



OFFICE OF RIVER PROTECTION

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JUL 29 2019

19-ECD-0060

Ms. Alexandra K. Smith, Program Manager
Nuclear Waste Program
Washington State
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3100 Port of Benton Blvd.
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Ms. Smith:

HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (ALSO KNOWN AS TRI-PARTY AGREEMENT) INTERIM MILESTONE M-062-01, JULY 2019 TRI-PARTY AGREEMENT SEMI-ANNUAL PROJECT COMPLIANCE REPORT FOR NOVEMBER 1, 2018, THROUGH APRIL 30, 2019

This letter transmits the U.S. Department of Energy July 2019 Semi-Annual Project Compliance Report (Attachment) required by Interim Milestone M-062-01 for the period of November 1, 2018, through April 30, 2019. As stipulated in the M-062-01 milestone, this report includes project summaries of accomplishments, issues, and actions being taken for the M-062-00 milestone series.

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

A handwritten signature in black ink, appearing to read "B.T. Vance".

Brian T. Vance
Manager

ECD:BRT

Attachment

cc: See page 2

Ms. Alexandra K. Smith
19-ECD-0060

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JUL 29 2019

cc w/attach:

J.J. Lyon, Ecology
J.D. McDonald, Ecology
M.J. Turner, MSA
L. Contreras, YN
BNI Correspondence
TPA Administrative Record
WRPS Correspondence

cc w/o attach:

M. Johnson, CTUIR
S.L. Dahl, Ecology
J.B. Price, Ecology
C.L. Whalen, Ecology
D. Einan, EPA
S. Leckband, HAB
J. Bell, NPT (Acting)
G. Bohnee, NPT
K. Niles, Oregon Energy
R. Buck, Wanapum
R. Ferri, YN

Attachment
19-ECD-0060
(5 Pages Excluding Cover Sheet)

U.S. DEPARTMENT OF ENERGY, OFFICE OF RIVER
PROTECTION RIVER PROTECTION PROJECT – JULY 2019 SEMI-
ANNUAL PROJECT COMPLIANCE REPORT PER HANFORD
FEDERAL FACILITY AGREEMENT AND CONSENT ORDER
MILESTONE M-062-01

November 1, 2018, through April 30, 2019

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

July 2019 Semi-Annual Project Compliance Report Per
Hanford Federal Facility Agreement and Consent Order
Milestone M-062-01

November 1, 2018, through April 30, 2019



Ben Harp, Deputy Manager
Office of River Protection

7/29/19

Date

Date Published



P.O. Box 450
Richland, Washington 99352



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ACRONYMS AND ABBREVIATIONS

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

1.0 INTRODUCTION

The U.S. Department of Energy (DOE), Office of River Protection (ORP) is submitting this July 2019 Semi-Annual Project Compliance Report to satisfy the requirements of the *Hanford Federal Facility Agreement and Consent Order*, commonly referred to as the Tri-Party Agreement (TPA), Milestone M-062-01. As detailed in Milestone M-062-01, this report documents ORP's compliance with the TPA Milestone M-062-00 series; provides updates, progress, and issues relative to those milestones; and identifies activities expected in the near future.

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

Since the milestone dates in the M-062-00 series and other TPA milestones were, to a large part, predicated on the milestones established in the 2010 Consent Decree, and those dates have been extended by the court, existing milestones in the M-062-00 series and other series are at risk or cannot be met. TPA milestones affected by the modified milestones in the 2016 Amended Consent Decree need to be adjusted accordingly. Many of the interim M-062-00 milestones are under discussion as part of the ongoing negotiations for milestone M-062-45.

In accordance with milestone M-062-40, DOE and Ecology developed 11 scenarios to be addressed in ORP-11242, *River Protection Project System Plan*, Rev. 8 (System Plan). Modeling for all 11 scenarios has been completed. System Plan, Rev. 8 was issued on October 31, 2017. DOE believes the analysis of these scenarios in the System Plan will provide information essential for the parties to adjust the Consent Decree-affected TPA milestones in an appropriate manner.

This compliance report discusses M-062-00 milestone series activities during the reporting period and activities expected in the near future. The project progress, budget, and cost information in the report is based on the period of November 1, 2018, through April 30, 2019.

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

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

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

2.1 MILESTONE M-062-40

ORP is using information from the System Plan in negotiations for TPA Milestone M-062-45.

ORP and Ecology are working together to define scenarios as required by TPA Milestone M-062-40, DOE will select its scenarios for the next System Plan by October 31, 2019.

2.2 MILESTONE M-062-45

As previously reported, on January 30, 2015, ORP provided Ecology Change Control Form M-62-14-02, which proposed adding language under TPA Milestone M-062-45 to defer negotiations required under TPA Milestone M-062-45. Ecology did not respond within the 14-day review period that ended February 13, 2015, which is deemed disapproval in accordance with the TPA. ORP initiated a dispute resolution via letter 15-TF-0014, "Initiation of Dispute Resolution Regarding Disapproval of Hanford Federal Facility Agreement and Consent Order Change Control Form M-62-14-02," dated February 20, 2015. Ecology provided a justification for disapproval on March 12, 2015, via letter 15-NWP-036, "Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Change Package, Change Number M-62-14-02." Ecology and ORP, at the TPA project manager level, signed an agreement extending the dispute resolution period until August 1, 2016. When that date passed, the dispute was elevated to the Interagency Management Integration Team for resolution. Decision document 2016-005 was signed by senior management representatives from DOE, EPA, and Ecology on August 22, 2016, and it stipulated that the dispute would be resolved by entering into negotiations regarding the M-062-45 milestone. Negotiations began on September 8, 2016, and were ongoing during the reporting period. DOE and Ecology exchanged proposals and have held discussions related to the proposals.

3.0 BUDGET/COST STATUS

3.1 WASTE TREATMENT AND IMMOBILIZATION PLANT

Total funding available for the Waste Treatment and Immobilization Plant (WTP) Project during fiscal year (FY) 2019, is \$1.014 billion, which includes \$730 million of new budget authority and \$284 million of FY 2018 carryover funds. To date, the WTP Project has received \$12.715 billion of funding. For FY 2019, the WTP Project spent \$408 million through the end of April. At the end of April 2019, the total amount spent on the WTP Project was \$12.109 billion.

3.2 TANK FARMS

Total funding available for the Tank Farms Project during FY 2019 is \$1.005 billion, which includes \$828 million of new budget authority and \$177 million of FY 2018 carryover funds. For FY 2019, the Tank Farms Project spent \$391 million through April 30, 2019.

4.0 SCHEDULE MITIGATION

No schedule mitigation has been necessary during the reporting period.

5.0 REFERENCES

- 15-NWP-036, “Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Change Package, Change Number M-62-14-02,”
- 15-TF-0014, “Initiation of Dispute Resolution Regarding Disapproval of Hanford Federal Facility Agreement and Consent Order Change Control Form M-62-14-02,” dated February 20, 2015
- 16-TF-0094, 2016, *Hanford Federal Facility Agreement and Consent Order Interagency Management Integration Team (IAMIT) Decision / Determination / Action Assignment Number 2016-005*, U.S. Department of Energy, U.S. Environmental Protection Agency, and Washington State Department of Ecology, August 22.
- Case No. 08-5085-FVS, 2010, *Washington vs. Steven Chu, Secretary of the United States Department of Energy, and the United States Department of Energy*, Consent Decree, United States District Court, Eastern District of Washington, October 25.
- Case No. 2:08-CV-5085-RMP, 2016, *State of Washington and State of Oregon vs. Ernest Moniz, Secretary of the United States Department of Energy, and the United States Department of Energy*, Amended Consent Decree, United States District Court, Eastern District of Washington, March 11.
- Case No. 2:08-CV-5085-RMP, 2016, *State of Washington and State of Oregon vs. Ernest Moniz, Secretary of the United States Department of Energy, and the United States Department of Energy*, Second Amended Consent Decree, United States District Court, Eastern District of Washington, April 12.
- Contract No. DE-AC27-08RV14800, *Tank Operations Contract*, Washington River Protection Solutions LLC, U.S. Department of Energy, Office of River Protection, Richland, Washington, as amended.
- Ecology, EPA, and DOE, 1989, *Hanford Federal Facility Agreement and Consent Order*, 2 vols., as amended, Washington State Department of Ecology, U.S. Environmental Protection Agency, and U.S. Department of Energy, Olympia, Washington.
- ORP-11242, 2017, *River Protection Project System Plan*, Rev. 8, U.S. Department of Energy, Office of River Protection, Richland, Washington, October 31.