

Change Number M-91-08-02	Federal Facility Agreement and Consent Order Change Control Form Do not use blue ink. Type or print using black ink.	Date August 1, 2008
Originator Matt McCormick		Phone (509) 373-9971
Class of Change <input type="checkbox"/> I – Signatories <input checked="" type="checkbox"/> II – Executive Manager <input type="checkbox"/> III – Project Manager		
Change Title Modification of <u>Hanford Federal Facility Agreement and Consent Order</u> (Tri-Party Agreement) M-91-42 TRUM certification and MLLW treatment interim milestone		
Description/Justification of Change This change package modifies the M-91-42 requirement 4, to treat/certify 5,400 cubic meters cumulative of Contact Handled (CH) transuranic waste by December 31, 2008, to a requirement to treat/certify 600 cubic meters of transuranic waste between October 1, 2007, and September 30, 2008. This change package also modifies the M-91-42 requirement to treat 8,150 cubic meters of contact handled mixed low level waste (CH MLLW) by December 31, 2008, to 7,220 cubic meters. These changes are necessary due to constraints associated with certifying/treating the volumes of remaining TRUM and MLLW currently needed to meet the cumulative totals as specified in the existing milestone. <div style="text-align: right; margin-top: 10px;">(Continued on page 2)</div>		
Impact of Change The change recognizes that the original milestone cannot be met in Fiscal Year 2008 and modifies the milestone to reflect the amount of waste that will be certified and treated with the available technical resources and appropriated funds in 2008.		
Affected Documents The <u>Hanford Federal Facility Agreement and Consent Order</u> , as amended and Hanford Site internal planning, management and budget documents (e.g., baseline control documents, related work authorization and directives). M-91 TRU Mixed/Mixed Low Level Waste Project Management Plan.		
Approvals		
Jane A. Hedges by E.R. Skimal Ecology	8/12/08	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved
David a Beach DOE-RL	8/5/08	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved
N/A EPA	Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved

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Description/Justification continued:

The volumes to be certified and treated and the 2008 certification due date are being adjusted per the Agreement Article XL's Good Cause for Extensions provisions paragraph 119, "Either a timetable and deadline or a schedule shall be modified upon receipt of a timely request for extension and when good cause exists for the requested extension" and paragraph 120, subparagraph E, Any other event or series of events mutually agreed to by the Parties as constituting good cause.

The certification in lieu of LDR treatment of TRU/M waste is behind the current Tri-Party Agreement schedule. The Parties have agreed that it is not feasible to recover the current Tri-Party Agreement schedule for Calendar Year 2008. Thus, the Parties have agreed to adjust the Fiscal Year 2008 certification volume to 600 cubic meters as specified in the M-91-42 Stipulated Penalty Agreement, paragraph 9, signed June 12, 2008.

USDOE has consistently met the Tri-Party Agreement schedule for the LDR treatment of M-91-42 MLLW. However, in December of 2007, USDOE noted that only 660 cubic meters of M-91-42 MLLW was available for treatment. Also over 200 cubic meters of this M-91-42 MLLW in storage does not have a treatment path available. Most of this waste is PCB contaminated waste that was anticipated to be treated commercially. Technology problems and permitting delays at commercial facilities have resulted in no currently available treatment path. Thus, as of December 2007, only 460 cubic meters of M-91-42 MLLW was available for treatment. This volume coupled with the newly generated and retrieved M-91-42 MLLW still is an insufficient volume to meet the 8150 cubic meters cumulative volume specified by the Tri-Party Agreement for 2008. The Parties have agreed that it is not feasible to meet the current 2008 Tri-Party Agreement schedule. Thus, the Parties have agreed to adjust the 2008 M-91-42 MLLW cumulative volume to 7220 cubic meters. In order to meet the 7,220 cubic meter milestone at least 7,280 cubic meters of applicable waste will have been shipped for treatment by that date.

M-91-42	<p>REGARDING SMALL CONTAINERS OF: (1) NEWLY GENERATED CH WASTE; (2) CH RSW; AND (3) CH WASTE CURRENTLY IN ABOVE-GROUND STORAGE</p> <ol style="list-style-type: none"> 1. DOE SHALL DESIGNATE ALL NEWLY GENERATED CH WASTE AT THE POINT OF GENERATION. SUCH DESIGNATION SHALL COMPLY WITH THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100. 2. THERE WERE 5,066 CUBIC METERS OF CH-MLLW IN PERMITTED STORAGE AT DOE'S CENTRAL WASTE COMPLEX (CWC) AND ELSEWHERE AT HANFORD AS OF 12/31/02 (AS IDENTIFIED IN DOE HFFACO MILESTONE M-26-01 LDR REPORT MLLW TREATABILITY GROUPS MLLW-02 THROUGH MLLW-10, EXCLUDING MLLW-07) THAT HAD NOT BEEN TREATED TO MEET LDR REQUIREMENTS. (THIS VOLUME DOES NOT INCLUDE 600 CUBIC METERS OF WASTE REQUIRING THERMAL TREATMENT, AS THAT WASTE HAS SEPARATE TREATMENT REQUIREMENTS PER M-91-12 AND M-91-12A). APPROXIMATELY 4422 CUBIC METERS OF MLLW SUBJECT TO M-91-42 WAS TREATED BETWEEN 12/31/02 AND 12/31/05. DOE'S 2002 LDR REPORT ESTIMATED GENERATION OF AN ADDITIONAL ANNUAL VOLUME OF APPROXIMATELY 330 CUBIC METERS OF CH-MLLW (AS WASTE TYPES IDENTIFIED IN DOE HFFACO MILESTONE M-26-01 LDR REPORT MLLW TREATABILITY GROUPS MLLW-02 THROUGH MLLW-10, EXCLUDING MLLW-07). IT WAS ALSO ESTIMATED IN 2002 THAT DOE WOULD RETRIEVE APPROXIMATELY 800 CUBIC METERS OF CH-MLLW BY 2010. BASED ON THE CY2005 LDR SUMMARY REPORT AS OF 12/31/05 FOR MLLW SUBJECT TO M-91-42, THERE WERE APPROXIMATELY 2100 CUBIC METERS IN PERMITTED STORAGE, AND 280 CUBIC METERS FORECAST TO BE GENERATED BY THE END OF CY2009. <p>ACCORDING TO THE M-91 PMP (HNF-19169 REV 2) APPROXIMATELY 2550 CUBIC METERS OF M-91-42 MLLW WAS EXPECTED TO BE RETRIEVED BETWEEN 12/31/05 AND 12/31/09. IN ADDITION TO MEETING THE REQUIREMENTS OF M-91-12 AND M-91-12A, DOE SHALL TREAT THE WASTE DESCRIBED ABOVE TO MEET LDR REQUIREMENTS ON A SCHEDULE MEETING, AT MINIMUM, THE FOLLOWING CUMULATIVE TOTALS BASED ON A START DATE OF 12/31/02:</p> <ol style="list-style-type: none"> A. 1630 CUBIC METERS (CUMULATIVE) SHALL BE TREATED BY 12/31/04, 	DUE DATES AS INDICATED IN THE DESCRIPTIVE TEXT OF THIS MILESTONE
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- B. 3260 CUBIC METERS BY (CUMULATIVE) SHALL BE TREATED BY 12/31/05,
- C. 4890 CUBIC METERS (CUMULATIVE) SHALL BE TREATED BY 12/31/06,
- D. 6520 CUBIC METERS (CUMULATIVE) SHALL BE TREATED BY 12/31/07,
- E. ~~7,220~~ 8450-CUBIC METERS (CUMULATIVE) SHALL BE TREATED BY 12/31/08, AND
- F. COMPLETE TREATMENT OF ALL CH-MLLW (5066 CUBIC METERS IN STORAGE AS OF 12/31/02 AS DESCRIBED ABOVE, AND RETRIEVED CH-MLLW AND NEWLY GENERATED CH-MLLW IN THE TREATABILITY GROUPS DESCRIBED ABOVE, AS OF 6/30/09, BY 12/31/09.)

IF CH-MLLW IN THE TREATABILITY GROUPS SUBJECT TO THIS MILESTONE GENERATED DURING THE PERIOD FROM 12/31/02 THROUGH 6/30/09 IS TREATED TO LDR STANDARDS PRIOR TO DELIVERY TO STORAGE OR DISPOSAL, THE ORIGINAL PRE-TREATMENT VOLUME OF THAT WASTE SHALL BE COUNTED TOWARD MEETING THE VOLUME REQUIREMENTS OF THIS MILESTONE. EXCEPT FOR WASTE ALREADY IN PERMITTED STORAGE AS OF 12/31/02, TREATMENT OF CERCLA WASTE WILL NOT BE COUNTED TOWARD MEETING THE VOLUME REQUIREMENTS OF THIS MILESTONE. RSW DETERMINED TO BE MLLW IN THE TREATABILITY GROUPS COVERED BY THIS MILESTONE WILL BE COUNTED TOWARD MEETING THE VOLUME REQUIREMENTS OF THIS MILESTONE WHEN TREATED.

IF THE ACTUAL VOLUME OF NEWLY GENERATED OR RETRIEVED CH-MLLW COVERED BY THIS MILESTONE IS LOWER THAN THE ESTIMATED VOLUMES ANTICIPATED BY THESE MILESTONES DOE WILL ONLY BE REQUIRED TO TREAT THE VOLUME OF WASTE GENERATED, RETRIEVED AND/OR IN STORAGE. IF THE ACTUAL VOLUME OF NEWLY GENERATED OR RETRIEVED CH-MLLW COVERED BY THIS MILESTONE IS SIGNIFICANTLY MORE THAN THE ESTIMATED VOLUMES THE PARTIES' MAY AGREE TO REVISE THESE REQUIREMENTS.

- 3. AFTER JUNE 30, 2009, DOE SHALL TREAT TO MEET LDR TREATMENT REQUIREMENTS ALL SMALL CONTAINERS OF NEWLY GENERATED CH-MLLW CONTAINING LDR CONSTITUENTS IN COMPLIANCE WITH WAC 173-303-140.

4. THERE ARE APPROXIMATELY 440 CUBIC METERS OF CH-TRUM IN PERMITTED STORAGE AT DOE'S CENTRAL WASTE COMPLEX (CWC) AND ELSEWHERE AT HANFORD AS OF 12/31/02. DOE'S CY 2002 LDR REPORT ESTIMATES THAT IT WILL GENERATE AN ADDITIONAL ANNUAL VOLUME OF APPROXIMATELY 220 CUBIC METERS OF CH-TRUM AND DOE ESTIMATES THEY WILL RETRIEVE APPROXIMATELY 1600 CUBIC METERS OF CH-TRUM BY 2010. CONSIDERING THESE ESTIMATES AND THE CONSIDERABLE UNCERTAINTY ASSOCIATED WITH THEM DOE SHALL TREAT THE WASTE CATEGORIES DESCRIBED ABOVE TO MEET LDR REQUIREMENTS ON THE FOLLOWING CUMULATIVE SCHEDULE:

- 700 CUBIC METERS BY 12/31/04;
- 1,800 CUBIC METERS (CUMULATIVE) BY 12/31/05;
- 3,000 CUBIC METERS (CUMULATIVE) BY 12/31/06;
- 4,200 CUBIC METERS (CUMULATIVE) BY 12/31/07;
- ~~600~~ 5,400 CUBIC METERS (CUMULATIVE) BY 12/31/08
BETWEEN 10/1/2007 AND 9/30/2008;
- 6,600 CUBIC METERS (CUMULATIVE) BY 12/31/09;
- 7,600 CUBIC METERS (CUMULATIVE) BY 12/31/10;
- 8,600 CUBIC METERS (CUMULATIVE) BY 12/31/11.

IF THE ACTUAL VOLUME OF NEWLY GENERATED OR RETRIEVED CH-TRUM COVERED BY THIS MILESTONE IS LOWER THAN THE ESTIMATED VOLUMES ANTICIPATED BY THESE MILESTONES DOE WILL ONLY BE REQUIRED TO TREAT THE VOLUME OF WASTE GENERATED, RETRIEVED AND/OR IN STORAGE. IF THE ACTUAL VOLUME OF NEWLY GENERATED OR RETRIEVED CH-TRUM COVERED BY THIS MILESTONE IS SIGNIFICANTLY MORE THAN THE ESTIMATED VOLUMES THE PARTIES' MAY AGREE TO REVISE THESE REQUIREMENTS.

5. FOR CH TRANSURANIC WASTE NEWLY GENERATED ON OR AFTER 7/1/11 THAT IS DESIGNATED IN ACCORDANCE WITH WAC 173-303-070 THROUGH 100 AS MIXED AND AS CONTAINING LDR RESTRICTED CONSTITUENTS, DOE SHALL TREAT SUCH WASTES TO MEET LDR REQUIREMENTS PURSUANT TO WAC 173-303-140 WITHIN ONE YEAR OF GENERATION.

DOE MAY CHOOSE TO COMPLETE CERTIFICATION OF CH TRANSURANIC WASTE FOR DISPOSAL AT WIPP IN LIEU OF LDR TREATMENT, PROVIDED THAT ECOLOGY IS NOTIFIED IN WRITING OF SUCH COMPLETION OF CERTIFICATION, AND ONLY IF, AS OF THE TIME OF CERTIFICATION, SUCH WASTE IS EXEMPT FROM LDR

TREATMENT REQUIREMENTS WHEN DISPOSED AT WIPP. IF DOE CHOOSES TO CERTIFY IN LIEU OF TREATMENT, IT MAY MEET THE VOLUME REQUIREMENTS SPECIFIED IN THIS MILESTONE FOR ANY GIVEN YEAR BY CERTIFYING CH TRU OR CH TRUM., PROVIDED THAT 1) ~~ALL CH TRUM IN PERMITTED STORAGE AS OF 12/31/02 IS TREATED TO MEET LDR REQUIREMENTS OR CERTIFIED BY 12/31/2006 AND 2) ALL CH TRUM IN PERMITTED STORAGE AS OF 7/1/11 IS TREATED TO MEET LDR REQUIREMENTS OR IS CERTIFIED BY 12/31/2011.~~

NOTE: THE REQUIREMENTS OF ITEMS 4 AND 5 OF THIS MILESTONE APPLY AS SET FORTH IN THE SETTLEMENT AGREEMENT BETWEEN THE UNITED STATES AND THE STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY, DATED OCTOBER 23, 2003.

NOTE: IN THE EVENT THAT ITEMS 4 OR 5 BECOME APPLICABLE, AMOUNTS OF CH TRUM CERTIFIED BETWEEN 12/31/02 AND THE DATE ON WHICH ITEMS 4 OR 5 BECOME APPLICABLE SHALL COUNT TOWARDS SATISFACTION OF THE OBLIGATIONS IN ITEMS 4 AND 5.

6. EACH REQUIREMENT OF THIS MILESTONE IS CONSIDERED A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THE AGREEMENT.