



0055427

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

01-AMI-029

SEP 17 2001

Mr. Tom C. Fitzsimmons, Director
State of Washington
Department of Ecology
P. O. Box 47600
Olympia, Washington 98504

Mr. Charles E. Findley
Acting Regional Administrator
U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

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Addressees:

**MODIFICATION OF THE HANFORD FEDERAL FACILITY AGREEMENT AND
CONSENT ORDER (TRI-PARTY AGREEMENT)**

The U.S. Environmental Protection Agency (EPA), the State of Washington Department of Ecology (Ecology), and the U.S. Department of Energy, Richland Operations Office (RL) have worked together over the past 18 months to develop a strategy that focuses on accelerated cleanup along the Columbia River, and a better alignment of waste site cleanup decisions on the central plateau with tank farm issues. We continue to work together to validate and refine the work priority and sequence of the strategy. RL remains fully committed to this jointly developed strategy and the efforts to better define what impact this strategy could have on Tri-Party Agreement milestones.

The Tri-Party agencies are currently working together to identify the planning gap between the current Tri-Party Agreement milestones and the implementation plan for our 2012 strategy. The expected product of our ongoing efforts would be resolution of that planning gap to the satisfaction of all three agencies. This jointly developed resolution would serve as the blueprint for renegotiation of any impacted Tri-Party Agreement milestone and changes to RL contracts.

Our expectation for the next several months is to initiate the negotiation process and resolve as many issues as possible. We would anticipate that the public involvement process associated with changing the Tri-Party Agreement major milestones would commence following agency alignment. The priorities from RL's perspectives would be to resolve Tri-Party Agreement milestone series M-13, M-15, M-16, and M-20 for the 100, 200, and 300 Areas. Our target is to initiate negotiations on these milestones by October 1, 2001, and target tentative agreement by December 31, 2001. With a 45-day public comment period, we would expect final agreement by April 15, 2002.

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We believe it is possible to conduct Plutonium Finishing Plant (PFP) negotiations in parallel to the above milestones beginning November 2, 2001. If you believe that is not possible, we would propose to delay PFP in deference to waste site cleanup negotiations.

Due to the time required to implement the sequence of activities defined above, we believe it is necessary to request a delay in upcoming M-13 and M-16 milestones which will be impacted by this process. In particular, we are reluctant to initiate actions and spend valuable resources on actions which may be contradictory to final agreements. To avoid this situation, we are submitting change requests for Tri-Party Agreement major Milestones M-13-00L and M-16-00F to allow us the time necessary to reach agreement on changes. This letter and attached change requests provide the Tri-Party agencies 107-day notification described in Tri-Party Agreement Article XVI, Section 59.1, that the M-013-00L (Attachment 1) and M-016-00F (Attachment 2) milestones may not be completed as scheduled. Should you have any questions, you may call me, or your staff may call W. Wade Ballard, Assistant Manager for Planning and Integration, on (509) 376-6657.

Sincerely,



Keith A. Klein
Manager

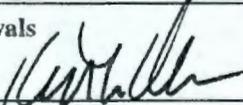
AMI:WWB

Attachments:

1. M-013-01-02 Change Request
2. M-016-01-04 Change Request

cc w/attachs:

R. Gay, CTUIR
J. S. Hertz, FHI
R. Jim, YN
O. S. Kramer, FHI
T. M. Martin, HAB
E. J. Murphy-Fitch, FHI
K. Niles, Oregon Energy
D. R. Sherwood, EPA
P. Sobotta, NPT
R. F. Stanley, Ecology
M. A. Wilson, Ecology
Administrative Record

Change Number M-013-01-02	Federal Facility Agreement and Consent Order Change Control Form Do not use blue ink. Type or print using black ink.	Date September 17, 2001
Originator Bryan Foley, DOE	Phone 376-7087	
Class of Change <input checked="" type="checkbox"/> I – Signatories <input type="checkbox"/> II – Executive Manager <input type="checkbox"/> III – Project Manager		
Change Title Modification of the M-13-00L Milestone – 200 Area NPL RI/FS Work Plans		
Description/Justification of Change <p>Tri-Party Agreement Major Milestone M-13-00L requires three 200 NPL RI/FS Work Plans be completed by December 31, 2001. TPA Change Request M-13-01 specified that the Plutonium/Organic-Rich Process Waste Group (200-PW-1) work plan would be one of the work plans used to satisfy the M-13-00L milestone. Delivery of this work plan was assigned to TPA interim milestone M-13-26 due 12/31/01.</p> <p>Our target is to initiate negotiations on milestones by October 1, 2001, and target tentative agreement by December 31, 2001.</p> <p>This change request proposes that the M-13-00L Major Milestone will be met with the submittal of the of the 200-PW-1 work plan. If we fail to reach tentative agreement on the M-13 series milestones by 12/31/01 then two additional work plans will be delivered in Calendar Year 2002. The justification for this change request is as follows:</p> <p>Continued on page 2</p>		
Impact of Change <p>Approval would enhance RL's efficiency in completing Central Plateau waste site assessment and building the associated remedial action decision-making framework. Approval would also facilitate alignment with the three RL major Hanford outcomes as well as future negotiations on the remaining Tri-Party Agreement M-13 series Milestones.</p> <p>Disapproval will result in RL submitting the two additional 200 Area Work Plans later than the December 31, 2001, scheduled completion date.</p>		
Affected Documents <p>The Hanford Federal Facility Agreement and Consent Order, as amended The 200 Area Remedial Investigation/Feasibility Study Implementation Plan</p>		
Approvals		
 K. A. Klein, Manager, U.S. Department of Energy Richland Operations Office	9/17/01 Date	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved
C. E. Findley, Acting Regional Administrator U.S. Environmental Protection Agency, Region 10	_____ Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
T. C. Fitzsimmons, Director, Washington State Department of Ecology	_____ Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved

Description and Justification (Continued)

The 200 Areas Remedial Investigation/Feasibility Study Implementation Plan – Environmental Restoration Program, DOE/RL-98-28, Rev. 0, established the approach for the assessment and remediation of 200 Area past-practice waste sites. Under this strategy, over 800 waste sites were grouped into 23 process-based operable units (OUs), which in turn were grouped into 9 major waste categories (e.g., process waste, landfills). In July of 1999 one of the 23 OUs, the 200-CW-3 “200 North Cooling Water Group” OU, was incorporated into the 100 Area Remaining Sites Interim Record of Decision, leaving only 22 OUs in the 200 Areas. The priority and ordering of the remaining 22 OUs is reviewed by DOE, EPA, and Ecology on an annual basis to assist in out year planning.

For 200 Area activities, DOE is proposing a further streamlining of the RI/FS process by focusing assessment activities on those OUs which are the most representative examples of the 9 major waste categories and which would provide sufficient characterization data to build a remedial action decision-making framework for all 22 remaining OUs by 2008. This would reduce the number of OUs requiring assessment from 22 to 12 and would provide a more focused means for addressing waste sites that pose significant risk, maintain compliance, and provide the greatest opportunity for integration. Of these 12 OUs, 6 have completed work plans and 1 is in development. The one that is in development is for the 200-PW-1 OU and this is the work plan that is being proposed to complete Major Milestone M-013-00L.

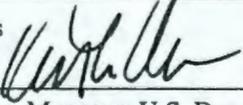
The remaining 5 work plans have yet to be developed and would need to be addressed through future commitments to negotiation of the remaining Tri-Party Agreement Milestones M-13-00M through M-13-00P.

An additional reason for proposing modification of the M-13-00L milestone is due to the expanded scope and complexity of the 200-PW-1 work plan. This work plan was expanded beyond that of characterization of the vadose zone at representative waste sites. The extensive distribution of the carbon tetrachloride plume in the subsurface and the potential for additional unknown sources has increased the level of investigation required and the associated amount of effort to complete the 200-PW-1 Work Plan. The increase in magnitude is comparable to three typical source OU investigations.

This background of justification is the basis for proposing the following modification of M-13-00L Major Milestone:

Modifications established by approval of this Change Request (shading depicts proposed changes, ~~strikeout~~ depicts deletions):

M-013-00L	Submit 2-1 200 NPL (RFI/CMS) work plans.	12/31/2001
	(200-PW-1, Plutonium/Organic-Rich Process Waste Group OU)	

Change Number M-016-01-04	Federal Facility Agreement and Consent Order Change Control Form <small>Do not use blue ink. Type or print using black ink.</small>	Date September 17, 2001
Originator D. C. Smith/A. Teimouri		Phone 372-1544/376-6222
Class of Change <input checked="" type="checkbox"/> I - Signatories <input type="checkbox"/> II - Executive Manager <input type="checkbox"/> III - Project Manager		
Change Title Alignment of the proposed River Corridor Project outcome with existing Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) 100 Area Remedial Milestones		
Description/Justification of Change <p>Consistent with the goals of the Hanford 2012 plan, DOE intends to accelerate the completion of remedial actions in the 100 Area. We will continue to work with your staff in a collaborative manner in developing milestones that reflect 100 Area remedial action acceleration from the current Tri-Party Agreement date of 2018, agreeing upon assumptions that these milestones are based on, and integrating other River Corridor cleanup work, such as 300 Area cleanup work, with these milestones. Our target is to initiate negotiations on these milestones by October 1, 2001, and target tentative agreement by December 31, 2001. With a 45-day public comment period, we would expect final agreement by April 15, 2002.</p> <p>In order to complete the above process and to include an opportunity for public participation and comment, DOE is requesting an extension of the date to establish the 100 Area remedial action date from December 31, 2001, to April 15, 2002. DOE's intention is to come to tentative agreement with the Tri-Party Agreement principles by December 31, 2001, and then complete the public participation process and sign a final change package by April 15, 2002.</p> <p>Continued on page 2.</p>		
Impact of Change Approval of this change requests delays establishment of the 100 Area milestones by four and one-half months		
Affected Documents Hanford Federal Facility Agreement and Consent Order Action Plan, Appendix D Remedial Design Report/Remedial Action Work Plan for the 100 (DOE/RL-96-17) 100 Area Remedial Action/Sampling and Analysis Plan (DOE/RL-96-22)		
Approvals  _____ K. A. Klein, Manager, U.S. Department of Energy Richland Operations Office		Date <u>9/17/01</u> <input checked="" type="checkbox"/> Approved _____ Disapproved _____ _____ C. E. Findley, Acting Regional Administrator U.S. Environmental Protection Agency Date _____ Approved _____ Disapproved _____ _____ T. C. Fitzsimmons, Director Washington State Department of Ecology Date _____ Approved _____ Disapproved _____

M-016-01-04
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Modifications Established by Approval of this Change Request (shading depicts proposed changes, ~~strikeout~~
depicts deletions):

M-016-00F Establish the Completion Date for Completion of all 100 Area Remedial Actions ~~12/31/2001~~
4/15/02