones that specified dates by which interim stabilization activities must be started on tanks. A completion date of September 30, 2000 was specified for the new M-41 series of milestones.

In November 1995, as a result of installation and operation of improved monitoring equipment, a safety problem was discovered that again affected DOE's ability to continue interim stabilization work for the single shell tanks. Analysis of data collected by the new monitoring equipment led to a determination that 176 of 177 Hanford tanks, including all of the single shell tanks, could contain potentially hazardous levels of flammable gas. Previously, a combined total of only twenty-five double shell and single shell tanks had been included on the flammable gas watch list. Tri-Party Agreement Change Control Form M-41-96-01 was submitted to Ecology in January 1996 to address delays anticipated to occur as a result of expansion of the flammable gas issue. The Change Control Form was initially disapproved by Ecology, but after a lengthy dispute process, new M-41 interim milestones and target dates were agreed upon and the Change Control Form approved in September 1996. It was not necessary however, to change the completion date for Major Milestone M-41-00, and it remained September 30, 2000.

C. Technical Issues

A key assumption that facilitated acceptance of changes in the M-41 series milestones in September 1996, was that the flammable gas Unreviewed Safety Question would be resolved by September 30, 1996. However, technical difficulties frustrated progress, and resolution of the flammable gas Unreviewed Safety Question did not occur as anticipated. As a consequence, additional delays in interim stabilization have resulted.

Based upon safety assessments that have been performed, it is currently predicted that twenty-six of the single shell tanks remaining to be interim stabilized may require additional safety controls and equipment in order for work to proceed safely. The extensive safety analyses and the identification of resulting mitigation measures that must be implemented, have escalated costs and delayed schedules for performance of remaining interim stabilization activities. As a result, current project scheduling predicts that interim stabilization activities cannot be completed by the Major Milestone M-41-00 due date of September 2000. A Draft Interim Stabilization Recovery Plan reflecting, inter alia, the need to adjust the completion date for M-41-00 was provided to Ecology on April 15, 1998.

Development of the Interim Stabilization Project Plan, issued May 1998, follows a systems engineering approach similar to that used to develop the Tank Waste Remediation System retrieval and disposal mission readiness-to-proceed certification package in January 1998. Systems engineering provides for a systematic approach, including: performing a mission analysis; identification of enabling assumptions; consideration of technical alternatives; development of Level I logic for each of the twenty-nine tanks remaining to be interim stabilized; decomposition of activities to detailed task descriptions; and the development of technical basis review packages, which have been used to establish a comprehensive cost and schedule baseline for interim stabilization activities.

The Project Plan is currently undergoing review by a technical team of representatives from DOE, the DOE contractors and Ecology, for the purpose of validating schedules and costs in the Project Plan. New completion dates for the remaining M-41 interim milestones, including M-41-24, and the M-41-00 Major Milestone will not be established until that review is complete and comments are satisfactorily resolved.

D. Related Tri-Party Agreement Interim Milestones M-41-22 and M-41-23

Interim milestones M-41-22 and M-41-23, which required initiation of interim stabilization of six single shell tanks by September 30, 1997 and eight additional single shell tanks by March 31, 1998 respectively, have not been met. Numerous discussions occurred between Ecology and DOE at both the Tri-Party Agreement Project Manager, Inter-Agency Management Integration Team (IAMIT), and the Executive Management levels during attempts to resolve the disputes that resulted from inability to fully perform M-41-22 and M-41-23. During the course of those dispute resolution attempts, it became apparent to DOE that performance of M-41-24 would be frustrated by many of the same technical difficulties that had prevented satisfying M-41-22 and M-41-23. DOE consequently proposed during the M-41-22 and -23 dispute resolution attempts, that the scope of the discussions on Change Control Form M-41-97-01 (for Interim Milestone M-41-22) be expanded to include the remainder of the interim milestones and target dates under Major Milestone M-41-00 (Attachment 1). Ecology refused to expand the scope of that dispute to include any consideration of adjustment of the completion date for Major Milestone M-41-00 (Attachment 2).

E. Proposed Path Forward

During February 1997, DOE granted approval to Fluor Daniel Hanford Company, its Project Hanford Management Contractor, to begin interim stabilization in specific single shell tanks using continuous flammable gas monitoring and controls, as specified in Tank Farms Standing Order 97-01. DOE now anticipates that three, and possibly four of the remaining twenty-nine single shell tanks that must be interim stabilized, can be pumped using the identified continuous flammable gas monitoring and controls. In fact, interim stabilization has been initiated on three single shell tanks, T-104, T-110 and SX-104. While stabilization of AX-101 was scheduled to start in February 1998, sample data indicated an unanticipated inventory of retained flammable

gases, and pumping was deferred until data was fully analyzed and appropriate controls are installed.

F. Current Status of Interim Stabilization Work

Fiscal Year 1998 Interim Stabilization activities are as follows:

- Resolution and approval of the Authorization Basis Amendment requirements for pumping the remaining flammable gas Group 2 single shell tanks. (Definition of Group 1, 2 and 3 tanks is given in Attachment 3).
- Review of the operational and procedural requirements of the interim stabilization program in an attempt to reduce costs.
- Updating and maintenance of emergency pumping capability to initiate pumping in any of the remaining single shell tanks within 30 days, should a leak or other unanticipated event occur.
- Continued pumping of three single shell tanks (Group 3): SX-104, T-104 and T-110.
- Development of a comprehensive project plan to schedule and estimate all activities required to complete the scope of Major Milestone M-41-00.
- Exhausters are being modified to meet the controls required to pump Facility Group 2 tanks.
- Preparations to initiate pumping of Tank SX-106 have been started and will be completed during Fiscal Year 1998.
- Work is being started in S-Farm so that pumping of tanks in that facility can be initiated in Fiscal Year 1999.
- The Authorization Basis is being revised to include pumping of Facility Group 3 tanks using the controls specified in the applicable Basis for Interim Operation (BIO).

IV. DISPUTE CHRONOLOGY

Hanford Federal Facility Agreement and Consent Order Change Control Form M-41-98-01 was submitted to Ecology on July 2, 1998 (Attachment 4). The Change Control Form was disapproved by Ecology on July 16, 1998. On July 21, 1998, DOE sent a letter to Ecology invoking the dispute resolution provisions of the Tri-Party Agreement (Attachment 5). The Tri-Party Agreement provides a thirty-day period for resolution of a dispute at the Project Manager level, after which the dispute, if not resolved, may be extended at that level, or elevated to the IAMIT level.

While DOE continues to believe that it is being denied relief to which it is properly entitled, Ecology has not indicated a willingness to resolve or extend this dispute at the Project Manager level. Consequently, DOE has elected to elevate dispute resolution to the IAMIT level, and supplies this Statement of Dispute in accordance with the Tri-Party Agreement Article VIII, Section 30A to support deliberations at that level.

V. CONCLUSION

DOE requests that the Change Control Form M-41-98-01 be approved, changing the due date for Interim Milestone M-41-24 and Target Date M-41-27-T03 from September 30, 1998 to "To be Determined." After DOE has finalized a revised schedule for completion of interim stabilization work on the single shell tanks, it will suggest an appropriate completion date for Major Milestone M-41-00, and the interim milestones to be performed thereunder.

ATTACHMENT 1



Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

OCT 24 1997

97-MSD-289

Mr. Chuck Clarke
Regional Administrator
U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

Mr. Tom Fitzsimmons, Director
State of Washington
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504

Dear Messrs. Clark and Fitzsimmons:

HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (TRI-PARTY AGREEMENT)
MILESTONE M-41-00, "COMPLETE SINGLE SHELL TANK INTERIM STABILIZATION"

- References:
1. RL letter from G. Sanders to M. Wilson, Ecology. "Hanford Federal Facility Agreement and Consent Order Change Control Form M-41-97-01, Interim Milestone M-41-22, 'Start Interim Stabilization of 6 Single Shell Tanks'." 97-EAP-530, dated June 27, 1997.
 2. RL letter from G. Sanders to M. Wilson, Ecology. "Invocation of Dispute Resolution for Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Change Control Form M-41-97-01, Interim Milestone M-41-22, 'Start Interim Stabilization of 6 Single Shell Tanks'." 97-MSD-258, dated July, 16, 1997.
 3. Extension to Dispute Resolution for Tri-Party Agreement Change Request M-41-97-01, dated September 23, 1997.

On June 27, 1997, the U.S. Department of Energy, Richland Operations Office (RL) transmitted Tri-Party Agreement Change Control Form M-41-97-01 to the State of Washington Department of Ecology (Ecology) (Reference 1). The change control form requested a six-month delay in the due date for Milestone M-41-22, "Start Interim Stabilization of 6 Single Shell Tanks."

The change request was subsequently disapproved by Ecology's failure to respond within fourteen (14) days of RL transmitting the change control form. On July 16, 1997, RL notified Ecology that it was invoking the dispute resolution provisions of the Tri-Party Agreement (Reference 2). The dispute has subsequently been elevated to the Inter Agency Management Integration Team (IAMIT) for resolution and has been extended at that level through October 28, 1997 (Reference 3).

OCT 24 1997

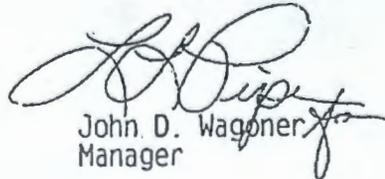
During this dispute resolution on Tri-Party Agreement Milestone M-41-22, RL has re-evaluated the status of completing Tri-Party Agreement Major Milestone M-41-00, "Complete Single Shell Tank Interim Stabilization" due September 2000." This evaluation indicated that the flammable gas issue associated with all 177 tanks and the Fiscal Year (FY) 1998 reduction in budget and scope for interim stabilization will cause a delay in the completion of the Tri-Party Agreement Major Milestone M-41-00. In addition, RL will be evaluating the process of how to reduce interim stabilization (saltwell pumping) costs. The present best cost estimate for saltwell pumping a tank is approximately \$2.5 million. However, substantial effort is being made to achieve a pumping process that will provide an interim stabilized flammable gas tank for less than \$1.0 million. The FY 1998 plan to achieve this cost reduction goal includes four major components:

- Perform cost efficiency studies on the saltwell pumping activities being performed in FY 1998. Specifically, the start of Tanks SX-104, BY-106, and AX-101 will be evaluated.
- Utilize field data as a major input into the re-engineering of the saltwell pumping process.
- Provide the contractor with a financial incentive to complete an effective re-engineering effort.
- Evaluate the presently defined safety envelope for saltwell pumping of flammable gas tanks and determine if older flammable gas data caused the envelope to be too conservative in response to the potential hazard.

With respect to the above information, RL proposes that the scope of the discussions on Change Control Form M-41-97-01 dispute be expanded to include the remainder of Tri-Party Agreement Major Milestone M-41-00. RL believes that a partnering effort similar to that of the Tri-Party Agreement Major Milestone M-44-00, Tank Characterization Program negotiations, would be appropriate in resolving the issues identified on this major milestone.

We look forward to working with you and your staff on this issue. If you have any questions regarding this letter, please contact Carolyn Haass, Management Systems Division, on (509) 372-2731 or George Sanders, Environmental Assurance, Permits, and Policy Division, on (509) 376-6888.

Sincerely,



John D. Wagoner
Manager

MSD:CCH

Messrs. Clarke and Fitzsimmons
97-MSD-289

-3-

OCT 24 1997

cc: J. R. Wilkinson, CTUIR
D. Powauke, Nez Perce Tribe
R. Jim, YIN
S. L. Dahl, Ecology
M. A. Wilson, Ecology
R. Stanley, Ecology
D. R. Sherwood, EPA
L. D. Arnold, FDH
A. M. Umek, FDH
L. E. Hall, LMHC
M. Blazek, ODOE

ATTACHMENT 2



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

November 26, 1997

Mr. John D. Wagoner, Manager
U. S. Department of Energy
Richland Operations Office
P. O. Box 550
Richland Washington 99352

Dear Mr. Wagoner:

HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (TRI-PARTY AGREEMENT) MILESTONE M-41-00, "COMPLETE SINGLE-SHELL TANK INTERIM STABILIZATION".

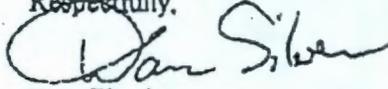
Please note that I have received your October 24, 1997 letter on the above subject (DOE# 97-MSD-289). Within your letter you propose "...that a partnering effort similar to that of the Tri-Party Agreement Major Milestone M-44-00, Tank Characterization Program negotiations, would be appropriate in resolving the issues identified on this major milestone." I do not believe that such negotiations are warranted. In addition, I note the increasingly apparent importance of removing these radioactive mixed wastes from Hanford's failing single shell tanks without delay. This importance is just now being underscored by Department of Energy (DOE) Resource Conservation and Recovery Act (RCRA) groundwater assessment reporting, which has confirmed that these extremely hazardous mixed wastes have begun to impact area groundwaters.

As you know, near term single-shell tank interim stabilization schedules under Tri-Party Agreement milestone M-41-22 (and associated outyear impacts) are currently the subject of dispute resolution proceedings between our respective staffs under Tri Party Agreement Article VIII. It would be inappropriate to simply abandon this agreed-to process, and begin renegotiating the entire major milestone series. In addition, I do not agree that this (interim stabilization) dispute is analogous to recently completed tank characterization program modifications. In that instance there was widespread recognition by the agencies and stakeholders that an entirely new (needs oriented) approach to waste characterization was warranted. This is not the case with interim stabilization.

John D. Wagoner
November 26, 1997
Page 2.

Consequently, adhering to our agreed-to Tri Party Agreement dispute resolution process provides the best means to achieving timely compliance with hazardous waste law and the Tri Party Agreement, and the removal of single shell tank liquid wastes in a safe and timely manner.

Respectfully,



for
Tom Fitzsimmons
Director

cc: Tanya Barnett, Office of the Attorney General
Mary Lou Blazek, ODOE
Chuck Clarke, EPA Region 10
L. M. Hall, LMHC
Russell Jim, YTN
Jackson Kinzer, DOE-RI.
Donna Powauke, Nez Perce Tribe
Marilyn Reeves, Hanford Advisory Board
George Sanders, DOE-RL
J. R. Wilkinson, CTUIR
Administrative Record

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ATTACHMENT 3

DEFINITION OF FACILITY GROUP 1, 2, 3

The "Required Controls" classify all single shell tanks and double shell tanks into Facility Group 1, 2, or 3. Definitions for these Groups are as follows:

Facility Group 1: Consists of five double shell tanks that have undergone observed, significant Gas Release Events. These double shell tanks are conservatively postulated to have the potential for large spontaneous and large induced Gas Release Events.

Facility Group 2: Consists of the remaining double shell tanks (excluding SY-101) and 43 of the single shell tanks, as well as a number of inactive miscellaneous underground storage tanks, all of which are conservatively postulated to have the potential for small spontaneous and large induced Gas Release Events.

Facility Group 3: Consists of the remaining single shell tanks not assigned to Facility Groups 1 or 2, as well as additional inactive miscellaneous underground storage tanks and tank 244-AR TK-002. These tanks are conservatively postulated to have the potential for small induced Gas Release Events only.

ATTACHMENT 4

**LETTER: U.S. DEPARTMENT OF ENERGY TO WASHINGTON STATE
DEPARTMENT OF ECOLOGY, DATED JULY 2, 1998**



Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

JUL 02 1998

98-EAP-350

Mr. Michael A. Wilson, Program Manager
Nuclear Waste Program
State of Washington
Department of Ecology
P. O. Box 47600
Olympia, Washington 98504-7600

Dear Mr. Wilson:

HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (TRI-PARTY AGREEMENT) CHANGE CONTROL FORM M-41-98-01, INTERIM MILESTONE M-41-24, "START INTERIM STABILIZATION OF NINE SINGLE-SHELL TANKS," AND TARGET DATE M-41-27-T03, "COMPLETE SALT WELL PUMPING OF FIVE SINGLE SHELL TANKS"

Enclosed for your approval is the Tri-Party Agreement Change Control Form M-41-98-01, which modifies the due date for Interim Milestone M-41-24 and Target Date M-41-27-T03 from September 30, 1998, to "to be determined".

If you have any questions, please contact Carolyn Haass, Management Systems Division on (509) 372-2731.

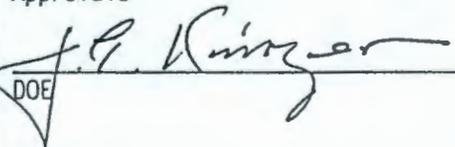
Sincerely,

 George H. Sanders, Administrator
Hanford Tri-Party Agreement

MSD:CCH

Enclosure

cc w/encl:
R. Jim, YIN
D. L. Powaukee, Nez Perce Tribe
J. R. Wilkinson, CTUIR
S. L. Dahl, Ecology
S. E. McKinney, Ecology
D. R. Sherwood, USEPA
L. D. Arnold, FDH
A. M. Umek, FDH
L. M. Hall, LMHC
M. L. Blazek, OOE

| | | |
|--|--|---|
| Change Number M-41-98-01 | Federal Facility Agreement and Consent Order Change Control Form <small>Do not use blue ink. Type or print using black ink.</small> | Date June 30, 1998 |
| Originator C. C. Haass | | Phone (509)372-2731 |
| Class of Change <input type="checkbox"/> I - Signatories <input checked="" type="checkbox"/> II - Executive Manager <input type="checkbox"/> III - Project Manager | | |
| Change Title Modification to Tri-Party Agreement Interim Milestone M-41-24 and Target Date M-41-27-T03. | | |
| Description/Justification of Change Tri-Party Agreement Interim Milestone M-41-24 and Target Date M-41-27-T03 are as follows: | | |
| M-41-24 | Start Interim Stabilization of 9 Single Shell Tanks | 9/30/1998 |
| M-41-27-T03 | Complete Salt Well Pumping of 5 Single Shell Tanks | 9/30/1998 |
| Modifications to these Tri-Party Agreements commitments are as follows: | | |
| M-41-24 | Start Interim Stabilization of 9 Single Shell Tanks | TBD |
| M-41-27-T03 | Complete Salt Well Pumping of 5 Single Shell Tanks | TBD |
| Impact of Change This Change Control Form addresses Tri-Party Agreement Interim Milestone M-41-24 and Target Date M-41-27-T03. Impacts to Tri-Party Agreement Major Milestone M-41 and any associated Interim Milestones or Target Dates are not addressed in this Change Control Form. | | |
| Affected Documents Hanford Federal Facility Agreement and Consent Order, February 1996, Appendix D, Work Schedules | | |
| Approvals  | | |
| DOE | 7-2-98 | <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved |
| EPA | _____ | <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved |
| Ecology | _____ | <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved |

Description/Justification (cont.)

Since the establishment of Tri-Party Agreement Major Milestone M-41-00 (Complete Single-Shell Tank Interim Stabilization) and associated Interim Milestones and Target Dates, these commitments have been subject to delays for several reasons. First, the expansion of the flammable gas issue for all single and double shell tanks have resulted in additional controls to provide assurance of adequate ventilation, monitoring, and ignition prevention during interim stabilization activities. Second, the remaining Single Shell Tanks to be interim stabilized have presented increasing technical difficulties (solidification of liquid waste from SX-104, transfer system integrity, availability of SY-102 Double Shell Tank space, etc.). The combinations of these technical issues have resulted in schedule slippage to Interim Milestone M-41-24 and Target Date M-41-27-T03.

The U.S. Department of Energy, Richland Operations Office previously submitted two Change Control Forms on Tri-Party Agreement Interim Milestones M-41-22 (Start Interim Stabilization of 6 Single Shell Tanks by September 30, 1997) and M-41-23 (Start Interim Stabilization of 8 Single Shell Tanks by March 31, 1998). Change Control Form M-41-97-01 for Interim Milestone M-41-22 sought a six-month extension from September 30, 1997, to March 31, 1998. The Change Control Form was submitted to the Washington State Department of Ecology (Ecology) on June 27, 1997, and was subsequently denied by the Director of Ecology on February 10, 1998. Change Control Form M-41-97-02 requested change in the due date of Interim Milestone M-41-23 from March 31, 1998, to "to be determined." The Director of Ecology similarly denied this Change Control Form on March 10, 1998.

RL and its contractor's are currently developing a Project Plan for completion of the Single Shell Tank interim stabilization activities. This Project Plan will utilize an approach similar to that used to develop the Tank Waste Remediation System retrieval and disposal mission readiness-to-proceed certification package delivered to RL in January 1998. A systematic approach including creation of a mission analysis, enabling assumptions, consideration of technical alternatives, the development of Level 1 logics for each of the 29 Single Shell Tanks remaining to be stabilized, decomposition to more detailed task descriptions, and the development of technical basis review packages will be used to develop a comprehensive cost and schedule baseline for stabilization activities.

To date, Interim Milestone M-41-22 and M-41-23, which are predecessor milestones to M-41-24 still remain incomplete. Tri-Party Agreement Interim Milestone M-41-24 can not be completed until Interim Milestone M-41-22 and M-41-23 are completed. Also, Target Date M-41-27-T03 can not be completed until interim stabilization activities are initiated and completed on additional Single Shell Tanks. Therefore, until RL and its contractor's complete and approve the Single Shell Tank Interim Stabilization Project Plan, it is not possible to determine the revised dates for Interim Milestone M-41-24 and Target Date M-41-27-T03. RL is currently in discussion with the Washington State Attorney General Office and Ecology to resolve the issues associated with Interim Milestones M-41-22 and M-41-23.

49446



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

July 16, 1998

Mr. George H. Sanders, Administrator
Hanford Tri-Party Agreement
U. S. Department of Energy
P. O. Box 550
Richland, Washington 99352

Dear Mr. Sanders:

RE: 98-EAP-350 / HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (TRI-PARTY AGREEMENT) CHANGE CONTROL FORM M-41-98-01, INTERIM MILESTONE M-41-24, "START INTERIM STABILIZATION OF NINE SINGLE-SHELL TANKS", AND TARGET DATE M-41-27-T03, "COMPLETE SALT WELL PUMPING OF FIVE SINGLE SHELL TANKS".

Please note that I have received your July 2, 1998 letter and its enclosed Change Control Form M-41-98-01. I have disapproved this request. As you know, Director Fitzsimmons, Governor Locke, Attorney General Gregoire and I have repeatedly voiced our concerns in this matter, including the inordinate amount of time DOE and its contractors continue to take in effectively addressing high level radioactive waste releases to the environment and the interim stabilization of Hanford tanks.

I have forwarded a copy of your request to Ecology's Tank Waste Remediation System (TWRS) project staff for follow-up.

Sincerely,

Mike Wilson, Manager
Nuclear Waste Program

- cc: Larry Arnold, FDH TPAI
- Tanya Barnett, Office of the WA Attorney General
- Mary Lou Blazek, OOE
- Russell Jim, YIN
- Donna Powaukec, Nez Perce Tribe
- Doug Sherwood, Environmental Protection Agency, Region 10
- J. R. Wilkinson, CTUIR
- Administrative Record

(Enclosure)
c: M-41-24.doc

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DOE-RL/RLCC





Department of Energy
 Richland Operations Office
 P.O. Box 550
 Richland, Washington 99352

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JUL 02 1998

FILE NAME: _____
 RCRA _____
 CERCLA _____

98-EAP-350

Mr. Michael A. Wilson, Program Manager
 Nuclear Waste Program
 State of Washington
 Department of Ecology
 P. O. Box 47600
 Olympia, Washington 98504-7600

Dear Mr. Wilson:

HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (TRI-PARTY AGREEMENT) CHANGE CONTROL FORM M-41-98-01, INTERIM MILESTONE M-41-24, "START INTERIM STABILIZATION OF NINE SINGLE-SHELL TANKS," AND TARGET DATE M-41-27-T03, "COMPLETE SALT WELL PUMPING OF FIVE SINGLE SHELL TANKS"

Enclosed for your approval is the Tri-Party Agreement Change Control Form M-41-98-01, which modifies the due date for Interim Milestone M-41-24 and Target Date M-41-27-T03 from September 30, 1998, to "to be determined".

If you have any questions, please contact Carolyn Haass, Management Systems Division on (509) 372-2731.

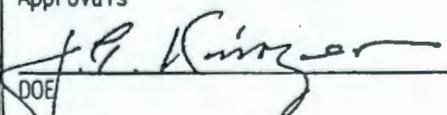
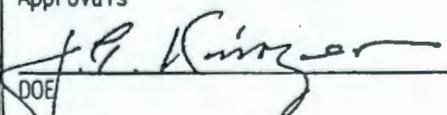
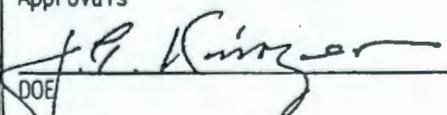
Sincerely,

George H. Sanders, Administrator
 Hanford Tri-Party Agreement

MSD:CCH

Enclosure

- cc w/encl:
- R. Jim, YIN
- D. L. Powauke, Nez Perce Tribe
- J. R. Wilkinson, CTUIR
- S. L. Dahl, Ecology
- S. E. McKinney, Ecology
- D. R. Sherwood, USEPA
- L. D. Arnold, FDH
- A. M. Umek, FDH
- L. M. Hall, LMHC
- M. L. Blazek, OOE

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|---|---|---|---------------|---|-------------|--------------------------|--|-----------|---------|---|-----|-------------|--|-----------|--|--------------------------|----------|--------------------------|-------------|-----|------|--|--|--|--|---|----------------|--------------------------|----------|-------------------------------------|-------------|---------|------|--|--|--|--|--|
| Change Number M-41-98-01 | Federal Facility Agreement and Consent Order Change Control Form <small>Do not use blue ink. Type or print using black ink.</small> | Date June 30, 1998 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Originator C. C. Haass | | Phone (509)372-2731 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Class of Change <input type="checkbox"/> I - Signatories <input checked="" type="checkbox"/> II - Executive Manager <input type="checkbox"/> III - Project Manager | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Change Title Modification to Tri-Party Agreement Interim Milestone M-41-24 and Target Date M-41-27-T03. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Description/Justification of Change Tri-Party Agreement Interim Milestone M-41-24 and Target Date M-41-27-T03 are as follows: <table border="0" style="width: 100%;"> <tr> <td style="width: 20%;">M-41-24</td> <td style="width: 60%;">Start Interim Stabilization of 9 Single Shell Tanks</td> <td style="width: 20%;">9/30/1998</td> </tr> <tr> <td>M-41-27-T03</td> <td>Complete Salt Well Pumping of 5 Single Shell Tanks</td> <td>9/30/1998</td> </tr> </table> Modifications to these Tri-Party Agreements commitments are as follows: <table border="0" style="width: 100%;"> <tr> <td style="width: 20%;">M-41-24</td> <td style="width: 60%;">Start Interim Stabilization of 9 Single Shell Tanks</td> <td style="width: 20%;">TBD</td> </tr> <tr> <td>M-41-27-T03</td> <td>Complete Salt Well Pumping of 5 Single Shell Tanks</td> <td>TBD</td> </tr> </table> | | | M-41-24 | Start Interim Stabilization of 9 Single Shell Tanks | 9/30/1998 | M-41-27-T03 | Complete Salt Well Pumping of 5 Single Shell Tanks | 9/30/1998 | M-41-24 | Start Interim Stabilization of 9 Single Shell Tanks | TBD | M-41-27-T03 | Complete Salt Well Pumping of 5 Single Shell Tanks | TBD | | | | | | | | | | | | | | | | | | | | | | | | |
| M-41-24 | Start Interim Stabilization of 9 Single Shell Tanks | 9/30/1998 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| M-41-27-T03 | Complete Salt Well Pumping of 5 Single Shell Tanks | 9/30/1998 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| M-41-24 | Start Interim Stabilization of 9 Single Shell Tanks | TBD | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| M-41-27-T03 | Complete Salt Well Pumping of 5 Single Shell Tanks | TBD | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Impact of Change This Change Control Form addresses Tri-Party Agreement Interim Milestone M-41-24 and Target Date M-41-27-T03. Impacts to Tri-Party Agreement Major Milestone M-41 and any associated Interim Milestones or Target Dates are not addressed in this Change Control Form. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Affected Documents Hanford Federal Facility Agreement and Consent Order, February 1996, Appendix D, Work Schedules | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Approvals <table border="0" style="width: 100%;"> <tr> <td style="width: 30%;"></td> <td style="width: 20%;"><u>7-2-98</u></td> <td style="width: 10%;"><input checked="" type="checkbox"/></td> <td style="width: 15%;">Approved</td> <td style="width: 10%;"><input type="checkbox"/></td> <td style="width: 15%;">Disapproved</td> </tr> <tr> <td>DOE</td> <td>Date</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><u>NA</u></td> <td></td> <td><input type="checkbox"/></td> <td>Approved</td> <td><input type="checkbox"/></td> <td>Disapproved</td> </tr> <tr> <td>EPA</td> <td>Date</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td><u>7-16-98</u></td> <td><input type="checkbox"/></td> <td>Approved</td> <td><input checked="" type="checkbox"/></td> <td>Disapproved</td> </tr> <tr> <td>Ecology</td> <td>Date</td> <td></td> <td></td> <td></td> <td></td> </tr> </table> | |  | <u>7-2-98</u> | <input checked="" type="checkbox"/> | Approved | <input type="checkbox"/> | Disapproved | DOE | Date | | | | | <u>NA</u> | | <input type="checkbox"/> | Approved | <input type="checkbox"/> | Disapproved | EPA | Date | | | | |  | <u>7-16-98</u> | <input type="checkbox"/> | Approved | <input checked="" type="checkbox"/> | Disapproved | Ecology | Date | | | | | |
|  | <u>7-2-98</u> | <input checked="" type="checkbox"/> | Approved | <input type="checkbox"/> | Disapproved | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| DOE | Date | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>NA</u> | | <input type="checkbox"/> | Approved | <input type="checkbox"/> | Disapproved | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| EPA | Date | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | <u>7-16-98</u> | <input type="checkbox"/> | Approved | <input checked="" type="checkbox"/> | Disapproved | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ecology | Date | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Hanford Federal Facility Agreement and Consent Order
Change Control Form M-41-98-01
Page 2 of 2

Description/Justification (cont.)

Since the establishment of Tri-Party Agreement Major Milestone M-41-00 (Complete Single-Shell Tank Interim Stabilization) and associated Interim Milestones and Target Dates, these commitments have been subject to delays for several reasons. First, the expansion of the flammable gas issue for all single and double shell tanks have resulted in additional controls to provide assurance of adequate ventilation, monitoring, and ignition prevention during interim stabilization activities. Second, the remaining Single Shell Tanks to be interim stabilized have presented increasing technical difficulties (solidification of liquid waste from SX-104, transfer system integrity, availability of SY-102 Double Shell Tank space, etc.). The combinations of these technical issues have resulted in schedule slippage to Interim Milestone M-41-24 and Target Date M-41-27-T03.

The U.S. Department of Energy, Richland Operations Office previously submitted two Change Control Forms on Tri-Party Agreement Interim Milestones M-41-22 (Start Interim Stabilization of 6 Single Shell Tanks by September 30, 1997) and M-41-23 (Start Interim Stabilization of 8 Single Shell Tanks by March 31, 1998). Change Control Form M-41-97-01 for Interim Milestone M-41-22 sought a six-month extension from September 30, 1997, to March 31, 1998. The Change Control Form was submitted to the Washington State Department of Ecology (Ecology) on June 27, 1997, and was subsequently denied by the Director of Ecology on February 10, 1998. Change Control Form M-41-97-02 requested change in the due date of Interim Milestone M-41-23 from March 31, 1998, to "to be determined." The Director of Ecology similarly denied this Change Control Form on March 10, 1998.

RL and its contractor's are currently developing a Project Plan for completion of the Single Shell Tank interim stabilization activities. This Project Plan will utilize an approach similar to that used to develop the Tank Waste Remediation System retrieval and disposal mission readiness-to-proceed certification package delivered to RL in January 1998. A systematic approach including creation of a mission analysis, enabling assumptions, consideration of technical alternatives, the development of Level 1 logics for each of the 29 Single Shell Tanks remaining to be stabilized, decomposition to more detailed task descriptions, and the development of technical basis review packages will be used to develop a comprehensive cost and schedule baseline for stabilization activities.

To date, Interim Milestone M-41-22 and M-41-23, which are predecessor milestones to M-41-24 still remain incomplete. Tri-Party Agreement Interim Milestone M-41-24 can not be completed until Interim Milestone M-41-22 and M-41-23 are completed. Also, Target Date M-41-27-T03 can not be completed until interim stabilization activities are initiated and completed on additional Single Shell Tanks. Therefore, until RL and its contractor's complete and approve the Single Shell Tank Interim Stabilization Project Plan, it is not possible to determine the revised dates for Interim Milestone M-41-24 and Target Date M-41-27-T03. RL is currently in discussion with the Washington State Attorney General Office and Ecology to resolve the issues associated with Interim Milestones M-41-22 and M-41-23.

ATTACHMENT 5

**LETTER: U.S. DEPARTMENT OF ENERGY, TO
WASHINGTON STATE DEPARTMENT OF ECOLOGY, DATED
JULY 21, 1998**



Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

JUL 21 1998

98-MSD-055

Mr. Mike Wilson, Program Manager
Nuclear Waste Program
State of Washington
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504

Dear Mr. Wilson:

HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (TRI-PARTY AGREEMENT) CHANGE CONTROL FORM M-41-98-01 FOR INTERIM MILESTONE M-41-24, "START INTERIM STABILIZATION OF NINE SINGLE SHELL TANKS (SST)"

- References:
- (1) RL letter from G. H. Sanders to M. Wilson, Ecology, "Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Change Control Form M-41-98-01, Interim Milestone M-41-24, 'Start Interim Stabilization of Nine Single-Shell Tanks,' and Target Date M-41-27-T03, 'Complete Salt Well Pumping of Five Single Shell Tanks,'" 98-EAP-350, dated July 2, 1998.
 - (2) Ecology letter from M. Wilson to G. H. Sanders, "RE: 98-EAP-350 / Hanford Facility Agreement and Consent Order (Tri-Party Agreement) Change Control Form M-41-98-01, Interim Milestone M-41-24, 'Start Interim Stabilization of Nine Single-Shell Tanks,' and Target Date M-41-27-T03, 'Complete Salt Well Pumping of Five Single Shell Tanks,'" dated July 16, 1998.

The U.S. Department of Energy, Richland Operations Office (RL) received the State of Washington Department of Ecology's (Ecology) disapproved Tri-Party Agreement Change Control Form M-41-98-01 on July 16, 1998. As stated in the Change Control Form, the reasons for the Tri-Party Agreement modifications to Interim Milestone M-41-24 and Target Date M-41-27-T03 are due to the impact of the flammable gas concerns for the Hanford tanks and the increasing technical difficulties associated with pumping the remaining SSTs. Due to these concerns, RL still believes that good cause exists to modify the due dates. This letter is to notify Ecology that RL wishes to enter into dispute resolution under Article VIII of the Tri-Party Agreement on Change Control Form M-41-98-01.

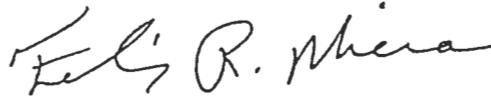
Mr. Mike Wilson.
98-MSD-055

-2-

JUL 21 1998

RL looks forward to working with Ecology to resolve this issue over the next thirty days. If you have any questions, please contact Carolyn Haass, Management Systems Division, on (509) 372-2731.

Sincerely,



for
George H. Sanders, Administrator
Hanford Tri-Party Agreement

MSD:CCH

cc: J. R. Wilkinson, CTUIR
D. L. Powauke, Nez Perce Tribe
R. Jim, YIN
S. L. Dahl, Ecology
A. B. Stone, Ecology
D. R. Sherwood, EPA
L. D. Arnold, FDH
A. M. Umek, FDH
B. D. Williamson, FDH
M. P. DeLozier, LMHC
M. L. Blazek, OOE

Washington State Department of Ecology
Nuclear & Mixed Waste Management Program
Hanford Project

Document Receipt Verification

*Elevation of Dispute Resolution for Hanford Federal Facility
Agreement and Consent Order Change Control Form M-41-98-01*

DOCUMENT TITLE

M. Wilson / S. Dahl

ADDRESSEE

8/20/98 4:02pm

DATE/TIME DELIVERED

Valarie Perry

RECEIVER SIGNATURE