



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

99-EAP-322

JUN 03 1999

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

Dear Mr. Wilson:

**ADDITION OF HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER
 (TRI-PARTY AGREEMENT) INTERIM MILESTONE M-45-03B, "COMPLETE SLUICING
 RETRIEVAL OF TANK 241-C-106 SLUDGE"**

In reference to the letter from T. Fitzsimmons, State of Washington Department of Ecology (Ecology) to J. D. Wagoner, U.S. Department of Energy (DOE), Richland Operations Office (RL), entitled "Final Determination Pursuant to Tri-Party Agreement in the Matter of the Disapproval of the DOE Change Control Form M-45-97-03," dated October 8, 1997, this letter transmits Tri-Party Agreement Change Control Form M-45-99-01, which proposes the addition of interim milestone M-45-03B, "Complete Sluicing Retrieval of Tank 241-C-106 Sludge" due December 31, 1999. The sluicing schedule has been accelerated based on the experience gained through a series of successful sluicing process tests in 241-C-106. The project completion schedule is contingent upon several risks and assumptions, which may impact the successful implementation of this schedule. The critical assumptions and risks have been attached for your information. (Attachment 2)

It is RL's intent that the establishment of this interim milestone will close item (C) from Ecology's final determination letter on this matter. If you have any questions, please contact Wahed Abdul, Operations Program Division on (509) 372-2355, or Hector Rodriguez, of my staff, on (509) 376-6421.

Sincerely,

George H. Sanders, Administrator
 Hanford Tri-Party Agreement

EAP:HMR

Attachments

cc w/attachs:

J. R. Wilkinson, CTUIR
 S. E. Dahl, Ecology
 T. Valero, Ecology
 R. F. Stanley, Ecology
 D. R. Sherwood, EPA

J. S. Hertz, FDH
 A. M. Umek, FDH
 D. Powaukee, NPT
 M. L. Blazek, OOE
 R. Jim, YIN

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EDMC

Change Number M-45-99-01	Federal Facility Agreement and Consent Order Change Control Form <small>Do not use blue ink. Type or print using black ink.</small>	Date May 21, 1999																					
Originator G. H. Sanders Phone 376-6888																							
Class of Change <input type="checkbox"/> I - Signatories <input checked="" type="checkbox"/> II - Executive Manager <input type="checkbox"/> III - Project Manager																							
Change Title Add Tri Party Agreement Interim Milestone M-45-03B.																							
<u>Description/Justification of Change</u> This M-45-99-01 change request constitutes resolution of the matter of the U. S. Department of Energy (DOE) failure to complete the requirements of Tri Party Agreement interim milestone <u>M-45-03A: Initiate sluicing retrieval of tank 241-C-106 to resolve the high heat safety issue and demonstrate waste retrieval</u> , by the due date of October 31, 1997. Interim Milestone M-45-03A was completed on November 18, 1998. Compliance Issue Description Interim milestone M-45-03A was established in January 1994 as a key tank waste remediation system (TWRS) project requirement. Work required to meet M-45-03A has long been recognized as of primary importance in that it both: a) provides for resolution of tank C-106 high heat safety (and environmental) issues via waste transfer to more appropriate facilities, and b) represents a critical test and demonstration of waste retrieval technologies, and an important first step in building DOE's ability to retrieve Hanford tank wastes for processing. DOE progress in meeting M-45-03A requirements was slowed for various reasons to the point where DOE was unable to meet the milestone due date of October 31, 1997. On May 6, 1997, DOE requested extension of the due date for Interim Milestone M-45-03A from October 31, 1997 to September 30, 1998 (Ref. 1). The request was denied by Ecology on May 20, 1997 (Ref. 2), and DOE subsequently invoked the dispute provisions of the Tri-Party Agreement on May 27, 1997 (Ref. 3). The request was denied by the Director of Ecology in a final determination on October 8, 1997 (Ref. 4). The DOE exercised its right to appeal the Director of Ecology's determination to the State of Washington Pollution Control Hearings Board (PCHB). The DOE subsequently chose not to pursue any further appeals in this matter. (cont.)																							
Impact of Change Approval of this change request amends Tri Party Agreement tank 241-C-106 requirements consistent with current TWRS program logic and planning.																							
Affected Documents <u>Hanford Federal Facility Agreement and Consent Order, Appendix D, as amended.</u>																							
<table style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="3" style="text-align: left; border-bottom: 1px solid black;">Approvals</th> </tr> <tr> <td style="width: 25%; border-bottom: 1px solid black;"></td> <td style="width: 15%; border-bottom: 1px solid black; text-align: center;">Date</td> <td style="width: 60%; text-align: center;"> <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved </td> </tr> <tr> <td style="border-bottom: 1px solid black;">DOE</td> <td></td> <td></td> </tr> <tr> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black; text-align: center;">Date</td> <td style="text-align: center;"> <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved </td> </tr> <tr> <td style="border-bottom: 1px solid black;">EPA</td> <td></td> <td></td> </tr> <tr> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black; text-align: center;">Date</td> <td style="text-align: center;"> <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved </td> </tr> <tr> <td style="border-bottom: 1px solid black;">Ecology</td> <td></td> <td></td> </tr> </table>			Approvals				Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	DOE				Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	EPA				Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Ecology		
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Hanford Federal Facility Agreement and Consent Order
Change Control Form M-45-99-01
May 21, 1999
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Description/Justification of Change (cont.)

In light of the preceding, Ecology and DOE agree as follows:

- A. That Tri Party Agreement interim milestone M-45-03A is not modified.
- B. That the following new Tri Party Agreement requirement is established by approval of this M-45-99-01 change request:

M-45-03B: Complete Sluicing Retrieval of Tank 241-C-106 Sludge: December 31, 1999

(See note for determination of completion of sluicing)
- C. That DOE's Assistant Manager for TWRS will forward bimonthly letter reports to Ecology's TWRS Project Manager describing 241-C-106 project actions taken pursuant to the TWRS program schedule, and whether or not DOE has/is maintaining adequate progress and compliance with Interim Milestone M-45-03B.
- D. That should DOE, at any time, determine that it is no longer maintaining adequate progress and compliance with Interim Milestone M-45-03B, it shall immediately notify Ecology of such failure in writing.
- E. In view of the addition of Interim Milestone M-45-03B to the Agreement, and DOE's agreement to perform actions as stated in paragraphs B, C, and D preceding, Ecology agrees to not assess penalties, stipulated or otherwise, against DOE for violating M-45-03A.

NOTE:

Sluicing retrieval for this milestone will be completed when at least 95 percent (~187,000 gallons) of the estimated total sludge of 6 feet has been removed from tank 241-C-106, as defined in the original Tank 241-C-106 Sluicing Project Justification of Mission Need (J.E. Lytle, U.S. Dept. of Energy, Washington, DC, August 18, 1993). However, after the high heat safety issue is resolved (~3 feet of sludge removal), if the rate of sludge removal slows down to less than 10,000 gallons (~approximately 4 inches of sludge removal) per 12-hr sluice batch for 3 consecutive batches, the limit of sluicing retrieval capability shall be considered reached and the sluicing retrieval for this milestone shall be considered complete.

References

- 1. Letter, G. Sanders, RL, to M. Wilson, Ecology, "Request to Change Due Date for Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Interim Milestone M-45-03A," dated May 6, 1997.
- 2. Letter, M. Wilson, Ecology, to J. Kinzer and G. Sanders, RL, "RE: Change Package M-45-97-03 and Letter Number 97-WDD-058," dated May 20, 1997.
- 3. Letter, G. Sanders, RL, to M. Wilson, Ecology, "Invocation of Dispute on Hanford Federal Facility Agreement and Consent Order Change Control Form M-45-97-03," dated May 27, 1997.
- 4. Letter, T. Fitzsimmons, Ecology, to J. Wagoner, RL, "RE: Final Determination Pursuant to Hanford Federal Facility Agreement and Consent Order (Agreement) in the matter of the disapproval of the Department of Energy's change control form M-45-97-03," dated October 8, 1997.

**Risks and Enabling Assumptions for Completion of C-106 Sluicing
by December 31, 1999**

- No major equipment failures occur.
- No leaks occur in either the pits or 241-C-106.
- No volatile organic compound emissions above the Notice of Construction limit of 500 ppm are encountered during the remainder of sluicing operations.
- Tank 241-AY-102 annulus ventilation system does not require further modifications to maintain the waste temperature within limits.
- Tank AY-102 does not retain flammable gas.