



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

SEP 29 2008

08-AMCP-0286

Ms. J. A. Hedges, Program Manager
 Nuclear Waste Program
 State of Washington
 Department of Ecology
 3100 Port of Benton Boulevard
 Richland, Washington 99354

RECEIVED
 OCT 07 2008
EDMC

Dear Ms. Hedges:

HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (TRI-PARTY AGREEMENT) CLASS II CHANGE PACKAGE M-91-08-04 FOR THE MODIFICATION OF TRI-PARTY AGREEMENT MILESTONE M-91-42 MIXED LOW-LEVEL WASTE TREATMENT INTERIM MILESTONE

The purpose of this letter is to transmit the Tri-Party Agreement Class II Change Package M-91-08-04 for the State of Washington Department of Ecology's (Ecology) approval. The change control form extends the completion date for the treatment of 7,220 cubic meters (cumulative) of contact-handled mixed low-level waste (MLLW) from December 31, 2008, to March 31, 2009.

The due date is being extended per the Tri-Party Agreement Article XLVII's Force Majeure provisions. Due to the Fiscal Year 2008 continuing resolution, funding was received later than planned delaying when MLLW could be shipped for treatment. This impacts the ability of the U.S. Department of Energy, Richland Operations Office (RL) to get the required treatment accomplished by the December 31, 2008, completion date.

As of September 18, 2008, 7,380 cubic meters had been shipped offsite for treatment, 160 cubic meters more than required by the milestone. About 7,400 cubic meters are expected to be shipped for offsite treatment by October 1, 2008. Of the amount shipped, 6,812 cubic meters has been treated.

Ecology has been kept apprised of the status of the M-91-42 milestones through the Monthly M-91 Project Manager Meetings and the Quarterly Tri-Party Agreement Review Meetings. The milestone had been considered at risk due to: 1) funding delays, and 2) less MLLW being available for treatment. The latter was subject to a previous change request (M-91-08-02, approved August 12, 2008). In the August 2008 Project Manager Meeting, it was thought that treatment could be completed by December 31, 2008, but it was also acknowledged that it would be close.

Ms. J. A. Hedges
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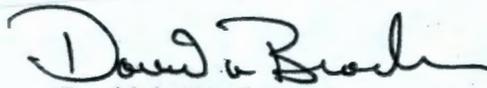
SEP 29 2008

Based on when waste was shipped offsite for treatment and the contractual obligated durations, it is reasonable to adjust the milestone due date for treating the 7,220 cubic meters of waste to March 31, 2009.

RL will continue to keep Ecology informed of the progress toward completing the required volume of treatment.

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

Sincerely,



David A. Brockman
Manager

AMCP:MSC

Attachment

cc w/attach:

G. Bohnee, NPT
L. Buck, Wanapum
N. Ceto, EPA
C. J. Simiele, FHI
R. H. Engelmann, EFSH
S. Harris, CTUIR
R. Jim, YN
S. M. Joyce, FHI
S. L. Leckband, HAB
K. Niles, ODOE
R. E. Piippo, FHI
K. M. Quigley, EFSH
D. G. Singleton, Ecology
R. Skinnarland, Ecology
J. G. Vance, FFS
Administrative Record
Environmental Portal

Change Number M-91-08-04	Federal Facility Agreement and Consent Order Change Control Form Do not use blue ink. Type or print using black ink.	Date September 22, 2008
Originator Matt McCormick		Phone (509) 373-9971
Class of Change <input type="checkbox"/> I – Signatories <input checked="" type="checkbox"/> II – Executive Manager <input type="checkbox"/> III – Project Manager		
Change Title Modification of <u>Hanford Federal Facility Agreement and Consent Order</u> (Tri-Party Agreement) M-91-42 MLLW Treatment Interim Milestone		
Description/Justification of Change This change package extends the due date of Tri-Party Agreement Interim Milestone M-91-42, item 2, E. “7,720 cubic meters (cumulative) shall be treated by 12/31/2008” to 3/31/2009. The due date is being extended per the Tri-Party Agreement Article XLVII’s Force Majeure provisions. Due to the FY 2008 continuing resolution, funding was received later than planned delaying when MLLW could be shipped for treatment. This impacts the ability of RL to get the required treatment accomplished by the December 31, 2008, completion date. (Continued on page 2.)		
Impact of Change Approval of this change package extends the completion date for the treatment of 7,220 cubic meters of CH-Mixed Low-Level Waste (MLLW) from December 31, 2008, to March 31, 2009.		
Affected Documents The <u>Hanford Federal Facility Agreement and Consent Order</u> , as amended and Hanford Site internal planning, management and budget documents (e.g., baseline control documents, related work authorization and directives).		
Approvals		
_____ Ecology	_____ Date	_____ Approved _____ Disapproved
_____ DOE/RL	9/26/08 Date	X Approved _____ Disapproved
_____ N/A EPA	_____ Date	_____ Approved _____ Disapproved

Description/Justification continued:

As of September 18, 2008, 7,380 cubic meters had been shipped offsite for treatment, 160 cubic meters more than required by the milestone. About 7,400 cubic meters are expected to be shipped for offsite treatment by October 1, 2008. Of the amount shipped, 6,812 cubic meters has been treated.

The State of Washington Department of Ecology (Ecology) has been kept apprised of the status of the M-91-42 milestones through the monthly M-91 project manager meetings and the quarterly Tri-Party Agreement review meetings. The milestone had been considered at risk due to 1) funding delays and 2) less MLLW being available for treatment. The latter was subject to a previous change request (M-91-08-02, approved August 12, 2008). In the August 2008 project manager meeting, it was thought that treatment could be completed by December 31, 2008 but it was also acknowledged that it would be close.

Based on when waste was shipped offsite for treatment and the contractual obligated durations it is reasonable to adjust the milestone due date for treating the 7,220 cubic meters of waste to March 31, 2009.

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

M-91-42	<p>REGARDING: (1) NEWLY GENERATED CH WASTE; AND (2) CH WASTE CURRENTLY IN ABOVE-GROUND STORAGE (NOT INCLUDING CH WASTE CURRENTLY IN ABOVE-GROUND STORAGE IN BOXES AND LARGE CONTAINERS).</p> <ol style="list-style-type: none"> 1. DOE SHALL DESIGNATE ALL NEWLY GENERATED CH WASTE AT THE POINT OF GENERATION. SUCH DESIGNATION SHALL COMPLY WITH THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100. 2. THERE ARE 5,066 CUBIC METERS OF CH-MLLW IN PERMITTED STORAGE AT DOE'S CENTRAL WASTE COMPLEX (CWC) AND ELSEWHERE AT HANFORD AS OF 12/31/02 (AS IDENTIFIED IN DOE HFFACO MILESTONE M-26-01 LDR REPORT MLLW TREATABILITY GROUPS MLLW-02 THROUGH MLLW-10, EXCLUDING MLLW-07) THAT HAS NOT BEEN TREATED TO MEET LDR REQUIREMENTS. (THIS VOLUME DOES NOT INCLUDE 600 CUBIC METERS OF WASTE REQUIRING THERMAL TREATMENT, AS THAT WASTE IS REQUIRED TO BE TREATED BY 2006 UNDER HFFACO 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 HFFACO MILESTONE M-26-01 LDR REPORT MLLW TREATABILITY GROUPS MLLW-02 THROUGH MLLW-10, EXCLUDING MLLW-07). DOE WILL RETRIEVE APPROXIMATELY 800 CUBIC METERS OF CH-MLLW BY 2010. 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: <ol style="list-style-type: none"> 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. 7220 CUBIC METERS (CUMULATIVE) SHALL BE 	DUE DATES AS INDICATED IN THE DESCRIPTIVE TEXT OF THIS MILESTONE
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TREATED BY 12/31/08 ~~3/31/09~~, 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. IF THE ACTUAL VOLUME OF NEWLY GENERATED OR RETRIEVED CH-MLLW COVERED BY THIS MILESTONE IS LOWER THAN THE ESTIMATED VOLUMES ANTICIPATED BY THESE MILESTONES DOE WILL ONLY BE REQUIRED TO TREAT THE VOLUME OF WASTE GENERATED, RETRIEVED AND/OR IN STORAGE. IF THE ACTUAL VOLUME OF NEWLY GENERATED OR RETRIEVED CH-MLLW COVERED BY THIS MILESTONE IS SIGNIFICANTLY MORE THAN THE ESTIMATED VOLUMES THE PARTIES' MAY AGREE TO REVISE THESE REQUIREMENTS.

3. AFTER JUNE 30, 2009, DOE SHALL TREAT TO MEET LDR TREATMENT REQUIREMENTS ALL 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 2002 LDR REPORT ESTIMATES THAT IT WILL GENERATE AN ADDITIONAL ANNUAL VOLUME OF APPROXIMATELY 220 CUBIC METERS OF CH-TRUM AND DOE ESTIMATES THEY WILL RETRIEVE APPROXIMATELY 1,600 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 SCHEDULE:

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

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

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

DOE MAY CHOOSE TO COMPLETE CERTIFICATION OF CH TRANSURANIC WASTE FOR DISPOSAL AT WIPP IN LIEU OF LDR TREATMENT, PROVIDED THAT ECOLOGY IS NOTIFIED IN WRITING OF SUCH COMPLETION OF CERTIFICATION, AND ONLY IF, AS OF THE TIME OF CERTIFICATION, SUCH WASTE IS EXEMPT FROM LDR TREATMENT REQUIREMENTS WHEN DISPOSED AT WIPP. IF DOE CHOOSES TO CERTIFY IN LIEU OF TREATMENT, IT MAY MEET THE VOLUME REQUIREMENTS SPECIFIED IN THIS MILESTONE FOR ANY GIVEN YEAR BY CERTIFYING CH TRU OR CH TRUM. , PROVIDED THAT 1) ALL CH TRUM IN PERMITTED STORAGE AS OF 12/31/02 IS TREATED TO MEET LDR REQUIREMENTS OR CERTIFIED BY 12/31/2006 AND 2) ALL CH TRUM IN PERMITTED STORAGE AS OF 7/1/11 IS TREATED TO MEET LDR REQUIREMENTS OR IS CERTIFIED BY 12/31/2011.

	<p>NOTE:-IN THE EVENT THAT ITEMS 4 OR 5 BECOME APPLICABLE, AMOUNTS OF CH TRUM CERTIFIED BETWEEN 12/31/02 AND THE DATE ON WHICH ITEMS 4 OR 5 BECOME APPLICABLE SHALL COUNT TOWARDS SATISFACTION OF THE OBLIGATIONS IN ITEMS 4 AND 5.</p>	
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	<p>EACH REQUIREMENT OF THIS MILESTONE IS CONSIDERED A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THE AGREEMENT.</p>	
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