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DEPARTMENT OF ECOLOGY

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November 7, 2017

17-NWP-162

Mr. Brian T. Vance, Manager  
Office of River Protection  
United States Department of Energy  
PO Box 450, MSIN: H6-60  
Richland, Washington 99354

Re: System Plan Negotiations

Dear Mr. Vance:

I am writing to initiate System Plan Negotiations, pursuant to Tri Party Agreement (TPA) Milestone M-062-45. The Department of Ecology (Ecology) proposes we start negotiations as soon as we can in January 2018 so we can complete them by the agreed-upon date of April 30, 2018.

In the "DOE STATEMENT OF DISPUTE RE: ECY DISAPPROVAL OF HFFACO CHANGE CONTROL FORMS M-47-15-01 AND M-90-15-01" (accession number 0075633H), the United States Department of Energy (DOE) stated:

"DOE is proposing that negotiations should begin immediately following issuance of the System Plan [that "DOE-ORP will provide System Plan Rev. 8 to Ecology on October 31, 2017"], and conclude by April 30, 2018."

The original requirement of TPA Milestone M-62-40 was for the DOE Office of River Protection (ORP) to deliver a compliant System Plan by October 31, 2014, and, in accordance with M-62-45, conclude System Plan negotiations by April 30, 2015.

Pursuant to Interagency Management Integration Team (IAMIT) decision No. 2016-005, which resolved the above dispute, these negotiations were rescheduled to begin on September 8, 2016. However, the parties have made no material progress while awaiting the release of System Plan 8.

With System Plan 8 in place as of October 31, 2017, we expect substantive System Plan negotiations to now take place and to conclude by April 30, 2018 – an exact three-year offset of the System Plan delivery and negotiations that were scheduled to occur in 2014-16.

Ecology expects these System Plan negotiations to result in milestones that will resolve the current TPA disputes regarding milestones M-47-07 and M-90-13, in accordance with the IAMIT decision to do so.



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As you know, TPA Milestone M-062-45 provides that Ecology and DOE-ORP will negotiate milestones in seven specific areas. Ecology has evaluated the information provided by System Plan 8, and we propose focusing negotiations on the following subject areas consistent with Milestone M-062-45:

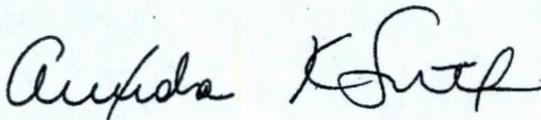
1. The next tank farm to retrieve following those identified in Consent Decree milestones (A/AX Farms).
2. Additional removal of drainable liquids from the single-shell tanks.
3. Direct Feed Low Activity Waste (DFLAW) treatment facilities.
4. New double-shell tanks.
5. Plans for tank infrastructure upgrades, modifications, changes, maintenance and/or additions to existing systems to support retrievals, treatment, and storage associated with DFLAW.

M-62-45 item 1 requires negotiation of tank waste retrieval sequencing milestones. Therefore, Ecology also expects these System Plan negotiations to be used to complete the M-45-84 negotiation of TPA interim milestones for closure of the second waste management area.

We look forward to entering into System Plan Negotiations, and we appreciate you letting us know at your earliest convenience what dates in January will work for you and your team to hold our first negotiating session. Our expectation is that the parties will exchange high-level negotiating positions prior to the first negotiating session, and we look forward to setting a schedule for that exchange as well.

Please do not hesitate to contact me at [alex.smith@ecy.wa.gov](mailto:alex.smith@ecy.wa.gov) or 509-372-7905 if you have any questions.

Sincerely,



Alexandra K. Smith  
Program Manager  
Nuclear Waste Program

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M-062-45, M-045-84, M-047-07, M-090-13, M-062-40F