



U.S. Department of Energy
Office of River Protection

P.O. Box 450
 Richland, Washington 99352

MAY 02 2001

01-ORP-065

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

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EDMC

Dear Mr. Wilson:

SUBMITTAL OF CHANGE REQUEST (CR) M-45-01-01, REQUESTING THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY (ECOLOGY) APPROVAL TO SEEK PUBLIC COMMENT AND SUBSEQUENT APPROVAL FOR THE CHANGE TO MILESTONE M-45-00C

- References:
1. ORP letter from H. L. Boston, ORP, and K. A. Klein, RL to T. Fitzsimmons, Ecology, and C. E. Findley, EPA, "Change Request Package," 01-ORP-044, dated February 26, 2001.
 2. Ecology letter from R. Stanley to M. E. Burandt, ORP, "U.S. Department of Energy (DOE) Draft Hanford Federal Facility Agreement and Consent Order (HFFACO) Change Request (CR) M-62-01-02", dated March 1, 2001.

This letter submits a CR in support of the proposed change to Milestone M-62-06, "Start of Construction Phase 1 Treatment Complex" milestone and the alignment of activities in support of Milestone M-45-00C, "Complete Renegotiation of Second Phase (i.e. 9/30/2006 through 9/20/2015) SST Waste Retrieval Activities." The modifications are necessary to provide consistency between Hanford Federal Facility Agreement and Consent Order milestone language, completion schedules for Contract No.'s DE-AC27-01RV14136 and DE-AC27-99RL14047 and the U.S. Department of Energy (DOE), Office of River Protection (ORP) baseline schedule. There may be additional changes required once Fiscal Year 2002 budget impacts are evaluated. This change package reflects our recovery plan for the M-45-00C Milestone that was impacted by changing from a privatization contract to a Government-Owned, Contractor-Operated (GOCO) facility. As discussed in recent correspondence (References 1 and 2) between DOE, ORP and Ecology, this change will communicate the revised milestone completion schedules for the M-62-06 milestone.

It is requested that Ecology approve the attached Tentative Agreement and agree to jointly submit the M-45-01-01CR (Enclosure 1) for public comment and subsequent approval as the lead regulatory agency.

Mr. Michael A. Wilson
01-ORP-065

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If you have any questions, please contact me, or your staff may contact Robert Lober, ORP, (509) 373-7949, or Joe Cruz, ORP, (509) 372-2606.

Sincerely,

Mary E. Burandt for

James E. Rasmussen
Environmental Policy Advisor
Office of River Protection

ORP:JER

Enclosure

R. Gay, CTUIR
P. Sobotta, NPT
R. Jim, YN
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R. F. Stanley, Ecology
M. Brown, Ecology
D. R. Sherwood, EPA
J. S. Hertzell, FHI
O. S. Kramer, FHI
T. M. Martin, HAB
M. L. Blazek, Oregon Energy
C. E. Clark, RL
J. B. Hebdon, RL

Administrative Record

This modification is necessary to provide consistency between milestone completion dates and the ORP baseline schedule. Our authority for submitting this change is found in Article XL, Good Cause for Extensions, paragraphs 119, 120.A, 120.D, and 120.E and Article XLVII Force Majure, paragraphs 145 and 145.F of the HFFACO and Section 12.0 of the Action Plan. There may be additional changes required once Fiscal Year 2002 budget impacts are evaluated. The following changes will be adopted as part of this change request:

MS Number	Milestone Description	Due Date
M-45-00C	COMPLETE RENEGOTIATION OF SECOND PHASE (I.E., 9/30/2006 THROUGH 9/30/2015) SST WASTE RETRIEVAL ACTIVITIES	2/28/2004*

THESE NEGOTIATIONS SHALL TAKE INTO ACCOUNT VARIABLES SUCH AS WORK IN PROGRESS, E.G. DOE'S TANK WASTE TREATMENT COMPLEX ACQUISITION INITIATIVE AND ENVIRONMENTAL AND HUMAN HEALTH RISKS ASSOCIATED WITH RELEASES FROM DOE'S SSTs. NEGOTIATIONS SHALL BE DESIGNED TO ESTABLISH A SUFFICIENT NUMBER OF AGREEMENT MILESTONES AND TARGET DATES TO EFFECTIVELY DRIVE EACH PHASE OF WORK INCLUDING BUT NOT LIMITED TO: 1) WASTE RETRIEVAL TECHNOLOGY DEVELOPMENT, 2) RETRIEVAL PERFORMANCE EVALUATIONS, 3) LEAK DETECTION MONITORING, AND MITIGATION, 4) SELECTION OF SST RETRIEVAL SEQUENCE, 5) DESIGN, CONSTRUCTION AND OPERATION OF SST WASTE RETRIEVAL SYSTEMS, AND 6) CLOSURE PLANNING AND CLOSURE PLAN DEVELOPMENT.

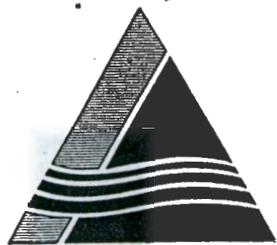
DOE AND DOE'S CONTRACTOR(S) WILL RETRIEVE AND TRANSFER SST WASTES INTO THE DST SYSTEM AS SOON AS SPACE IS MADE AVAILABLE, ALLOWING DST SPACE FOR TREATMENT PLANT FEED STAGING AND SAFETY ISSUE RESOLUTION. TRANSFER OF SST WASTE WILL BE MADE ONCE SUFFICIENT DST SYSTEM SPACE IS AVAILABLE TO ALLOW A TRANSFER OF AN OPERATIONALLY PRACTICABLE VOLUME OF WASTE. SST WASTE WILL BE RETRIEVED ON A PRIORITY BASIS WITH THE GOALS OF REDUCING ENVIRONMENTAL RISK AND TREATMENT PROCESS OPTIMIZATION. DOE AND ECOLOGY WILL AGREE ON THE CRITERIA TO DETERMINE ENVIRONMENTAL RISK REDUCTION.

* These negotiations will also consider the need for additional compliant storage space. Should DOE fail to initiate construction of the Phase 1 Hanford Tank Waste Treatment Complex within five months of the required completion date as listed in M-62-06 by December 31, 2001 as defined in Agreement interim milestone M-62-06, the due date for this M-45-00C milestone shall be automatically adjusted to a date that extends nine months (initial five months plus four additional months to allow for project planning) from the completion date as listed in M-62-06.

The Parties will revise or confirm construction progress milestone due dates following the guidance found in M-62-13 and the contract authorizing the design, construction and commissioning of a facility for the treatment of single-shell and double-shell tank wastes. Revision if necessary shall be consistent with Hot Commissioning by December 2007 and completion of Phase 1 Treatment by February 2018.

M-62-13	COMPLETE THE RENEGOTIATION OF M-62-06 AND M-62-07 MILESTONES	12/15/2001
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THE PARTIES WILL REVISE OR CONFIRM MILESTONE COMPLETION DATES. REVISION IF NECESSARY SHALL BE CONSISTENT WITH HOT COMMISSIONING BY DECEMBER 2007 AND COMPLETION OF PHASE 1 TREATMENT BY FEBRUARY 2018.



TENTATIVE AGREEMENT FOR THE AGREEMENT TO CHANGE THE REFERENCED COMPLETION DATE (WITHIN THE FOOTNOTE) FOR THE M-62-06 MILESTONE AS STATED WITHIN THE M-45-00C, "COMPLETE RENEGOTIATION OF SECOND PHASE (I.E., 9/30/2006 THROUGH 9/30/2015) SST WASTE RETRIEVAL ACTIVITIES" MILESTONE

The State of Washington, Department of Ecology, and the U.S. Department of Energy, Office of River Protection (the parties) have completed preliminary negotiations on commitments regarding the establishment of a negotiation date for the M-45-00C milestone. A tentative agreement has been reached and a Change Package (# M-45-01-01) has been developed and found mutually acceptable to the parties. These changes (Change No. M-45-01-01) are attached to this Tentative Agreement.

It is the intent of the parties, that provisions of the milestone commitments in this change request be honored as the Change Request (CR) M-45-01-01 is undergoing the process of finalization.

It is the party's intent to submit the Tentative Agreement (including CR M-45-01-01) for a 45-day public comment period to run from approximately May 30, 2001 to July 15, 2001. Specific Public Comment period dates will be coordinated to ensure opportunity for review and comment. Following the public comment period, the parties will jointly prepare responses to public comments. The parties further agree to minimize additional delay, and if the parties are not able to resolve all issues with regard to public comments, any unresolved matters shall be referred back for dispute resolution under the Agreement, Article VIII. However, any dispute resulting from these negotiations shall be initiated at the Interagency Management Integration Team level as described in the Agreement.

The parties are expected to approve the changes to the Agreement contained within CR M-45-01-01 by October 31, 2001.


James E. Rasmussen, Lead Negotiator
U.S. Department of Energy
Office of River Protection

Roger F. Stanley, Lead Negotiator
State of Washington
Department of Ecology