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

SEP 30 2004

04-AMCP-0488

Mr. Michael A. Wilson, Program Manager
Nuclear Waste Program
State of Washington
Department of Ecology
3100 Port of Benton Boulevard
Richland, Washington 99352

RECEIVED
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EDMC

Dear Mr. Wilson:

TRANSMITTAL OF HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (TRI-PARTY AGREEMENT) CHANGE CONTROL FORM NUMBER M-91-03-05 FOR INTERIM MILESTONES M-91-12 AND M-91-12A, COMPLETE THERMAL TREATMENT

Attached is Tri-Party Agreement Change Control Form Number M-91-03-05 concerning Interim Milestones M-91-12 and M-91-12A for your approval.

As you know, discussions related to the subject milestones have been ongoing for several years. Original milestone schedules, established in 2000, were based on anticipated treatment capabilities that the Department of Energy was pursuing at a local facility. To date, that facility has failed to provide any sustained thermal treatment capacity. Revision of the thermal treatment milestones were intended to be addressed during the M-91 milestone negotiations that concluded in the signing of an M-91 change package earlier this year. However, due to the difficult issues that were the main subject of those negotiations and the lack of specific information available regarding thermal treatment capacity nationwide, the Tri-Parties agreed that the M-91-12 milestones should be addressed in separate discussions after the M-91 milestones were finalized.

The submittal of the M-91-03 Project Management Plan (PMP) to the State of Washington Department of Ecology (Ecology) in December 2003 included a revised schedule for thermal treatment based on anticipated responses to thermal treatment Requests for Proposals (RFPs) Fluor Hanford, Inc. was issuing in the spring of 2004. The PMP schedule called for thermal treatment of 600 cubic meters of waste by September 30, 2009. At that time, Ecology indicated that the thermal treatment schedule should be re-evaluated based on the actual responses to the RFPs and any changes would be addressed through the normal Tri-Party Agreement change process.

Responses to the RFPs have been received, evaluated and discussed with your staff during the past several weeks. The attached change request was developed based on these discussions. The change request proposes a schedule that is based on currently available thermal treatment capacity and does not rely on other capacity that we currently anticipate to become available. However, this schedule does allow an opportunity to obtain more cost effective treatment if/when the anticipated local

Mr. Michael A. Wilson
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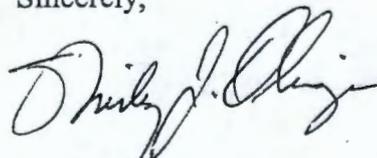
SEP 30 2004

capacity does become available. The proposed interim milestones support the overall objective to treat the backlog of mixed low-level waste in storage by December 31, 2009, as established in M-91-42. Based on the conversations with your staff, instead of relying primarily on the M-91-42 end-date to cover the thermal treatment backlog, the proposed M-91-12 and M-91-12A Interim Milestones provide intermediate dates specifically for thermal treatment to show on-going progress toward meeting thermal treatment requirements.

This letter also provides formal notification to Ecology that Interim Milestone M-91-12A, which requires thermal treatment of 240 cubic meters of waste by December 31, 2004, will not be met. The RL has discussed the likelihood of missing this milestone due to the on-going delays at the local facility and overall lack of thermal treatment capacity nationwide during recent Tri-Party Agreement quarterly meetings and monthly project manager meetings, as well as during the M-91 negotiations. Hanford has thermally treated 162 cubic meters of waste to date and is planning to ship the remaining waste required to meet the M-91-12A Interim Milestone, approximately 80 cubic meters, this fall; however, we do not anticipate the waste will be treated by the end of the year due to the turn-around time required by the treatment facility.

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, or Joel Hebdon, Director, Office of Environmental Services, on (509) 376-6657:

Sincerely,



for Keith A. Klein
Manager

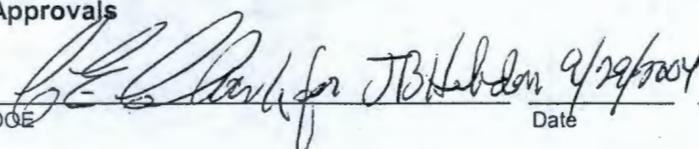
AMCP:GLS

Enclosure

cc w/encl:

B. L. Becker-Khaleel, Ecology
N. Ceto, EPA
L. D. Crass, FHI
L. J. Cusack, Ecology
L. L. Fritz, FHI
S. Harris, CTUIR
J. S. Hertz, FHI
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D. E. Nester, FH
K. Niles ODOE

R. E. Piippo, FHI
R. R. Skinnarland, Ecology
P. Sobotta, NPT
Administrative Record (M-91)

Change Number M-91-03-05	Federal Facility Agreement and Consent Order Change Control Form <small>Do not use blue ink. Type or print using black ink.</small>	Date 9/30/2004
Originator Mark S. French, U.S. Department of Energy		Phone (509) 373-9863
Class of Change <input type="checkbox"/> I - Signatories <input checked="" type="checkbox"/> II - Executive Manager <input type="checkbox"/> III - Project Manager		
Change Title Modify Due Dates for Interim Milestones M-91-12 and M-91-12A.		
Description/Justification of Change Note: Text to be removed is indicated as strikeout text , text to be added is indicated as <u>highlighted text</u> . M-091-12 COMPLETE THERMAL TREATMENT OF AN ADDITIONAL 360 CUBIC METERS OF CONTACT HANDLED LLMW <u>MLLW</u> . THIS BRINGS THE CUMULATIVE TOTAL TO AT LEAST 600 CUBIC METERS OF CONTACT HANDLED LLMW <u>MLLW</u> THERMALLY TREATED. 12/31/05 <u>12/31/07</u> M-091-12A COMPLETE THERMAL TREATMENT OF AT LEAST 240 CUBIC METERS OF CONTACT HANDLED LLMW <u>MLLW</u> . 12/31/04 <u>12/31/05</u> This modification is based on actual capacity of available thermal treatment and recent responses to requests for proposals for providing thermal treatment. This schedule allows the use of existing thermal treatment capacity without required reliance on anticipated capacity. This schedule also allows an opportunity to obtain more cost effective treatment if/when anticipated capacity becomes available. These milestones support the overall objective to treat backlog MLLW by 2009 (see M-91-42). This change also exchanges the older term "Low-Level Mixed Waste (LLMW)" for the term currently in use "Mixed Low-Level Waste (MLLW)". These two terms are synonymous.		
Impact of Change The change extends the due date for M-91-12A by 12 months and M-91-12 by two years. The waste in question is safely stored in RCRA compliant facilities, and poses minimal threat to the environment. No impact is anticipated to the health and safety of the public, workers or the environment.		
Affected Documents Hanford Federal Facility Agreement and Consent Order, as amended, and the M-91-03 Project Management Plan.		
Approvals  DOE _____ Date <u>9/29/04</u> <input checked="" type="checkbox"/> Approved _____ Disapproved _____ N/A _____ Date _____ <input type="checkbox"/> Approved _____ Disapproved _____ EPA _____ Date _____ <input type="checkbox"/> Approved _____ Disapproved _____ Ecology _____ Date _____ <input type="checkbox"/> Approved _____ Disapproved _____		