

Change Number M-26-99-01	Federal Facility Agreement and Consent Order Change Control Form <small>Do not use blue ink. Type or print using black ink.</small>	Date DRAFT November 11, 1999
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Originator R. D. Morrison	Phone 0058879 (509) 376-6574
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Class of Change <input type="checkbox"/> I - Signatories <input checked="" type="checkbox"/> II - Executive Manager <input type="checkbox"/> III - Project Manager
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Change Title Extend Interim Milestone M-26-01J, Submittal of the 2000 LDR Report to July 31, 2000.
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Description/Justification of Change Current a dispute resolution is pending at the Inter Agency Management Integration Team (IAMIT) level, which relate to Hanford Federal Facility Agreement and Consent Order (Agreement) Milestone M-26-01, submit an Annual Hanford Land Disposal Restrictions (LDR) Report." To date six meetings have been held (July 14, 1999 through September 23, 1999) with Ecology and U.S. Department of Energy (RL) (Parties) technical and management staff. These meetings have allowed the Parties to gain a common understanding of the issues, provide technical clarifications, and discuss the directed changes in the Ecology LDR Notice of Correction to the current method of complying with the governing 1990 Hanford LDR Plan Requirements (4 pages in length). Additional meetings between Ecology and RL are needed to complete these discussions. The required LDR Report for the year 2000 is due on April 30, 2000, the call for information goes out November 15, 1999, and the format of the report depends on the outcome of the ongoing discussions. Unless a clear understanding of the report format and contents is determined, this report will contain the same disputed issues as the 1999 LDR Report. The parties wish to avoid further misunderstandings. For these reasons and to avoid producing a 2000 LDR Report that is not satisfactory to both parties, the due date for submittal of the 2000 LDR Report under Interim Milestone M-26-01J is extended from April 30, 2000 to July 31, 2000.
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Impact of Change No impacts are anticipated as a result of this extension.	
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Affected Documents Hanford Federal Facility Agreement and Consent Order, as amended. The year 2000 Report on Hanford Site Land Disposal Restrictions for Mixed Waste.

Approvals <u>SEE ATTACHED MUTUAL AGREEMENT</u>	
DOE _____	Date _____ Approved _____ Disapproved _____
EPA _____	Date _____ Approved _____ Disapproved _____
Ecology _____	Date _____ Approved _____ Disapproved _____



Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement or TPA)

Mutual Agreement and Extension

Regarding

Milestone M-26-01, Submit an Annual Hanford Land Disposal Restriction (LDR) Report
October 26, 1999

Currently two disputes ⁽¹⁾⁽²⁾ are pending at the IAMIT Level, which relate to Hanford Federal Facility Agreement and Consent Order (also referred to herein as the Tri-Party Agreement or TPA) Milestone M-26-01, "Submit an Annual Hanford Land Disposal Restrictions (LDR) Report." The purposes of this Mutual Agreement and Extension are fourfold: 1) to combine the resolution of the two LDR disputes, 2) to extend their determination date at the IAMIT Level until the IAMIT Meeting of January 25, 2000, 3) to extend until February 8, 2000, the due date of the Corrective Measures Report for alleged violation #4 ⁽³⁾ and 4) to agree that during this period of additional consideration by the Parties, Ecology will not issue any orders or penalties for the alleged violations ⁽³⁾.

To date, six meetings have been held (July 14, 1999 through September 23, 1999) with appropriate Ecology and RL technical and management staff. These meetings have allowed the parties to gain a common understanding of the issues, provide technical clarifications, and discuss the directed changes in the Ecology LDR Notice of Correction (NOC) to the current method of complying with the governing 1990 Hanford LDR Plan Requirements (4-pages in length). Additional meetings between Ecology and RL are needed to complete these discussions. Further, the LDR Report for 2000 is due April 30, 2000, the call for information goes out November 15, 1999, and the format of the report depends on the outcome of these discussions. Unless a clear understanding of the report format and contents is determined, this next report will contain the same disputed issues as the 1999 LDR Report. The parties wish to avoid further misunderstandings. For these reasons, it is logical to combine the two disputes and extend the timeframe for their resolution at the IAMIT level, particularly since the points of contention in both disputes are similar and interrelated. Furthermore, to avoid producing a 2000 LDR Report that is not satisfactory to both parties, by this agreement, the due date for the 2000 LDR Report is extended to July 31, 2000. The time extensions are also warranted to accommodate the work priorities, existing commitments and schedules of key Ecology and RL personnel and to allow resolving the issues in unison, both efficiently and expediently.

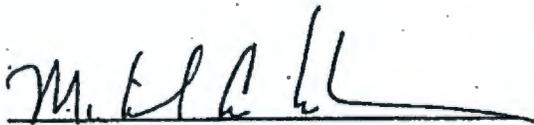
This agreement in no way affects the rights under the Tri-Party Agreement and/or other regulatory right of either Ecology or RL.

The agreements are as follows:

- Relative to RL's ongoing disputes at the IAMIT Level, the deadline to elevate these two disputes to the Director of Ecology's level is extended until January 31, 2000.
- The clarification letter from Ecology pertaining to alleged violation #4, specified in the Ecology June 3, 1999 NOC ⁽³⁾ is due on or before December 13, 1999.
- The December 8, 1999 deadline for completion and certification of the Corrective Measures Report on alleged violation #4, specified in the Ecology June 3, 1999 NOC ⁽³⁾ is extended until February 8, 2000.
- The due date of the 2000 LDR Report (TPA Milestone M-26-01J) is extended to July 31, 2000.
- Ecology agrees not to issue any orders or penalties for violations described in its June 3, 1999 NOC ⁽³⁾ prior to February 8, 1999. 2000

The undersigned hereby mutually agree to abide by the terms stipulated in this Extension.

Agreed to this 26th day of October 1999.



Michael A. Wilson, Program Manager
Nuclear Waste Program
State of Washington
Department of Ecology



Peter M. Knollmeyer, Assistant Manager
for Nuclear Materials and Facility
Stabilization
U.S. Department of Energy

REFERENCES

⁽¹⁾ Letter, G. H Sanders, RL, to M. A. Wilson, Ecology, "Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) M-26-01H "Transmittal of the Statement of Dispute for the 1998 Land Disposal Restrictions (LDR) Compliance Inspection, Notice of Correction (NOC) at Hanford," dated August 13, 1999.

⁽²⁾ Letter, G. H Sanders, RL, to M. A. Wilson, Ecology, "Transmittal of the Statement of Dispute for the 1999 Land Disposal Restrictions (LDR) Report [Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) M-26-01I], dated October 18, 1999. Note: Ecology also initiated dispute via Letter, L. Ruud, Ecology to G.H. Sanders, RL, {untitled} dated September 17, 1999.

⁽³⁾ Letter, L. Ruud, Ecology, to P. Kruger, RL, et al., RL, "Notice of Correction Resulting from the 1998 Land Disposal Restrictions (LDR) Compliance Inspection at Hanford (TPA Milestone M-26-01H)," dated June 3, 1999.