



U.S. Department of Energy
Hanford Site

20-ECD-0002

JAN 30 2020

Ms. Alexandra K. Smith, Program Manager
Nuclear Waste Program
Washington State
Department of Ecology
3100 Port of Benton Blvd.
Richland, Washington 99354

Dear Ms. Smith:

HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (ALSO KNOWN AS TRI-PARTY AGREEMENT) INTERIM MILESTONE M-062-01, JANUARY 2020 TRI-PARTY AGREEMENT SEMI-ANNUAL PROJECT COMPLIANCE REPORT FOR MAY 1, 2019, THROUGH OCTOBER 31, 2019

This letter transmits the U.S. Department of Energy January 2020 Semi-Annual Project Compliance Report (Attachment) required by Interim Milestone M-062-01 for the period of May 1, 2019, through October 31, 2019. As stipulated in the M-062-01 milestone, this report includes project summaries of accomplishments, issues, and actions being taken for the M-062-00 milestone series.

If you have any questions, please contact Thomas W. Fletcher, Assistant Manager, Waste Treatment and Immobilization Plant Project, Office of River Protection, on (509) 376-3434, or Robert G. Hastings, Assistant Manager, Tank Farms Project, Office of River Protection, on (509) 376-9824.

Sincerely,

A handwritten signature in black ink, appearing to read "B. T. Vance", is written over a horizontal line.

Brian T. Vance
Manager

ECD:BRT

Attachment

cc: See page 2

Richland Operations Office
P.O. Box 550
Richland, Washington 99352

Office of River Protection
P.O. Box 450
Richland, Washington 99352

Ms. Alexandra K. Smith
20-ECD-0002

-2-

JAN 3 0 2020

cc w/attach:

J. J. Lyon, Ecology

J. D. McDonald, Ecology

Administrative Record

BNI Correspondence

TPA Administrative Record

WRPS Correspondence

cc w/o attach:

J. Bell, NPT

R. Buck, Wanapum

L. Contreras, YN

S. L. Dahl Ecology

D. Einan, EPA

S. E. Hudson, HAB

M. Murphy, CTUIR

K. Niles, Oregon Energy

J. B. Price, Ecology

M. J. Turner, MSA

**Attachment
20-ECD-0002**

**U.S. Department of Energy, Office of River Protection
Project – January 2020 Semi-Annual Project Compliance Report per
Hanford Federal Facility Agreement and Consent Order
Milestone M-062-01
May 1, 2019, through October 31, 2019**

(7 Pages Including Cover Sheet)

THE HANFORD SITE

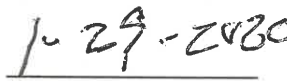
U.S. Department of Energy, Office of River Protection River Protection Project

January 2020 Semi-Annual Project Compliance Report Per Hanford Federal Facility Agreement and Consent Order Milestone M-062-01

May 1, 2019, through October 31, 2019



Ben Harp, Deputy Manager
Office of River Protection



Date

Date Published



P.O. Box 450
Richland, Washington 99352



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ACRONYMS AND ABBREVIATIONS

DOE	U.S. Department of Energy
Ecology	Washington State Department of Ecology
FY	Fiscal Year
ORP	Office of River Protection
TPA	Tri-Party Agreement
WTP	Waste Treatment and Immobilization Plant

1.0 INTRODUCTION

The U.S. Department of Energy (DOE), Office of River Protection (ORP) is submitting this January 2020 Semi-Annual Project Compliance Report to satisfy the requirements of the *Hanford Federal Facility Agreement and Consent Order*, commonly referred to as the Tri-Party Agreement (TPA), Milestone M-062-01. As detailed in Milestone M-062-01, this report documents ORP's compliance with the TPA Milestone M-062-00 series; provides updates, progress, and issues relative to those milestones; and identifies activities expected in the near future.

The M-062-00, "Complete Pretreatment Processing and Vitrification of Hanford High-Level (HLW) and Low-Activity (LAW) Tank Wastes," major milestone series were created through the TPA Dispute Resolution process that led to the March 29, 2000, Director of the Washington State Department of Ecology (Ecology) Final Determination. These milestones were then modified and added to during the negotiations occurring from 2007 through 2009 and became effective under a series of TPA change packages¹ in conjunction with the Consent Decree in *State of Washington v. Dept. of Energy*, Case No. 08-5085-FVS,² as entered in federal court on October 25, 2010. That Consent Decree was amended as a result of litigation, and many of the dates established by the 2010 Consent Decree were extended by the court (see Amended Consent Decree [March 11, 2016], Second Amended Consent Decree [April 12, 2016], Case No. 2:08-CV-5085-RMP and Third Amended Consent Decree, Case No. 2:08-CV-5085-RMP [October 12, 2018]).

Since the milestone dates in the M-062-00 series and other TPA milestones were, to a large part, predicated on the milestones established in the 2010 Consent Decree, and those dates have been extended by the court, existing milestones in the M-062-00 series and other series are at risk or cannot be met. TPA milestones affected by the modified milestones in the Consent Decree, as amended, need to be adjusted accordingly. Many of the interim M-062-00 milestones are under discussion as part of the ongoing negotiations for milestone M-062-45.

In accordance with milestone M-062-40, ORP and Ecology developed 11 scenarios to be addressed in ORP-11242, *River Protection Project System Plan*, Rev. 8 (System Plan). Modeling for all 11 scenarios has been completed. System Plan, Rev. 8 was issued on October 31, 2017. As noted below in further detail, ORP and Ecology have agreed upon scenarios for System Plan Rev. 9, due for submittal to Ecology by October 31, 2020. ORP believes the analysis of these scenarios in the System Plan will provide information essential for the Parties to adjust the Consent Decree-affected TPA milestones in an appropriate manner.

On July 25, 2019, ORP and Ecology agreed to and signed Change Control Form M-62-19-02 to establish a series of M-062-50 milestones for Direct Feed Low Activity Waste (DFLAW) Support Activities. These supporting activities include managing secondary waste and starting up

¹ M-36-09-01, M-42-09-01, M-46-09-01, M-45-09-01, M-047-09-09, M-50-09-01, M-51-09-01, M-61-09-01, M-62-09-01, M-90-09-01, P-09-09-01, and I-09-01.

² This Consent Decree resulted from litigation filed by the state in 2008, alleging that the U.S. Department of Energy had missed or was certain to miss several Tri-Party Agreement milestones, including several in the M-045-00 and M-062-00 series.

the Integrated Disposal Facility to be used for disposal of treated LAW. Status for these near-term milestones are also included in this report.

This compliance report discusses M-062-00 milestone series activities during the reporting period and activities expected in the near future. The project progress, budget, and cost information in the report is based on the period of May 1, 2019, through October 31, 2019.

2.0 NEAR-TERM M-062-00 SERIES TRI-PARTY AGREEMENT MILESTONES

2.1 MILESTONE M-062-40

ORP is using information from the System Plan in negotiations for TPA Milestone M-062-45. ORP and Ecology worked together to define scenarios as required by TPA Milestone M-062-40. The selected scenarios for the River Protection System Plan (System Plan), Rev. 9 were agreed upon by ORP and Ecology. ORP documented the agreement and transmitted letter 19-MIO-0020, "Request for Concurrence on Selected Scenarios for the River Protection Project System Plan, Revision 9," dated September 25, 2019, to Ecology for concurrence. Ecology concurred on October 2, 2019, via letter 19-NWP-158, "Re: Transmittal of Signed Concurrence for Selected Scenarios for the River Protection Project System Plan, Revision 9, RPP-RPT-61707, Rev. 0." System Plan Rev. 9 is due for submittal to Ecology on October 31, 2020 and is on schedule.

2.2 MILESTONE M-062-45

As previously reported, on January 30, 2015, ORP provided Ecology Change Control Form M-62-14-02, which proposed adding language under TPA Milestone M-062-45 to defer negotiations required under TPA Milestone M-062-45. Ecology did not respond within the 14-day review period that ended February 13, 2015, which is deemed disapproval in accordance with the TPA. ORP initiated a dispute resolution via letter 15-TF-0014, "Initiation of Dispute Resolution Regarding Disapproval of Hanford Federal Facility Agreement and Consent Order Change Control Form M-62-14-02," dated February 20, 2015. Ecology provided a justification for disapproval on March 12, 2015, via letter 15-NWP-036, "Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Change Package, Change Number M-62-14-02." Ecology and ORP, at the TPA project manager level, signed an agreement extending the dispute resolution period until August 1, 2016. When that date passed, the dispute was elevated to the Interagency Management Integration Team for resolution. Decision document 2016-005 was signed by senior management representatives from DOE, EPA, and Ecology on August 22, 2016, and it stipulated that the dispute would be resolved by entering into negotiations regarding the M-062-45 milestone. As noted above, the M-062-40 System Plan information will continue to inform negotiations for M-062-45. ORP and Ecology have agreed to discuss the M-062-45 disputes during ongoing, holistic negotiations.

2.3 MILESTONE M-062-50

On July 25, 2019, ORP and Ecology agreed to and signed Change Control Form M-62-19-02 to establish a series of M-062-50 milestones for Direct Feed Low Activity Waste (DFLAW) Support Activities. These supporting actions include managing secondary waste and starting up the Integrated Disposal Facility to be used for disposal of treated LAW. The majority of the M-062-50 series of milestones are due in the 2023 timeframe, but there is one near-term milestone,

M-062-50, due on January 30, 2021. M-062-50 is for ORP to Submit to Ecology, as a secondary document, a Mass Balance Flow from Tank Farms to Low Activity Waste Pretreatment Capability to Low Activity Waste to Effluent Management Facility to Recycle to Tank Farms and to LERF/ETF. M-062-50 is on schedule.

3.0 BUDGET/COST STATUS

3.1 WASTE TREATMENT AND IMMOBILIZATION PLANT

Total funding available for the Waste Treatment and Immobilization Plant (WTP) Project during fiscal year (FY) 2019, was \$1.014 billion, which included \$730 million of new budget authority and \$284 million of FY 2018 carryover funds. To date, the WTP Project has received \$12.715 billion of funding. For FY 2019, the WTP Project spent \$752 million through the end of September 2019. At the end of September 2019, the total amount spent on the WTP Project was \$12.452 billion.

3.2 TANK FARMS

Total funding available for the Tank Farms Project during FY 2019 was \$1.005 billion, which included \$828 million of new budget authority and \$177 million of FY 2018 carryover funds. For FY 2019, the Tank Farms Project spent \$797 million through the end of September 2019.

4.0 SCHEDULE MITIGATION

No schedule mitigation has been necessary during the reporting period.

5.0 REFERENCES

15-NWP-036, "Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Change Package, Change Number M-62-14-02."

15-TF-0014, "Initiation of Dispute Resolution Regarding Disapproval of Hanford Federal Facility Agreement and Consent Order Change Control Form M-62-14-02," dated February 20, 2015.

16-TF-0094, 2016, *Hanford Federal Facility Agreement and Consent Order Interagency Management Integration Team (IAMIT) Decision / Determination / Action Assignment Number 2016-005*, U.S. Department of Energy, U.S. Environmental Protection Agency, and Washington State Department of Ecology, August 22.

Case No. 08-5085-FVS, 2010, *Washington vs. Steven Chu, Secretary of the United States Department of Energy, and the United States Department of Energy*, Consent Decree, United States District Court, Eastern District of Washington, October 25.

Case No. 2:08-CV-5085-RMP, 2016, *State of Washington and State of Oregon vs. Ernest Moniz, Secretary of the United States Department of Energy, and the United States Department of Energy*, Amended Consent Decree, United States District Court, Eastern District of Washington, March 11.

Case No. 2:08-CV-5085-RMP, 2016, *State of Washington and State of Oregon vs. Ernest Moniz, Secretary of the United States Department of Energy, and the United States Department of Energy*, Second Amended Consent Decree, United States District Court, Eastern District of Washington, April 12.

Case No. 2:08-CV-5085-RMP, 2018, *State of Washington and State of Oregon vs. Rick Perry, Secretary of the United States Department of Energy, and the United States Department of Energy*, Third Amended Consent Decree, United States District Court, Eastern District of Washington, October 12.

Contract No. DE-AC27-08RV14800, *Tank Operations Contract*, Washington River Protection Solutions LLC, U.S. Department of Energy, Office of River Protection, Richland, Washington, as amended.

Ecology, EPA, and DOE, 1989, *Hanford Federal Facility Agreement and Consent Order*, 2 vols., as amended, Washington State Department of Ecology, U.S. Environmental Protection Agency, and U.S. Department of Energy, Olympia, Washington.

ORP-11242, 2017, *River Protection Project System Plan*, Rev. 8, U.S. Department of Energy, Office of River Protection, Richland, Washington, October 31.