

## Meeting Minutes Transmittal

M-91

Project Managers Meeting  
825 Jadwin/Room 590A  
Hanford, Washington  
April 26, 2007

The undersigned indicate by their signatures that these meeting minutes reflect the actual occurrences of the above dated Project Managers Meeting. Signatures denote concurrence with content only and are not intended to imply agreement to any commitments.

*M. W. Mandis* *for M. D. Singleton* Date: 5/24/07  
Project Manager, Ecology

*Hy L. L. L.* Date: 5/24/07  
Project Manager Representative, RL

*Bob L. S.* Date: 5/24/07  
Project Manager Representative, FH

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EDMC

M-91 Administrative Record  
GL Sinton  
DG Singleton  
M Mandis  
KM Quigley

H6-08  
A6-38  
H0-57  
H0-57  
H8-44

**M-91 PROJECT MEETING**

**825 Jadwin/Room 590A**

**Hanford, Washington**

**April 26, 2007**

**9:00 a.m. to 9:30 a.m.**

**Agenda**

- I. Approval of March 22, 2007 M-91 Project Meeting Minutes (Ecology/DOE-RL/FH)
- II. Status Report
  - A. TPA Milestone Update
  - B. Concerns regarding meeting scheduled milestone completion dates
  - C. SAP Implementation
- III. General Discussions
- IV. Status of Actions
- V. New Action Items
- VI. Documents for Submittal to the Administrative Record
- VII. Next Project Managers Meeting

## M-91 PROJECT MEETING MINUTES

Project Managers Meeting  
825 Jadwin/Room 590A/700 Area  
Hanford, Washington

April 26, 2007

- I. Approval of March 22, 2007 M-91 Project Meeting Minutes (Ecology/DOE-RL/FH). The PMM minutes were approved.
- II. Status Report
  - A. TPA Milestone Update

The M-91 milestone status summary was provided by Mike Collins (RL). Ken Quigley (FH) inquired about the progress on the tentative agreement regarding change package M-91-07-01. Michelle Mandis (Ecology) responded that Ecology will be meeting with EPA and RL on May 7, 2007, to discuss this issue. Ms. Mandis also noted that Ecology sent a letter to RL disapproving the updated Project Management Plan (PMP). The letter addresses five concerns Ecology has with the PMP.
  - B. Concerns Regarding Meeting Scheduled Milestone Completion Dates

The at-risk milestones are addressed in the M-91 status summary.
  - C. SAP Implementation

There was no update to the SAP implementation provided.
- III. General Discussions
  - A. Ms. Mandis inquired about M-91 contract changes or performance incentive adjustments. Mr. Quigley responded that DOE is in the process of developing its budget update guidance for 2008 and 2009, which should be completed within the next two weeks. The budget guidance directs schedule and budget development, which will result in different contractual commitments. Mr. Quigley added that the performance incentives are in the draft stage.
  - B. Mr. Quigley reported that FH is preparing a change request for increased WIPP certification. The intent is to submit the change request to RL by May 2007 for approval, and to implement it by the end of July 2007.
  - C. Ms. Mandis referred to the March 29, 2007 presentation to Ecology on TRU certification rate improvement, and she requested a letter from RL confirming the recovery efforts and schedule of implementation. Mr. Quigley noted that a letter of direction was received to proceed with options one and two in the presentation, which are multiple shifts at T Plant and a second shift at WRAP.
  - D. Deborah Singleton (Ecology) requested clarification regarding a budget issue related to WIPP shipments that was discussed during the 3/29/07 presentation. Mr. Collins will follow up and provide clarification.
  - E. Ms. Mandis stated that Ecology received the draft CD-0 associated with M-91-01. It was agreed to track approval of the CD-0 (expected from DOE Headquarters in May 2007) for submittal to the Administrative Record.



- F. Ms. Mandis initiated discussion regarding the Solid Waste Operations Complex (SWOC) restricted operations that started mid-March 2007. Ms. Mandis noted that Ecology was not aware of the situation until April 2007, and that a courtesy call would have been appreciated. Mr. Quigley added that recovery actions are being taken, and that no milestones will be missed as a result of the restricted operations. Mr. Collins noted that the restricted operations provided a window to perform work that was considered low priority, such as low-level mixed waste processing, crushing empty drums at T Plant, and prep work for retrieval in one of the burial grounds.
- G. Mr. Quigley announced that Jim Kelly is the new project manager for M-91.

IV. Status of Actions

- A. There were no actions to status.

V. New Action Items

- A. There were no new action items.

VI. Documents for Submittal to the Administrative Record

- A. There were no documents identified.

VII. Next Project Managers Meeting

- A. The next PMM was scheduled for May 24, 2007.

M-91 Status Summary 4/17/07

Milestone	Due Date(s)	Status Summary	Comments
<b>General Comments</b>			<p>A. Status of dispute on Change Package M-91-06-01:  The dispute was split into two parts. The Statement of Dispute (SOD) for the M-91-42 TRUM certification portion of the dispute was submitted November 27, 2006. Ecology issued a Director's Determination (DD) on January 2, 2007, on the portion of the dispute that was elevated to the IAMIT by the SOD. The milestones were unchanged by the DD. DOE is pursuing means to improve performance in the TRUM certification area as directed by the DD. The remaining portion of the dispute was extended at the Project Manager level until March 15, 2007, but has been allowed to expire. DOE does not intend to submit a SOD to elevate that portion of the dispute to the IAMIT level. Discussions during the Project Manager level dispute have resulted in a new draft change package M-91-07-01. The draft language tentatively agreed to at the Project Manager level on March 15 is currently in Ecology and DOE management review.</p> <p>B. In this table "On-Schedule" means it is anticipated the milestone will be met.</p>
<b>M-91-00:</b> Major Milestone for acquisition of needed facilities/capabilities for mixed and suspect mixed MLLW, and TRUM and suspect TRUM.	TBD	On Schedule	Draft change package M-91-07-01 is in DOE and Ecology review. It includes clarifications and changes to definitions in M-91-00.



<b>M-91-01:</b> Facility/Capability Interim Milestone (RH and/or large container TRUM)	6/30/12	At Risk  Discussions with Ecology will continue related to the timing of these capabilities	<ul style="list-style-type: none"> <li>• Engineering Study and Functional Design Criteria were delivered to EPA and Ecology 9/29/06 (06-AMCP-0311).</li> <li>• Briefed Ecology and EPA on the FDC/ES submittal on October 11, 2006.</li> <li>• Comments on the FDC/ES were received from Ecology on November 13, 2006, and responses were provided December 13, 2006.</li> <li>• Additional evaluation of alternatives to meet needed capabilities is ongoing.</li> <li>• Preparing necessary documentation to gain approval for continuation of development of capabilities at T-Plant: The CD-0 package was formally sent to HQ for approval March 26, 2007.</li> </ul>
<b>M-91-03:</b> Submit TRUM/MLLW PMP	12/31/03 (COMPLETE), 12/28/06 (Submitted) 3/31/09, 3/31/13	On Schedule	Ecology comments on the PMP were received February 8, 2007. Comment responses with a plan for updating the PMP were provided to Ecology March 12, 2007, in accordance with the schedule in Figure 9.1 of the TPA Action Plan. The plan proposes that the updated PMP addressing comments and revisions based on the change package currently being developed (M-91-07-01) will be submitted 90 days after a Tentative Agreement on change package M-91-07-01 is reached, or August 30, 2007, whichever is earlier. Subsequent revisions are proposed annually in June of each year.
<b>M-91-05-T01:</b> Complete RH and or large TRUM retrieval/processing Engineering Study/FDC	12/31/07	Complete	Submitted FDC/ES 9/29/06 (06-AMCP-0311). This met the Target date a year early. Comments on the FDC/ES were received from Ecology on November 13, 2006, and responses were provided December 13, 2006 (AMCP-0060).

<b>M-91-12:</b> CH-MLLW Thermal Treatment (600 m <sup>3</sup> cumulative)	11/16/07	On Schedule	595 cubic meters of thermal treatment waste have been treated. Since enough waste has already been shipped to meet the M-91-12 milestone, future thermal treatment volumes above the 600 cubic meters to be applied to M-91-12 will be applied to the M-91-42 MLLW treatment requirements. Treatment of the last 5 cubic meters needed to meet the milestone is expected to occur by April 30, 2007.
<b>M-91-12A:</b> CH-MLLW Thermal Treatment (240 m <sup>3</sup> )	9/30/05	COMPLETE Met 8-16-05	Completion letter (05-AMCP-0420) sent to Ecology 9/27/05
<b>M-91-15:</b> RH MLLW and/or Large Size MLLW Treatment	6/30/08	At Risk	<p>"COMPLETE ACQUISITION OF FACILITIES AND/OR CAPABILITIES AND INITIATE TREATMENT OF RH-MLLW AND CH MLLW IN BOXES AND LARGE CONTAINERS"</p> <ul style="list-style-type: none"> <li>• Engineering study/FDC submitted 9/29/06. Approval of the proposed M-91-07-01 change package would resolve the current identified risk to meeting this milestone</li> </ul>
<b>M-91-40:</b> Retrieval and designation of CH-RSW (regardless of size)	7200 m <sup>3</sup> cumulative by 12/31/07 and annual retrieval volumes through 2010. Complete retrieval in T-4 by 12/31/06. Plus various other requirements	On Schedule  Met 4700 level in November 2006	<ul style="list-style-type: none"> <li>• Completed retrieval of 4C Trench 4 waste 11/21/06</li> <li>• Completed retrieval of 4700 cubic meters 1 month early (11/30/06)</li> <li>• The July-Sept quarterly report was sent to Ecology December 19, 2006. October-December report is in RL concurrence.</li> <li>• All four SAPs have been approved</li> <li>• The 4B Soil Vapor Extraction (SVE) Workplan was approved by Ecology December 13, 2006. This allowed the SVE work at 4B trench 7 to get started on December 18, 2006 to help maintain progress on concurrent 4B/4C retrieval plans.</li> <li>• 5292 m<sup>3</sup> of RSW retrieved as of 4/16/07.</li> </ul>



<b>M-91-41:</b> Retrieval and Designation of RH RSW (regardless of size)	See comment column	On Schedule (Planning)	<ul style="list-style-type: none"> <li>• 1/1/11: Initiate retrieval of RH RSW</li> <li>• 12/31/14: Complete non-caisson RH RSW retrieval</li> <li>• 12/31/18: Complete 4B RH RSW retrieval</li> <li>• Timing of RH retrieval is modified in the proposed M-91-07-01 change package to align with availability of capabilities to process the waste.</li> </ul>
<b>M-91-42:</b> Treatment of non-large size CH-MLLW and certification of non-large size CH TRUM	Annual treatment requirements through 12/31/09 (MLLW), 12/31/11 (TRUM)	On schedule For MLLW treatment though this could be impacted if funding above the FY08 President's Budget level is not appropriated,  Behind schedule for CH TRUM certification	<ul style="list-style-type: none"> <li>• Met the MLLW 12/31/06 milestone (4890 cubic meters) 4 months early (Aug 29, 2006). Completion letter sent to Ecology October 27.</li> <li>• 5241 m<sup>3</sup> of the MLLW subject to this milestone (MLLW-2 and MLLW-04 through MLLW-10 excluding MLLW-7) has been dispositioned as of 3/31/07. (6520 m<sup>3</sup> required by 12/31/07)</li> <li>• Shipped 4 cubic meters of mercury bearing waste to Permafix for treatment. This is one of the "problem MLLW streams" and will serve to demonstrate the disposition capability.</li> <li>• Shipped 2077 cubic meters of M-91-42 TRU/M and had accumulated a backlog of 432 cubic meters of certified but not shipped TRU/M bringing the total certified TRU/M counting toward M-91-42 to 2509 as of 4/13/07.</li> <li>• A briefing w/Ecology on TRU certification rate improvements was held March 29, 2007. Implementation is on-going.</li> </ul>
<b>M-91-43:</b> Designation and treatment of RH and or Large Size MLLW	See Comment Column	At Risk	<ul style="list-style-type: none"> <li>• Treated 193 m<sup>3</sup> of MLLW-07 since 12/31/02.</li> <li>• Modifications and clarifications to M-91-43 being proposed in M-91 change package.</li> <li>• Pursuing PEcoS capability to process containers larger than 10 cubic meters. Currently planning shipment of a large container to test/demonstrate the capability.</li> </ul>



<b>M-91-44:</b> Designation of Newly Generated and Stored RH and or Large Size Transuranic Waste and Large/RH TRUM certification	See Comment Column	At Risk	<ul style="list-style-type: none"> <li>Existing requirements include: a) Designate all RH and large size Transuranic waste in storage by 12/31/12. b)Begin treating RH and/or large container TRUM at a minimum rate of 300 cubic meters per year by 6/30/2012</li> <li>Resolution of the risk to meeting this milestone is tied to resolution of M-91-01.</li> </ul>
<b>M-91-45:</b> RH and or Large Size Waste Annual Report	9/30/04 and annually thereafter	On Schedule	<ul style="list-style-type: none"> <li>2006 report was delivered to Ecology 9/29/06 (06-AMCP-0314).</li> </ul>
<b>M-16-93:</b> Submit implementation workplan for acquisition of capabilities necessary to prepare TRU/M waste generated by CERCLA clean-up actions at Hanford for disposal at WIPP.	9/30/2006	Complete	<ul style="list-style-type: none"> <li>Report Delivered to EPA and Ecology 9/29/06 (06-AMCP-312)</li> <li>Briefing to EPA and Ecology on workplan October 11, 2006</li> </ul>

Fn: M-91 PMM Status table 4-17-07

[illegible]



**Sinton, Gregory L**

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**From:** Mandis, Michelle (ECY) [MICH461@ECY.WA.GOV]  
**Sent:** Wednesday, April 25, 2007 2:13 PM  
**To:** Sinton, Gregory L  
**Cc:** Cusack, Laura J; Singleton, Deborah; Skinnarland, E R (Ron)  
**Subject:** INSTRUCTIONS FOR TA-mym edits  
**Attachments:** INSTRUCTIONS FOR TA-mym edits.doc

Edits attached for the TA.

Michelle

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INSTRUCTIONS FOR OBTAINING SIGNATURE OF TENTATIVE AGREEMENT  
(TA) ON CHANGE PACKAGE M-91-07-01

**Ecology:**

The original TA signed by Keith Klein has been included in the Fed-Ex package to Mr. Manning since Ecology is the lead agency for this milestone. After Mr. Manning signs the original TA, use the enclosed Fed-Ex package to forward the original with Ecology and DOE-RL signatures to EPA.

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**EPA:**

EPA has received a copy of the original transmittal and signed TA. The copy can be used to assist in moving the documents through the EPA concurrence process in preparation for signature; however, the copy for signature will be sent from Ecology after it is signed by Mr. Manning. After EPA receives and signs the original, return the TA signed by the three parties to DOE-RL.

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**All:** Note that the M-91-07-01 change package itself is not signed by DOE-RL. The change package should not be signed until after completion of the public comment process.

In case of questions, the contact for each agency are indicated below:

Greg Sinton, DOE-RL 509-373-7939

Rob Piippo, Fluor TPA 509 373-3285

Deborah Singleton, Ecology 509-372-7923

Nick Ceto, EPA 509-376-9529

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**Sinton, Gregory L**

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**From:** Mandis, Michelle (ECY) [MICH461@ecy.wa.gov]  
**Sent:** Wednesday, April 25, 2007 2:18 PM  
**To:** Sinton, Gregory L  
**Cc:** Singleton, Deborah; Skinnarland, E R (Ron); Cusack, Laura J  
**Subject:** M-91 TA TRANS Ltr-mym eds  
**Attachments:** M-91 TA TRANS Ltr-mym eds.doc

Edits attached.



**Department of Energy**  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

07-AMCP-xxxx

Mr. Jay Manning, Director  
State of Washington  
Department of Ecology  
P. O. Box 47600  
Olympia, Washington 98504

Ms. Elin D. Miller, Regional Administrator  
U.S. Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, Washington 98101

Addressees:

**HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (TRI-PARTY AGREEMENT) M-91 WASTE MANAGEMENT TENTATIVE AGREEMENT**

The purpose of this letter is to gain agency approval of the attached M-91 Tentative Agreement that supports the proposed M-91-07-01 change form. The modifications proposed in the change form will continue the progress in safely managing waste at Hanford and include clarifications to definitions and annual updates of the M-91 Project Management Plan. Most of the definition changes are in the major milestone (M-91-00). Since the major milestone is being modified the change package will require approval by the signatories after the public comment period.

Attachment 1 includes the Tentative Agreement requiring your signature and Attachment 2 includes the proposed M-91 Tri-Party Agreement Change Package that will undergo a 45 day public comment period following agency approval of the Tentative Agreement.

If you have any questions, please contact me, or your staff may contact (remove extra space here) Matt S. McCormick, Assistant Manager for the Central Plateau, on (509) 373-9971.

Sincerely,

Keith A Klein  
Manager

Attachments



cc:

G. Bohnnee, NPT  
C. E. Cameron, EPA  
N. Ceto, EPA  
L. J. Cusack, Ecology  
R. H. Engelmann, FH  
J. Hedges, Ecology  
S. Harris, CTUIR  
R. Jim, YN  
S. Leckband, HAB  
M. L. Mandis, Ecology  
D. E. McKenney, FH  
K. Niles, ODE  
R. E. Piippo, FHI  
D. Singleton, Ecology  
R. Skinnerland, Ecology  
J. G. Vance, FHI  
Admin Record, H6-08  
Environmental Portal

## ATTACHMENT 1

Tentative Agreement Consisting of 1 page,  
including this coversheet



## ATTACHMENT 2

Tri-Party Agreement Change Package, M-91-07-01 Consisting of xx pages, including this coversheet

1/2

**Sinton, Gregory L**

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**From:** Mandis, Michelle (ECY) [MICH461@ecy.wa.gov]  
**Sent:** Wednesday, April 25, 2007 2:22 PM  
**To:** Sinton, Gregory L  
**Cc:** Singleton, Deborah; Skinnarland, E R (Ron); Cusack, Laura J  
**Subject:** M91TENTATIVEAGREE-mym edits  
**Attachments:** M91TENTATIVEAGREE-mym edits.doc

Edits attached.

5/24/07

## TENTATIVE AGREEMENT ON M-91 NEGOTIATIONS

To Modify *Hanford Federal Facility Agreement and Consent Order* (Tri-Party Agreement) M-91 Commitments for Managing the Retrieval, Storage, and Treatment/Processing of All Hanford Site RCRA Mixed and Suspect Mixed Low-Level Waste and RCRA Mixed and Suspect Mixed Transuranic Wastes.

The U.S. Department of Energy Richland Operations Office (RL), the State of Washington Department of Ecology (Ecology), and the U.S. Environmental Protection Agency (EPA), hereinafter referred to as the Parties, have concluded negotiations on the *Hanford Federal Facility Agreement and Consent Order* (Tri-Party Agreement) M-91 Milestone changes for managing Hanford Site waste.

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Tentative Agreement has been reached and a proposed change package has been developed in accordance with the Tri-Party Agreement. The attached Tri-Party Agreement Change Form, M-91-07-01 has been mutually agreed to by the Parties.

Final approval of the change package by the Parties is subject to public comment per the Tri-Party Community Relations Plan. The Parties will submit the proposed M-91 change package for a 45-day public comment period. Following conclusion of the public comment period, a response to comments document will be prepared. The M-91 change request will be revised, as appropriate, following consideration of public comments received and signed by the Parties and incorporated into the Tri-Party Agreement.

\_\_\_\_\_  
Keith Klein (date)  
Manager  
U.S. Department of Energy  
Richland Operations Office

\_\_\_\_\_  
Elin Miller (date)  
Regional Administrator  
U.S. Environmental Protection Agency  
Region 10

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\_\_\_\_\_  
Jay Manning (date)  
Director  
State of Washington  
Department of Ecology



1/26

**Sinton, Gregory L**

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**From:** Mandis, Michelle (ECY) [MICH461@ecy.wa.gov]  
**Sent:** Wednesday, April 25, 2007 4:36 PM  
**To:** Sinton, Gregory L  
**Cc:** Singleton, Deborah; Skinnarland, E R (Ron); Cusack, Laura J  
**Subject:** M-91-07-01 chgpkgR-4-12-07-mym edits  
**Attachments:** M-91-07-01 chgpkgR-4-12-07-mym edits.doc

Edits to the Description/Justification section....

Ed:

5/24/07

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<b>Change Number</b> M-91-07-01	<b>Federal Facility Agreement and Consent Order</b>  <b>Change Control Form</b> Do not use blue ink. Type or print using black ink.		<b>Date</b> 4/15/2007
<b>Originator</b> Mark French		<b>Phone</b> (509) 373-9863	
<b>Class of Change</b> <input checked="" type="checkbox"/> I – Signatories <input type="checkbox"/> II – Executive Manager <input type="checkbox"/> III – Project Manager			
<b>Change Title</b> Modification of Hanford Federal Facility Agreement and Consent Order (Agreement) M-91 Series			
<b>Description/Justification of Change</b>  Approval of this change package authorizes the modification of one major and eight interim milestones. The agencies have evaluated the M-91 commitments based on experience gained since the M-91 series were agreed to in April 2004 and are authorizing the following changes:  M-091-00: Definitions are being updated to provide clarity on container sizes and a certification definition is being added. How volumes should be determined in different M-91 Milestone contexts and the relation of those volumes with the volume of waste listed in the Hanford Site Solid Waste inventory tracking system (SWITS) is also clarified.			
(Continued on page 2)			
<b>Impact of Change</b> The changes made by approval of this change request improve the health and safety of the workforce and allows for greater consistency in the planning and tracking of Hanford Site waste management activities.			
<b>Affected Documents</b> The Hanford Federal Facility Agreement and Consent Order, as amended and Hanford Site internal planning management, and budget documents (e.g., USDOE contractor Baseline Change Control documents; M-91-03 Hanford Site TRU mixed/mixed low level waste Project Management Plan, and LDR Report).			
<b>Approvals</b>			
Ecology	_____	_____ Approved _____ Disapproved	
	Date		
DOE-RL	_____	_____ Approved _____ Disapproved	
	Date		
EPA	_____	_____ Approved _____ Disapproved	
	Date		

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**Description/Justification of Change (cont)**

M-091-03: Updated the Project Management Plan revision schedule to specify annual updates.

M-091-15: Clarified that the acquisition of facilities and/or capabilities and the initiation of the treatment of large container contact handled mixed low level waste (MLLW) will be completed per the rates established in milestone M-091-43. Added the requirement to complete an evaluation for acquiring facilities and or/capabilities and to jointly develop a schedule to implement the treatment of remote handled MLLW.

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M-091-40: Allows for select quantities of contact handled (CH) waste to remain in place pending Ecology's approval and provided the CH waste is being used to create radiological shielding from remote handled waste to protect on site workers performing retrieval operations. The CH waste will remain in place until it is removed as part of remote handled waste retrieval. Added description of annual notification of certification in lieu of treatment for transuranic mixed waste.

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M-091-41: Modified the description of the time frame to retrieve remote handled retrievable stored waste to tie to availability of processing capabilities. Added a description of annual notification of certification in lieu of treatment for transuranic mixed waste.

M-091-42: Clarified types of waste covered by this milestone, updated volumes per recent data, and required a report be completed that initiates a disposal or treatment path for all of the mixed low-level waste that does not currently have a clear disposition path.

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M-091-43: Clarified types of waste covered, updated waste volumes per recent data, and clarified treatment rates.

M-091-44: Clarified types of waste covered, added a certification in lieu of treatment description, and annual notification requirements.

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M-091-44: Deleted the term boxes for consistency with the other milestones.

Throughout the change package the contingent milestone notes or "legal notes" removed by the February 2006 Change Number M-91-05-01 have been added back into the respective milestones. This was done to more clearly maintain the description of how these milestones apply according to the October 2003 Settlement Agreement.



4/26

Modifications to existing Tri-Party Agreement milestones are denoted with ~~strikeout~~; new milestone/text are denoted with shading.

M-91-00	<p>COMPLETE THE ACQUISITION OF NEW FACILITIES, MODIFICATION OF EXISTING FACILITIES, AND MODIFICATION OF PLANNED FACILITIES NECESSARY FOR RETRIEVAL, STORAGE, AND TREATMENT/PROCESSING OF ALL HANFORD SITE RCRA MIXED AND SUSPECT MIXED LOW-LEVEL WASTE AND RCRA MIXED AND SUSPECT MIXED TRANSURANIC WASTE.</p> <p><b>DEFINITIONS</b></p> <p>THE FOLLOWING DEFINITIONS APPLY TO THIS SERIES OF MILESTONES</p> <p><del>"BOXES AND LARGE CONTAINERS" AS USED HEREIN IS DEFINED AS WASTE CONTAINERS THAT ARE NOT 55-GALLON DRUMS AND THAT CANNOT BE PLACED IN SUCH DRUMS.</del></p> <p><u>"SMALL CONTAINERS" AS USED HEREIN HAS DIFFERENT MEANINGS DEPENDING ON WHETHER IT IS USED IN REFERENCE TO MLLW/LLW OR TRANSURANIC WASTE.</u></p> <p><u>WHEN REFERRING TO MLLW/LLW, SMALL CONTAINERS ARE CONTAINERS LESS THAN 10 CUBIC METERS, INCLUDING 55 GALLON DRUMS.</u></p> <p><u>WHEN REFERRING TO TRANSURANIC WASTE, SMALL CONTAINERS ARE 55 GALLON DRUMS OR SMALLER CONTAINERS EVEN IF OVER-PACKED IN 85 GALLON DRUMS, AND NEWLY GENERATED WIPP STANDARD WASTE BOXES (SWB).</u></p> <p><u>"LARGE CONTAINERS" AS USED HEREIN HAS DIFFERENT MEANINGS DEPENDING ON WHETHER IT IS USED IN REFERENCE TO MLLW/LLW OR TRANSURANIC WASTE.</u></p> <p><u>WHEN REFERRING TO MLLW/LLW, LARGE CONTAINERS ARE CONTAINERS GREATER THAN OR EQUAL TO 10 CUBIC METERS.</u></p> <p><u>WHEN REFERRING TO TRANSURANIC WASTE, LARGE CONTAINERS ARE CONTAINERS THAT ARE LARGER THAN</u></p>	TO BE DETERMINED*
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5/26

55 GALLON DRUMS AND DO NOT INCLUDE 55 GALLON DRUMS OVER-PACKED IN 85 GALLON DRUMS. AN EXCEPTION TO THIS SIZE DEFINITION IS NEWLY GENERATED WIPP STANDARD WASTE BOXES. NEWLY GENERATED WIPP STANDARD WASTE BOXES ARE NOT CONSIDERED "LARGE CONTAINERS".

"CERTIFICATION" AS USED HEREIN IS DEFINED AS COMPLETION OF ALL CERTIFICATION ACTIVITIES REQUIRED BY THE WIPP HAZARDOUS WASTE PERMIT FOR ACCEPTANCE INTO WIPP AND ENTRY INTO THE WIPP WASTE INFORMATION SYSTEM.

"DESIGNATION" AS USED HEREIN IS DEFINED AS THE PROCESS FOR DETERMINING: (1) WHICH CONTAINERS OF LOW-LEVEL WASTE ARE MLLW; AND, (2) WHICH CONTAINERS OF TRANSURANIC WASTE ARE MIXED TRANSURANIC WASTE (CH-TRUM OR RH-TRUM). DESIGNATION OF WASTE WILL BE PERFORMED PURSUANT TO WAC 173-303-070 THROUGH 100. THESE REGULATIONS ALLOW THE USE OF "ACCEPTABLE KNOWLEDGE," SURROGATE SAMPLING AND OTHER MEASURES FOR DESIGNATION TO MINIMIZE WORKERS' RADIATION EXPOSURE AND TO REDUCE COSTS. WHERE APPLICABLE, DOE INTENDS TO USE INFORMATION GATHERED THROUGH THE CERTIFICATION OF TRANSURANIC WASTE IN SUPPORT OF ITS DESIGNATION OF RELATED LOW-LEVEL WASTE STREAMS. WHERE APPROPRIATE, DOE WILL USE MEASURES ALLOWED UNDER STATE AND FEDERAL REGULATIONS TO PERFORM ACCURATE AND COST EFFECTIVE DESIGNATIONS OF LOW-LEVEL WASTE.

"LOW-LEVEL WASTE" AS USED HEREIN IS DEFINED AS RADIOACTIVE WASTE THAT IS NOT SPENT FUEL, HIGH-LEVEL WASTE, TRANSURANIC WASTE, BYPRODUCT MATERIAL, OR NATURALLY OCCURRING RADIOACTIVE MATERIAL. LOW-LEVEL WASTE INCLUDES BOTH "MIXED LOW-LEVEL WASTE" AND "NON-MIXED LOW-LEVEL WASTE." "MIXED LOW-LEVEL WASTE" (MLLW) IS LOW-LEVEL WASTE THAT IS SUBJECT TO RCRA OR 70.105 RCW. "NON-MIXED LOW-LEVEL WASTE" (LLW) IS LOW-LEVEL WASTE THAT IS NOT SUBJECT TO RCRA OR 70.105 RCW. LLW AND MLLW CAN BE CONTACT-HANDLED (CH), I.E., CH-LLW OR CH-MLLW, OR REMOTE-HANDLED (RH), I.E., RH-LLW OR RH-MLLW.



"CONTACT HANDLED" (CH) WASTE IS A WASTE PACKAGE WITH A SURFACE DOSE RATE LESS THAN OR EQUAL TO 200 MILLIREM PER HOUR.

"REMOTE HANDLED" (RH) WASTE IS A WASTE PACKAGE WITH A SURFACE DOSE RATE ~~EQUAL TO OR~~ GREATER THAN 200 MILLIREM PER HOUR.

"RETRIEVABLY STORED WASTE" (RSW) AS USED HEREIN IS DEFINED AS WASTE THAT IS OR WAS BELIEVED TO BE CONTAMINATED WITH SIGNIFICANT CONCENTRATIONS OF TRANSURANIC ISOTOPES WHEN IT WAS PLACED IN THE 218-W-4B, 218-W-4C, 218-W-3A AND 218-E-12B BURIAL GROUND TRENCHES AFTER MAY 6, 1970. DURING THE RETRIEVAL PROCESS, CONTAINERS OF RSW WILL BE SEGREGATED INTO TWO CATEGORIES: (1) CH RSW AND (2) RH RSW. SUBSEQUENT ANALYSIS AND CATEGORIZATION OF RSW PURSUANT TO RCRA, CH. 70.105 RCW, THE ATOMIC ENERGY ACT, AND THE WIPP LAND WITHDRAWAL ACT WILL RESULT IN MOST OR ALL OF THIS WASTE BEING CLASSIFIED AS ONE OF THE FOLLOWING TYPES OF WASTE: CH-LLW, RH-LLW, CH-MLLW, RH-MLLW, CH-TRU, CH-TRUM, RH-TRU OR RH-TRUM. RSW DOES NOT INCLUDE WASTE IN CONTAINERS THAT HAVE DETERIORATED TO THE POINT THAT THEY CANNOT BE RETRIEVED AND STABILIZED (E.G. PLACED IN OVERPACKS) IN A MANNER THAT WOULD ALLOW THEM TO BE TRANSPORTED AND DESIGNATED WITHOUT POSING SIGNIFICANT RISKS TO WORKERS, THE PUBLIC OR THE ENVIRONMENT. WITH RESPECT TO ANY SUCH CONTAINERS, AND WITH RESPECT TO ANY RELEASE OF RSW, THE DECISION AS TO HOW TO MOVE FORWARD WILL BE DETERMINED THROUGH THE CLEANUP PROCESS SET FORTH IN RCRA, CH. 70.105 RCW, AND/OR CERCLA AS APPROPRIATE. THOSE PROCESSES MAY RESULT IN ADDITIONAL REQUIREMENTS FOR THE REMEDIATION OF SUCH WASTES.

"CAISSON WASTE" AS USED HEREIN IS DEFINED AS RSW IN THE 218-W-4B BURIAL GROUND CAISSONS ALPHA-1 THROUGH ALPHA-4.

"TRANSURANIC WASTE" AS USED HEREIN IS DEFINED AS WASTE THAT MEETS THE DEFINITION IN SUBSECTION (18) OF SECTION 2 OF THE WASTE ISOLATION PILOT PLANT LAND WITHDRAWAL ACT, PUB. L. 102-579. TRANSURANIC

WASTE INCLUDES BOTH MIXED TRANSURANIC (TRUM) WASTE AND NON MIXED TRANSURANIC (TRU) WASTE ~~"MIXED TRANSURANIC WASTE" (TRUM) WASTE~~ AND ~~"NON MIXED TRANSURANIC WASTE" (TRU)~~, AND COMPRISES THE FOLLOWING CATEGORIES: CH-TRU, CH-TRUM, RH-TRU, AND RH-TRUM.

"RETRIEVAL OF CH RSW" IS DEFINED AS UNCOVERING CH WASTES WITHIN DOE'S RSW TRENCHES, AND REMOVING SUCH CH WASTES FROM THE TRENCHES, STAGING WITHIN THE BURIAL GROUNDS, AND TRANSFER TO A PERMITTED AND COMPLIANT TREATMENT, STORAGE OR DISPOSAL FACILITY, THE ENVIRONMENTAL RESTORATION AND DISPOSAL FACILITY (ERDF) OR FOR WASTE DESIGNATED IN ACCORDANCE WITH WAC 173-303-070 THROUGH 100 AS NON-MIXED TO A STORAGE OR DISPOSAL FACILITY THAT DOE DETERMINES IS APPROPRIATE. STORAGE OF ANY RETRIEVED CH RSW THAT HAS NOT BEEN DESIGNATED AS NON-MIXED PURSUANT TO WAC 173-303-070 THROUGH -100 SHALL INCLUDE SECONDARY CONTAINMENT PURSUANT TO WAC 173-303-630(7).

"RETRIEVAL OF RH RSW" IS DEFINED AS UNCOVERING RH WASTES WITHIN DOE'S RSW TRENCHES AND CAISSONS, AND REMOVING SUCH RH WASTES FROM THE TRENCHES AND CAISSONS, STAGING WITHIN THE BURIAL GROUNDS, AND TRANSFER TO A PERMITTED AND COMPLIANT TREATMENT, STORAGE OR DISPOSAL FACILITY, THE ENVIRONMENTAL RESTORATION AND DISPOSAL FACILITY (ERDF) OR FOR WASTE DESIGNATED IN ACCORDANCE WITH WAC 173-303-070 THROUGH 100 AS NON-MIXED TO A STORAGE OR DISPOSAL FACILITY THAT DOE DETERMINES IS APPROPRIATE. STORAGE OF ANY RETRIEVED RH RSW THAT HAS NOT BEEN DESIGNATED AS NON-MIXED PURSUANT TO WAC 173-303-070 THROUGH -100 SHALL INCLUDE SECONDARY CONTAINMENT PURSUANT TO WAC 173-303-630(7).

TO PROVIDE FURTHER CLARIFICATION OF HOW VOLUMES SHOULD BE DETERMINED IN DIFFERENT M-91 CONTEXTS, AND COORDINATION WITH THE VOLUMES OF WASTE LISTED IN THE HANFORD SITE SOLID WASTE INVENTORY TRACKING SYSTEM (SWITS), THE FOLLOWING DESCRIPTIONS ARE PROVIDED:

- VOLUMES FOR THE PURPOSES OF DETERMINING



8/26

AMOUNTS RETRIEVED SHALL BE BASED ON THE VOLUME OF THE ORIGINAL CONTAINERS IN RETRIEVABLE STORAGE. FOR EXAMPLE, THE VOLUME OF A 55 GALLON RSW DRUM THAT WOULD BE COUNTED TOWARD "RETRIEVAL" WOULD BE 55 GALLONS (.208 CUBIC METERS), EVEN IF IN THE PROCESS OF RETRIEVAL THE DRUM NEEDED TO BE OVER-PACKED INTO AN 85 GALLON DRUM.

- THE VOLUMES OF WASTE IN "STORAGE" WILL BE LISTED AS THE CONTAINER SIZE THAT THE WASTE IS STORED WITHIN. FOR EXAMPLE, A 55 GALLON DRUM OVER-PACKED IN AN 85 GALLON DRUM WOULD BE COUNTED AS 85 GALLONS IN STORAGE.
- THE VOLUME OF MLLW "TREATED" WILL BE COUNTED AS THE PRE-TREATMENT CONTAINER VOLUME FOR MLLW.
- THE VOLUME OF TRANSURANIC WASTE COUNTED AS "CERTIFIED" WILL BE THE VOLUME OF THE CERTIFIED CONTAINER CONTAINING THE WASTE UNLESS THE WASTE IS COMPACTED. IN THE EVENT THAT THE WASTE IS COMPACTED, THE VOLUME OF THE PRE-COMPACTED CONTAINER WILL BE COUNTED.

NOTE: THE REQUIREMENTS OF THIS MILESTONE WITH REGARD TO THE ACQUISITION OF NEW FACILITIES, MODIFICATION OF EXISTING FACILITIES, AND MODIFICATION OF PLANNED FACILITIES NECESSARY FOR TREATMENT/PROCESSING OF RCRA MIXED AND SUSPECT MIXED TRANSURANIC WASTE DO NOT APPLY AS TO FACILITIES FOR LDR TREATMENT (OR FOR CERTIFICATION IN LIEU OF SUCH TREATMENT) OF MIXED TRANSURANIC WASTE PRIOR TO A FINAL APPEALABLE JUDGMENT ON THE MERITS OF THE LDR STORAGE AND TREATMENT CLAIM IN *WASHINGTON V. ABRAHAM*, NO. CT 03 5018 AAM, AND AFTER SUCH A JUDGMENT, ONLY AS SET FORTH IN THE ACCOMPANYING SETTLEMENT AGREEMENT.

\* NOTE: THE M-91 SERIES MILESTONES (INCLUDING THIS NOTE) DO NOT INCLUDE ANY REQUIREMENTS TO ESTABLISH SCHEDULES FOR THE MANAGEMENT OF PRE-1971 TRU/TRUM. SCHEDULES FOR THE MANAGEMENT OF

9/26

	PRE-1971 TRU/TRUM WILL BE ESTABLISHED, PURSUANT TO APPLICABLE PROVISIONS OF THE HHFACO OTHER THAN THE M-91 SERIES MILESTONES, FOLLOWING THE ISSUANCE OF OPERABLE UNIT RECORDS OF DECISION (RODS).	
M-91-01	<p>COMPLETE THE ACQUISITION OF CAPABILITIES AND/OR ACQUISITION OF NEW FACILITIES, MODIFICATION OF EXISTING FACILITIES, AND/OR MODIFICATION OF PLANNED FACILITIES NECESSARY FOR RETRIEVAL, DESIGNATION, STORAGE AND TREATMENT/PROCESSING PRIOR TO DISPOSAL OF ALL HANFORD SITE POST 1970 RH TRUM AND SUSPECT RH TRUM, TRUM IN <del>BOXES AND</del> LARGE CONTAINERS, AND SUSPECT TRUM IN <del>BOXES AND</del> LARGE CONTAINERS.</p> <p>NOTE: THE REQUIREMENTS OF THIS MILESTONE WITH REGARD TO COMPLETING THE ACQUISITION OF NEW FACILITIES, MODIFICATION OF EXISTING FACILITIES AND/OR MODIFICATION OF PLANNED FACILITIES NECESSARY FOR TREATMENT/PROCESSING OF HANFORD SITE POST 1970 RH TRUM AND SUSPECT RH TRUM, TRUM IN LARGE CONTAINERS, AND SUSPECT TRUM IN LARGE CONTAINERS DO NOT APPLY AS TO CAPABILITIES AND FACILITIES FOR LDR TREATMENT (OR FOR CERTIFICATION IN LIEU OF SUCH TREATMENT) OF RH TRUM AND TRUM IN LARGE CONTAINERS PRIOR TO A FINAL APPEALABLE JUDGMENT ON THE MERITS OF THE LDR STORAGE AND TREATMENT CLAIM IN <i>WASHINGTON V. ABRAHAM</i>, NO. CT 03 5018 AAM, AND AFTER SUCH A JUDGMENT, ONLY AS SET FORTH IN THE ACCOMPANYING SETTLEMENT AGREEMENT.</p>	6/30/2012
M-91-03	<p>SUBMIT REVISION OF THE HANFORD SITE TRUM AND MIXED LOW LEVEL WASTE PROJECT MANAGEMENT PLAN (PMP) TO ECOLOGY PURSUANT TO AND IN COMPLIANCE WITH THE REQUIREMENTS OF AGREEMENT SECTION 11.5. REVISIONS OF THE PMP SHALL ADDRESS RCRA MIXED AND SUSPECT MIXED TRANSURANIC AND LOW LEVEL WASTE AND WILL CONSIDER AND EXPRESSLY EVALUATE THE IMPACT ON M-91 RETRIEVAL, TREATMENT AND PROCESSING CAPABILITIES, THAT MAY RESULT FROM RETRIEVAL, TREATMENT AND/OR PROCESSING OF ANY OTHER TRANSURANIC OR SUSPECT TRANSURANIC WASTE INCLUDING BUT NOT LIMITED TO OFF-SITE TRANSURANIC WASTE AND HANFORD SITE TRANSURANIC WASTE GENERATED AFTER 1/1/03. <del>REVISIONS OF THE PMP SHALL BE SUBMITTED ON 12/31/2003, 3/31/2009 AND 3/31/2013.</del></p>	DUE DATES AS INDICATED IN THE DESCRIPTIVE TEXT OF THIS MILESTONE



A REVISED PMP SHALL BE SUBMITTED WITHIN 90 DAYS OF SIGNATURE OF A TENTATIVE AGREEMENT ON CHANGE PACKAGE M-91-07-01 AND WILL INCLUDE RESOLUTION OF ECOLOGY COMMENTS ON THE PMP SUBMITTED 12/31/06. IF THE TENTATIVE AGREEMENT IS NOT SIGNED BY MAY 30, 2007, THE REVISED PMP SHALL BE SUBMITTED BY AUGUST 30, 2007.

ANNUAL REVISIONS OF THE PMP WILL BE SUBMITTED ON JUNE 30 EVERY YEAR STARTING IN 2008 AND CONTINUING UNTIL THE M-91 MILESTONES ARE COMPLETED. THE PMP REVISIONS SHALL INCLUDE PLANS AND SCHEDULES TO ADDRESS ALL THE REQUIREMENTS SET FORTH IN THE M-91 MILESTONE SERIES. EACH REVISION OF THE M-91-03 PMP SHALL, UPON APPROVAL BY ECOLOGY, SUPERSEDE PREVIOUS M-91-03 PMPs. EACH REVISION IS A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THIS AGREEMENT.

WITH RESPECT TO RH MIXED WASTE AND MIXED WASTE IN BOXES AND LARGE CONTAINERS, THE PMP SUBMITTED ON 12/31/2003 WILL SPECIFICALLY IDENTIFIED MEASURABLE ACTIONS TO BE TAKEN BY DOE TO ACQUIRE CAPABILITIES TO MANAGE SUCH WASTES. THE PMP SHALL IDENTIFY SUCH MEASURABLE ACTIONS AT LEAST YEARLY.

NOTE: WITH RESPECT TO PMP REVISIONS, THE REQUIREMENTS OF THIS MILESTONE CONCERNING PMP REVISIONS TO ADDRESS TRUM SHALL NOT APPLY PRIOR TO A FINAL APPEALABLE JUDGMENT ON THE MERITS OF THE LDR STORAGE AND TREATMENT CLAIM IN *WASHINGTON V. ABRAHAM*, NO. CT 03 5018 AAM, AND AFTER SUCH A JUDGMENT, ONLY AS SET FORTH IN THE ACCOMPANYING SETTLEMENT AGREEMENT. THE PMP SUBMITTED ON 12/31/2003 WILL NOT BE REQUIRED TO CONTAIN PLANS AND SCHEDULES FOR THE LDR TREATMENT (OR CERTIFICATION IN LIEU OF SUCH TREATMENT AS PROVIDED FOR IN M-91-42 AND M-91-44) OF TRUM WASTE. DOE SHALL REVISE THE PMP TO INCLUDE PLANS AND SCHEDULES FOR LDR TREATMENT (OR CERTIFICATION IN LIEU OF SUCH TREATMENT AS PROVIDED IN M-91-42 AND M-91-44) OF TRUM WASTE BY 12/28/06.

PMP REVISIONS WILL BE SUBMITTED TO ECOLOGY FOR

	<p>REVIEW AND APPROVAL AS PRIMARY DOCUMENTS PURSUANT TO AGREEMENT ACTION PLAN SECTION 9.2.1. DOE SHALL IMPLEMENT THE PLAN AS APPROVED.</p> <p><del>ONCE APPROVED, THE PMP SUBMITTED ON 12/31/2003, IN ACCORDANCE WITH THIS MILESTONE SHALL SUPERSEDE THOSE PORTIONS OF PREVIOUSLY SUBMITTED DOE PMPs THAT CONCERNED RCRA MIXED WASTE, SUSPECT MIXED TRANSURANIC AND SUSPECT MIXED LOW LEVEL WASTE.</del></p>	
M-91-05-T01	<p>COMPLETE AND SUBMIT RH TRUM, SUSPECT RH TRUM, TRUM IN BOXES AND LARGE CONTAINERS, AND SUSPECT TRUM IN BOXES AND LARGE CONTAINERS RETRIEVAL AND PROCESSING FACILITY(IES) ENGINEERING STUDY/FUNCTIONAL DESIGN CRITERIA STUDY TO ECOLOGY FOR FACILITIES REQUIRED BY M-91-01.</p> <p>THE TRUM ENGINEERING/FUNCTIONAL DESIGN CRITERIA STUDY WILL COVER ACTIVITIES/FACILITIES NOT CONSIDERED COMMERCIALY VIABLE AS DOCUMENTED IN THE APPROVED TRUM PMP AND ASSOCIATED AGREEMENT CHANGE REQUESTS.</p>	12/31/2007
M-91-12	COMPLETE THERMAL TREATMENT OF AN ADDITIONAL 360 CUBIC METERS OF CONTACT HANDLED MLLW. THIS BRINGS THE CUMULATIVE TOTAL TO AT LEAST 600 CUBIC METERS OF CONTACT HANDLED MLLW THERMALLY TREATED.	11/16/2007
M-91-12A	COMPLETE THERMAL TREATMENT OF AT LEAST 240 CUBIC METERS OF CONTACT HANDLED MLLW.	9/30/2005 [Completed]
M-91-15	<p>COMPLETE ACQUISITION OF FACILITIES AND/OR CAPABILITIES AND INITIATE TREATMENT OF RH MLLW AND CH MLLW IN BOXES AND LARGE CONTAINERS PER THE RATES STIPULATED IN M-91-43.</p> <p>COMPLETE AN EVALUATION FOR THE ACQUISITION OF FACILITIES AND/OR CAPABILITIES TO INITIATE TREATMENT OF RH MLLW. BASED ON THE OUTCOME OF THE EVALUATION, DOE WILL IMPLEMENT THE TREATMENT OF RH MLLW ON A SCHEDULE THAT IS DEVELOPED BY ECOLOGY AND DOE, JOINTLY.</p>	6/30/2008



12/26

M-91-20	<p>T PLANT IS READY TO RECEIVE THE FIRST CANISTER OF K BASINS FLOOR AND PIT SLUDGE.</p> <p>THIS INTERIM MILESTONE WILL BE COMPLETE WHEN ALL T PLANT READINESS ACTIVITIES HAVE BEEN COMPLETED TO ACCEPT PIT AND FLOOR SLUDGE. READINESS IS DEFINED AS THE ISSUANCE OF THE READINESS TO PROCEED LETTER BY THE APPROVAL AUTHORITY.</p>	<p>12/31/2002 [Completed]</p>
M-91-40	<p>REGARDING THE RETRIEVAL AND DESIGNATION OF CONTACT-HANDLED (CH) RETRIEVBLY STORED WASTE (RSW) AND TREATMENT OF SUCH WASTES DESIGNATED AS MIXED TO MEET APPLICABLE FEDERAL AND STATE LAND DISPOSAL RESTRICTION (LDR) STANDARDS (ALL CH RSW WASTE REGARDLESS OF PACKAGE SIZE):</p> <p>1. DOE SHALL RETRIEVE ALL CH-RSW WITHIN BURIAL GROUNDS 218-W-4C, 218-W-4B, 218-W-3A, AND 218-E-12B BY DECEMBER 31, 2010. IN ACHIEVING THIS RETRIEVAL REQUIREMENT, DOE SHALL FIRST INITIATE RETRIEVAL AT ITS BURIAL GROUND 218-W-4C NO LATER THAN NOVEMBER 15, 2003, AND SHALL RETRIEVE RSW AT THE FOLLOWING RATES :</p> <ul style="list-style-type: none"> <li>• 1,200 CUBIC METERS (CUMMULATIVE) BY 12/31/04,</li> <li>• 2,700 CUBIC METERS (CUMMULATIVE) BY 12/31/05,</li> <li>• 4,700 CUBIC METERS (CUMMULATIVE) BY 12/31/06,</li> <li>• 7,200 CUBIC METERS (CUMMULATIVE) BY 12/31/07,</li> <li>• 9,700 CUBIC METERS (CUMMULATIVE) BY 12/31/08,</li> <li>• 12,200 CUBIC METERS (CUMMULATIVE) BY 12/31/09,</li> <li>• COMPLETE RETRIEVAL OF CH-RSW BY 12/31/2010.</li> </ul> <p>CONCURRENT RETRIEVAL ACTIONS CAN BE CONDUCTED IN MULTIPLE BURIAL GROUNDS. IF SPECIFIC BOXES AND LARGE CONTAINERS CANNOT BE REMOVED FROM A TRENCH WITHIN 60 DAYS OF BEING EXPOSED DOE SHALL NOTIFY ECOLOGY WITHIN THE 60-DAY PERIOD. ECOLOGY WILL INSPECT THE CONTAINER AND IMPOSE SPECIFIC CONDITIONS FOR THAT WASTE CONTAINER TO PREVENT RELEASES TO THE ENVIRONMENT. IN DETERMINING SUCH CONDITIONS ECOLOGY WILL CONSIDER AMONG OTHER FACTORS; WHETHER THE WASTE CONTAINER HAS BEEN INSPECTED AND FOUND TO BE INTACT AND NOT POSING A THREAT TO HUMAN HEALTH AND THE ENVIRONMENT (OR RE-PACKAGED TO PREVENT</p>	<p>DUE DATES AS INDICATED IN THE DESCRIPTIVE TEXT OF THIS MILESTONE</p>

RELEASE TO THE ENVIRONMENT) AND EXISTING DOCUMENTATION CONCERNING THE PRESENCE OF FREE LIQUIDS.

2. AS RSW RETRIEVAL PROCEEDS, DOE SHALL SAMPLE AND ANALYZE TRENCH SUBSTRATES WITH THE PURPOSES OF DETERMINING WHETHER OR NOT RELEASES OF CONTAMINANTS TO THE ENVIRONMENT HAVE OCCURRED, AND, IF SO, THE NATURE AND EXTENT OF CONTAMINATION.

SUCH SAMPLING AND ANALYSIS SHALL BE IN ACCORDANCE WITH ECOLOGY APPROVED SAMPLING AND ANALYSIS PLANS (SAP). THE SAP WILL BE DEVELOPED USING A DQO PROCESS TO ESTABLISH SAMPLING REQUIREMENTS FOR SAMPLING OF BURIAL GROUND VENT RISERS AND SUBSTRATE SOILS. ~~DOE PROVIDED ECOLOGY WITH A DRAFT 218-W-4C SAP ON 8/12/03. ECOLOGY'S INTENTION IS TO ISSUE A FINAL SAP WITHIN 30 DAYS. ECOLOGY APPROVED THE 218-W-4C SAP SEPTEMBER 12, 2003, THE 218-E-12B SAP JANUARY 20, 2005, THE 218-W-3A SAP JUNE 15, 2006, AND THE 218-W-4B SAP JULY 25, 2006. WITH RESPECT TO THE REMAINING BURIAL GROUNDS, DOE WILL PROVIDE ECOLOGY WITH UPDATED SAPS, IF NEEDED, FOR REVIEW AND APPROVAL AT LEAST 45 DAYS PRIOR TO STARTING RETRIEVAL IN EACH BURIAL GROUND. DOE WILL IMPLEMENT APPROVED SAPS, AS A REQUIREMENT OF THIS MILESTONE, DURING RETRIEVAL OF ALL RSW.~~

THE RESULTS OF BURIAL GROUND VENT AND SUBSTRATE SAMPLING AND ANALYSIS PURSUANT TO APPROVED SAPS SHALL BE SUBMITTED TO ECOLOGY BY LETTER REPORTS QUARTERLY. SUCH REPORTS SHALL DOCUMENT RESULTS AND METHODOLOGIES, SHALL ASSESS RESULTS AGAINST REGULATORY REQUIREMENTS, SHALL INCLUDE A DESCRIPTION (OR DESCRIPTIONS) OF DOCUMENTED CONTAMINANT RELEASES TO THE ENVIRONMENT, AND SHALL DESCRIBE PLANNED AND/OR SCHEDULED ADDITIONAL WORK.

3. WITHIN 90 DAYS OF RETRIEVAL, DOE SHALL DESIGNATE ALL CH RSW RETRIEVED FROM THE RSW TRENCHES PURSUANT TO WAC 173-303-070 THROUGH 100, AND SHALL SPECIFICALLY IDENTIFY INDIVIDUAL BOXES



14/26

AND LARGE CONTAINERS THAT CANNOT BE DESIGNATED BASED ON AVAILABLE PROCESS KNOWLEDGE. FOR THE ~~BOXES AND~~ LARGE CONTAINERS DETERMINED TO BE LOW-LEVEL WASTE THAT CANNOT BE DESIGNATED BASED ON THE AVAILABLE PROCESS KNOWLEDGE, DOE SHALL DESIGNATE SAID WASTE ACCORDING TO THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100, BY DECEMBER 31, 2008 ~~(SIX MONTHS AFTER THE RH AND LARGE CONTAINER MLLW FACILITIES AND/OR CAPABILITIES ARE REQUIRED TO BE OPERATIONAL).~~ FOR ~~BOXES AND~~ LARGE CONTAINERS DETERMINED TO BE TRANSURANIC WASTE THAT CANNOT BE DESIGNATED BASED ON THE AVAILABLE PROCESS KNOWLEDGE, DOE SHALL DESIGNATE SAID WASTE ACCORDING TO THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100, BY DECEMBER 31, 2012 ~~(SIX MONTHS AFTER THE RH AND LARGE CONTAINER TRANSURANIC M-91-01 FACILITIES AND/OR CAPABILITIES ARE REQUIRED TO BE OPERATIONAL).~~

4. FOR ALL RETRIEVED CH-RSW DETERMINED TO BE LOW LEVEL WASTE AND 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 IN ACCORDANCE WITH THE SCHEDULE PROVIDED IN MILESTONE M-91-42(2) AND M-91-43(3).
5. IN REGARD TO THE CARBON TETRACHLORIDE VAPOR PLUME IN THE VADOSE ZONE IN THE VICINITY OF TRENCH 4 IN BURIAL GROUND 218-W-4C, DOE SHALL:
  - START VAPOR EXTRACTION BY NOVEMBER 15, 2003, TO REDUCE CARBON TETRACHLORIDE VAPORS.
  - START RETRIEVAL IN TRENCH 4 BY JANUARY 15, 2004
  - COMPLETE RETRIEVAL OF TRENCH 4 BY DECEMBER 31, 2006 ~~(WITH THE EXCEPTION OF THOSE BOXES AND LARGE CONTAINERS THAT THE PARTIES HAVE AGREED, IN WRITING, MAY BE RETRIEVED OUT OF SEQUENCE).~~

RETRIEVAL WILL CONTINUE IN TRENCH 4 UNTIL IT IS COMPLETE. VAPOR EXTRACTION AND RETRIEVAL OPERATIONS IN TRENCH 4 WILL BE INTEGRATED BY

15/26

DOE TO MINIMIZE POTENTIAL WORKER EXPOSURE TO CARBON TETRACHLORIDE VAPORS, AND TO MITIGATE ANY POSSIBLE RELEASES OF CARBON TETRACHLORIDE FROM TRENCH 4 CONTAINERS.

6. FOR ALL RETRIEVED CH-RSW DETERMINED TO BE TRANSURANIC WASTE AND 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 IN COMPLIANCE WITH THE SCHEDULE IN M-91-42(4) AND M-91-44(3).

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. NOTIFICATION OF CERTIFICATION IN LIEU OF TREATMENT WILL BE PROVIDED ANNUALLY AS PART OF THE CERTIFICATION VOLUME COMPLETION LETTER.

RH RSW ENCOUNTERED DURING THE RETRIEVAL OF CH RSW WILL BE LEFT IN PLACE AND HANDLED AS DESCRIBED IN M-91-41. CH RSW LOCATED IN CLOSE PROXIMITY TO AND THAT PROVIDES RADIOLOGICAL SHIELDING FROM RH CONTAINERS TO PROTECT HUMAN HEALTH MAY ALSO BE LEFT IN PLACE, WITH THE APPROVAL OF ECOLOGY, UNTIL REMOVED AS PART OF RH WASTE RETRIEVAL.

NOTE: THE REQUIREMENTS OF ITEM 6 OF THIS MILESTONE DO NOT APPLY PRIOR TO A FINAL APPEALABLE JUDGMENT ON THE MERITS OF THE LDR STORAGE AND TREATMENT CLAIM IN *WASHINGTON V. ABRAHAM*, NO. CT 03 5018 AAM, AND AFTER SUCH A JUDGMENT, ONLY AS SET FORTH IN THE ACCOMPANYING SETTLEMENT AGREEMENT.

EACH REQUIREMENT OF THIS MILESTONE IS



16/26

	CONSIDERED A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THE AGREEMENT.	
M-91-41	<p>REGARDING THE RETRIEVAL AND DESIGNATION OF REMOTE HANDLED (RH) RSW (ALL RSW RH WASTE REGARDLESS OF PACKAGE SIZE, INCLUDING THE 200 AREA CAISSONS, AND CH RSW LEFT IN PLACE TO PROVIDE SHIELDING FROM RH WASTE), AND LDR TREATMENT OF SUCH WASTES DETERMINED TO BE MIXED.</p> <ol style="list-style-type: none"> <li>DOE SHALL INITIATE FULL-SCALE RETRIEVAL OF RH RSW <del>BY JANUARY 1, 2011</del> NO LATER THAN ONE YEAR PRIOR TO WHEN THE CAPABILITIES EXIST TO SAFELY STORE AND PROCESS THE WASTE. RETRIEVAL OF NON-CAISSON RH RSW SHALL BE COMPLETED <del>BY DECEMBER 31, 2014</del> WITHIN 4 YEARS OF RH RSW RETRIEVAL INITIATION. RETRIEVAL OF THE 200 AREA CAISSON RH RSW IN THE 218-W-4B BURIAL GROUND SHALL BE COMPLETED <del>BY DECEMBER 31, 2018</del> WITHIN 8 YEARS OF RH RSW RETRIEVAL INITIATION.</li> <li>DOE SHALL DESIGNATE ALL RETRIEVED RH RSW PURSUANT TO WAC 173-303-070 THROUGH 100, WITHIN 90 DAYS OF RETRIEVAL.</li> <li>FOR ALL RETRIEVED RH-RSW DETERMINED TO BE LOW-LEVEL WASTE AND DESIGNATED IN ACCORDANCE WITH WAC 173-303-070 THROUGH 100, AS MIXED AND AS CONTAINING LDR RESTRICTED CONSTITUENTS, DOE SHALL TREAT SUCH WASTE TO MEET LDR REQUIREMENTS IN ACCORDANCE WITH THE SCHEDULE PROVIDED IN MILESTONE M-91-43(3).</li> <li>FOR ALL RETRIEVED RH-RSW DETERMINED TO BE TRANSURANIC WASTE AND 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 IN ACCORDANCE WITH THE SCHEDULE PROVIDED IN MILESTONE M-91-44(3). DOE MAY CHOOSE TO COMPLETE CERTIFICATION OF SUCH WASTES FOR DISPOSAL AT WIPP IN LIEU OF LDR TREATMENT, PROVIDED THAT ECOLOGY IS NOTIFIED IN WRITING OF SUCH COMPLETION OF CERTIFICATION,</li> </ol>	DUE DATES AS INDICATED IN THE DESCRIPTIVE TEXT OF THIS MILESTONE

	<p>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 M-91-44 FOR ANY GIVEN YEAR BY CERTIFYING RH TRU OR RH TRUM. NOTIFICATION OF CERTIFICATION IN LIEU OF TREATMENT WILL BE PROVIDED ANNUALLY AS PART OF THE CERTIFICATION VOLUME COMPLETION LETTER.</p> <p>NOTE: THE REQUIREMENTS OF ITEM 4 OF THIS MILESTONE DO NOT APPLY PRIOR TO A FINAL APPEALABLE JUDGMENT ON THE MERITS OF THE LDR STORAGE AND TREATMENT CLAIM IN <i>WASHINGTON V. ABRAHAM</i>, NO. CT 03-5018 AAM, AND AFTER SUCH A JUDGMENT, ONLY AS SET FORTH IN THE ACCOMPANYING SETTLEMENT AGREEMENT.</p> <p>5. EACH REQUIREMENT OF THIS MILESTONE IS CONSIDERED A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THE AGREEMENT.</p>	
M-91-42	<p>REGARDING SMALL CONTAINERS OF: (1) NEWLY GENERATED CH WASTE; (2) CH RETRIEVAL WASTE; AND (3) (2) CH WASTE CURRENTLY IN ABOVE-GROUND STORAGE (NOT INCLUDING CH WASTE CURRENTLY IN ABOVE-GROUND STORAGE IN BOXES AND LARGE CONTAINERS).</p> <p>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.</p> <p>2. THERE <del>WERE ARE</del> 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 HHFACO MILESTONE M-26-01 LDR REPORT MLLW TREATABILITY GROUPS MLLW-02 THROUGH MLLW-10, EXCLUDING MLLW-07) THAT <del>HAD HAS</del> 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.</p>	<p>DUE DATES AS INDICATED IN THE DESCRIPTIVE TEXT OF THIS MILESTONE</p>



APPROXIMATELY 4422 CUBIC METERS OF MLLW SUBJECT TO THIS MILESTONE WAS TREATED BETWEEN 12/31/02 AND 12/31/05. IS REQUIRED TO BE TREATED BY 2006 UNDER HHFACO MILESTONES M-91-12 AND M-91-12A). DOE'S 2002 LDR REPORT ESTIMATED THAT IT WILL GENERATEION OF AN ADDITIONAL ANNUAL VOLUME OF APPROXIMATELY 330 CUBIC METERS OF CH-MLLW (AS WASTE TYPES IDENTIFIED IN DOE HHFACO 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 ~~DOE WILL~~ 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.

APPROXIMATELY 2750 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:

- A. 1630 CUBIC METERS (CUMULATIVE) SHALL BE TREATED BY 12/31/04,
- 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. 8150 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.)

19/26

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, 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. WASTE IN THE APPLICABLE TREATABILITY GROUPS THAT AT ANY POINT IS ACCUMULATED OR STORED AS RCRA WASTE WILL COUNT TOWARDS THIS MILESTONE REGARDLESS OF THE FINAL DISPOSAL SITE. 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 IN ACCORDANCE WITH 40 CFR 268.50 LAND DISPOSAL RESTRICTION STORAGE PROHIBITION REQUIREMENTS. 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. A SMALL VOLUME OF WASTE COVERED BY THIS MILESTONE THAT CURRENTLY HAS NO DEFINITE DISPOSITION PATH WILL BE IDENTIFIED IN A REPORT TO ECOLOGY. THE REPORT WILL BE BASED ON THE INVENTORY OF APPLICABLE WASTE IN STORAGE AS OF 9/30/06. THE REPORT WILL BE PROVIDED TO ECOLOGY BY MARCH 31, 2008 AND WILL PROVIDE A PROPOSED REGULATORY PATH AND SCHEDULE FOR DISPOSITION OF THIS WASTE.

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 AND BY REFERENCE 40 CFR 268.
4. THERE ARE APPROXIMATELY 440 CUBIC METERS OF CH-



20126

TRUM IN PERMITTED STORAGE AT DOE'S CENTRAL WASTE COMPLEX (CWC) AND ELSEWHERE AT HANFORD AS OF 12/31/02. DOE'S CY2002 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;
- 5,400 CUBIC METERS (CUMULATIVE) BY 12/31/08;
- 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. IN THIS CASE THE CUMULATIVE VOLUMES SHALL BE CONSIDERED MET AS LONG AS THIS CH-TRUM IS TREATED/CERTIFIED WITHIN THE TIMEFRAME ESTABLISHED BY THE STORAGE PROHIBITION REQUIREMENTS OF 40 CFR 268.50. 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.

	<p>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.</p> <p>NOTE: THE REQUIREMENTS OF ITEMS 4 AND 5 OF THIS MILESTONE DO NOT APPLY PRIOR TO A FINAL APPEALABLE JUDGMENT ON THE MERITS OF THE LDR STORAGE AND TREATMENT CLAIM IN <i>WASHINGTON V. ABRAHAM</i>, NO. CT 03 5018 AAM, AND AFTER SUCH A JUDGMENT, ONLY AS SET FORTH IN THE ACCOMPANYING SETTLEMENT AGREEMENT.</p> <p>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.</p> <p>6. EACH REQUIREMENT OF THIS MILESTONE IS CONSIDERED A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THE AGREEMENT</p>	
M-91-43	<p>REGARDING MLLW TREATABILITY GROUP MLLW-07 WASTE AS DEFINED IN THE LDR REPORT WHICH INCLUDES THE MLLW PORTION OF: (1) NEWLY GENERATED RH LOW-LEVEL WASTE; (2) NEWLY GENERATED BOXES AND LARGE CONTAINERS OF CH LOW-LEVEL WASTE; (3) RH LOW-LEVEL WASTE CURRENTLY IN ABOVE-GROUND STORAGE; AND (4) BOXES AND LARGE CONTAINERS OF CH LOW-LEVEL WASTE CURRENTLY IN ABOVE-GROUND STORAGE; (5) RH OR LARGE CONTAINER CH LOW-LEVEL WASTE FROM RETRIEVAL; AND (6) RH MLLW SHIELDED DOWN TO CH</p>	<p>DUE DATES AS INDICATED IN THE DESCRIPTIVE TEXT OF THIS MILESTONE</p>



LEVELS.

THERE ARE 81 CUBIC METERS OF RH MLLW IN PERMITTED STORAGE AT DOE'S CENTRAL WASTE STORAGE COMPLEX (CWC) AND ELSEWHERE AT HANFORD AS OF 12/31/02 (AS IDENTIFIED IN DOE HHFACO MILESTONE M-26-01 LDR REPORT MLLW TREATABILITY GROUPS MLLW-07) THAT HAS NOT BEEN TREATED TO MEET LDR REQUIREMENTS. DOE'S 2002 LDR REPORT CURRENTLY ESTIMATES THAT DOE WILL GENERATE AN ADDITIONAL YEARLY VOLUME OF 280 CUBIC METERS OF WASTE IN THIS TREATABILITY GROUP. IN ADDITION, DOE WILL RETRIEVE APPROXIMATELY 800 CUBIC METERS BY 2010. THIS INCLUDES VOLUMES OF RETRIEVED RSW AS OF 12/31/05 THERE WERE APPROXIMATELY 305 CUBIC METERS OF RH AND LARGE CONTAINER MLLW (LDR TREATABILITY GROUP MLLW-07) IN PERMITTED STORAGE. APPROXIMATELY 66 CUBIC METERS OF THIS WASTE WAS FORECAST TO BE GENERATED BETWEEN 12/31/05 AND 12/31/11. IN ADDITION, APPROXIMATELY 2728 CUBIC METERS OF MLLW-07 WAS EXPECTED TO BE OBTAINED FROM RETRIEVAL BETWEEN 12/31/05 AND 12/31/11.

1. DOE SHALL DESIGNATE ALL RH LOW-LEVEL WASTE AND BOXES AND LARGE CONTAINERS OF CH LOW-LEVEL WASTE CURRENTLY IN ABOVE-GROUND PERMITTED STORAGE (AS OF JUNE 30, 2003) ACCORDING TO THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100, BY DECEMBER 31, 2008.
2. DOE SHALL DESIGNATE ALL NEWLY GENERATED RH LOW-LEVEL WASTE AND TRANSURANIC WASTE AND NEWLY GENERATED BOXES AND LARGE CONTAINERS OF CH-LOW-LEVEL WASTE AT THE POINT OF GENERATION. SUCH DESIGNATION SHALL COMPLY WITH THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100.
3. DOE SHALL BEGIN TREATING RH MLLW AND BOXES AND LARGE CONTAINERS OF CH MLLW TO MEET LDR TREATMENT REQUIREMENTS ON THE FOLLOWING SCHEDULE BASED ON A START DATE OF 12/31/02, 300 CUBIC METERS (CUMULATIVE) SHALL BE TREATED BY 6/30/09. STARTING JUNE 30, 2009 TREATMENT WILL BE AT A RATE OF NO LESS THAN 300 CUBIC METERS PER YEAR UNTIL THE WASTE CAN BE TREATED AS



	<p>GENERATED IN ACCORDANCE WITH 40 CFR 268.50 STORAGE PROHIBITION REQUIREMENTS.</p> <p><del>AT A MINIMUM RATE OF 300 CUBIC METERS PER YEAR BEGINNING NO LATER THAN JUNE 30, OF 2008. IF THERE ARE NOT 300 CUBIC METERS OF RH MLLW AND BOXES AND LARGE CONTAINERS OF CH MLLW IN STORAGE IN ANY GIVEN YEAR, THE TREATMENT REQUIREMENTS OF THIS MILESTONE SHALL BE CONSIDERED MET</del></p> <p><del>REQUIRES THAT DOE TREAT IF STORED AND NEWLY GENERATED MLLW-07 WASTE IS TREATED IN THE TIMEFRAME REQUIRED BY 40 CFR 268.50 LAND DISPOSAL RESTRICTION STORAGE PROHIBITION REQUIREMENTS. ONLY THAT AMOUNT THAT IS IN STORAGE. IF RH 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.</del></p> <p>EXCEPT FOR WASTE ALREADY IN PERMITTED STORAGE, TREATMENT OF CERCLA WASTE WILL NOT BE COUNTED TOWARD MEETING THE VOLUME REQUIREMENTS OF THIS MILESTONE. MLLW-07 WASTE THAT AT ANY POINT IS STORED OR ACCUMULATED AS RCRA WASTE WILL COUNT TOWARDS THIS MILESTONE REGARDLESS OF THE FINAL DISPOSAL SITE. IF ACTUAL VOLUMES OF NEWLY GENERATED OR RETRIEVED RH <del>AND BOXES</del> AND LARGE CONTAINER MLLW ARE SIGNIFICANTLY MORE THAN THE ESTIMATED VOLUMES, THIS MILESTONE WILL BE REVISED TO REFLECT ACTUAL VOLUMES.</p> <p>4. EACH ELEMENT OF THIS MILESTONE IS CONSIDERED A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THE AGREEMENT.</p>	
M-91-44	<p>REGARDING: (1) NEWLY GENERATED RH TRANSURANIC WASTE; (2) NEWLY GENERATED <del>BOXES AND</del> LARGE CONTAINERS OF CH-TRANSURANIC WASTE; (3) RH TRANSURANIC WASTE CURRENTLY IN ABOVE GROUND STORAGE; <del>AND (4) BOXES AND</del> LARGE CONTAINERS OF CH TRANSURANIC WASTE CURRENTLY IN ABOVE-GROUND STORAGE; (5) LARGE CONTAINER OR RH TRANSURANIC WASTE FROM RETRIEVAL; AND (6) RH TRANSURANIC</p>	<p>DUE DATES AS INDICATED IN THE DESCRIPTIVE TEXT OF THIS MILESTONE</p>

	<p>WASTE SHIELDED DOWN TO CH LEVELS.</p> <ol style="list-style-type: none"><li>1. DOE SHALL DESIGNATE ALL RH TRANSURANIC WASTE AND <del>BOXES AND</del> LARGE CONTAINERS OF CH TRANSURANIC WASTE CURRENTLY IN ABOVE- GROUND STORAGE (AS OF JUNE 30, 2003) ACCORDING TO THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100, BY DECEMBER 31, 2012.</li><li>2. DOE SHALL DESIGNATE ALL NEWLY GENERATED RH TRANSURANIC WASTE AND <del>BOXES AND</del> LARGE CONTAINERS OF TRANSURANIC WASTE AT THE POINT OF GENERATION. SUCH DESIGNATION SHALL COMPLY WITH THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100.</li><li>3. DOE SHALL BEGIN TREATING RH TRUM AND <del>BOXES AND</del> LARGE CONTAINERS OF CH TRUM TO MEET LDR TREATMENT REQUIREMENTS AT A MINIMUM RATE OF 300 CUBIC METERS PER YEAR BEGINNING NO LATER THAN JUNE 30, 2012. IF THERE ARE NOT 300 CUBIC METERS OF RH TRUM AND <del>BOXES AND</del> LARGE CONTAINERS OF CH TRUM IN STORAGE IN ANY GIVEN YEAR, THIS MILESTONE REQUIRES THAT DOE TREAT ONLY THAT AMOUNT THAT IS IN STORAGE AND THE MILESTONE WILL BE CONSIDERED MET AS LONG AS ALL OF THIS TYPE OF WASTE THAT IS GENERATED OR RETRIEVED IS TREATED OR CERTIFIED WITHIN THE TIMEFRAME ESTABLISHED BY THE STORAGE PROHIBITION REQUIREMENTS OF 40 CFR 268.50. IF ACTUAL VOLUMES OF NEWLY GENERATED OR RETRIEVED RH TRUM AND <del>BOXES AND</del> LARGE CONTAINER TRUM ARE SIGNIFICANTLY MORE THAN THE ESTIMATED VOLUMES, THIS MILESTONE WILL BE REVISED TO REFLECT ACTUAL VOLUMES.</li><li>4. AS TO NEWLY GENERATED RH TRUM GENERATED AFTER 12/31/18 THAT IS DESIGNATED IN ACCORDANCE WITH WAC 173-303-070 THROUGH -100 AS MIXED AND AS CONTAINING LDR RESTRICTED CONSTITUENTS, DOE SHALL TREAT OR CERTIFY IN LIEU OF TREATMENT TO MEET LDR REQUIREMENTS WITHIN ONE YEAR OF GENERATION.</li><li>5. DOE MAY CHOOSE TO COMPLETE CERTIFICATION OF RH AND LARGE CONTAINER TRANSURANIC WASTE</li></ol>	
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	<p>SUCH WASTES 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 RH OR LARGE CONTAINER TRU OR RH OR LARGE CONTAINER TRUM. NOTIFICATION OF CERTIFICATION IN LIEU OF TREATMENT WILL BE PROVIDED ANNUALLY AS PART OF THE CERTIFICATION VOLUME COMPLETION LETTER.</p> <p>NOTE: THE REQUIREMENTS OF ITEMS 3, 4, AND 5 OF THIS MILESTONE DO NOT APPLY PRIOR TO A FINAL APPEALABLE JUDGMENT ON THE MERITS OF THE LDR STORAGE AND TREATMENT CLAIM IN <i>WASHINGTON V. ABRAHAM</i>, NO. CT 03 5018 AAM, AND AFTER SUCH A JUDGMENT, ONLY AS SET FORTH IN THE ACCOMPANYING SETTLEMENT AGREEMENT.</p> <p>6. EACH REQUIREMENT OF THIS MILESTONE IS CONSIDERED A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THE AGREEMENT.</p>	
M-91-45	<p>BY SEPTEMBER 30 OF EACH YEAR, DOE SHALL SUBMIT TO ECOLOGY A REPORT DESCRIBING COMPLETED AND SCHEDULED WORK RELATING TO RH WASTE AND BOXES AND LARGE CONTAINERS OF RH AND CH WASTE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS MILESTONE SERIES. DOE'S REPORTS WILL DOCUMENT WORK COMPLETED DURING THE PREVIOUS FEDERAL FISCAL YEAR AND WORK SCHEDULED FOR THE COMING FISCAL YEAR. DOE'S REPORTS SHALL IDENTIFY BY CITATION ALL PUBLICLY AVAILABLE REPORTS DESCRIBING PERTINENT PROJECT ISSUES AND ACCOMPLISHMENTS, AND SHALL IDENTIFY ANTICIPATED PROJECTS FOR THE COMING YEAR.</p>	<p>9/30/2004 AND ANNUALLY THEREAFTER</p>



21/26

M-91-07-01 HHFACO Change Package

25

Fn: M-91-07-01 chgpkgR-4-12-07

1133

## Sinton, Gregory L

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**From:** Sinton, Gregory L  
**Sent:** Thursday, April 19, 2007 11:35 AM  
**To:** Sinton, Gregory L; Cusack, Laura J; Skinnarland, E R (Ron)  
**Cc:** French, Mark S; McCormick, Matthew S; Singleton, Deborah  
**Subject:** RE: M-91 CP TA and PMP

Point of clarification: The language we agreed on was the body of change package M-91-07-01. The rest of the language (letter, TA, cover pages of CP, instructions) is new information that I was providing for review so that some insignificant detail in that language did not cause a problem.

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**From:** Sinton, Gregory L  
**Sent:** Thursday, April 19, 2007 11:29 AM  
**To:** Cusack, Laura J; Skinnarland, E R (Ron)  
**Cc:** French, Mark S; McCormick, Matthew S; Sinton, Gregory L; Singleton, Deborah  
**Subject:** FW: M-91 CP TA and PMP

Laura: Here is the draft transmittal letter, TA, and change package you requested in the TPA quarterly meeting today. We agreed on this language at the Project Manager level (subject to management review) March 15. I was providing these draft documents before sending formally to make sure there are no surprises. My intent is that before I send the package everyone on this side of the mountains at least would be satisfied with the content and it would just be an administrative process from there on out. We had also intended that approval of this TA would set the schedule for the PMP revision (90 days after). I had hoped that you had already reviewed the body of the change package and had no concerns and this review was for the draft transmittal info and the change package cover pages (description of change).

This change package is basically what was left that we thought we had agreed to after we took out all the things from the September change package that we did not reach agreement on (e.g. changes in TRUM cert rates, changes to M-91-01 schedule). I am going to let this continue in RL concurrence for now to continue our management review process, but will not concur myself so that it is held up until we are sure we are in agreement. Let me know if there are comments. I did go ahead and send these same files to Nick yesterday. EPA has not been involved in the dispute discussions and workshops, though Deborah had indicated she has had some separate discussions with them.

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**From:** Sinton, Gregory L  
**Sent:** Monday, April 16, 2007 6:07 PM  
**To:** Singleton, Deborah; 'Mandis, Michelle (ECY)'  
**Cc:** Sinton, Gregory L; Piippo, Robert E; French, Mark S  
**Subject:** M-91 CP TA and PMP

Deborah and Michelle:

I have attached the M-91-07-01 change package, TA, and cover letter that I am starting through concurrence. The change package now has the description of change etc filled in. The TA is fairly standard. Let me know if you have any comment on any of this or if you have received any comment from your management. I have also attached a set of "instructions" I would propose including with the transmittal to Manning/Miller. I would also like to send this set of draft documents to Nick Ceto so he can be prepared to assist in getting this signed by region 10. Last time he requested that Ecology send the signed document to Dan Opalski at EPA. IF that is the case I will update the "instructions" accordingly. You may want to touch base with the local EPA office if you have not already so that these draft documents do not come as a surprise. IF they want to meet to discuss, let me know if you would like our support/participation in that or if you want to meet independently. << File: INSTRUCTIONS FOR TA.doc >> << File: M-91-07-01 chgpkgR-4-12-07.doc >> << File: M-91 TA TRANS Ltr.doc >> << File: M91TENTATIVEAGREE.doc >>

I have not seen an Ecology response on the DOE PMP update plan and responses to Ecology comments. We were expecting that around the end of last week. Has that been sent or is it still in the works?



## Sinton, Gregory L

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**From:** Sinton, Gregory L  
**Sent:** Thursday, April 19, 2007 11:29 AM  
**To:** Cusack, Laura J; Skinnarland, E R (Ron)  
**Cc:** French, Mark S; McCormick, Matthew S; Sinton, Gregory L; Singleton, Deborah  
**Subject:** FW: M-91 CP TA and PMP

**Attachments:** INSTRUCTIONS FOR TA.doc; M-91-07-01 chgpkgR-4-12-07.doc; M-91 TA TRANS Ltr.doc; M91TENTATIVEAGREE.doc

Laura: Here is the draft transmittal letter, TA, and change package you requested in the TPA quarterly meeting today. We agreed on this language at the Project Manager level (subject to management review) March 15. I was providing these draft documents before sending formally to make sure there are no surprises. My intent is that before I send the package everyone on this side of the mountains at least would be satisfied with the content and it would just be an administrative process from there on out. We had also intended that approval of this TA would set the schedule for the PMP revision (90 days after). I had hoped that you had already reviewed the body of the change package and had no concerns and this review was for the draft transmittal info and the change package cover pages (description of change).





This change package is basically what was left that we thought we had agreed to after we took out all the things from the September change package that we did not reach agreement on (e.g. changes in TRUM cert rates, changes to M-91-01 schedule). I am going to let this continue in RL concurrence for now to continue our management review process, but will not concur myself so that it is held up until we are sure we are in agreement. Let me know if there are comments. I did go ahead and send these same files to Nick yesterday. EPA has not been involved in the dispute discussions and workshops, though Deborah had indicated she has had some separate discussions with them.

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**From:** Sinton, Gregory L  
**Sent:** Monday, April 16, 2007 6:07 PM  
**To:** Singleton, Deborah; 'Mandis, Michelle (ECY)'  
**Cc:** Sinton, Gregory L; Plippo, Robert E; French, Mark S  
**Subject:** M-91 CP TA and PMP

Deborah and Michelle:

I have attached the M-91-07-01 change package, TA, and cover letter that I am starting through concurrence. The change package now has the description of change etc filled in. The TA is fairly standard. Let me know if you have any comment on any of this or if you have received any comment from your management. I have also attached a set of "instructions" I would propose including with the transmittal to Manning/Miller. I would also like to send this set of draft documents to Nick Ceto so he can be prepared to assist in getting this signed by region 10. Last time he requested that Ecology send the signed document to Dan Opalski at EPA. IF that is the case I will update the "instructions" accordingly. You may want to touch base with the local EPA office if you have not already so that these draft documents do not come as a surprise. IF they want to meet to discuss, let me know if you would like our support/participation in that or if you want to meet

			
INSTRUCTIONS FOR TA.doc (27 KB...	M-91-07-01 chgpkgR-4-12-07.doc...	M-91 TA TRANS Ltr.doc (167 KB)...	M91TENTATIVEAG REE.doc (30 KB)

independently.

I have not seen an Ecology response on the DOE PMP update plan and responses to Ecology comments. We were expecting that around the end of last week. Has that been sent or is it still in the works?



INSTRUCTIONS FOR OBTAINING SIGNATURE OF TENTATIVE AGREEMENT  
(TA) ON CHANGE PACKAGE M-91-07-01

**Ecology:**

The original TA signed by Keith Klein has been included in the Fed-Ex package to Mr. Manning since Ecology is the lead agency for this milestone. After Mr. Manning signs the original TA, use the enclosed Fed-Ex package to forward the original with Ecology and DOE-RL signatures to EPA.

**EPA:**

EPA has received a copy of the original transmittal and signed TA. The copy can be used to assist in moving the documents through the EPA concurrence process in preparation for signature, however the copy for signature will be sent from Ecology after it is signed by Mr. Manning. After EPA receives and signs the original return the TA signed by the three parties to DOE-RL

**All:** Note that the M-91-07-01 change package itself is not signed by DOE-RL. The change package should not be signed until after completion of the public comment process.

In case of questions contact for each agency are indicated below:

Greg Sinton, DOE-RL 509-373-7939

Rob Piippo, Fluor TPA 509 373-3285

Deborah singleton, Ecology 509-372-7923

Nick Ceto, EPA 509-376-9529

<b>Change Number</b> M-91-07-01	<b>Federal Facility Agreement and Consent Order</b> <b>Change Control Form</b> Do not use blue ink. Type or print using black ink.	<b>Date</b> 4/15/2007																																				
<b>Originator</b> Mark French		<b>Phone</b> (509) 373-9863																																				
<b>Class of Change</b> <input checked="" type="checkbox"/> I – Signatories <input type="checkbox"/> II – Executive Manager <input type="checkbox"/> III – Project Manager																																						
<b>Change Title</b> Modification of <u>Hanford Federal Facility Agreement and Consent Order (Agreement)</u> M-91 Series																																						
<b>Description/Justification of Change</b>  Approval of this change package authorizes the modification of one major and eight interim milestones. The agencies have evaluated the M91 commitments based on experience gained since the M91 series were agreed to in April 2004 and are authorizing the following changes:  M-091-00: Definitions are being updated to provide clarity on container sizes and a certification definition is being added. How volumes should be determined in different M-91 milestone contexts and the relation of those volumes with the volumes of waste listed in the Hanford Site Solid Waste inventory tracking system (SWITS) is also clarified.  (Continued on page 2)																																						
<b>Impact of Change</b> The changes made by approval of this change request improve the health and safety of the workforce and allows for greater consistency in the planning and tracking of Hanford Site waste management activities.																																						
<b>Affected Documents</b> The <u>Hanford Federal Facility Agreement and Consent Order</u> , as amended and Hanford Site internal planning management, and budget documents (e.g., USDOE contractor Baseline Change Control documents; M-91-03 Hanford Site TRU mixed/mixed low level waste Project Management Plan, and LDR Report).																																						
<b>Approvals</b>  <table border="0"> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>Approved</td> <td>_____</td> <td>Disapproved</td> </tr> <tr> <td>Ecology</td> <td>Date</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>Approved</td> <td>_____</td> <td>Disapproved</td> </tr> <tr> <td>DOE-RL</td> <td>Date</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>Approved</td> <td>_____</td> <td>Disapproved</td> </tr> <tr> <td>EPA</td> <td>Date</td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			_____	_____	_____	Approved	_____	Disapproved	Ecology	Date					_____	_____	_____	Approved	_____	Disapproved	DOE-RL	Date					_____	_____	_____	Approved	_____	Disapproved	EPA	Date				
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### **Description/Justification of Change (cont)**

M-091-03: Updated the Project Management Plan revision schedule to specify annual updates.

M-091-15: Clarified that the acquisition of facilities and/or capabilities and the initiation of the treatment of large container contact handled mixed low level waste (MLLW) will be per the rates established in interim milestone M-091-43. Added the requirement to complete an evaluation for acquiring facilities and/or capabilities and to jointly develop a schedule to implement the treatment of remote handled MLLW.

M-091-40: Allows for contact handled waste to remain in place provided it is being used to create radiological shielding from remote handled waste to protect on site workers performing retrieval operations until it is removed as part of remote handled waste retrieval. Added description of annual notification of certification in lieu of treatment for transuranic mixed waste.

M-091-41: Modified the description of the time frame to retrieve remote handled retrievable stored waste to tie to availability of processing capabilities. Added description of annual notification of certification in lieu of treatment for transuranic mixed waste.

M-091-42: Clarified types of waste covered, updated volumes per recent data and required a report be completed that covers the mixed low-level waste that does not have a clear disposition path.

M-091-43: Clarified types of waste covered, updated waste volumes per recent data and clarified treatment rates.

M-091-44: Clarified types of waste covered and described certification in lieu of treatment and annual notification requirements.

Throughout the change package the contingent milestone notes removed by the February 2006 Change Number M-91-05-01 have been added back into the respective milestones. This was done to more clearly maintain the description of how these milestones apply according to the October 2003 Settlement Agreement.



Modifications to existing Tri-Party Agreement milestones are denoted with ~~strikeout~~; new milestone/text are denoted with **shading**.

M-91-00	<p>COMPLETE THE ACQUISITION OF NEW FACILITIES, MODIFICATION OF EXISTING FACILITIES, AND MODIFICATION OF PLANNED FACILITIES NECESSARY FOR RETRIEVAL, STORAGE, AND TREATMENT/PROCESSING OF ALL HANFORD SITE RCRA MIXED AND SUSPECT MIXED LOW-LEVEL WASTE AND RCRA MIXED AND SUSPECT MIXED TRANSURANIC WASTE.</p> <p><b>DEFINITIONS</b></p> <p>THE FOLLOWING DEFINITIONS APPLY TO THIS SERIES OF MILESTONES</p> <p><del>"BOXES AND LARGE CONTAINERS" AS USED HEREIN IS DEFINED AS WASTE CONTAINERS THAT ARE NOT 55-GALLON DRUMS AND THAT CANNOT BE PLACED IN SUCH DRUMS.</del></p> <p><b>"SMALL CONTAINERS" AS USED HEREIN HAS DIFFERENT MEANINGS DEPENDING ON WHETHER IT IS USED IN REFERENCE TO MLLW/LLW OR TRANSURANIC WASTE.</b></p> <p><b>WHEN REFERRING TO MLLW/LLW, SMALL CONTAINERS ARE CONTAINERS LESS THAN 10 CUBIC METERS, INCLUDING 55 GALLON DRUMS.</b></p> <p><b>WHEN REFERRING TO TRANSURANIC WASTE, SMALL CONTAINERS ARE 55 GALLON DRUMS OR SMALLER CONTAINERS EVEN IF OVER-PACKED IN 85 GALLON DRUMS, AND NEWLY GENERATED WIPP STANDARD WASTE BOXS (SWB).</b></p> <p><b>"LARGE CONTAINERS" AS USED HEREIN HAS DIFFERENT MEANINGS DEPENDING ON WHETHER IT IS USED IN REFERENCE TO MLLW/LLW OR TRANSURANIC WASTE.</b></p> <p><b>WHEN REFERRING TO MLLW/LLW, LARGE CONTAINERS ARE CONTAINERS GREATER THAN OR EQUAL TO 10 CUBIC METERS.</b></p> <p><b>WHEN REFERRING TO TRANSURANIC WASTE, LARGE CONTAINERS ARE CONTAINERS THAT ARE LARGER THAN</b></p>	TO BE DETERMINED*
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55 GALLON DRUMS AND DO NOT INCLUDE 55 GALLON DRUMS OVER-PACKED IN 85 GALLON DRUMS. AN EXCEPTION TO THIS SIZE DEFINITION IS NEWLY GENERATED WIPP STANDARD WASTE BOXES. NEWLY GENERATED WIPP STANDARD WASTE BOXES ARE NOT CONSIDERED "LARGE CONTAINERS".

"CERTIFICATION" AS USED HEREIN IS DEFINED AS COMPLETION OF ALL CERTIFICATION ACTIVITIES REQUIRED BY THE WIPP HAZARDOUS WASTE PERMIT FOR ACCEPTANCE INTO WIPP AND ENTRY INTO THE WIPP WASTE INFORMATION SYSTEM.

"DESIGNATION" AS USED HEREIN IS DEFINED AS THE PROCESS FOR DETERMINING: (1) WHICH CONTAINERS OF LOW-LEVEL WASTE ARE MLLW; AND, (2) WHICH CONTAINERS OF TRANSURANIC WASTE ARE MIXED TRANSURANIC WASTE (CH-TRUM OR RH-TRUM). DESIGNATION OF WASTE WILL BE PERFORMED PURSUANT TO WAC 173-303-070 THROUGH 100. THESE REGULATIONS ALLOW THE USE OF "ACCEPTABLE KNOWLEDGE," SURROGATE SAMPLING AND OTHER MEASURES FOR DESIGNATION TO MINIMIZE WORKERS' RADIATION EXPOSURE AND TO REDUCE COSTS. WHERE APPLICABLE, DOE INTENDS TO USE INFORMATION GATHERED THROUGH THE CERTIFICATION OF TRANSURANIC WASTE IN SUPPORT OF ITS DESIGNATION OF RELATED LOW-LEVEL WASTE STREAMS. WHERE APPROPRIATE, DOE WILL USE MEASURES ALLOWED UNDER STATE AND FEDERAL REGULATIONS TO PERFORM ACCURATE AND COST EFFECTIVE DESIGNATIONS OF LOW-LEVEL WASTE.

"LOW-LEVEL WASTE" AS USED HEREIN IS DEFINED AS RADIOACTIVE WASTE THAT IS NOT SPENT FUEL, HIGH-LEVEL WASTE, TRANSURANIC WASTE, BYPRODUCT MATERIAL, OR NATURALLY OCCURRING RADIOACTIVE MATERIAL. LOW-LEVEL WASTE INCLUDES BOTH "MIXED LOW-LEVEL WASTE" AND "NON-MIXED LOW-LEVEL WASTE." "MIXED LOW-LEVEL WASTE" (MLLW) IS LOW-LEVEL WASTE THAT IS SUBJECT TO RCRA OR 70.105 RCW. "NON-MIXED LOW-LEVEL WASTE" (LLW) IS LOW-LEVEL WASTE THAT IS NOT SUBJECT TO RCRA OR 70.105 RCW. LLW AND MLLW CAN BE CONTACT-HANDLED (CH), I.E., CH-LLW OR CH-MLLW, OR REMOTE-HANDLED (RH), I.E., RH-LLW OR RH-MLLW.



"CONTACT HANDLED" (CH) WASTE IS A WASTE PACKAGE WITH A SURFACE DOSE RATE LESS THAN ~~OR EQUAL TO~~ 200 MILLIREM PER HOUR.

"REMOTE HANDLED" (RH) WASTE IS A WASTE PACKAGE WITH A SURFACE DOSE RATE ~~EQUAL TO OR~~ GREATER THAN 200 MILLIREM PER HOUR.

"RETRIEVABLY STORED WASTE" (RSW) AS USED HEREIN IS DEFINED AS WASTE THAT IS OR WAS BELIEVED TO BE CONTAMINATED WITH SIGNIFICANT CONCENTRATIONS OF TRANSURANIC ISOTOPES WHEN IT WAS PLACED IN THE 218-W-4B, 218-W-4C, 218-W-3A AND 218-E-12B BURIAL GROUND TRENCHES AFTER MAY 6, 1970. DURING THE RETRIEVAL PROCESS, CONTAINERS OF RSW WILL BE SEGREGATED INTO TWO CATEGORIES: (1) CH RSW AND (2) RH RSW. SUBSEQUENT ANALYSIS AND CATEGORIZATION OF RSW PURSUANT TO RCRA, CH. 70.105 RCW, THE ATOMIC ENERGY ACT, AND THE WIPP LAND WITHDRAWAL ACT WILL RESULT IN MOST OR ALL OF THIS WASTE BEING CLASSIFIED AS ONE OF THE FOLLOWING TYPES OF WASTE: CH-LLW, RH-LLW, CH-MLLW, RH-MLLW, CH-TRU, CH-TRUM, RH-TRU OR RH-TRUM. RSW DOES NOT INCLUDE WASTE IN CONTAINERS THAT HAVE DETERIORATED TO THE POINT THAT THEY CANNOT BE RETRIEVED AND STABILIZED (E.G. PLACED IN OVERPACKS) IN A MANNER THAT WOULD ALLOW THEM TO BE TRANSPORTED AND DESIGNATED WITHOUT POSING SIGNIFICANT RISKS TO WORKERS, THE PUBLIC OR THE ENVIRONMENT. WITH RESPECT TO ANY SUCH CONTAINERS, AND WITH RESPECT TO ANY RELEASE OF RSW, THE DECISION AS TO HOW TO MOVE FORWARD WILL BE DETERMINED THROUGH THE CLEANUP PROCESS SET FORTH IN RCRA, CH. 70.105 RCW, AND/OR CERCLA AS APPROPRIATE. THOSE PROCESSES MAY RESULT IN ADDITIONAL REQUIREMENTS FOR THE REMEDIATION OF SUCH WASTES.

"CAISSON WASTE" AS USED HEREIN IS DEFINED AS RSW IN THE 218-W-4B BURIAL GROUND CAISSONS ALPHA-1 THROUGH ALPHA-4.

"TRANSURANIC WASTE" AS USED HEREIN IS DEFINED AS WASTE THAT MEETS THE DEFINITION IN SUBSECTION (18) OF SECTION 2 OF THE WASTE ISOLATION PILOT PLANT LAND WITHDRAWAL ACT, PUB. L. 102-579. TRANSURANIC



WASTE INCLUDES BOTH MIXED TRANSURANIC (TRUM) WASTE AND NON MIXED TRANSURANIC (TRU) WASTE "MIXED TRANSURANIC WASTE" (TRUM) WASTE" AND "NON MIXED TRANSURANIC WASTE" (TRU), AND COMPRISES THE FOLLOWING CATEGORIES: CH-TRU, CH-TRUM, RH-TRU, AND RH-TRUM.

"RETRIEVAL OF CH RSW" IS DEFINED AS UNCOVERING CH WASTES WITHIN DOE'S RSW TRENCHES, AND REMOVING SUCH CH WASTES FROM THE TRENCHES, STAGING WITHIN THE BURIAL GROUNDS, AND TRANSFER TO A PERMITTED AND COMPLIANT TREATMENT, STORAGE OR DISPOSAL FACILITY, THE ENVIRONMENTAL RESTORATION AND DISPOSAL FACILITY (ERDF) OR FOR WASTE DESIGNATED IN ACCORDANCE WITH WAC 173-303-070 THROUGH 100 AS NON-MIXED TO A STORAGE OR DISPOSAL FACILITY THAT DOE DETERMINES IS APPROPRIATE. STORAGE OF ANY RETRIEVED CH RSW THAT HAS NOT BEEN DESIGNATED AS NON-MIXED PURSUANT TO WAC 173-303-070 THROUGH -100 SHALL INCLUDE SECONDARY CONTAINMENT PURSUANT TO WAC 173-303-630(7).

"RETRIEVAL OF RH RSW" IS DEFINED AS UNCOVERING RH WASTES WITHIN DOE'S RSW TRENCHES AND CAISSONS, AND REMOVING SUCH RH WASTES FROM THE TRENCHES AND CAISSONS, STAGING WITHIN THE BURIAL GROUNDS, AND TRANSFER TO A PERMITTED AND COMPLIANT TREATMENT, STORAGE OR DISPOSAL FACILITY, THE ENVIRONMENTAL RESTORATION AND DISPOSAL FACILITY (ERDF) OR FOR WASTE DESIGNATED IN ACCORDANCE WITH WAC 173-303-070 THROUGH 100 AS NON-MIXED TO A STORAGE OR DISPOSAL FACILITY THAT DOE DETERMINES IS APPROPRIATE. STORAGE OF ANY RETRIEVED RH RSW THAT HAS NOT BEEN DESIGNATED AS NON-MIXED PURSUANT TO WAC 173-303-070 THROUGH -100 SHALL INCLUDE SECONDARY CONTAINMENT PURSUANT TO WAC 173-303-630(7).

TO PROVIDE FURTHER CLARIFICATION OF HOW VOLUMES SHOULD BE DETERMINED IN DIFFERENT M-91 CONTEXTS, AND COORDINATION WITH THE VOLUMES OF WASTE LISTED IN THE HANFORD SITE SOLID WASTE INVENTORY TRACKING SYSTEM (SWITS), THE FOLLOWING DESCRIPTIONS ARE PROVIDED:

- VOLUMES FOR THE PURPOSES OF DETERMINING



AMOUNTS RETRIEVED SHALL BE BASED ON THE VOLUME OF THE ORIGINAL CONTAINERS IN RETRIEVABLE STORAGE. FOR EXAMPLE, THE VOLUME OF A 55 GALLON RSW DRUM THAT WOULD BE COUNTED TOWARD "RETRIEVAL" WOULD BE 55 GALLONS (.208 CUBIC METERS), EVEN IF IN THE PROCESS OF RETRIEVAL THE DRUM NEEDED TO BE OVER-PACKED INTO AN 85 GALLON DRUM.

- THE VOLUMES OF WASTE IN "STORAGE" WILL BE LISTED AS THE CONTAINER SIZE THAT THE WASTE IS STORED WITHIN. FOR EXAMPLE, A 55 GALLON DRUM OVER-PACKED IN AN 85 GALLON DRUM WOULD BE COUNTED AS 85 GALLONS IN STORAGE.
- THE VOLUME OF MLLW "TREATED" WILL BE COUNTED AS THE PRE-TREATMENT CONTAINER VOLUME FOR MLLW.
- THE VOLUME OF TRANSURANIC WASTE COUNTED AS "CERTIFIED" WILL BE THE VOLUME OF THE CERTIFIED CONTAINER CONTAINING THE WASTE UNLESS THE WASTE IS COMPACTED. IN THE EVENT THAT THE WASTE IS COMPACTED, THE VOLUME OF THE PRE-COMPACTED CONTAINER WILL BE COUNTED.

NOTE: THE REQUIREMENTS OF THIS MILESTONE WITH REGARD TO THE ACQUISITION OF NEW FACILITIES, MODIFICATION OF EXISTING FACILITIES, AND MODIFICATION OF PLANNED FACILITIES NECESSARY FOR TREATMENT/PROCESSING OF RCRA MIXED AND SUSPECT MIXED TRANSURANIC WASTE DO NOT APPLY AS TO FACILITIES FOR LDR TREATMENT (OR FOR CERTIFICATION IN LIEU OF SUCH TREATMENT) OF MIXED TRANSURANIC WASTE PRIOR TO A FINAL APPEALABLE JUDGMENT ON THE MERITS OF THE LDR STORAGE AND TREATMENT CLAIM IN *WASHINGTON V. ABRAHAM*, NO. CT 03 5018 AAM, AND AFTER SUCH A JUDGMENT, ONLY AS SET FORTH IN THE ACCOMPANYING SETTLEMENT AGREEMENT.

\* NOTE: THE M-91 SERIES MILESTONES (INCLUDING THIS NOTE) DO NOT INCLUDE ANY REQUIREMENTS TO ESTABLISH SCHEDULES FOR THE MANAGEMENT OF PRE-1971 TRU/TRUM. SCHEDULES FOR THE MANAGEMENT OF



	PRE-1971 TRU/TRUM WILL BE ESTABLISHED, PURSUANT TO APPLICABLE PROVISIONS OF THE HHFACO OTHER THAN THE M-91 SERIES MILESTONES, FOLLOWING THE ISSUANCE OF OPERABLE UNIT RECORDS OF DECISION (RODS).	
M-91-01	<p>COMPLETE THE ACQUISITION OF CAPABILITIES AND/OR ACQUISITION OF NEW FACILITIES, MODIFICATION OF EXISTING FACILITIES, AND/OR MODIFICATION OF PLANNED FACILITIES NECESSARY FOR RETRIEVAL, DESIGNATION, STORAGE AND TREATMENT/PROCESSING PRIOR TO DISPOSAL OF ALL HANFORD SITE POST 1970 RH TRUM AND SUSPECT RH TRUM, TRUM IN <del>BOXES AND</del> LARGE CONTAINERS, AND SUSPECT TRUM IN <del>BOXES AND</del> LARGE CONTAINERS.</p> <p>NOTE: THE REQUIREMENTS OF THIS MILESTONE WITH REGARD TO COMPLETING THE ACQUISITION OF NEW FACILITIES, MODIFICATION OF EXISTING FACILITIES AND/OR MODIFICATION OF PLANNED FACILITIES NECESSARY FOR TREATMENT/PROCESSING OF HANFORD SITE POST 1970 RH TRUM AND SUSPECT RH TRUM, TRUM IN LARGE CONTAINERS, AND SUSPECT TRUM IN LARGE CONTAINERS DO NOT APPLY AS TO CAPABILITIES AND FACILITIES FOR LDR TREATMENT (OR FOR CERTIFICATION IN LIEU OF SUCH TREATMENT) OF RH TRUM AND TRUM IN LARGE CONTAINERS PRIOR TO A FINAL APPEALABLE JUDGMENT ON THE MERITS OF THE LDR STORAGE AND TREATMENT CLAIM IN <i>WASHINGTON V. ABRAHAM</i>, NO. CT 03 5018 AAM, AND AFTER SUCH A JUDGMENT, ONLY AS SET FORTH IN THE ACCOMPANYING SETTLEMENT AGREEMENT.</p>	6/30/2012
M-91-03	<p>SUBMIT REVISION OF THE HANFORD SITE TRUM AND MIXED LOW LEVEL WASTE PROJECT MANAGEMENT PLAN (PMP) TO ECOLOGY PURSUANT TO AND IN COMPLIANCE WITH THE REQUIREMENTS OF AGREEMENT SECTION 11.5. REVISIONS OF THE PMP SHALL ADDRESS RCRA MIXED AND SUSPECT MIXED TRANSURANIC AND LOW LEVEL WASTE AND WILL CONSIDER AND EXPRESSLY EVALUATE THE IMPACT ON M-91 RETRIEVAL, TREATMENT AND PROCESSING CAPABILITIES, THAT MAY RESULT FROM RETRIEVAL, TREATMENT AND/OR PROCESSING OF ANY OTHER TRANSURANIC OR SUSPECT TRANSURANIC WASTE INCLUDING BUT NOT LIMITED TO OFF-SITE TRANSURANIC WASTE AND HANFORD SITE TRANSURANIC WASTE GENERATED AFTER 1/1/03. <del>REVISIONS OF THE PMP SHALL BE SUBMITTED ON 12/31/2003, 3/31/2009 AND 3/31/2013.</del></p>	DUE DATES AS INDICATED IN THE DESCRIPTIVE TEXT OF THIS MILESTONE



A REVISED PMP SHALL BE SUBMITTED WITHIN 90 DAYS OF SIGNATURE OF A TENTATIVE AGREEMENT ON CHANGE PACKAGE M-91-07-01 AND WILL INCLUDE RESOLUTION OF ECOLOGY COMMENTS ON THE PMP SUBMITTED 12/31/06. IF THE TENTATIVE AGREEMENT IS NOT SIGNED BY MAY 30, 2007, THE REVISED PMP SHALL BE SUBMITTED BY AUGUST 30, 2007.

ANNUAL REVISIONS OF THE PMP WILL BE SUBMITTED ON JUNE 30 EVERY YEAR STARTING IN 2008 AND CONTINUING UNTIL THE M-91 MILESTONES ARE COMPLETED. THE PMP REVISIONS SHALL INCLUDE PLANS AND SCHEDULES TO ADDRESS ALL THE REQUIREMENTS SET FORTH IN THE M-91 MILESTONE SERIES. EACH REVISION OF THE M-91-03 PMP SHALL, UPON APPROVAL BY ECOLOGY, SUPERSEDE PREVIOUS M-91-03 PMPs. EACH REVISION IS A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THIS AGREEMENT.

WITH RESPECT TO RH MIXED WASTE AND MIXED WASTE IN BOXES AND LARGE CONTAINERS, THE PMP SUBMITTED ON 12/31/2003 ~~WILL~~ SPECIFICALLY IDENTIFY ~~ED~~ MEASURABLE ACTIONS TO BE TAKEN BY DOE TO ACQUIRE CAPABILITIES TO MANAGE SUCH WASTES. THE PMP SHALL IDENTIFY SUCH MEASURABLE ACTIONS AT LEAST YEARLY.

NOTE: WITH RESPECT TO PMP REVISIONS, THE REQUIREMENTS OF THIS MILESTONE CONCERNING PMP REVISIONS TO ADDRESS TRUM SHALL NOT APPLY PRIOR TO A FINAL APPEALABLE JUDGMENT ON THE MERITS OF THE LDR STORAGE AND TREATMENT CLAIM IN *WASHINGTON V. ABRAHAM*, NO. CT 03 5018 AAM, AND AFTER SUCH A JUDGMENT, ONLY AS SET FORTH IN THE ACCOMPANYING SETTLEMENT AGREEMENT. THE PMP SUBMITTED ON 12/31/2003 WILL NOT BE REQUIRED TO CONTAIN PLANS AND SCHEDULES FOR THE LDR TREATMENT (OR CERTIFICATION IN LIEU OF SUCH TREATMENT AS PROVIDED FOR IN M-91-42 AND M-91-44) OF TRUM WASTE. DOE SHALL REVISE THE PMP TO INCLUDE PLANS AND SCHEDULES FOR LDR TREATMENT (OR CERTIFICATION IN LIEU OF SUCH TREATMENT AS PROVIDED IN M-91-42 AND M-91-44) OF TRUM WASTE BY 12/28/06.

PMP REVISIONS WILL BE SUBMITTED TO ECOLOGY FOR



	<p>REVIEW AND APPROVAL AS PRIMARY DOCUMENTS PURSUANT TO AGREEMENT ACTION PLAN SECTION 9.2.1. DOE SHALL IMPLEMENT THE PLAN AS APPROVED.</p> <p><del>ONCE APPROVED, THE PMP SUBMITTED ON 12/31/2003, IN ACCORDANCE WITH THIS MILESTONE SHALL SUPERSEDE THOSE PORTIONS OF PREVIOUSLY SUBMITTED DOE PMPs THAT CONCERNED RCRA MIXED WASTE, SUSPECT MIXED TRANSURANIC AND SUSPECT MIXED LOW LEVEL WASTE.</del></p>	
M-91-05-T01	<p>COMPLETE AND SUBMIT RH TRUM, SUSPECT RH TRUM, TRUM IN BOXES AND LARGE CONTAINERS, AND SUSPECT TRUM IN BOXES AND LARGE CONTAINERS RETRIEVAL AND PROCESSING FACILITY(IES) ENGINEERING STUDY/FUNCTIONAL DESIGN CRITERIA STUDY TO ECOLOGY FOR FACILITIES REQUIRED BY M-91-01.</p> <p>THE TRUM ENGINEERING/FUNCTIONAL DESIGN CRITERIA STUDY WILL COVER ACTIVITIES/FACILITIES NOT CONSIDERED COMMERCIALY VIABLE AS DOCUMENTED IN THE APPROVED TRUM PMP AND ASSOCIATED AGREEMENT CHANGE REQUESTS.</p>	12/31/2007
M-91-12	COMPLETE THERMAL TREATMENT OF AN ADDITIONAL 360 CUBIC METERS OF CONTACT HANDLED MLLW. THIS BRINGS THE CUMULATIVE TOTAL TO AT LEAST 600 CUBIC METERS OF CONTACT HANDLED MLLW THERMALLY TREATED.	11/16/2007
M-91-12A	COMPLETE THERMAL TREATMENT OF AT LEAST 240 CUBIC METERS OF CONTACT HANDLED MLLW.	9/30/2005 [Completed]
M-91-15	<p>COMPLETE ACQUISITION OF FACILITIES AND/OR CAPABILITIES AND INITIATE TREATMENT OF RH MLLW AND CH MLLW IN BOXES AND LARGE CONTAINERS PER THE RATES STIPULATED IN M-91-43.</p> <p>COMPLETE AN EVALUATION FOR THE ACQUISITION OF FACILITIES AND/OR CAPABILITIES TO INITIATE TREATMENT OF RH MLLW. BASED ON THE OUTCOME OF THE EVALUATION, DOE WILL IMPLEMENT THE TREATMENT OF RH MLLW ON A SCHEDULE THAT IS DEVELOPED BY ECOLOGY AND DOE, JOINTLY.</p>	6/30/2008



M-91-20	<p>T PLANT IS READY TO RECEIVE THE FIRST CANISTER OF K BASINS FLOOR AND PIT SLUDGE.</p> <p>THIS INTERIM MILESTONE WILL BE COMPLETE WHEN ALL T PLANT READINESS ACTIVITIES HAVE BEEN COMPLETED TO ACCEPT PIT AND FLOOR SLUDGE. READINESS IS DEFINED AS THE ISSUANCE OF THE READINESS TO PROCEED LETTER BY THE APPROVAL AUTHORITY.</p>	12/31/2002 [Completed]
M-91-40	<p>REGARDING THE RETRIEVAL AND DESIGNATION OF CONTACT-HANDLED (CH) RETRIEVABLY STORED WASTE (RSW) AND TREATMENT OF SUCH WASTES DESIGNATED AS MIXED TO MEET APPLICABLE FEDERAL AND STATE LAND DISPOSAL RESTRICTION (LDR) STANDARDS (ALL CH RSW WASTE REGARDLESS OF PACKAGE SIZE):</p> <p>1. DOE SHALL RETRIEVE ALL CH-RSW WITHIN BURIAL GROUNDS 218-W-4C, 218-W-4B, 218-W-3A, AND 218-E-12B BY DECEMBER 31, 2010. IN ACHIEVING THIS RETRIEVAL REQUIREMENT, DOE SHALL FIRST INITIATE RETRIEVAL AT ITS BURIAL GROUND 218-W-4C NO LATER THAN NOVEMBER 15, 2003, AND SHALL RETRIEVE RSW AT THE FOLLOWING RATES :</p> <ul style="list-style-type: none"> <li>• 1,200 CUBIC METERS (CUMMULATIVE) BY 12/31/04,</li> <li>• 2,700 CUBIC METERS (CUMMULATIVE) BY 12/31/05,</li> <li>• 4,700 CUBIC METERS (CUMMULATIVE) BY 12/31/06,</li> <li>• 7,200 CUBIC METERS (CUMMULATIVE) BY 12/31/07,</li> <li>• 9,700 CUBIC METERS (CUMMULATIVE) BY 12/31/08,</li> <li>• 12,200 CUBIC METERS (CUMMULATIVE) BY 12/31/09,</li> <li>• COMPLETE RETRIEVAL OF CH-RSW BY 12/31/2010.</li> </ul> <p>CONCURRENT RETRIEVAL ACTIONS CAN BE CONDUCTED IN MULTIPLE BURIAL GROUNDS. IF SPECIFIC <del>BOXES AND</del> LARGE CONTAINERS CANNOT BE REMOVED FROM A TRENCH WITHIN 60 DAYS OF BEING EXPOSED DOE SHALL NOTIFY ECOLOGY WITHIN THE 60-DAY PERIOD. ECOLOGY WILL INSPECT THE CONTAINER AND IMPOSE SPECIFIC CONDITIONS FOR THAT WASTE CONTAINER TO PREVENT RELEASES TO THE ENVIRONMENT. IN DETERMINING SUCH CONDITIONS ECOLOGY WILL CONSIDER AMONG OTHER FACTORS; WHETHER THE WASTE CONTAINER HAS BEEN INSPECTED AND FOUND TO BE INTACT AND NOT POSING A THREAT TO HUMAN HEALTH AND THE ENVIRONMENT (OR RE-PACKAGED TO PREVENT</p>	DUE DATES AS INDICATED IN THE DESCRIPTIVE TEXT OF THIS MILESTONE



RELEASE TO THE ENVIRONMENT) AND EXISTING DOCUMENTATION CONCERNING THE PRESENCE OF FREE LIQUIDS.

2. AS RSW RETRIEVAL PROCEEDS, DOE SHALL SAMPLE AND ANALYZE TRENCH SUBSTRATES WITH THE PURPOSES OF DETERMINING WHETHER OR NOT RELEASES OF CONTAMINANTS TO THE ENVIRONMENT HAVE OCCURRED, AND, IF SO, THE NATURE AND EXTENT OF CONTAMINATION.

SUCH SAMPLING AND ANALYSIS SHALL BE IN ACCORDANCE WITH ECOLOGY APPROVED SAMPLING AND ANALYSIS PLANS (SAP). THE SAP WILL BE DEVELOPED USING A DQO PROCESS TO ESTABLISH SAMPLING REQUIREMENTS FOR SAMPLING OF BURIAL GROUND VENT RISERS AND SUBSTRATE SOILS. ~~DOE PROVIDED ECOLOGY WITH A DRAFT 218-W-4C SAP ON 8/12/03. ECOLOGY'S INTENTION IS TO ISSUE A FINAL SAP WITHIN 30 DAYS.~~ ECOLOGY APPROVED THE 218-W-4C SAP SEPTEMBER 12, 2003, THE 218-E-12B SAP JANUARY 20, 2005, THE 218-W-3A SAP JUNE 15, 2006, AND THE 218-W-4B SAP JULY 25, 2006. ~~WITH RESPECT TO THE REMAINING BURIAL GROUNDS, DOE WILL PROVIDE ECOLOGY WITH UPDATED SAPS, IF NEEDED, FOR REVIEW AND APPROVAL AT LEAST 45 DAYS PRIOR TO STARTING RETRIEVAL IN EACH BURIAL GROUND. DOE WILL IMPLEMENT APPROVED SAPS, AS A REQUIREMENT OF THIS MILESTONE, DURING RETRIEVAL OF ALL RSW.~~

THE RESULTS OF BURIAL GROUND VENT AND SUBSTRATE SAMPLING AND ANALYSIS PURSUANT TO APPROVED SAPS SHALL BE SUBMITTED TO ECOLOGY BY LETTER REPORTS QUARTERLY. SUCH REPORTS SHALL DOCUMENT RESULTS AND METHODOLOGIES, SHALL ASSESS RESULTS AGAINST REGULATORY REQUIREMENTS, SHALL INCLUDE A DESCRIPTION (OR DESCRIPTIONS) OF DOCUMENTED CONTAMINANT RELEASES TO THE ENVIRONMENT, AND SHALL DESCRIBE PLANNED AND/OR SCHEDULED ADDITIONAL WORK.

3. WITHIN 90 DAYS OF RETRIEVAL, DOE SHALL DESIGNATE ALL CH RSW RETRIEVED FROM THE RSW TRENCHES PURSUANT TO WAC 173-303-070 THROUGH 100, AND SHALL SPECIFICALLY IDENTIFY INDIVIDUAL BOXES



~~AND~~ LARGE CONTAINERS THAT CANNOT BE DESIGNATED BASED ON AVAILABLE PROCESS KNOWLEDGE. FOR THE ~~BOXES AND~~ LARGE CONTAINERS DETERMINED TO BE LOW-LEVEL WASTE THAT CANNOT BE DESIGNATED BASED ON THE AVAILABLE PROCESS KNOWLEDGE, DOE SHALL DESIGNATE SAID WASTE ACCORDING TO THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100, BY DECEMBER 31, 2008 ~~(SIX MONTHS AFTER THE RH AND LARGE CONTAINER MLLW FACILITIES AND/OR CAPABILITIES ARE REQUIRED TO BE OPERATIONAL).~~ FOR ~~BOXES AND~~ LARGE CONTAINERS DETERMINED TO BE TRANSURANIC WASTE THAT CANNOT BE DESIGNATED BASED ON THE AVAILABLE PROCESS KNOWLEDGE, DOE SHALL DESIGNATE SAID WASTE ACCORDING TO THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100, BY DECEMBER 31, 2012 (SIX MONTHS AFTER THE RH AND LARGE CONTAINER TRANSURANIC M-91-01 FACILITIES AND/OR CAPABILITIES ARE REQUIRED TO BE OPERATIONAL).

4. FOR ALL RETRIEVED CH-RSW DETERMINED TO BE LOW LEVEL WASTE AND 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 IN ACCORDANCE WITH THE SCHEDULE PROVIDED IN MILESTONE M-91-42(2) AND M-91-43(3).
5. IN REGARD TO THE CARBON TETRACHLORIDE VAPOR PLUME IN THE VADOSE ZONE IN THE VICINITY OF TRENCH 4 IN BURIAL GROUND 218-W-4C, DOE SHALL:
  - START VAPOR EXTRACTION BY NOVEMBER 15, 2003, TO REDUCE CARBON TETRACHLORIDE VAPORS.
  - START RETRIEVAL IN TRENCH 4 BY JANUARY 15, 2004
  - COMPLETE RETRIEVAL OF TRENCH 4 BY DECEMBER 31, 2006 ~~(WITH THE EXCEPTION OF THOSE BOXES AND LARGE CONTAINERS THAT THE PARTIES HAVE AGREED, IN WRITING, MAY BE RETRIEVED OUT OF SEQUENCE.)~~.

RETRIEVAL WILL CONTINUE IN TRENCH 4 UNTIL IT IS COMPLETE. VAPOR EXTRACTION AND RETRIEVAL OPERATIONS IN TRENCH 4 WILL BE INTEGRATED BY



DOE TO MINIMIZE POTENTIAL WORKER EXPOSURE TO CARBON TETRACHLORIDE VAPORS, AND TO MITIGATE ANY POSSIBLE RELEASES OF CARBON TETRACHLORIDE FROM TRENCH 4 CONTAINERS.

6. FOR ALL RETRIEVED CH-RSW DETERMINED TO BE TRANSURANIC WASTE AND 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 IN COMPLIANCE WITH THE SCHEDULE IN M-91-42(4) AND M-91-44(3).

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. NOTIFICATION OF CERTIFICATION IN LIEU OF TREATMENT WILL BE PROVIDED ANNUALLY AS PART OF THE CERTIFICATION VOLUME COMPLETION LETTER.

RH RSW ENCOUNTERED DURING THE RETRIEVAL OF CH RSW WILL BE LEFT IN PLACE AND HANDLED AS DESCRIBED IN M-91-41. CH RSW LOCATED IN CLOSE PROXIMITY TO AND THAT PROVIDES RADIOLOGICAL SHIELDING FROM RH CONTAINERS TO PROTECT HUMAN HEALTH MAY ALSO BE LEFT IN PLACE, WITH THE APPROVAL OF ECOLOGY, UNTIL REMOVED AS PART OF RH WASTE RETRIEVAL.

NOTE: THE REQUIREMENTS OF ITEM 6 OF THIS MILESTONE DO NOT APPLY PRIOR TO A FINAL APPEALABLE JUDGMENT ON THE MERITS OF THE LDR STORAGE AND TREATMENT CLAIM IN *WASHINGTON V. ABRAHAM*, NO. CT 03-5018 AAM, AND AFTER SUCH A JUDGMENT, ONLY AS SET FORTH IN THE ACCOMPANYING SETTLEMENT AGREEMENT.

EACH REQUIREMENT OF THIS MILESTONE IS



	CONSIDERED A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THE AGREEMENT.	
M-91-41	<p>REGARDING THE RETRIEVAL AND DESIGNATION OF REMOTE HANDLED (RH) RSW (ALL RSW RH WASTE REGARDLESS OF PACKAGE SIZE, INCLUDING THE 200 AREA CAISSONS, AND CH RSW LEFT IN PLACE TO PROVIDE SHIELDING FROM RH WASTE), AND LDR TREATMENT OF SUCH WASTES DETERMINED TO BE MIXED.</p> <ol style="list-style-type: none"> <li>DOE SHALL INITIATE FULL-SCALE RETRIEVAL OF RH RSW BY JANUARY 1, 2011 NO LATER THAN ONE YEAR PRIOR TO WHEN THE CAPABILITIES EXIST TO SAFELY STORE AND PROCESS THE WASTE. RETRIEVAL OF NON-CAISSON RH RSW SHALL BE COMPLETED BY DECEMBER 31, 2014 WITHIN 4 YEARS OF RH RSW RETRIEVAL INITIATION. RETRIEVAL OF THE 200 AREA CAISSON RH RSW IN THE 218-W-4B BURIAL GROUND SHALL BE COMPLETED BY DECEMBER 31, 2018 WITHIN 8 YEARS OF RH RSW RETRIEVAL INITIATION.</li> <li>DOE SHALL DESIGNATE ALL RETRIEVED RH RSW PURSUANT TO WAC 173-303-070 THROUGH 100, WITHIN 90 DAYS OF RETRIEVAL.</li> <li>FOR ALL RETRIEVED RH-RSW DETERMINED TO BE LOW-LEVEL WASTE AND DESIGNATED IN ACCORDANCE WITH WAC 173-303-070 THROUGH 100, AS MIXED AND AS CONTAINING LDR RESTRICTED CONSTITUENTS, DOE SHALL TREAT SUCH WASTE TO MEET LDR REQUIREMENTS IN ACCORDANCE WITH THE SCHEDULE PROVIDED IN MILESTONE M-91-43(3).</li> <li>FOR ALL RETRIEVED RH-RSW DETERMINED TO BE TRANSURANIC WASTE AND 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 IN ACCORDANCE WITH THE SCHEDULE PROVIDED IN MILESTONE M-91-44(3). DOE MAY CHOOSE TO COMPLETE CERTIFICATION OF SUCH WASTES FOR DISPOSAL AT WIPP IN LIEU OF LDR TREATMENT, PROVIDED THAT ECOLOGY IS NOTIFIED IN WRITING OF SUCH COMPLETION OF CERTIFICATION,</li> </ol>	DUE DATES AS INDICATED IN THE DESCRIPTIVE TEXT OF THIS MILESTONE



	<p>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 M-91-44 FOR ANY GIVEN YEAR BY CERTIFYING RH TRU OR RH TRUM. NOTIFICATION OF CERTIFICATION IN LIEU OF TREATMENT WILL BE PROVIDED ANNUALLY AS PART OF THE CERTIFICATION VOLUME COMPLETION LETTER.</p> <p>NOTE: THE REQUIREMENTS OF ITEM 4 OF THIS MILESTONE DO NOT APPLY PRIOR TO A FINAL APPEALABLE JUDGMENT ON THE MERITS OF THE LDR STORAGE AND TREATMENT CLAIM IN <i>WASHINGTON V. ABRAHAM</i>, NO. CT 03-5018 AAM, AND AFTER SUCH A JUDGMENT, ONLY AS SET FORTH IN THE ACCOMPANYING SETTLEMENT AGREEMENT.</p> <p>5. EACH REQUIREMENT OF THIS MILESTONE IS CONSIDERED A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THE AGREEMENT.</p>	
M-91-42	<p>REGARDING <del>SMALL CONTAINERS OF:</del> (1) NEWLY GENERATED CH WASTE; (2) CH RETRIEVAL WASTE; AND (3) (2) CH WASTE CURRENTLY IN ABOVE-GROUND STORAGE <del>(NOT INCLUDING CH WASTE CURRENTLY IN ABOVE-GROUND STORAGE IN BOXES AND LARGE CONTAINERS).</del></p> <p>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.</p> <p>2. THERE <del>WERE</del> ARE 5,066 CUBIC METERS OF CH-MLLW IN PERMITTED STORAGE AT <del>DOE'S CENTRAL WASTE COMPLEX (CWC) AND ELSEWHERE</del> AT HANFORD AS OF 12/31/02 (AS IDENTIFIED IN DOE HHFACO MILESTONE M-26-01 LDR REPORT MLLW TREATABILITY GROUPS MLLW-02 THROUGH MLLW-10, EXCLUDING MLLW-07) THAT <del>HAD</del> HAS 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.</p>	<p>DUE DATES AS INDICATED IN THE DESCRIPTIVE TEXT OF THIS MILESTONE</p>



APPROXIMATELY 4422 CUBIC METERS OF MLLW SUBJECT TO THIS MILESTONE WAS TREATED BETWEEN 12/31/02 AND 12/31/05. IS REQUIRED TO BE TREATED BY 2006 UNDER HHFACO MILESTONES M-91-12 AND M-91-12A). DOE'S 2002 LDR REPORT ESTIMATES THAT IT WILL GENERATE AN ADDITIONAL ANNUAL VOLUME OF APPROXIMATELY 330 CUBIC METERS OF CH-MLLW (AS WASTE TYPES IDENTIFIED IN DOE HHFACO 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 DOE WILL 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.

APPROXIMATELY 2750 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:

- A. 1630 CUBIC METERS (CUMULATIVE) SHALL BE TREATED BY 12/31/04,
- 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. 8150 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, 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. WASTE IN THE APPLICABLE TREATABILITY GROUPS THAT AT ANY POINT IS ACCUMULATED OR STORED AS RCRA WASTE WILL COUNT TOWARDS THIS MILESTONE REGARDLESS OF THE FINAL DISPOSAL SITE. 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 IN ACCORDANCE WITH 40 CFR 268.50 LAND DISPOSAL RESTRICTION STORAGE PROHIBITION REQUIREMENTS. 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. A SMALL VOLUME OF WASTE COVERED BY THIS MILESTONE THAT CURRENTLY HAS NO DEFINITE DISPOSITION PATH WILL BE IDENTIFIED IN A REPORT TO ECOLOGY. THE REPORT WILL BE BASED ON THE INVENTORY OF APPLICABLE WASTE IN STORAGE AS OF 9/30/06. THE REPORT WILL BE PROVIDED TO ECOLOGY BY MARCH 31, 2008 AND WILL PROVIDE A PROPOSED REGULATORY PATH AND SCHEDULE FOR DISPOSITION OF THIS WASTE.

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 AND BY REFERENCE 40 CFR 268.
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 CY2002 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;
- 5,400 CUBIC METERS (CUMULATIVE) BY 12/31/08;
- 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. IN THIS CASE THE CUMULATIVE VOLUMES SHALL BE CONSIDERED MET AS LONG AS THIS CH-TRUM IS TREATED/CERTIFIED WITHIN THE TIMEFRAME ESTABLISHED BY THE STORAGE PROHIBITION REQUIREMENTS OF 40 CFR 268.50. 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.



	<p>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.</p> <p>NOTE: THE REQUIREMENTS OF ITEMS 4 AND 5 OF THIS MILESTONE DO NOT APPLY PRIOR TO A FINAL APPEALABLE JUDGMENT ON THE MERITS OF THE LDR STORAGE AND TREATMENT CLAIM IN <i>WASHINGTON V. ABRAHAM</i>, NO. CT 03 5018 AAM, AND AFTER SUCH A JUDGMENT, ONLY AS SET FORTH IN THE ACCOMPANYING SETTLEMENT AGREEMENT.</p> <p>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.</p> <p>6. EACH REQUIREMENT OF THIS MILESTONE IS CONSIDERED A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THE AGREEMENT</p>	
M-91-43	<p>REGARDING MLLW TREATABILITY GROUP MLLW-07 WASTE AS DEFINED IN THE LDR REPORT WHICH INCLUDES THE MLLW PORTION OF: (1) NEWLY GENERATED RH LOW-LEVEL WASTE; (2) NEWLY GENERATED BOXES AND LARGE CONTAINERS OF CH LOW-LEVEL WASTE; (3) RH LOW-LEVEL WASTE CURRENTLY IN ABOVE-GROUND STORAGE; AND (4) BOXES AND LARGE CONTAINERS OF CH LOW-LEVEL WASTE CURRENTLY IN ABOVE-GROUND STORAGE; (5) RH OR LARGE CONTAINER CH LOW-LEVEL WASTE FROM RETRIEVAL; AND (6) RH MLLW SHIELDED DOWN TO CH</p>	<p>DUE DATES AS INDICATED IN THE DESCRIPTIVE TEXT OF THIS MILESTONE</p>



**LEVELS.**

~~THERE ARE 81 CUBIC METERS OF RH MLLW IN PERMITTED STORAGE AT DOE'S CENTRAL WASTE STORAGE 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-07) THAT HAS NOT BEEN TREATED TO MEET LDR REQUIREMENTS. DOE'S 2002 LDR REPORT CURRENTLY ESTIMATES THAT DOE WILL GENERATE AN ADDITIONAL YEARLY VOLUME OF 280 CUBIC METERS OF WASTE IN THIS TREATABILITY GROUP. IN ADDITION, DOE WILL RETRIEVE APPROXIMATELY 800 CUBIC METERS BY 2010. THIS INCLUDES VOLUMES OF RETRIEVED RSW~~

~~AS OF 12/31/05 THERE WERE APPROXIMATELY 305 CUBIC METERS OF RH AND LARGE CONTAINER MLLW (LDR TREATABILITY GROUP MLLW-07) IN PERMITTED STORAGE. APPROXIMATELY 66 CUBIC METERS OF THIS WASTE WAS FORECAST TO BE GENERATED BETWEEN 12/31/05 AND 12/31/11. IN ADDITION, APPROXIMATELY 2728 CUBIC METERS OF MLLW-07 WAS EXPECTED TO BE OBTAINED FROM RETRIEVAL BETWEEN 12/31/05 AND 12/31/11.~~

1. DOE SHALL DESIGNATE ALL RH LOW-LEVEL WASTE ~~AND BOXES~~ AND LARGE CONTAINERS OF CH LOW-LEVEL WASTE CURRENTLY IN ABOVE-GROUND PERMITTED STORAGE (AS OF JUNE 30, 2003) ACCORDING TO THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100, BY DECEMBER 31, 2008.
2. DOE SHALL DESIGNATE ALL NEWLY GENERATED RH LOW-LEVEL WASTE AND ~~TRANSURANIC WASTE AND~~ NEWLY GENERATED ~~BOXES AND~~ LARGE CONTAINERS OF CH-LOW-LEVEL WASTE AT THE POINT OF GENERATION. SUCH DESIGNATION SHALL COMPLY WITH THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100.
3. DOE SHALL BEGIN TREATING RH MLLW AND ~~BOXES~~ AND LARGE CONTAINERS OF CH MLLW TO MEET LDR TREATMENT REQUIREMENTS ~~ON THE FOLLOWING~~ SCHEDULE BASED ON A START DATE OF 12/31/02. ~~300 CUBIC METERS (CUMULATIVE) SHALL BE TREATED BY 6/30/09. STARTING JUNE 30, 2009 TREATMENT WILL BE AT A RATE OF NO LESS THAN 300 CUBIC METERS PER YEAR UNTIL THE WASTE CAN BE TREATED AS~~



	<p>GENERATED IN ACCORDANCE WITH 40 CFR 268.50 STORAGE PROHIBITION REQUIREMENTS.</p> <p><del>AT A MINIMUM RATE OF 300 CUBIC METERS PER YEAR BEGINNING NO LATER THAN JUNE 30, OF 2008. IF THERE ARE NOT 300 CUBIC METERS OF RH MLLW AND BOXES AND LARGE CONTAINERS OF CH MLLW IN STORAGE IN ANY GIVEN YEAR, THE TREATMENT REQUIRMENTS OF THIS MILESTONE SHALL BE CONSIDERED MET</del> REQUIRES THAT DOE TREAT IF STORED AND NEWLY GENERATED MLLW-07 WASTE IS TREATED IN THE TIMEFRAME REQUIRED BY 40 CFR 268.50 LAND DISPOSAL RESTRICTION STORAGE PROHIBITION REQUIREMENTS. ONLY THAT AMOUNT THAT IS IN STORAGE. IF RH 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, TREATMENT OF CERCLA WASTE WILL NOT BE COUNTED TOWARD MEETING THE VOLUME REQUIREMENTS OF THIS MILESTONE. MLLW-07 WASTE THAT AT ANY POINT IS STORED OR ACCUMULATED AS RCRA WASTE WILL COUNT TOWARDS THIS MILESTONE REGARDLESS OF THE FINAL DISPOSAL SITE. IF ACTUAL VOLUMES OF NEWLY GENERATED OR RETRIEVED RH AND BOXES AND LARGE CONTAINER MLLW ARE SIGNIFICANTLY MORE THAN THE ESTIMATED VOLUMES, THIS MILESTONE WILL BE REVISED TO REFLECT ACTUAL VOLUMES.</p> <p>4. EACH ELEMENT OF THIS MILESTONE IS CONSIDERED A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THE AGREEMENT.</p>	
M-91-44	<p>REGARDING: (1) NEWLY GENERATED RH TRANSURANIC WASTE; (2) NEWLY GENERATED BOXES AND LARGE CONTAINERS OF CH-TRANSURANIC WASTE; (3) RH TRANSURANIC WASTE CURRENTLY IN ABOVE GROUND STORAGE; AND (4) BOXES AND LARGE CONTAINERS OF CH TRANSURANIC WASTE CURRENTLY IN ABOVE-GROUND STORAGE; (5) LARGE CONTAINER OR RH TRANSURANIC WASTE FROM RETRIEVAL; AND (6) RH TRANSURANIC</p>	<p>DUE DATES AS INDICATED IN THE DESCRIPTIVE TEXT OF THIS MILESTONE</p>



**WASTE SHIELDED DOWN TO CH LEVELS:**

1. DOE SHALL DESIGNATE ALL RH TRANSURANIC WASTE AND ~~BOXES AND~~ LARGE CONTAINERS OF CH TRANSURANIC WASTE CURRENTLY IN ABOVE- GROUND STORAGE (AS OF JUNE 30, 2003) ACCORDING TO THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100, BY DECEMBER 31, 2012.
2. DOE SHALL DESIGNATE ALL NEWLY GENERATED RH TRANSURANIC WASTE ~~AND BOXES AND~~ LARGE CONTAINERS OF TRANSURANIC WASTE AT THE POINT OF GENERATION. SUCH DESIGNATION SHALL COMPLY WITH THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100.
3. DOE SHALL BEGIN TREATING RH TRUM AND ~~BOXES AND~~ LARGE CONTAINERS OF CH TRUM TO MEET LDR TREATMENT REQUIREMENTS AT A MINIMUM RATE OF 300 CUBIC METERS PER YEAR BEGINNING NO LATER THAN JUNE 30, 2012. IF THERE ARE NOT 300 CUBIC METERS OF RH TRUM AND ~~BOXES AND~~ LARGE CONTAINERS OF CH TRUM IN STORAGE IN ANY GIVEN YEAR, THIS MILESTONE REQUIRES THAT DOE TREAT ONLY THAT AMOUNT THAT IS IN STORAGE **AND THE MILESTONE WILL BE CONSIDERED MET AS LONG AS ALL OF THIS TYPE OF WASTE THAT IS GENERATED OR RETRIEVED IS TREATED OR CERTIFIED WITHIN THE TIMEFRAME ESTABLISHED BY THE STORAGE PROHIBITION REQUIREMENTS OF 40 CFR 268.50.** IF ACTUAL VOLUMES OF NEWLY GENERATED OR RETRIEVED RH TRUM AND ~~BOXES AND~~ LARGE CONTAINER TRUM ARE SIGNIFICANTLY MORE THAN THE ESTIMATED VOLUMES, THIS MILESTONE WILL BE REVISED TO REFLECT ACTUAL VOLUMES.
4. AS TO NEWLY GENERATED RH TRUM GENERATED AFTER 12/31/18 THAT IS DESIGNATED IN ACCORDANCE WITH WAC 173-303-070 THROUGH -100 AS MIXED AND AS CONTAINING LDR RESTRICTED CONSTITUENTS, DOE SHALL TREAT **OR CERTIFY IN LIEU OF TREATMENT TO** MEET LDR REQUIREMENTS WITHIN ONE YEAR OF GENERATION.
5. **DOE MAY CHOOSE TO COMPLETE CERTIFICATION OF RH AND LARGE CONTAINER TRANSURANIC WASTE**

	<p>SUCH WASTES 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 RH OR LARGE CONTAINER TRU OR RH OR LARGE CONTAINER TRUM. NOTIFICATION OF CERTIFICATION IN LIEU OF TREATMENT WILL BE PROVIDED ANNUALLY AS PART OF THE CERTIFICATION VOLUME COMPLETION LETTER.</p> <p>NOTE: THE REQUIREMENTS OF ITEMS 3, 4, AND 5 OF THIS MILESTONE DO NOT APPLY PRIOR TO A FINAL APPEALABLE JUDGMENT ON THE MERITS OF THE LDR STORAGE AND TREATMENT CLAIM IN <i>WASHINGTON V. ABRAHAM</i>, NO. CT 03 5018 AAM, AND AFTER SUCH A JUDGMENT, ONLY AS SET FORTH IN THE ACCOMPANYING SETTLEMENT AGREEMENT.</p> <p>6. EACH REQUIREMENT OF THIS MILESTONE IS CONSIDERED A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THE AGREEMENT.</p>	
M-91-45	<p>BY SEPTEMBER 30 OF EACH YEAR, DOE SHALL SUBMIT TO ECOLOGY A REPORT DESCRIBING COMPLETED AND SCHEDULED WORK RELATING TO RH WASTE AND BOXES AND LARGE CONTAINERS OF RH AND CH WASTE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS MILESTONE SERIES. DOE'S REPORTS WILL DOCUMENT WORK COMPLETED DURING THE PREVIOUS FEDERAL FISCAL YEAR AND WORK SCHEDULED FOR THE COMING FISCAL YEAR. DOE'S REPORTS SHALL IDENTIFY BY CITATION ALL PUBLICLY AVAILABLE REPORTS DESCRIBING PERTINENT PROJECT ISSUES AND ACCOMPLISHMENTS, AND SHALL IDENTIFY ANTICIPATED PROJECTS FOR THE COMING YEAR.</p>	<p>9/30/2004 AND ANNUALLY THEREAFTER</p>



M-91-07-01 HHFACO Change Package

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Fn: M-91-07-01 chgpkgR-4-12-07



**Department of Energy**  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

07-AMCP-xxxx

Mr. Jay Manning, Director  
State of Washington  
Department of Ecology  
P. O. Box 47600  
Olympia, Washington 98504

Ms. Elin D. Miller, Regional Administrator  
U.S. Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, Washington 98101

Addressees:

**HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (TRI-PARTY AGREEMENT) M91 WASTE MANAGEMENT TENTATIVE AGREEMENT**

The purpose of this letter is to gain agency approval of the attached M91 Tentative Agreement that supports the proposed M91-07-01 change form. The modifications proposed in the change form will continue the progress in safely managing waste at Hanford and include clarifications to definitions and annual updates of the M-91 Project Management Plan. Most of the definition changes are in the major milestone (M-91-00). Since the major milestone is being modified the change package will require approval by the signatories after the public comment period.

Attachment 1 includes the Tentative Agreement requiring your signature and attachment 2 includes the proposed M91 Tri-Party Agreement Change Package that will undergo a 45 day public comment period following agency approval of the Tentative Agreement.

If you have any questions, please contact me, or your staff may contact Matt S. McCormick, Assistant Manager for the Central Plateau, on (509) 373-9971.

Sincerely,

Keith A Klein  
Manager

Attachments



cc:

G. Bohnnee, NPT

C. E. Cameron, EPA

N. Ceto, EPA

L. J. Cusack, Ecology

R. H. Engelmann, FH

J. Hedges, Ecology

S. Harris, CTUIR

R. Jim, YN

S. Leckband, HAB

M. L. Mandis, Ecology

D. E. McKenney, FH

K. Niles, ODE

R. E. Piippo, FHI

D. Singelton, Ecology

R. Skinnerland, Ecology

J. G. Vance, FHI

Admin Record, H6-08

Environmental Portal

## ATTACHMENT 1

Tentative Agreement Consisting of 1 page,  
including this coversheet



## ATTACHMENT 2

Tri-Party Agreement Change Package, M-91-07-01 Consisting of xx pages, including this  
coversheet

## TENTATIVE AGREEMENT ON M91 NEGOTIATIONS

To Modify *Hanford Federal Facility Agreement and Consent Order* (Tri-Party Agreement) M91 Commitments for Managing the Retrieval, Storage, and Treatment/Processing of All Hanford Site RCRA Mixed and Suspect Mixed Low-Level Waste and RCRA Mixed and Suspect Mixed Transuranic Wastes

The U.S. Department of Energy Richland Operations Office (RL), the State of Washington Department of Ecology (Ecology) and the U.S. Environmental Protection Agency (EPA), hereinafter referred to as the Parties, have concluded negotiations on the *Hanford Federal Facility Agreement and Consent Order* (Tri-Party Agreement) M91 milestone changes for managing Hanford Site waste.

Tentative Agreement has been reached and a proposed change package has been developed in accordance with the Tri-Party Agreement. The attached Tri-Party Agreement Change Form, M-91-07-01 has been mutually agreed to by the Parties.

Final approval of the change package by the Parties is subject to public comment per the Tri-Party Community Relations Plan. The Parties will submit the proposed M91 change package for a 45-day public comment period. Following conclusion of the public comment period, a response to comments document will be prepared. The M91 change request will be revised, as appropriate, following consideration of public comments received and signed by the Parties and incorporated into the Tri-Party Agreement.

---

Keith Klein  
Manager  
U.S. Department of Energy  
Richland Operations Office

(date)

---

Elin Miller  
Regional Administrator  
U.S. Environmental Protection Agency  
Region 10

(date)

---

Jay Manning  
Director  
State of Washington  
Department of Ecology

(date)



## Sinton, Gregory L

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**From:** Sinton, Gregory L  
**Sent:** Wednesday, April 18, 2007 9:53 AM  
**To:** Ceto, Nicholas (EPA)  
**Cc:** Singleton, Deborah; Sinton, Gregory L  
**Subject:** Tentative Agreement (TA) on M-91-07-01 Change Package

**Attachments:** INSTRUCTIONS FOR TA.doc; M-91-07-01 chgpkgR-4-12-07.doc; M-91 TA TRANS Ltr.doc; M91TENTATIVEAGREE.doc

Nick: As I think you are aware we have been working with Ecology for some time on an M-91 change package. We have not been able to resolve the TRU certification or "M-91 facility" milestone language, but we (Project Manager level) have come to agreement in some other areas including some important clarifications and definitions. Since the definitions are in the Major Milestone (M-91-00) we will need signatory approval of the change package. At this time we are seeking signatory approval of the TA. We will then go through a public comment period and hope to approve the final Change Package in a few months. This TA change package will also feed into the revision of the M-91-PMP.

I have included the draft transmittal letter, Change Package, TA, and a set of instructions for processing the TA transmittal for your information and to assist in processing the TA for signature. I am starting the package through RL concurrence this week. Let me know if you have any concerns or questions, or if you wish to discuss further.

CONCERNING THE INSTRUCTIONS: I plan to Fed Ex the original with the RL signed TA to Ecology (Manning). I'll probably hand carry copies to the local Ecology office and you. EPA Region 10 would get a copy of that transmittal to Manning, but as you see in the instructions, I indicate EPA should not sign the initial copy, but rather wait for the signed original from Ecology. In the FED-EX package to Ecology I will include a FED-EX envelope to send the signed original to EPA Region 10. Last time I did something like this you had requested I have Ecology send the package to Dan Opalski for processing to get to the Regional Administrator (i.e. the FED EX package was addressed to Dan, but the letter inside it is to the Regional Administrator). Should I address the Region 10 FED EX packages to the Regional Administrator, Dan, or someone else? Let me know and I will adjust the instructions as needed.

Thanks,



INSTRUCTIONS  
FOR TA.doc (27 KB...



M-91-07-01  
chgpkgR-4-12-07.doc...



M-91 TA TRANS  
Ltr.doc (169 KB)...



M91TENTATIVEAG  
REE.doc (30 KB)

Greg