

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT (Agreement) is made by and between the State of Washington, Department of Ecology (Ecology), the United States of America, Department of Energy (Energy), and the United States of America, Environmental Protection Agency (EPA). In this Settlement Agreement, those entities may collectively be referred to as “Parties” and may individually be referred to as a “Party.”

WHEREAS, the Parties wish to memorialize their understandings regarding, and facilitate execution of, the separately-proposed modifications to the following legal documents that, if modified, would resolve a number of inter-related issues, disputes and potential disputes between Ecology, EPA, and Energy regarding aspects of the cleanup work at the Hanford Nuclear Reservation (Hanford Site): (1) the consent decree, as amended, in *State of Washington, et al. v. United States Department of Energy, et al.*, E.D. Wash., No. 2:08-cv-5085 (Consent Decree)¹; and (2) the Hanford Federal Facility Agreement and Consent Order (HFFACO, or Tri-Party Agreement).

WHEREAS, these issues, disputes, and potential disputes have been the subject of a mediated negotiation referred to by the Parties as “Holistic Negotiations.” They include:

1. Disputes and potential disputes implicated by Energy’s September 4, 2019 written notice to Ecology that there may be a “serious risk” that certain milestones under the Consent Decree will not be met for construction and initial operations of the Waste Treatment Plant; specifically:
 - a. Consent Decree Milestones A-1 and A-17 (Waste Treatment and Immobilization Plant)
 - b. Consent Decree Milestones A-2 to A-4 (High-Level Waste Facility)
 - c. Consent Decree Milestones A-13 to A-16, and A-19 (Pretreatment Facility).
2. Disputes and potential disputes over HFFACO requirements, including:
 - a. HFFACO milestone dates for completing retrieval of waste from single-shell tanks; completing closure of the single-shell tank system; and treating all tank waste);

¹ ECF Nos. 59, 222, 232, 242, and 251.

- b. Dispute Resolution for Disapproval of CCF M-62-21-01 (Milestone M-062-45-A, Complete Negotiations 6-Months After Last Issuance of System Plan [System Plan 9])
 - c. IAMIT Determination #2024-007, Extension for the Temporary Suspension of Tri-Party Agreement Milestones M-045-15, M-045-15A, and M-045-15D (Completion of Tank A-103 SST Waste Retrieval Project)
 - d. IAMIT Determination #2024-008, Extension for the Temporary Suspension of Tri-Party Agreement Milestone M-045-85 (Initiate negotiations to establish HFFACO interim milestones for closure of the remaining Single-Shell Tank WMAs); and
 - e. IAMIT Determination #2024-009, Extension for the Temporary Suspension of Tri-Party Agreement Milestone M-062-45-XX (Complete negotiations to establish a mechanism that will apply to resolve future disputes regarding the determinations in M-062-45 paragraphs 4 and 5).
3. The HFFACO dispute generated in the System Plan-8 negotiations concerning contingency actions (new tank design), with associated Dispute Resolution for Disapproval of CCF M-45-19-02, Design and Permit New, Compliant Tanks.

NOW THEREFORE, the Parties, by and through their undersigned counsel, hereby agree to the following settlement terms and conditions:

SPECIFIC PROVISIONS

This Agreement consists of the following provisions, to be executed as described below.

1. This Settlement Agreement

A. The Parties agree that this Settlement Agreement is not subject to public comment; provided, however, that copies of this Settlement Agreement may be included solely for informational purposes as part of the Consent Decree and HFFACO public comment processes.

B. This Settlement Agreement and its attachments describe proposed revisions to the Consent Decree and the HFFACO that are subject to public comment and (as to the Consent Decree) court approval. The Parties expressly affirm, however, that they do not intend for any term of this Settlement Agreement itself to modify any provision of either the Consent Decree or the HFFACO. In the event of any inconsistency, conflict, or ambiguity as to the rights and obligations of the Parties under this Settlement Agreement as compared with either the Consent

Decree or the HFFACO, then either the Consent Decree or the HFFACO, as applicable, shall govern.

2. Consent Decree Modifications

A. Attachment A to this Agreement contains proposed modifications to the Consent Decree. Ecology has determined that the proposed modifications are a “significant modification to the Decree.” Consent Decree, VII.A.2. Accordingly, Ecology and Energy “shall take public comment on the amendment[s].” *Id.* Ecology and Energy will notify the United States District Court for the Eastern District of Washington of these proposed Consent Decree modifications through a joint status report filed with the court. Following that notification, Ecology and Energy will initiate a 60-day public comment period on the proposed modifications.

B. After providing notice to the court of the proposed Consent Decree modifications, and in advance of the public comment period on the proposed Consent Decree modifications, Ecology and Energy will jointly provide copies of the proposed Consent Decree modifications to Tribal Nations. Ecology and Energy will offer to jointly meet with staff and officials of each Tribal Nation in advance of the public comment period, together with meeting on the proposed HFFACO change requests described in Section 3. Any such meeting shall not constitute and is not intended to replace formal government-to-government consultation with the Tribal Nation, but will rather be an opportunity for Ecology and Energy to familiarize the Tribal Nation with the proposed Consent Decree modifications and respond to any initial questions. Upon the request of a Tribal Nation, Ecology and Energy may additionally or alternatively meet separately with staff and officials of the Tribal Nation (i.e., meet without the other as a participant). Ecology and Energy agree to provide at least 3 days’ advance written (e.g., email) notification to each other prior to any such separate meetings, or formal consultation processes. Ecology and Energy agree that they are each prohibited from disclosing any mediation confidential information during or in connection with any such meetings.

C. After providing notice to the court of the proposed Consent Decree modifications, and in advance of the comment period on the proposed Consent Decree modifications, Ecology

and Energy will jointly provide copies of the proposed Consent Decree modifications to the State of Oregon. In addition, in accordance with Energy's separate consent decree with the State of Oregon entered in *State of Washington, et al. v. United States Department of Energy, et al.*, E.D. Wash., No. 2:08-cv-5085, as amended, Energy will provide a minimum of 10 days' advance notice to the State of Oregon regarding the proposed modifications. Ecology and Energy will offer to jointly meet with staff of the State of Oregon in advance of the public comment period, and upon the request of a State of Oregon, Ecology and Energy may meet separately (i.e., without the other as a participant) with staff of the State of Oregon. Ecology and Energy agree to provide at least 3 days' advance written notification to each other prior to any such separate meetings. Ecology and Energy agree that they are each prohibited from disclosing any mediation confidential information during or in connection with any such meetings.

D. Signature and entry of the proposed Consent Decree modifications will be subject to Ecology's and Energy's consideration of any public, Tribal Nation, and State of Oregon comments. Ecology and Energy each reserve their ability to withdraw their consent to the proposed Consent Decree modifications based upon such comments. Ecology and Energy will each share with the other any written comments received. After receiving public, Tribal Nation, and State of Oregon comments, Ecology and Energy will consider whether the comments "disclose facts or considerations" that indicate the proposed Consent Decree modifications are "inappropriate." Consent Decree, Section VII.A.2.

E. If, after the consideration of public, Tribal Nation, and State of Oregon comments, either Ecology or Energy determines that such "comments disclose facts or considerations which indicate that the amendment is inappropriate," Consent Decree, Section VII.A.2., Ecology and Energy agree to meet in good faith to (1) reach agreement as to whether post-comment revisions are warranted and, if so, (2) to reach agreement as to appropriate revisions to the proposed Consent Decree modifications as lodged for the court's consideration. Any such mutually-agreed revisions may be subject to additional public comment pursuant to Section VII.A.2 of the Consent Decree. If Ecology and Energy are "unable to agree on revisions" to the proposed

Consent Decree modifications “to address the concerns raised during the public comment period,” then the provisions of Consent Decree Section VII.A.3. shall apply. Consent Decree, Section VII.A.2; *id.* Section VII.A.3. (requiring the opponent of the proposed revision to “explain in writing its reasons for disagreeing,” and allowing the proponent of the revision to “invoke dispute resolution procedures of th[e] Decree.”).

F. If, after the consideration of public comments and after reaching agreement on any subsequent revisions to the proposed Consent Decree modifications, Ecology and Energy agree that the proposed modifications should be finalized, then Ecology and Energy will jointly move the Court for entry of those modifications concurrent with Ecology, Energy, and EPA approving the proposed HFFACO change requests described in Section 3 below. Withdrawal of consent by Ecology, Energy, or EPA to approve the proposed HFFACO change requests described in Section 3, below, either in whole or in part, shall be a basis for Ecology or Energy, in their sole discretion, to withdraw consent to the proposed Consent Decree modifications, either in whole or in part.

G. The actions described in paragraph 2.F, above, will occur after Energy completes the decision-making processes described in Section 4, below.

H. Unless and until either the court does not enter the proposed Consent Decree modifications or those modifications are withdrawn from consideration for entry by the court, and subject to the provisions of Section 4 of this Agreement, Ecology and Energy will conduct their affairs in a manner consistent with the proposed Consent Decree modifications.

3. HFFACO Revisions

A. Attachments B-Q to this Agreement contain proposed new milestones and revisions to existing milestones in HFFACO Action Plan Appendix D. Based on Attachments B-Q, Energy will prepare proposed HFFACO change requests for the Parties’ approval. The Parties will hold a 60-day public comment period on these proposed change requests, to be concurrent with the public comment period on the proposed Consent Decree modifications described above in Section 2.

B. After Ecology and Energy provide notice to the court of the proposed Consent Decree modifications, and in advance of the public comment period on the proposed change requests, the Parties will provide copies of the proposed HFFACO change requests to Tribal Nations. *See* HFFACO Action Plan Section 10.10. The Parties will offer to jointly meet with staff and officials of each Tribal Nation in advance of the public comment period, together with Ecology and Energy meeting on the proposed Consent Decree modifications described in Section 2. Any such meeting shall not constitute and is not intended to replace formal government-to-government consultation with the Tribal Nation, but will rather be an opportunity for the Parties to familiarize the Tribal Nation with the proposed change requests and respond to any initial questions. Upon the request of a Tribal Nation, any Party may additionally or alternatively meet separately with staff and officials of the Tribal Nation (i.e., meet without the other Parties as participants). The Parties agree to provide at least 3 days' advance written notification to each other prior to any such meetings, or formal consultation processes. The Parties agree that they are each prohibited from disclosing any mediation confidential information during or in connection with any such meetings.

C. After Ecology and Energy provide notice to the court of the proposed Consent Decree modifications, and in advance of the comment period on the proposed change requests, the Parties will jointly provide copies of the proposed HFFACO change requests to the State of Oregon. The Parties will offer to jointly meet with staff of the State of Oregon in advance of the public comment period, and upon the request of the State of Oregon, any Party may additionally or alternatively meet separately with staff of the State of Oregon (i.e., meet without the other Parties as participants). The Parties agree to provide at least 3 days' advance written notification to each other prior to any such meetings with the State of Oregon. The Parties agree that they are each prohibited from disclosing any mediation confidential information during or in connection with any such meetings.

D. Signature and entry of the proposed HFFACO change requests will be subject to the Parties' consideration of any public, Tribal Nation, and State of Oregon comments. Each

Party reserves its ability to withdraw its consent to the proposed HFFACO change requests based upon such comments. Each Party will share with the others any written comments received. After receiving any public, Tribal Nation, and State of Oregon comments, the Parties will consider whether the comments disclose facts or considerations that indicate the proposed HFFACO change requests are inappropriate.

E. If, after the consideration of public, Tribal Nation, and State of Oregon comments, any Party determines that any of the proposed HFFACO change requests should be revised based upon such comments, the Parties agree to meet in good faith to (1) reach agreement as to whether such post-comment revisions are warranted and, if so, (2) to reach agreement as to proposed revisions to the change request(s). Any such mutually-agreed revisions may be subject to additional public comment pursuant to Section 10.6 of the HFFACO Action Plan. If the Parties are unable to agree on any proposed revisions to the change requests following the public comment period, then any Party may in its unreviewable discretion withdraw consent to the proposed HFFACO change requests, either in whole or in part. Because the proposed HFFACO change requests represent a carefully negotiated settlement, the Parties agree that in following the HFFACO change control process with respect to the requests proposed under this Agreement, the proposed requests, including any post-public comment revisions proposed as provided above, are expressly not subject to the dispute resolution provisions of HFFACO Article VIII and/or XVI.

F. If, after the consideration of public, Tribal Nation, and State of Oregon comments and after reaching agreement on any subsequent revisions to the change requests, the Parties agree that the proposed HFFACO change requests should be approved, the Parties will approve the proposed change requests concurrent with moving the court to enter the proposed Consent Decree modifications described in Section 2 above and contingent on the court's entry of those modifications. Withdrawal of consent by Ecology or Energy to finalize the proposed Consent Decree modifications described in Section 2 above, either in whole or in part, shall be a basis for

any Party, in their sole discretion, to withdraw consent to the proposed HFFACO change requests, either in whole or in part.

G. The actions described in paragraph F above will occur after Energy completes the decision-making processes described in Section 4 below.

H. The HFFACO change requests will become effective once the proposed Consent Decree modifications are entered by the court. In the event that the court does not enter the proposed Consent Decree modifications or those modifications are withdrawn from consideration for entry by the court, either in whole or in part, any Party may withdraw their consent to the proposed HFFACO change requests, either in whole or in part.

I. Unless and until the Parties withdraw consent from the proposed HFFACO change requests, and subject to the provisions of Section 4 of this Agreement, the Parties will conduct their affairs in a manner consistent with the proposed change requests.

4. Compliance With Other Laws

A. As of the date of all Parties' execution of this Agreement, the existing Consent Decree reflects Energy's program of record for treating Hanford's high-level waste. New proposed Consent Decree milestones A-22 through A-28 (Appendix A), among other proposed modifications, reflect potential changes to this program of record. Those include: re-configuring the Waste Treatment Plant for the direct feed of waste to the High Level Waste Facility (operated in a two-melter configuration); constructing and commissioning a Waste Transfer Vault and High-Level Effluent Management Facility; and implementing additional pretreatment capabilities (including sludge washing) after direct-feed High Level Waste hot commissioning.

B. The proposed HFFACO change requests reflect potential changes to other aspects of the broader program of record for Hanford's tank waste retrieval and treatment mission, including regarding retrieval milestones.

C. The proposed Consent Decree modifications and the HFFACO change requests are expressly subject to Energy satisfying its applicable statutory and regulatory obligations, including under the National Environmental Policy Act and the National Historic Preservation

Act, with respect to the proposed changes; the Parties' consideration of public, Tribal Nation, and State of Oregon comment on the proposed Consent Decree modifications and HFFACO change requests; and the court approving the proposed Consent Decree modifications.

D. Subsequent to lodging the proposed Consent Decree modifications with the court pursuant to paragraph 2.A above, including while public comment on the proposed Consent Decree modifications and HFFACO change requests is proceeding, Energy will make best efforts to continue steps to satisfy its statutory and regulatory obligations with respect to the proposed modifications and changes, including under the National Environmental Policy Act.

E. Informed by the above analysis, and after the conclusion of public comment on the proposed Consent Decree modifications and HFFACO change requests, Energy will determine whether to implement the proposed changes to the program of record. Energy's execution of any changed program of record will be contingent on court approval of the proposed Consent Decree modifications.

F. An Energy decision to not implement the proposed changes to the program of record will be a basis for Ecology to withhold or withdraw its consent to seek entry of the proposed Consent Decree modifications described in Section 2 above, and for Ecology or EPA to withhold or withdraw their consent to finalize the proposed HFFACO change requests described in Section 3 above.

G. Independent of any other basis for withholding or withdrawing consent described in paragraphs 2.D, 2.F, 3.D, 3.E, or 3.F, above, if by October 30, 2024, the Parties have not yet jointly moved the court to enter the proposed changes to the program of record for treating Hanford's high-level waste, Ecology may withhold or withdraw its consent to seek entry of the proposed Consent Decree modifications described in Section 2 above, and Ecology or EPA may withhold or withdraw its consent to finalize the proposed HFFACO change requests described in Section 3 above.

5. Forbearance Provision

Energy affirms that it intends to forbear from classifying or reclassifying reprocessing wastes located at or from the Hanford Site as non-High Level Waste pursuant to Energy's interpretive rule [83 Fed. Reg. 50,909 (Oct. 10, 2018); 84 Fed. Reg. 26,835 (June 10, 2019); 86 Fed. Reg. 72,220 (Dec. 21, 2021)] (Interpretive Rule) for purposes of disposal of treated waste or tank system closure within the State of Washington. Energy also affirms that it intends to consult with the State of Washington if it ever believes changed circumstances might call for an end to this forbearance. This forbearance is limited to the foregoing and shall not be construed as forbearance by Energy from classifying or reclassifying reprocessing waste at or from the Hanford Site pursuant to any other asserted authority, including Energy's authority to make Waste Incidental to Reprocessing determinations. Nothing in this forbearance shall be construed as a concession or admission by either Energy or the State of Washington regarding the extent of Energy's jurisdiction or authority with respect to the classification/reclassification of reprocessing waste as non-High Level Waste, including whether such jurisdiction or authority does or does not exist with respect to the Interpretive Rule as applied at the Hanford Site or elsewhere. Both the State of Washington and the United States reserve all their rights and defenses regarding such jurisdiction or authority.

The Parties agree that in the event Energy terminates or proposes to terminate its above-described forbearance, the State of Washington may assert an as-applied challenge against any Energy final agency action applying or proposing to apply the Interpretive Rule to classify or reclassify reprocessing wastes located at or from the Hanford Site as non-High Level Waste, including contesting the legality of the Interpretive Rule itself in the context of such challenge, with the United States reserving all rights and defenses regarding such challenge. The foregoing shall be the State of Washington's sole remedy for Energy terminating or proposing to terminate the above-described forbearance. No other rights or privileges are conveyed by this forbearance.

6. Future Discussion of Grouted Tank Waste Treatment and Disposal

In conjunction with the one-time negotiation specified in paragraph 7 of proposed revised HFFACO Milestone M-062-45 (Attachment L), or no later than June 30, 2038, whichever is earlier, Ecology and Energy will meet to discuss establishing conditions, if any, related to the treatment and disposition of any grouted tank waste after expiration of the conditions specified in proposed Milestone M-062-66 (Attachment M).

7. Energy's Internal Processes

Energy must satisfy internal decision-making and project management processes in the course of acquiring or constructing certain capital assets necessary to satisfy its obligations under the Consent Decree and the HFFACO. These processes include the Critical Decision process under DOE Order 413.3 (*Program and Project Management for the Acquisition of Capital Assets*). DOE Order 413.3B requires that, in certain circumstances, Energy charter an independent "Analysis of Alternatives" (AoA), which is an analytical comparison of the operational effectiveness, suitability, risk, and life cycle cost (or total ownership cost, if applicable) of alternatives that satisfy validated capability needs. AoAs are not decisional documents. DOE anticipates chartering several AoAs to assess capital asset projects included among the proposed modifications to the Consent Decree and HFFACO. The Parties agree that it can be beneficial for Ecology to have early and meaningful insight, and in some cases input, into these processes.

For the following AoAs that Energy anticipates may be necessary to satisfy its obligations under the Consent Decree and the HFFACO, Energy agrees to periodically submit to Ecology written reports, in existing Consent Decree or HFFACO reporting, documenting the relevant activities occurred in that AoA process during the period covered by the report:

- HLW Transfer Vault
- High-Level Waste Effluent Management Facility (HEMF)
- IHLW Storage Facility

Such written reports shall provide the status of progress made during the reporting period, and shall include: (1) a brief description of accomplishments and issues encountered during the reporting period and/or expected in the next three months; and (2) a description of the overall status of the AoA in ensuring compliance with any relevant milestone(s).

For the following AoAs that Energy anticipates may be necessary to satisfy its obligations under the Consent Decree and the HFFACO, Energy agrees to invite Ecology to designate one or a limited number of representatives to be meaningful participants in the AoA processes:

- On-Site Grout Plant (if DOE determines that such a facility is needed)
- 1 Million Gallons Multi-Purpose Waste Storage
- Additional Pretreatment Capabilities

If Ecology accepts Energy's invitation, Energy will include the Ecology representative(s) in all non-privileged material meetings (e.g., meetings where alternatives are created, life cycle functions are characterized and described, and processing methods and associated needs are evaluated) and copy the Ecology representative(s) on material, non-proprietary documentation relevant to the AoA.

8. Appendix H/Appendix I Updates

The Parties agree to enter negotiations to begin no earlier than June 3, 2024, and conclude no later than December 31, 2024, to seek to reach agreement on: 1) updates to HFFACO Action Plan Appendix H; 2) updates to HFFACO Action Plan Appendix I, including defining the scope of Performance Assessment Work Plans; and 3) adding interim milestones to M-45-24-04 ("Establish New TPA Milestones for Closure of SST WMAs A-AX, B-BX-BY, C, S-SX, T, TX-TY, and U and the 241-C-301 Catch Tank and 244-CR Vault") for Energy to submit to Ecology Appendix I Performance Assessment Work Plans for WMAs A-Ax, U, S-SX, B-BX-BY, and T-TX-TY. These negotiations will be conducted under a mediation agreement with the Federal Mediation and Conciliation Service.

GENERAL PROVISIONS

1. Execution in Counterparts. This Agreement may be executed in one or more counterparts which, taken together, shall be deemed to constitute one and the same document.

2. Integrated Settlement Agreement. This Agreement contains the entire agreement between the Parties on the issues it addresses, and supersedes any and all prior written and/or oral agreements.

3. No Third-Party Beneficiaries. Nothing in this Agreement shall be construed to make any other person or entity not executing this Agreement a third-party beneficiary to this Agreement.

4. Remedies. The Parties agree to confer informally and in good faith to resolve any disputes arising under this Agreement. The Parties agree that neither specific performance nor contempt of court are available remedies under the Agreement. Separate from this Agreement, the Parties retain all existing remedies under the Consent Decree and HFFACO.

5. No Limitation on Discretion. Except as expressly provided herein, nothing in this Settlement Agreement shall be construed to limit or modify the discretion accorded to Energy by any laws, including but not limited to the Atomic Energy Act of 1954, as amended, 42 U.S.C. §§ 2011, *et seq.*, or any other statutes or regulations, or any principles of administrative law.

6. Anti-Deficiency Act. Any obligations of the United States to expend funds under this Agreement are subject to the availability of funds appropriated for such purpose. Energy's performance under this Settlement Agreement is subject to fiscal and procurement laws and regulations of the United States, and no provision of this Agreement shall be interpreted as or constitute a commitment or requirement that the United States obligate or pay funds in contravention of the Anti-Deficiency Act, 31 U.S.C. § 1341, or any other applicable provision of law. The Parties agree that this paragraph 6 applies only to this Agreement; the separate Anti-Deficiency Act provisions in both the Consent Decree and HFFACO remain unmodified, and are not superseded or otherwise affected by this provision.

7. Modification. The Parties may, in a written document signed by all of the Parties, modify any term of this Settlement Agreement.

8. Authority to Sign. Each undersigned representative of the Parties certifies that he or she is fully authorized by the Party to enter into this Settlement Agreement on behalf of that Party.

WHEREFORE, after having reviewed the terms and conditions of this Settlement Agreement, Ecology, Energy, and EPA hereby consent and agree to the terms and conditions of this Settlement Agreement.

IT IS SO AGREED.

For the United States of America:

TODD KIM
Assistant Attorney General
Environment & Natural Resources Division

AUSTIN
SAYLOR


Digitally signed by
AUSTIN SAYLOR
Date: 2024.04.11
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AUSTIN D. SAYLOR
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Date: _____

For the U.S. Department of Energy:

**Mark D.
Silberstein**

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Date: _____

For the U.S. Environmental Protection Agency:

NICHOLAS
VIDARGAS

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U.S. Environmental Protection Agency, Region 10

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206-553-1460

Date: _____

For the State of Washington, Department of Ecology:

ROBERT W. FERGUSON
Attorney General

Fitz, Andy
(ATG)

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Date: 2024.04.11 11:26:18 -0700

ANDREW A. FITZ, WSBA #22169
Senior Assistant Attorney General

360-586-6770

andy.fitz@atg.wa.gov

Date: _____

ATTACHMENT A

[Proposed] Sixth Amended Consent Decree Between
U.S. Department Of Energy and State of Washington

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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF WASHINGTON**

10 STATE OF WASHINGTON,
11 DEPARTMENT OF ECOLOGY,

12 Plaintiff,

13 v.

14 JENNIFER GRANHOLM,
15 Secretary of the United States
16 Department of Energy, and the
17 UNITED STATES DEPARTMENT
18 OF ENERGY,

Defendants.

NO. 2:08-cv-5085-RMP

SIXTH AMENDED
CONSENT DECREE
BETWEEN U.S.
DEPARTMENT OF
ENERGY AND STATE OF
WASHINGTON

19 The Consent Decree between the U.S. Department of Energy and the State
20 of Washington, ECF No. 59, as amended, *see* ECF Nos. 222, 232, 242, 251, and
21 259, is further amended as follows:
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23 **I. Sections IV.A. and IV.B.**

24 Sections IV.A. and IV.B. of the Consent Decree are hereby **VACATED** and
25 **SUPERSEDED** by the following text:
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3 **IV. WORK TO BE PERFORMED AND SCHEDULE**

4 **A. Waste Treatment Plant (WTP) Construction and Startup.**

- 5 1. In accordance with Appendix A to this Decree, DOE shall achieve “Hot
6 Start of Waste Treatment Plant” by December 31, 2033, and achieve “initial
7 plant operations” of the WTP no later than December 31, 2036.¹
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10 ¹ Through entry of this Sixth Amended Consent Decree, the Court is approving
11 the Parties’ newly-agreed milestones, A-22 through A-28 in Appendix A,
12 related to the program of record for treating Hanford’s high-level waste. The
13 Parties anticipate further modifying the Decree as information is developed and
14 decisions are made pursuant to these new milestones. In the meantime, the
15 Parties have agreed to retain the Decree’s existing milestones for construction
16 and initial operations of the WTP, including the milestones for the Pretreatment
17 and High-Level Waste Facilities that DOE has identified as being at “serious
18 risk” and which remain so as of entry of this Sixth Amended Consent Decree.
19 These milestones are noted with asterisks in Appendix A. Without excusing
20 DOE from any obligation to exercise due diligence toward satisfying its
21 milestone obligations as expeditiously as possible, retention of the asterisked
22 milestones is without prejudice to DOE’s ability to seek modifications of those
23 milestones or any other aspect of this Decree; provided, that milestone A-1 (as
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2. “Hot Start of Waste Treatment Plant” means the initiation of simultaneous operation of the Pretreatment (PT) Facility, High-level Waste (HLW) Facility and Low-activity Waste (LAW) Facility (including as needed the operations of the Analytical Laboratory (LAB) and the Balance of Facilities) treating Hanford tank wastes and producing a waste glass product.
 3. “Initial plant operations” under this Decree is defined as, over a rolling period of at least 3 months leading to the milestone date, operating the WTP to produce high-level waste glass at an average rate of at least 4.2 Metric Tons of Glass (MTG)/day, and low-activity waste glass at an average rate of at least 21 MTG/day.
 4. The definitions in Paragraphs 1–3, above, reflect the original program of record for treating Hanford’s high-level waste under this Decree. As noted in Footnote 1, while the Parties have agreed to retain the Decree’s existing milestones for construction and initial operations of the WTP (including the

it relates to the High-Level Waste Facility) shall continue to guide DOE’s project planning and budgeting unless modified. The Parties agree that retention of those at-risk milestones does not subject them to further process or challenge concerning the adequacy of DOE’s September 2019 “serious risk” notification under Section IV.C.3.

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3 milestones for the PT and HLW Facilities that DOE has identified as being
4 at “serious risk” and which remain so as of entry of this Sixth Amended
5 Consent Decree), the original program of record is revised through new
6 milestones A-22 through A-28 in Appendix A. These revisions include: 1)
7 re-configuring the WTP for the direct feed of waste to the HLW Facility,
8 operated in a two-melter configuration, with construction and
9 commissioning of a Waste Transfer Vault and High-Level Effluent
10 Management Facility; and 2) implementing additional pretreatment
11 capabilities (including sludge washing) after direct-feed HLW hot
12 commissioning. The Parties will jointly or unilaterally propose
13 modifications to the above definitions and attendant milestones, as well as
14 additional milestones to be negotiated pursuant to the terms of the new
15 milestone series, as prescribed in the new series. Beginning in calendar year
16 2024, the Parties agree to develop, and maintain until the issuance of final
17 permit modifications, a permitting plan that will sequence the submission of
18 permit modification requests in a manner that optimizes DOE’s timeline for
19 completing the HLW Facility (including reconfiguring that Facility into a
20 direct-feed configuration). The permitting plan will not include either the
21 Waste Transfer Vault or the High-Level Waste Effluent Management
22 System, although both may be the subjects of future permitting plans beyond
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3 the scope of this Consent Decree. The permitting plan will be developed
4 and maintained in accordance with the 2020 Memorandum of Agreement
5 between Energy and Ecology to Formalize the Implementation of Permitting
6 Plans at Hanford. The specific substance and implementation of the
7 permitting plan, including both Parties' compliance with the plan, is outside
8 the scope of this Consent Decree.
9

10 5. Milestone A-22 specifies that DOE shall achieve initial plant operations (as
11 defined in Paragraph 3, above) for low-activity waste glass production
12 within three years after successful hot commissioning of the LAW Facility.
13

14 6. Milestone A-23 sets the date by which DOE will provide to Ecology a
15 "critical path" schedule for achieving a direct-feed configuration of the
16 HLW Facility.
17

18 7. Milestone A-24 sets the date by which, informed by the "critical path"
19 schedule provided pursuant to paragraph 6 above, the Parties will complete
20 negotiations to:
21

- 22 a. Revisit and, if necessary and appropriate, revise the asterisked HLW
23 Facility milestones;
24 b. Add up to five new interim milestones in the Consent Decree for
25 construction and commissioning of a reconfigured HLW Facility;
26

- 1
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- 3 c. Add new milestones to the Consent Decree for commissioning the
- 4 HLW portion of LAB; and
- 5 d. Add milestones to the Consent Decree for completing the design and a
- 6 “critical path” schedule for a Waste Transfer Vault and a High-Level
- 7 Waste Effluent Management Facility.
- 8

9 9. Milestone A-25 sets the date by which, informed by the critical path

10 schedule provided pursuant to subparagraph d. above, the Parties will

11 negotiate up to five new Consent Decree milestones for the construction and

12 commissioning of a Waste Transfer Vault and a High-Level Waste Effluent

13 Management Facility.

14

15 10. Milestone A-26 sets the date by which DOE will select additional

16 pretreatment capabilities (including sludge washing) to be implemented

17 after successful hot commissioning of the HLW Facility.

18

19 11. Milestone A-27 sets the date by which DOE will provide to Ecology a

20 “critical path” schedule for implementing the additional pretreatment

21 capabilities selected pursuant to milestone A-26.

22

23 12. Milestone A-28 sets the date by which, informed by the “critical path”

24 schedule provided pursuant to milestone A-27, the Parties will complete

25 negotiations to:

26

- 1
- 2
- 3 a. Revisit and revise as appropriate the asterisked PT Facility milestones
- 4 and the full WTP operations milestones;
- 5 b. Add up to five new interim milestones to the Consent Decree for
- 6 construction and commissioning of the additional pretreatment
- 7 capabilities.
- 8

9 The up to five new milestones described in subparagraph b., above,

10 regarding construction and commissioning of additional pretreatment

11 capabilities, will be initially specified in this Consent Decree. However, if

12 DOE thereafter produces high-level waste glass at an average rate of at least

13 4.2 MTG/day, over a rolling average of at least 3 months (*see* IV.A.3.), and

14 also an average waste loading of 175 gallons/day over the same rolling 3-

15 month period, then these milestones will be stricken from the Consent

16 Decree and instead specified in the HFACCO.

17

- 18
- 19 13. Each milestone set forth in Appendix A shall be completed by the specified
- 20 date for that milestone in Appendix A. In the event that the State seeks to
- 21 enforce an interim milestone in Appendix A, it shall be a defense to such
- 22 enforcement (such that failure to meet the interim milestone by that date will
- 23 not constitute a violation of the Consent Decree) if DOE demonstrates that it
- 24 will (a) complete the interim milestone as soon as practicable and (b)
- 25
- 26 notwithstanding the missed interim milestone date, achieve WTP hot start by

December 31, 2033, and initial plant operations of the WTP no later than December 31, 2036, as required in paragraph 1 above.

B. Single-Shell Tank (SST) Waste Retrievals.

1. In accordance with Appendix B, no later than May 1, 2028, DOE shall complete retrieval of tank waste from seven (7) additional SSTs selected by DOE.
2. DOE shall complete retrieval of tank wastes from SSTs A-104 and A-105 in accordance with Appendix B, milestone B-4. However, if within 12 months after the conclusion of the HFFACO tank retrieval technology evaluation process, M-045-136, -137,² DOE determines that additional retrieval of either tank A-104 or tank A-105 is not currently practicable,³ then DOE shall substitute one tank for each such tank from among the S, SX, or U Tank Farms, with resolution of the retrieval status of any substituted tank

² The HFFACO tank retrieval technology evaluation and development process is not part of this Consent Decree.

³ DOE's consideration of practicability in this context shall include matters such as risk reduction, facilitating tank closures, costs, the potential for exacerbating leaks, worker safety, and the overall impact on the tank waste retrieval and treatment missions.

1
2
3 (i.e., tank A-104 or tank A-105) to be determined under the terms of the
4 HFFACO. DOE shall consult with Ecology before any such substitution
5 regarding the tank to be substituted, but DOE shall retain final discretion to
6 select the substitute tank from among the S, SX, or U Tank Farms.
7

- 8 3. For purposes of paragraph 1 above, the tanks shall be selected by DOE after
9 consultation with Ecology. The selected tanks shall include only 100 series
10 tanks (excluding tank S-102), with consideration given to optimizing WTP
11 waste feed blending and addressing tanks that pose a high risk due to tank
12 contents, previous leaks, or the risk of future leaks. Once tanks have been
13 selected, DOE may substitute alternative tanks, but such substitution shall be
14 subject to the consultation and selection criteria of this paragraph.
15
16 4. a. At least 180 days before DOE plans to initiate the installation of
17 equipment for retrieval of waste from a tank or set of tanks covered by
18 Section IV-B of this Decree, DOE shall submit to Ecology, for its approval,
19 a Tank Waste Retrieval Work Plan (TWRWP) that sets out in a Part 1 and a
20 Part 2 of the TWRWP the information required in Part 1 and Part 2 of
21 Appendix C. The TWRWP shall be deemed approved if Ecology notifies
22 DOE of its approval or if 60 days have elapsed after the date DOE submitted
23 the TWRWP to Ecology and Ecology has not disapproved the TWRWP
24 within that 60-day period.
25
26

1
2
3 b. In the event of a disapproval by Ecology, within 30 days of such
4 disapproval, DOE shall submit a revised TWRWP for a tank or set of tanks
5 covered by Section IV-B of this Decree addressing Ecology's comments. If
6 DOE and Ecology cannot resolve the concern(s) raised by Ecology within 60
7 days of Ecology's initial disapproval, the Parties shall utilize Section IX of
8 the Decree and the Court shall resolve their dispute under Section IX of the
9 Decree regarding the disputed elements of Part 1 or Part 2 of the TWRWP.
10 Once the TWRWP is established for a tank or set of tanks covered by
11 Section IV-B (either by approval of Ecology or after dispute resolution by
12 the Court under Section IX of the Decree), DOE may start and carry out tank
13 waste retrieval activities for the tank(s) addressed by the TWRWP.
14
15 c. Notwithstanding the provisions of Section IX-C, any period of delay in
16 resolving a dispute regarding approval of a TWRWP beyond 180 days after
17 DOE submits a TWRWP for a tank or set of tanks covered by Section IV-B
18 to Ecology shall extend by a corresponding period the affected milestones in
19 this Decree, but only for that portion of time that this corresponding period
20 extends beyond the date DOE planned to initiate the installation of
21 equipment for tank waste retrieval from that tank or set of tanks covered by
22 Section IV-B of the Decree. For purposes of this paragraph, "affected
23 milestones" are defined as Section IV-B-1, Section IV-B-2, Milestone B- 1 in
24
25
26

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3 Appendix B, Milestone B-2 in Appendix B, or Milestone B-3 in Appendix
4 B, involving the tank or set of tanks addressed in the TWRWP. Ecology may
5 petition the Court to argue that an extension under this default schedule
6 adjustment should not apply due to the delay in establishing a TWRWP
7 (either by approval of Ecology or after dispute resolution by the Court under
8 Section IX of the Decree). In any such petition, the Court should determine
9 whether, notwithstanding the delay in establishing the TWRWP, DOE can
10 still meet the scheduled date in the affected milestones by exercising
11 reasonable diligence under the circumstances. The Court may consider any
12 allegation concerning whether DOE or the State failed to exercise reasonable
13 diligence in producing or reviewing the TWRWP and resolving any
14 disputes.

15
16
17
18 d. Nothing in paragraph 4 shall affect DOE's right to relief under Section VI,
19 VII, VIII, and IX of the Decree, to the extent such relief would otherwise be
20 available.

- 21
22 5. When DOE completes retrieval of waste from a tank covered by this Decree,
23 DOE will submit to Ecology a written certification that DOE has completed
24 retrieval of that tank. For purposes of this Consent Decree, "complete
25 retrieval" means the retrieval of tank waste in accordance with Part 1 of
26 Appendix C and with the retrieval technology/systems that were established

by Part 1 of the TWRWP either by approval of Ecology or after dispute resolution by the Court under Section IX of the Decree.

II. Appendix A

The Table in Appendix A of the Consent Decree, ECF No. 59, as amended by ECF Nos. 222, 232, 242, 251, and 259, is hereby **VACATED** and **SUPERSEDED** by the following:

APPENDIX A: WTP CONSENT DECREE MILESTONES, SCHEDULE, ASSUMPTIONS

1. WTP Construction and Startup

The milestones referred to in Section IV above are as follows:

Project	Description	Date
A-1	Achieve Initial Plant Operations for the Waste Treatment Plant	12/31/2036*
A-2 Interim	HLW Facility Construction Substantially Complete	12/31/2030*
A-3 Interim	Start HLW Facility Cold Commissioning	06/30/2032*
A-4 Interim	HLW Facility Hot Commissioning Complete	12/31/2033*
A-5 Interim	LAB Construction Substantially Complete	12/31/2012 (COMPLETED)
A-6 Interim	Complete Methods Validations	06/30/2032
A-7 Interim	LAW Facility Construction Substantially Complete	08/02/2022

A-8 Interim	Start LAW Facility Cold Commissioning	08/01/2024
A-9 Interim	LAW Facility Hot Commissioning Complete	08/01/2025
A-12 Interim	Steam Plant Construction Complete	12/31/2012 (COMPLETED)
A-13 Interim	Complete Installation of Pretreatment Feed Separation Vessels FEP-SEP-OOOO1A/1B	12/31/2031*
A-14 Interim	PT Facility Construction Substantially Complete	12/31/2031*
A-15 Interim	Start PT Facility Cold Commissioning	12/31/2032*
A-16 Interim	PT Facility Hot Commissioning Complete	12/31/2033*
A-17	Hot Start of Waste Treatment Plant	12/31/2033*
A-18 Interim	Complete Structural Steel Erection Below Elevation 56' in PT Facility	12/31/2009 (COMPLETED)
A-19 Interim	Complete Elevation 98' Concrete Floor Slab Placements in PT Facility	12/31/2031*
A-20 Interim	Complete Construction of Structural Steel to Elevation 14' in HLW Facility	12/31/2010 (COMPLETED)
A-21 Interim	Complete Construction of Structural Steel to Elevation 37' in HLW Facility	12/31/2012 (COMPLETED)
A-22 Interim	Achieve Initial Plant Operations for Low-Activity Waste Glass Production	Within 3 years of successful hot commissioning of LAW Facility
A-23 Interim	Provide to Ecology a Critical Path Schedule for the HLW Facility	12/31/2028

SIXTH AMENDED CONSENT DECREE

A-24 Interim	Per Section IV.A.8., Complete Negotiations re: Revisiting/Revising Asterisked HLW Facility Milestones and Adding New Milestones re: (1) Construction and Commissioning of Reconfigured HLW Facility; (2) Commissioning the HLW Portion of LAB; and (3) Completing Design and Providing to Ecology a Critical Path Schedule for a Waste Transfer Vault and High-Level Waste Effluent Management System	06/30/2029
A-25 Interim	Per Section IV.A.9., Complete Negotiations re: Additional New Milestones for Construction and Commissioning of a Waste Transfer Vault and High-Level Waste Effluent Management System	Within 6 Months of Milestone for Critical Path Schedule Established in A-24 Negotiations
A-26 Interim	Select Additional Pretreatment Capabilities (Including Sludge Washing) to be Implemented After Direct-Feed HLW Hot Commissioning	12/31/2029
A-27 Interim	Provide to Ecology a Critical Path Schedule for Providing Additional Pretreatment Capabilities (Including Sludge Washing)	6/30/2034* (within six months of A-4 completion)
A-28 Interim	Per Section IV.A.12, Complete Negotiations re: (1) Revisiting/Revising Asterisked PT Facility and Full WTP Operations Milestones, and (2) Adding New Interim Milestones for Construction/Commissioning of Additional Pretreatment Capabilities	Due in conjunction with the date for completing negotiations under HFFACO Milestone M-62-45, Paragraph 7

* As specified in Section IV.A., footnote 1 of this Sixth Amended Consent

Decree, the Parties anticipate that modifications to these at-risk milestones and potentially other aspects of the Decree will be necessary based on information developed or decisions made related to ongoing evaluations of the program of record for treatment of high-level waste at Hanford, including those reflected in interim milestones A-23 through A-28; provided, that milestone A-1 (as it

relates to the HLW Facility) shall continue to guide DOE's project planning and budgeting unless modified.

III. Appendix B

The Table in Appendix B of the Consent Decree, ECF No. 59, as amended by ECF Nos. 222, 232, 242, and 251, is hereby VACATED and SUPERSEDED by the following:

APPENDIX B:

1. Tank Waste Retrievals

Project	Description	Date
B-1	Complete retrieval of tank wastes from the following remaining SSTs in WMA-C: C-102, C-105, and C-111.	3/31/2024 (COMPLETED)
B-2	Complete retrieval of tank wastes from the following SSTs in Tank Farms A and AX: A-101, A-102, A-106, AX-101, AX-102, AX-103, and AX-104. Subject to the requirements of Section IV-B-3, DOE may substitute any of the identified 7 SSTs and advise Ecology accordingly.	05/01/2028
B-3	Of the 12 SSTs referred to in B-1 and B-2, complete retrieval of tank wastes in at least 5.	01/30/2023 (COMPLETED)
B-4	Complete retrieval of tank wastes from SSTs A-104 and A-105, or complete retrieval of up to two substitute tanks as provided in Section IV.B.2.	12/31/2040

IT IS SO ORDERED.

DATED this _____ day of _____, 2024.

ROSANNA MALOUF PETERSON
United States District Judge

ATTACHMENT B

Establish New TPA Milestones to Activate Cross-Site
Transfer Lines Connecting Double-Shell Tanks

Change Number DRAFT M-42-24-01	Federal Facility Agreement and Consent Order Change Control Form		Date 3/20/2024
Originator Stephanie Schleif, Ecology			Phone 509-537-2229
Class of Change <input type="checkbox"/> I – Signatories <input checked="" type="checkbox"/> II – Executive Managers <input type="checkbox"/> III – Project Managers			
Change Title Establish New TPA Milestones to Activate Cross-Site Transfer Lines Connecting Double-Shell Tanks			
Description/Justification of Change <p>This change control form creates 2 new Tri-Party Agreement (TPA) interim milestones for the U.S. Department of Energy (DOE) to activate cross-site transfer lines SNL-3150 and SLL-3160 connecting double-shell tanks (DST) in the 200 West Area to DSTs in the 200 East Area. Activation of these lines is necessary to allow transfer of tank waste supernatant and tank waste sludge, respectively, so that the two waste forms may be staged and then treated at the Waste Treatment Plant.</p> <p>This change control form is one element of the Hanford Tank Waste Holistic Negotiations.</p>			
Impact of Change <p>This change control form creates 2 new TPA Interim Milestones M-042-03 and M-042-04.</p> <p>There is no impact to TPA Major Milestone M-042-00A.</p>			
Affected Documents The <i>Hanford Federal Facility Agreement and Consent Order</i> or TPA Action Plan, Appendix D, “Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency”, and Hanford Site internal planning management, and budget documents (e. g., DOE and DOE contractor Baseline Change Control documents, Project Management Plans).			
Approvals			Page 1 of 2
_____	_____	Approved _____ Disapproved _____	
D.L. Noyes, DOE-ORP	Date		
_____	_____	Approved _____ Disapproved _____	
S.N. Schleif, Ecology	Date		
_____	_____	Approved _____ Disapproved _____	
D.R. Einan, EPA	Date		

Authorized Changes

Modifications to TPA Appendix D, "Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency," are denoted by using double underline to indicate text additions and ~~strikeout~~ to indicate text deletions.

Number	Milestone	Due Date
<u>M-042-03</u> <u>Lead Regulatory</u> <u>Agency: Ecology</u>	<u>DOE shall activate (i.e., declare ready to operate) the SNL-3150 cross-site transfer line for transfer of tank waste supernatant (including retrieved saltcake) from the 200 West Area to the 200 East Area. Activation includes completion of all actions necessary to have the transfer line satisfy applicable requirements of the Hanford Sitewide Permit and Dangerous Waste Regulations.</u>	<u>12/31/2030</u>
<u>M-042-04</u> <u>Lead Regulatory</u> <u>Agency: Ecology</u>	<u>DOE shall activate (i.e., declare ready to operate) the SLL-3160 cross-site transfer line for transfer of tank waste slurry (i.e., sludge) from the 200 West Area to the 200 East Area. Activation includes completion of all actions necessary to have the transfer line satisfy applicable requirements of the Hanford Sitewide Permit and Dangerous Waste Regulations.</u>	<u>12/31/2036</u>

ATTACHMENT C

**Establish New TPA Milestones to Build One Million
Gallons of Multi-Purpose Tank Waste Storage Capacity
in 200 West Area**

Change Number DRAFT M-45-24-08	Federal Facility Agreement and Consent Order Change Control Form		Date 03/20/2024
Originator Stephanie Schleif, Ecology			Phone 509-537-2229
Class of Change <input type="checkbox"/> I – Signatories <input checked="" type="checkbox"/> II – Executive Managers <input type="checkbox"/> III – Project Managers			
Change Title Establish New TPA Milestones to Build One Million Gallons of Multi-Purpose Tank Waste Storage Capacity in 200 West Area			
Description/Justification of Change <p>This change control form creates two new Tri-Party Agreement (TPA) interim milestones for the U.S. Department of Energy (DOE) to design, permit, and build one (1) million gallons of new “multi-purpose” tank waste storage capacity in the 200 West Area.</p> <p>This change control form is one element of the Hanford Tank Waste Holistic Negotiations.</p>			
Impact of Change <p>This change control form creates 2 new TPA Interim Milestones M-045-138 and M-045-139.</p> <p>There is no impact to TPA Major Milestone M-045-00.</p> <p>Approval of this TPA Change Control Form resolves the TPA dispute resolution process between the Washington State Department of Ecology and DOE that was initiated on July 22, 2019 (reference Ecology letter 19-NWP-122) for disapproval of TPA Change Control Form M-45-19-02, Design and Permit New Compliant Tanks.</p>			
Affected Documents The <i>Hanford Federal Facility Agreement and Consent Order</i> or TPA Action Plan, Appendix D, “Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency” and Hanford Site internal planning management, and budget documents (e.g., DOE and DOE contractor Baseline Change Control documents, Project Management Plans).			
Approvals			Page 1 of 2
D.L. Noyes, DOE-ORP	Date	Approved _____ Disapproved _____	
S.N. Schleif, Ecology	Date	Approved _____ Disapproved _____	
D.R. Einan, EPA	Date	Approved _____ Disapproved _____	

Authorized Changes

Modifications to TPA Appendix D, "Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency," are denoted by using double underline to indicate text additions and ~~strikeout~~ to indicate text deletions.

Number	Milestone	Due Date
<u>M-045-138</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology a permit modification request to construct and operate 1 million gallons of new multi-purpose storage capacity for Hanford tank waste in the 200 West Area. The modification request package shall include a final (90%) design.</u> <u>For purposes of this milestone, "multi-purpose" shall include, at a minimum, additional tank capacity to augment the existing SY Tank farm system, including providing operational capacity to potentially support Single-Shell Tank System retrievals and Double-Shell Tank System emergency space.</u>	<u>12/31/2032</u>
<u>M-045-139</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Complete construction and initiate operation of (i.e., declare ready to operate) 1 million gallons of new multi-purpose storage capacity for Hanford tank waste in the 200 West Area.</u>	<u>09/30/2040</u>

ATTACHMENT D

Update to TPA Major Milestone M-045-00,
Complete Single-Shell Tank System Closure

Change Number DRAFT M-45-24-05	Federal Facility Agreement and Consent Order Change Control Form		Date 3/20/2024
Originator Stephanie Schleif, Ecology			Phone 509-537-2229
Class of Change <input checked="" type="checkbox"/> I – Signatories <input type="checkbox"/> II – Executive Managers <input type="checkbox"/> III – Project Managers			
Change Title Update to TPA Major Milestone M-045-00, Complete Single-Shell Tank System Closure			
Description/Justification of Change <p>This change control form adds a double asterisk (**) to the due date of Tri-Party Agreement (TPA) Major Milestone M-045-00 and updates the milestone requirements for closure of the single-shell tank (SST) system.</p> <p>This change control form is one element of the Hanford Tank Waste Holistic Negotiations.</p>			
Impact of Change <p>This change control form added a double asterisk ** to the due date of TPA Major Milestone M-045-00, which states: “** Without excusing the DOE from any obligation to exercise due diligence toward satisfying this milestone obligation as expeditiously as possible (as that phrase is defined in Milestone M-062-45 with regard to SST retrievals), the Parties acknowledge that the current milestone due date must be revised. The milestone due date will be revised as described in Milestone M-062-45, paragraph 7, bullet 1.” This change control form also updated the milestone requirements for closure of the SST system.</p>			
Affected Documents <p>The Hanford Federal Facility Agreement and Consent Order or TPA Action Plan, Appendix D, “Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency” and Hanford Site internal planning management, and budget documents (e. g., DOE and DOE contractor Baseline Change Control documents, Project Management Plans).</p>			
Approvals			Page 1 of 3
_____ Brian Vance, DOE	_____ Date	Approved _____ Disapproved _____	
_____ Laura Watson, Ecology	_____ Date	Approved _____ Disapproved _____	
_____ Casey Sixkiller, EPA	_____ Date	Approved _____ Disapproved _____	

Authorized Changes

Modifications to TPA Appendix D, "Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency," are denoted by using double underline to indicate text additions and ~~strikeout~~ to indicate text deletions.

Number	Milestone	Due Date
M-045-00 Lead Regulatory Agency: Ecology	Complete the closure of all Single Shell Tank Farms. Closure will follow retrieval of as much tank waste as technically possible, with tank waste residues not to exceed 360 cubic feet (cu. ft.) In each of the 100 series tanks, 30 cu. ft. In each of the 200 series tanks, or the limit of waste retrieval technology capability, whichever is less. If the DOE believes that waste retrieval to these levels is not possible for a tank, then DOE will submit a detailed explanation to EPA and Ecology explaining why these levels cannot be achieved, and specifying the quantities of waste that the DOE proposes to leave in the tank. The request will be approved or disapproved by EPA and Ecology on a tank-by-tank, or group of tanks, basis. Procedures for modifying the retrieval criteria listed above and for processing requests for exceptions to the criteria are outlined in Appendix H to the Agreement.	12/31/2043**
	For the purposes of this Agreement all units located within the boundary of each tank farm will be closed in accordance with WAC 173-303-610. This includes contaminated soil and ancillary equipment that were previously designated as RCRA past practice units. Adopting this approach will ensure efficient use of funding and will reduce potential duplication of effort via application of different regulatory requirements: WAC 173-303-610 for closure of the TSD units and RCRA Section 3004(U) for remediation of RCRA past practice units.	** Without excusing the DOE from any obligation to exercise due diligence toward satisfying this milestone obligation as expeditiously as possible (as that phrase is defined in Milestone M-062-45 with regard to SST retrievals), the Parties acknowledge that the current milestone due date must be revised. The milestone due date will be revised as described in Milestone M-062-45, paragraph 7, bullet 1.
	All Parties recognize that the reclassification of previously identified RCRA past practice units to ancillary equipment associated with the TSD unit is strictly for application of a consistent closure approach. Upgrades to previously classified RCRA past practice units to achieve compliance with RCRA or dangerous waste interim status technical standards for tank systems (i.e., secondary containment, integrity assessments, etc.) will not be mandated as a result of this action. However, any equipment modified or replaced will meet interim status standards. In evaluating closure options for Single Shell Tanks, contaminated soil, and ancillary equipment, Ecology and EPA will consider cost, technical practicability, and potential exposure to radiation. Closure of all units within the boundary of a given tank farm will be addressed in a closure plan for the Single Shell Tanks. <u>These closure plans will be submitted in accordance with the schedules in the M-037 and M-045 milestone series and incorporated into the Hanford Sitewide permit.</u>	

Number	Milestone	Due Date
	<p>Compliance with the work schedules set forth in this milestone series is defined as the performance of sufficient work to assure with reasonable certainty that DOE will accomplish series major and interim milestone requirements.</p> <p>DOE internal work schedules (e.g., DOE approved schedule baselines) and associated work directives and authorizations shall be consistent with the requirements of this Agreement. Modification of DOE contractor baseline(s) and issuance of associated DOE work directives and/or authorizations that are not consistent with Agreement requirements shall not be finalized prior to approval of an Agreement change request submitted pursuant to Agreement Action Plan Section 12.0.</p> <p>All work under this milestone series shall be conducted in compliance with Agreement requirements including but not limited to the Parties' Agreement Appendix I, "Single-Shell Tank System Waste Retrieval and Closure Process", provided that Section 2.1, Tank Waste Retrieval, of Appendix I of the HFFACO shall not apply to the 19 SSTs covered by the Consent Decree in <i>Washington v. DOEEnergy</i>, Case No. 08-5085-FVSRMP, except as set forth in Appendix C, Part 3, A.1 and A.2 of such Decree.</p>	

ATTACHMENT E

Extend Due Date of TPA Milestone M-045-15 for
Completion of Tank A-103 Single-Shell Tank Waste
Retrieval Project

Change Number DRAFT M-45-24-03	Federal Facility Agreement and Consent Order Change Control Form		Date 3/20/2024
Originator Stephanie Schleif, Ecology			Phone 509-537-2229
Class of Change <input type="checkbox"/> I – Signatories <input checked="" type="checkbox"/> II – Executive Managers <input type="checkbox"/> III – Project Managers			
Change Title Extend Due Date of TPA Milestone M-045-15 for Completion of Tank A-103 Single-Shell Tank Waste Retrieval Project			
Description/Justification of Change <p>This change control form extends the due date of Tri-Party Agreement (TPA) Interim Milestone M-045-15 by six years, from September 30, 2022 to September 30, 2028 for the Tank A-103 Single-Shell (SST) Waste Retrieval Project.</p> <p>This change control form is one element of the Hanford Tank Waste Holistic Negotiations. Therefore, the Parties agree this constitutes Good Cause to extend the due date of this milestone (reference TPA Article XL, Good Cause for Extensions, paragraph 120.E. “Any other event or series of events mutually agreed to by the Parties as constituting good cause”).</p>			
Impact of Change <p>This change control form extends the due date of TPA Interim Milestone M-045-15, by 6 years, from 09/30/2022 to 09/30/2028.</p> <p>There is no impact to TPA Major Milestone M-045-00.</p> <p>Approval of this TPA Change Control Form resolves the Temporary Suspension of TPA Milestones M-045-15, M-015A, and M-045-15D pursuant to approved Interagency Management Agency Integration Team (IAMIT) Determination Forms. The Parties elected to temporarily suspend these milestones during Holistic Negotiations, placing these milestones “in abeyance” status via IAMIT Determination Form 2022-010 on September 23, 2022, to date.</p>			
Affected Documents The <i>Hanford Federal Facility Agreement and Consent Order</i> or TPA Action Plan, Appendix D, “Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency and Hanford Site internal planning management, and budget documents (e. g., DOE and DOE contractor Baseline Change Control documents, Project Management Plans).			
Approvals			Page 1 of 2
D.L. Noyes, DOE-ORP	Date	Approved _____ Disapproved _____	
S.N. Schleif, Ecology	Date	Approved _____ Disapproved _____	
D.R. Einan, EPA	Date	Approved _____ Disapproved _____	

Authorized Changes

Modifications to TPA Appendix D, "Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency," are denoted by using double underline to indicate text additions and ~~strikeout~~ to indicate text deletions.

Number	Milestone	Due Date
M-045-15 Lead Regulatory Agency: Ecology	<p>Completion of Tank A-103 SST Waste Retrieval Project.</p> <p>The A-103 SST Waste Retrieval Project will be considered complete when the following criteria have been met:</p> <ol style="list-style-type: none">1. Full scale waste retrieval has been completed in accordance with applicable regulatory requirements including Washington's Hazardous Waste Management Act, requirements set by this Agreement, and the approved A-103 Tank Waste Retrieval Work Plan. (DOE will submit a retrieval data report pursuant to Agreement Appendix I).2. If appropriate, DOE will submit per Agreement Appendix I, a request for an exception to waste retrieval criteria pursuant to Agreement Appendix H.	09/30/2022 <u>09/30/2028</u>

ATTACHMENT F

**Establish New TPA Milestones for Closure of SST
WMAs A-AX, B-BX-BY, C, S-SX, T, TX-TY, and U,
and the 241-C-301 Catch Tank and 244-CR Vault**

Change Number DRAFT M-45-24-04	Federal Facility Agreement and Consent Order Change Control Form		Date 3/20/2024
Originator Stephanie Schleif, Ecology			Phone 509-537-2229
Class of Change <input type="checkbox"/> I – Signatories <input checked="" type="checkbox"/> II – Executive Managers <input type="checkbox"/> III – Project Managers			
Change Title Establish New TPA Milestones for Closure of SST WMAs A-AX, B-BX-BY, C, S-SX, T, TX-TY, and U, and the 241-C-301 Catch Tank and 244-CR Vault			
Description/Justification of Change <p>This change control form proposes to create thirty new Tri-Party Agreement (TPA) interim milestones and one target date to support the Resource Conservation and Recovery Act (RCRA) Tier 2 Closure Plans in the completion of the RCRA permit application for closure of Single-shell Tank (SST) Waste Management Areas (WMAs) A-AX, B-BX-BY, C, S-SX, T, TX-TY, and U, and the 241-C-301 Catch Tank and 244-CR Vault.</p> <p>The U.S. Department of Energy (DOE) acknowledges that the Washington Administrative Code (WAC) 173-303-610 requires that closure plans include a schedule for closure of each dangerous waste management unit and for final closure of the facility. These RCRA Tier 2 closure plans will also include a general schedule for submittal of the RCRA Tier 3 closure plans and post-closure plans. The closure plans will be sent to the Washington State Department of Ecology (Ecology) informally in draft for review before they are sent formally certified following the WAC 173-303-830(4) requirements.</p> <p style="text-align: center;">Continued on page 2</p>			
Impact of Change This change control form creates 30 new TPA interim milestones and one target date associated with SST WMAs A-AX, B-BX-BY, C, S-SX, T, TX-TY, and U, and the 241-C-301 Catch Tank and 244-CR Vault. This change control form also modifies existing TPA Interim Milestone M-045-62. There is no impact to TPA Major Milestone M-045-00.			
Affected Documents The <i>Hanford Federal Facility Agreement and Consent Order</i> or TPA Action Plan, Appendix D, “Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency” and Hanford Site internal planning management, and budget documents (e.g., DOE and DOE contractor Baseline Change Control documents, Project Management Plans).			
Approvals			Page 1 of 7
_____	Date _____	Approved _____ Disapproved _____	
D.L. Noyes, DOE-ORP	Date _____	Approved _____ Disapproved _____	
S.N. Schleif, Ecology	Date _____	Approved _____ Disapproved _____	
_____	Date _____	Approved _____ Disapproved _____	D.R. Einan, EPA

Description/Justification of Change (continued)

TPA Action Plan, Appendix I, Section 2.1.1 requires an Integration Study for each WMA that “shall describe a logical sequence of events that would lead to efficient and effective waste retrieval and closure of the WMA.” Integration studies for WMAs B-BX-BY, S-SX, T-TX-TY, and U, have not been drafted. DOE will complete the integration studies for each of these WMAs in order to develop the closure schedules, therefore, milestones in this change control form establish dates for DOE to submit the WAC-required schedules for closure.

An Integration Study for WMA C was completed in June 2005 to partially fulfill TPA Interim Milestone M-045-00B (reference AR-03118). DOE anticipates closing WMA C as a landfill. TPA Interim Milestone M-045-97 for the WMA A-AX Integration Study was completed September 17, 2021 (reference AR-16126). DOE anticipates closing WMA A-AX as a landfill. Ecology noted in its “Foreword” within DOE/EIS-0391, *Final Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, Washington* (reference AR-19778) “closure plans will be subject to public comment and agency response before landfill decisions can be implemented.”

A RCRA Tier 2 Closure Plan for WMA A-AX has not been drafted and is scheduled to be completed and submitted to Ecology by 9/30/2026 under TPA Interim Milestone M-045-103. This RCRA Tier 2 Closure Plan will include a schedule for submittal of the Tier 3 closure plans.

Closure of the WMA A-AX also requires a RCRA Post-Closure Plan which is scheduled for completion and submittal to Ecology by 9/30/2028, under TPA Interim Milestone M-045-104.

The milestone dates for RCRA Tier 2 Closure Plans for WMAs B-BX-BY and T-TX-TY submittal of 12/31/2036 assume the submittals will be provided 6 years after approval of RCRA Tier 2 and 3 Closure Plan submittals for WMA C, and that major programmatic issues with Tier 2 Closure Plan for WMA C are resolved and approved by the end of CY 2027.

This change control form does not include milestones for submittal of SST RCRA Permit addendums that are due as certified RCRA permit application material including, C – Process Information, D – Groundwater Monitoring Plans, E – Security, F – Preparedness & Prevention (including Leak Response Plan), G – Training Plan, I – Inspection Plan, and J – Contingency Plan.

Authorized Changes

Modifications to HFFACO Appendix D, "Milestones and Target Dates Including Designation of Lead Regulatory Agency," are denoted by using ~~strikeout~~ to indicate text deletions and double underline to indicate text additions.

Number	Milestone	Due Date
M-045-62 Lead Regulatory Agency: Ecology	Submit to Ecology for review, in accordance with HFFACO Action Section 9.2.2, the draft Tier 3 closure plan to implement corrective measures identified in the approved Phase 2 Corrective Measures Implementation Work Plan (CMIP) for WMA C. <u>Submit to Ecology as a TPA Primary Document, a Corrective Measures Implementation Plan (CMIP) for WMA C.</u> <u>Submit to Ecology, as a draft permit modification request pursuant to WAC 173-303-830(4), the Tier 2 RCRA Closure Plan modifications that provide the corresponding preferred alternative and proposed closure actions.</u>	To be Established in Accordance with the Date Identified in the <u>Milestone</u> M-045-82 Tier 2 Closure Plan
<u>M-045-105</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology for review, a Draft Preliminary TPA Appendix I Performance Assessment (PA) for WMA A-AX.</u> <u>The parties acknowledge that draft Volumes 1, 2, 4, and 5 have been previously provided to Ecology, and that this milestone is satisfied by providing draft Volume 3.</u>	<u>09/30/2028</u>
<u>M-045-106</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology as a TPA Primary Document, a Phase 2 RCRA Facility Investigation/Corrective Measures Study (RFI/CMS) Report for WMA A-AX.</u>	<u>09/30/2029</u>
<u>M-045-107</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology as a TPA Primary Document, a Corrective Measures Implementation Plan (CMIP) for WMA A-AX.</u> <u>Submit to Ecology, as a draft permit modification request pursuant to WAC 173-303-830(4), the Tier 2 RCRA Closure Plan modifications that provide the corresponding preferred alternative and proposed closure actions.</u>	<u>09/30/2029</u>

Number	Milestone	Due Date
<u>M-045-108</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology, the RCRA Tier 3 Component Closure Plan for the 241-C-301 Catch Tank, as a draft permit modification request pursuant to WAC 173-303-830(4). The draft Tier 3 Component Closure Plan shall be prepared in accordance with TPA Appendix I and include all outstanding closure information required by WAC 173-303-610(3)(a).</u>	<u>11/30/2025</u>
<u>M-045-109</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology, the RCRA Tier 3 Component Closure Plan for all remaining WMA C ancillary equipment, as a draft permit modification request pursuant to WAC 173-303-830(4). The draft RCRA Tier 3 Component Closure Plan shall be prepared in accordance with TPA Appendix I and include all outstanding closure information required by WAC 173-303-610(3)(a).</u>	<u>12/31/2026</u>
<u>M-045-109-T01</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology, a Conceptual Design (30% design drawings) for a RCRA Tier 2 landfill cover for WMA C. The Conceptual Design shall be consistent with the requirements of WAC 173-303-665(6)(a) and the performance criteria set forth in the approved RCRA Tier 2 Closure Plan for WMA C.</u>	<u>12/31/2030</u>
<u>M-045-110</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology as a TPA primary document, a RFI/CMS Work Plan for WMA U.</u>	<u>12/31/2025</u>
<u>M-045-111</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology as a TPA primary document, a Phase 2 RFI/CMS Report for WMA U.</u>	<u>TBD in Accordance with Date Established in the RFI/CMS Work Plan</u>
<u>M-045-112</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology for review, the Integration Study for WMA U.</u>	<u>12/31/2025</u>
<u>M-045-113</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology for review, a Draft Preliminary TPA Appendix I PA for WMA U.</u>	<u>09/30/2030</u>

Number	Milestone	Due Date
<u>M-045-114</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology the RCRA Tier 2 Closure Plan for WMA U as a draft permit modification request pursuant to WAC 173-303-830(4). The submittal shall include a proposed schedule for closure of each dangerous waste management unit and for final closure of the WMA including a schedule for submittal of the draft RCRA Tier 3 closure plans and the Post-Closure Plan.</u>	<u>12/31/2030</u>
<u>M-045-115</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology as a TPA Primary Document, a Corrective Measures Implementation Plan (CMIP) for WMA U.</u> <u>Submit to Ecology, as a draft permit modification request pursuant to WAC 173-303-830(4), the Tier 2 RCRA Closure Plan modifications that provide the corresponding preferred alternative and proposed closure actions.</u>	<u>TBD in Accordance with Date Established in the Tier 2 RCRA Closure Plan</u>
<u>M-045-116</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology as a TPA Primary Document, a RFI/CMS Work Plan for WMA S-SX.</u>	<u>12/31/2025</u>
<u>M-045-117</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology as a TPA Primary Document, a Phase 2 RFI/CMS Report for WMA S-SX.</u>	<u>TBD in Accordance with Date Established in the RFI/CMS Work Plan</u>
<u>M-045-118</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology for review, the Integration Study for WMA S-SX.</u>	<u>12/31/2025</u>
<u>M-045-119</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology the RCRA Tier 2 Closure Plan for WMA S-SX as a draft permit modification request pursuant to WAC 173-303-830(4). The submittal shall include a proposed schedule for closure of each dangerous waste management unit and for final closure of the WMA including a schedule for submittal of the draft RCRA Tier 3 closure plans and the Post-Closure Plan.</u>	<u>12/31/2028</u>
<u>M-045-120</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology for review, a Draft Preliminary TPA Appendix I PA for WMA S-SX.</u>	<u>09/30/2030</u>

Number	Milestone	Due Date
<u>M-045-121</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology as a TPA Primary Document, a Corrective Measures Implementation Plan (CMIP) for WMA S-SX.</u> <u>Submit to Ecology, as a draft permit modification request pursuant to WAC 173-303-830(4), the Tier 2 RCRA Closure Plan modifications that provide the corresponding preferred alternative and proposed closure actions.</u>	<u>TBD in Accordance with Date Established in the Tier 2 RCRA Closure Plan</u>
<u>M-045-122</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology, the RCRA Tier 3 Component Closure Plan for the 244-CR Vault, as a draft permit modification request pursuant to WAC 173-303-830(4). The draft RCRA Tier 3 Component Closure Plan shall be prepared in accordance with TPA Appendix I and include all outstanding closure information required by WAC 173-303-610(3)(a).</u>	<u>10/31/2030</u>
<u>M-045-123</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology as a TPA Primary Document, a RFI/CMS Work Plan for WMA B-BX-BY.</u>	<u>12/31/2033</u>
<u>M-045-124</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology as a TPA Primary Document, a Phase 2 RFI/CMS Report for WMA B-BX-BY.</u>	<u>TBD in Accordance with Date Established in the RFI/CMS Work Plan</u>
<u>M-045-125</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology for review, the Integration Study for WMA B-BX-BY.</u>	<u>12/31/2033</u>
<u>M-045-126</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology the RCRA Tier 2 Closure Plan for WMA B-BX-BY as a draft permit modification request pursuant to WAC 173-303-830(4). The submittal shall include a proposed schedule for closure of each dangerous waste management unit and for final closure of the WMA including a schedule for submittal of the draft RCRA Tier 3 closure plans and the Post-Closure Plan.</u>	<u>12/31/2036</u>
<u>M-045-127</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology for review, a Draft Preliminary TPA Appendix I PA for WMA B-BX-BY.</u>	<u>09/30/2038</u>

Number	Milestone	Due Date
<u>M-045-128</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology as a TPA Primary Document, a Corrective Measures Implementation Plan (CMIP) for WMA B-BX-BY.</u> <u>Submit to Ecology, as a draft permit modification request pursuant to WAC 173-303-830(4), the Tier 2 RCRA Closure Plan modifications that provide the corresponding preferred alternative and proposed closure actions.</u>	<u>TBD in Accordance with Date Established in the Tier 2 RCRA Closure Plan</u>
<u>M-045-129</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology as a TPA Primary Document, a RFI/CMS Work Plan for WMAs T- and TX-TY.</u>	<u>12/31/2033</u>
<u>M-045-130</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology as a TPA primary document, a Phase 2 RFI/CMS Report for WMAs T- and TX-TY.</u>	<u>TBD in Accordance with Date Established in the RFI/CMS Work Plan</u>
<u>M-045-131</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology for review, the Integration Study for WMAs T- and TX-TY.</u>	<u>12/31/2033</u>
<u>M-045-132</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology the RCRA Tier 2 Closure Plan for the WMAs T- and TX-TY as a draft permit modification request pursuant to WAC 173-303-830(4). The submittal shall include a proposed schedule for closure of each dangerous waste management unit and for final closure of each WMA including a schedule for submittal of the draft RCRA Tier 3 closure plans and the Post-Closure Plan.</u>	<u>12/31/2036</u>
<u>M-045-133</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology for review, a Draft Preliminary TPA Appendix I PA for WMAs T- and TX-TY.</u>	<u>09/30/2038</u>
<u>M-045-134</u> <u>Lead Regulatory Agency: Ecology</u>	<u>Submit to Ecology as a TPA primary document, a Corrective Measures Implementation Plan (CMIP) for WMAs T- and TX-TY.</u> <u>Submit to Ecology, as a draft permit modification request pursuant to WAC 173-303-830(4), the Tier 2 RCRA Closure Plan modifications that provide the corresponding preferred alternative and proposed closure actions.</u>	<u>TBD in accordance with date established in the Tier 2 RCRA Closure Plan</u>

ATTACHMENT G

Update to TPA Milestone M-045-70,
Complete Retrieval of all Single-Shell Tanks

Change Number DRAFT M-45-24-02	Federal Facility Agreement and Consent Order Change Control Form		Date 3/20/2024
Originator Stephanie Schleif, Ecology			Phone 509-537-2229
Class of Change <input type="checkbox"/> I – Signatories <input checked="" type="checkbox"/> II – Executive Managers <input type="checkbox"/> III – Project Managers			
Change Title Update to TPA Milestone M-045-70, Complete Retrieval of all Single-Shell Tanks			
Description/Justification of Change <p>This change control form adds a double asterisk (**) to the due date of Tri-Party Agreement (TPA) Interim Milestone M-045-70 for retrieval completion for all single-shell tanks.</p> <p>This change control form is one element of the Hanford Tank Waste Holistic Negotiations.</p>			
Impact of Change <p>This change control form added a double asterisk ** to the due date of TPA Interim Milestone M-045-70, which states: “** Without excusing the DOE from any obligation to exercise due diligence toward satisfying this milestone obligation as expeditiously as possible (as that phrase is defined in Milestone M-062-45 with regard to SST retrievals), the Parties acknowledge that the current milestone due date must be revised. The milestone due date will be revised as described in Milestone M-062-45, paragraph 7, bullet 2.”</p>			
Affected Documents <p>The <i>Hanford Federal Facility Agreement and Consent Order</i> or TPA Action Plan, Appendix D, “Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency” and Hanford Site internal planning management, and budget documents (e. g., DOE and DOE contractor Baseline Change Control documents, Project Management Plans).</p>			
Approvals			Page 1 of 2
_____ D.L. Noyes, DOE-ORP	_____ Date	Approved _____ Disapproved _____	
_____ S.N. Schleif, Ecology	_____ Date	Approved _____ Disapproved _____	
_____ D.R. Einan, EPA	_____ Date	Approved _____ Disapproved _____	

Authorized Changes

Modifications to TPA Appendix D, "Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency," are denoted by using double underline to indicate text additions and ~~strikeout~~ to indicate text deletions.

Number	Milestone	Due Date
M-045-70 Lead Regulatory Agency: Ecology	<p>Complete waste retrieval from all remaining single-shell tanks. Retrieval standards and completion definitions are provided in Milestone M-045-00.</p> <p>The schedule reflects retrieval activities on a farm-by-farm basis. It also allows flexibility to retrieve tanks from various farms if desired to support safety issue resolution, pretreatment or disposal feed requirements, or other priorities.</p>	<p>12/31/2040** or Earlier as Established by <u>Milestone M-062-45</u></p> <p><u>** Without excusing the DOE from any obligation to exercise due diligence toward satisfying this milestone obligation as expeditiously as possible (as that phrase is defined in Milestone M-062-45 with regard to SST retrievals), the Parties acknowledge that the current milestone due date must be revised. The milestone due date will be revised as described in Milestone M-062-45, paragraph 7, bullet 2.</u></p>

ATTACHMENT H

Update TPA Milestone M-045-85 to Complete
Negotiations and Establish TPA Milestones for
Closure of the Remaining SST WMAs

Change Number DRAFT M-45-24-07	Federal Facility Agreement and Consent Order Change Control Form	Date 3/20/2024
Originator Stephanie Schleif, Ecology		Phone (509) 537-2229
Class of Change <input type="checkbox"/> I – Signatories <input checked="" type="checkbox"/> II – Executive Managers <input type="checkbox"/> III – Project Managers		
Change Title Update TPA Milestone M-045-85 to Complete Negotiations and Establish TPA Milestones for Closure of the Remaining SST WMAs		
Description/Justification of Change <p>This change control form changes the due date of TPA Interim Milestone M-045-85 for the U.S. Department of Energy (DOE) to establish TPA milestones for the closure of the remaining single-shell tank (SST) waste management units (WMA).</p> <p>This change control form is one element of the Hanford Tank Waste Holistic Negotiations. Therefore, the Parties agree this constitutes Good Cause to extend the due date of this milestone (reference TPA Article XL, Good Cause for Extensions, paragraph 120.E. “Any other event or series of events mutually agreed to by the Parties as constituting good cause”).</p>		
Impact of Change <p>This change control form extended the due date of TPA Interim Milestone M-045-85 from January 31, 2022 to “On the Date Established by Milestone M-062-45, Paragraph 7.”</p> <p>There is no impact to TPA Major Milestone M-045-00.</p> <p>Approval of this TPA Change Control Form resolves the Temporary Suspension of TPA Milestone M-045-85 pursuant to approved Interagency Management Agency Integration Team (IAMIT) Determination Forms. The Parties elected to temporarily suspend this milestone during Holistic Negotiations, placing this milestone “in abeyance” status via IAMIT Determination Form 2021-007 on December 10, 2021, to date.</p>		
Affected Documents The <i>Hanford Federal Facility Agreement and Consent Order</i> or TPA Action Plan, Appendix D, “Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency” and Hanford Site internal planning management, and budget documents (e. g., DOE and DOE contractor Baseline Change Control documents, Project Management Plans).		
Approvals		Page 1 of 2
D.L. Noyes, DOE-ORP	Date	
S.N. Schleif, Ecology	Date	
D.R. Einan, EPA	Date	

Authorized Changes

Modifications to TPA Appendix D, "Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency," are denoted by using double underline to indicate text additions and ~~strikeout~~ to indicate text deletions.

Number	Milestone	Due Date
M-045-85 Lead Regulatory Agency: Ecology	Initiate negotiations to Establish <u>remaining</u> HFFACO interim milestones for closure of the remaining Single-Shell Tank (SST) WMAs (including a schedule for 200 West Area SST WMA closures, the submittal of closure plans, RCRA Phase 2 Facility Investigation/Corrective Measures Studies [RFI/CMS], Corrective Measures Implementation Plans, Appendix I performance assessments, and final closure dates for each SST WMA).	1/31/2022 <u>On the Date</u> <u>Established by</u> <u>Milestone</u> <u>M-062-45,</u> <u>Paragraph 7</u>

ATTACHMENT I

Establish New TPA Milestones for Retrieval Technology
Work Plan and Implementation of Work Plan

Change Number DRAFT M-45-24-06	Federal Facility Agreement and Consent Order Change Control Form		Date 3/20/2024
Originator Stephanie Schleif, Ecology			Phone (509) 537-2229
Class of Change <input type="checkbox"/> I – Signatories <input checked="" type="checkbox"/> II – Executive Managers <input type="checkbox"/> III – Project Managers			
Change Title Establish New TPA Milestones for Retrieval Technology Work Plan and Implementation of Work Plan			
Description/Justification of Change <p>This change control form creates two new Tri-Party Agreement (TPA) interim milestones, one for the U.S. Department of Energy (DOE) to submit a Retrieval Technology Work Plan as a TPA Primary Document and the second milestone requires DOE to establish TPA interim milestones for phased research, testing, and development of to-be-identified retrieval technologies.</p> <p>This change control form is one element of the Hanford Tank Waste Holistic Negotiations.</p>			
Impact of Change <p>This change control form creates 2 new TPA Interim Milestones M-045-136 and M-045-137.</p> <p>There is no impact to Major Milestone M-045-00.</p>			
Affected Documents The <i>Hanford Federal Facility Agreement and Consent Order</i> or TPA Action Plan, Appendix D, “Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency” and Hanford Site internal planning management, and budget documents (e. g., DOE and DOE contractor Baseline Change Control documents, Project Management Plans).			
Approvals			Page 1 of 4
D.L. Noyes, DOE-ORP	Date	Approved _____ Disapproved _____	
S.N. Schleif, Ecology	Date	Approved _____ Disapproved _____	
D.R. Einan, EPA	Date	Approved _____ Disapproved _____	

Authorized Changes

Modifications to TPA Appendix D, "Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency," are denoted by using double underline to indicate text additions and ~~strikeout~~ to indicate text deletions.

Number	Milestone	Due Date
<p><u>M-045-136</u></p> <p><u>Lead Regulatory Agency: Ecology</u></p>	<p><u>Submit to Ecology a Retrieval Technology Work Plan for Ecology's review and approval as a TPA Primary Document. The work plan shall contain DOE's proposal for tasking an Expert Advisory Panel with providing analysis and recommendations on single-shell tank (SST) retrieval technologies to inform a final technology evaluation document prepared by DOE and its contractor. The work plan shall also contain DOE's proposal for tasking the Expert Advisory Panel with providing analysis and recommendations regarding saltwell pumping as a selective liquid removal technology for potential use on actively leaking SST to inform the final technology evaluation document. The work plan will incorporate Ecology's questions for the Expert Advisory Panel regarding retrieval technologies and saltwell pumping.</u></p> <p><u>The Expert Advisory Panel will be established by DOE as an independent body to provide analysis and recommendations. The Panel will consist of experts from industry, National Laboratories, and academia, but will not include representatives from Ecology, DOE or DOE's tank operations contractor. The members of the Panel will be selected by DOE after consultation with Ecology and DOE's tank farm contractor. The Panel's analysis and recommendations will be submitted to DOE in writing, which will be used to inform the final technology evaluation document. DOE will provide Ecology with a copy of the Panel's written analysis and recommendations.</u></p> <p><u>The work plan must include a description of (1) the types or categories of retrieval challenges and tank condition issues that will be considered by the Panel, (2) examples of tanks that may pose each of the tank condition issues and retrieval challenges identified (3) the Panel's evaluation process for each tank condition issue or retrieval challenge, and (4) an enforceable schedule for completion of the final technology evaluation document. However, the final technology evaluation document is not a TPA Primary Document, and the specific substance is not enforceable.</u></p> <p><u>This milestone, however, does require that at least two new, or refined existing, retrieval technologies chosen by DOE in the final technology evaluation document be carried into the development process in the following Milestone M-045-137. DOE will consult</u></p>	<p><u>03/30/2025</u></p>

	<p><u>with Ecology regarding its choice of technologies to be carried into the development process.</u></p> <p><u>If the Panel recommends further testing of saltwell pumping as a selective liquid removal technology for use on actively leaking SSTs, DOE may, in consultation with Ecology, also choose (but is not required) to conduct such testing as part of the development process in the following Milestone M-045-137 in addition to the two new, or refined existing, retrieval technologies specified above.</u></p> <p><u>DOE and Ecology will collaborate throughout the technology evaluation in this milestone and the development process in the following Milestone M-045-137. Ecology may utilize more than one person to support its role in the process, but a single Ecology representative will serve as the primary point of contact for DOE and the Panel. Ecology will be invited to participate in all meetings of the Panel to which DOE is invited, except for meetings specifically scheduled for purposes of discussing business or procurement-sensitive matters. DOE and Ecology will keep EPA apprised as the evaluation proceeds, at least every six months. DOE and Ecology will also consult with EPA if DOE and Ecology are in disagreement on any issue.</u></p> <p><u>Beginning within three months of Ecology's approval of the work plan, DOE and Ecology will meet periodically (but no less than every six months) throughout the evaluation and development process for purposes of sharing status updates, asking clarifying questions, and discussing the Panel's analysis and recommendations. This collaboration may be accomplished during existing "program-to-program" meetings or in a separate meeting series as agreed to by the parties.</u></p>	
<p><u>M-045-137</u></p> <p><u>Lead Regulatory Agency: Ecology</u></p>	<p><u>Within 6 months of DOE's completion of a final written technology evaluation document prepared in accordance with the Retrieval Technology Work Plan in Milestone M-045-136, Ecology and DOE will complete negotiations to establish interim TPA milestones for phased research, testing, and development (i.e., a "development process") of at least two new, or refined existing, retrieval technologies chosen by DOE in the final technology evaluation document, following consultation with Ecology. DOE may also, in consultation with Ecology, choose to include testing on saltwell pumping as a selective liquid removal technology for use on actively leaking SSTs in the development process and related milestone(s) if such testing is recommended by the Panel under Milestone M-045-136.</u></p> <p><u>The technology development process, and each interim milestone, shall be subject to the following parameters:</u></p>	<p><u>As Indicated in the Descriptive Text of this Milestone</u></p>

- For purposes of this milestone, DOE and Ecology agree that the technology development process will generally entail a phased or graded process of evaluation through various levels of maturation and readiness testing to the point where a given technology is potentially ready for field deployment. To the extent possible, DOE and Ecology will define the specific end points that will mark the conclusion of the development process for each respective technology and incorporate the respective end points into the above-described interim milestones.
- The research, testing, and development phase that is the subject of this milestone does not commit DOE to deploy any subject technology in actual tank retrievals, except as DOE in its sole discretion may determine is appropriate for research or testing purposes.
- DOE reserves its asserted independent legal authority to determine whether the further testing and/or development of a particular technology will compromise nuclear safety requirements, and on that basis halt or terminate such testing and/or development.
- If DOE determines that it is not practicable to continue with further testing and/or development of a particular technology based on the outcome of a cost-benefit analysis (including consideration of design and scaling), DOE will request Ecology's concurrence in that determination. If Ecology concurs, DOE will be relieved of the obligation to proceed with further testing and/or development of that technology. If Ecology does not concur, the non-concurrence with DOE's determination on practicability is subject to the dispute resolution provisions of TPA Article VIII. However, DOE and Ecology agree that such dispute resolution under TPA Article VIII will terminate at the IAMIT level. If the IAMIT is unable to unanimously agree on a resolution of Ecology's outstanding comment(s), then the parties may elect to elevate the dispute to the Hanford Senior Executive Committee (SEC). If no resolution is reached at the SEC, or if the dispute is not elevated to the SEC, the disagreement will be noted in the Administrative Record, and the parties reserve all rights and defenses available under their respective legal authorities.

ATTACHMENT J

Establish New TPA Milestone to Complete Retrieval of
22 Single Shell Tanks in S, SX, and U Farms

Change Number DRAFT M-45-24-01	Federal Facility Agreement and Consent Order Change Control Form		Date 3/20/2024
Originator Stephanie Schleif, Ecology			Phone (509) 537-2229
Class of Change <input type="checkbox"/> I – Signatories <input checked="" type="checkbox"/> II – Executive Managers <input type="checkbox"/> III – Project Managers			
Change Title Establish New TPA Milestone to Complete Retrieval of 22 Single Shell Tanks in S, SX, and U Farms			
Description/Justification of Change <p>This change control form creates new Tri-Party Agreement (TPA) Interim Milestone M-045-135 for U.S. Department of Energy (DOE) to retrieve 22 Single-Shell Tanks (SSTs) from S, SX, and U Farms.</p> <p>This change control form is one element of the Hanford Tank Waste Holistic Negotiations.</p>			
Impact of Change This change control form creates TPA Interim Milestone M-045-135.			
Affected Documents The <i>Hanford Federal Facility Agreement and Consent Order</i> or TPA Action Plan, Appendix D, “Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency and Hanford Site internal planning management, and budget documents (e. g., DOE and DOE contractor Baseline Change Control documents, Project Management Plans).			
Approvals			Page 1 of 2
D.L. Noyes, DOE-ORP	Date	Approved _____ Disapproved _____	
S.N. Schleif, Ecology	Date	Approved _____ Disapproved _____	
D.R. Einan, EPA	Date	Approved _____ Disapproved _____	

Authorized Changes

Modifications to TPA Appendix D, "Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency," are denoted by using double underline to indicate text additions and ~~strikeout~~ to indicate text deletions.

Number	Milestone	Due Date
<p><u>M-045-135</u></p> <p><u>Lead Regulatory Agency: Ecology</u></p>	<p><u>Complete retrieval of 22 single-shell tanks (SSTs) located in S, SX, and U Farms. The total number of tanks to be retrieved in each 6-year period leading to the due date will be determined in every-3-year System Plan negotiations under M-062-45. In those negotiations, DOE will also identify, for informational purposes, the specific tanks it anticipates retrieving, and the anticipated retrieval sequence of those tanks, to accomplish the number of tank retrievals established for that 6-year period. DOE will provide updates on its anticipated tanks and sequencing during TPA Project Manager Meetings. Final identification of the specific tanks to be retrieved in each 6-year period will be affixed when DOE submits Tank Waste Retrieval Work Plans (TWRWPs) for the retrievals in accordance with TPA Action Plan, Appendix I, Section 2.1.3, after which time the Project Manager Meetings will track the TWRWP submittal, approval, and any associated changes.</u></p> <p><u>Retrieval of each SST subject to this milestone will be considered complete when the following criteria have been met:</u></p> <ol style="list-style-type: none"> <u>1. Full scale waste retrieval has been completed in accordance with applicable regulatory requirements including Washington's Hazardous Waste Management Act, requirements set by this Agreement, and the approved TWRWP. DOE will submit a retrieval data report pursuant to TPA Action Plan, Appendix I.</u> <u>2. If appropriate, DOE will submit per TPA Action Plan, Appendix I, a request for an exception to waste retrieval criteria pursuant to TPA Action Plan, Appendix H.</u> <p><u>DOE's obligations under this milestone are expressly contingent on DOE having a regulatory pathway to grout and dispose of waste offsite consistent with the conditions of Milestone M-062-66, the tank waste from each of the 22 SSTs.</u></p> <p><u>If retrieval or removal of waste from any tanks beyond the 22 SSTs that are the subject of this milestone is required prior to the milestone due date, DOE may seek a "good cause" extension of this milestone under TPA Article XL, with a modification to the TPA in accordance with Section 12.0 of the Action Plan, or other relief. Ecology reserves judgment on any such request for extension, modification, or other relief.</u></p>	<p><u>12/31/2040</u></p>

ATTACHMENT K

Update to TPA Major Milestone M-062-00, Complete
Pretreatment Processing and Vitrification of Hanford
High Level and Low Activity Tank Wastes

Change Number DRAFT M-62-24-02	Federal Facility Agreement and Consent Order Change Control Form		Date 3/20/2024
Originator Stephanie Schleif, Ecology			Phone 509-537-2229
Class of Change <input checked="" type="checkbox"/> I – Signatories <input type="checkbox"/> II – Executive Managers <input type="checkbox"/> III – Project Managers			
Change Title Update to TPA Major Milestone M-062-00, Complete Pretreatment Processing and Vitrification of Hanford High Level and Low Activity Tank Wastes			
Description/Justification of Change <p>This change control form adds a double asterisk (**) to the due date of Tri-Party Agreement (TPA) Major Milestone M-062-00 for completion of pretreatment processing and vitrification of Hanford High Level (HLW) and Low Activity (LAW) Tank Wastes.</p> <p>This change control form is one element of the Hanford Tank Waste Holistic Negotiations.</p>			
Impact of Change <p>This change control form added a double asterisk (**) to the due date of TPA Major Milestone M-062-00, which states: “** Without excusing the DOE from any obligation to exercise due diligence toward satisfying this milestone obligation as expeditiously as possible (as that phrase is defined in Milestone M-062-45 with regard to tank waste treatment), the Parties acknowledge that the current milestone due date must be revised. The milestone due date will be revised as described in Milestone M-062-45, paragraph 7, bullet 3.”</p>			
Affected Documents The Hanford Federal Facility Agreement and Consent Order or TPA Action Plan, Appendix D, “Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency” and Hanford Site internal planning management, and budget documents (e. g., DOE and DOE contractor Baseline Change Control documents, Project Management Plans).			
Approvals			Page 1 of 2
_____ Brian Vance, DOE	_____ Date	Approved _____ Disapproved _____	
_____ Laura Watson, Ecology	_____ Date	Approved _____ Disapproved _____	
_____ Casey Sixkiller, EPA	_____ Date	Approved _____ Disapproved _____	

Authorized Changes

Modifications to TPA Appendix D, "Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency," are denoted by using double underline to indicate text additions and ~~strikeout~~ to indicate text deletions.

Number	Milestone	Due Date
M-062-00 Lead Regulatory Agency: Ecology	<p>Complete pretreatment processing and vitrification of Hanford High Level (HLW) and Low Activity (LAW) Tank Wastes. Compliance with the work schedules set forth in this milestone series is defined as the performance of sufficient work to assure with reasonable certainty that DOE will accomplish series major and interim milestone requirements.</p> <p>DOE internal work schedules (e.g., DOE approved schedule baselines) and associated work directives and authorizations for this milestone series shall be consistent with the requirements of this Agreement. Modification of DOE contractor baseline(s) and issuance of associated DOE work directives and/or authorizations that are not consistent with Agreement requirements shall not be finalized prior to approval of an Agreement change request submitted pursuant to Agreement Action Plan Section 12.0.</p>	<p>12/31/2047** Or Earlier as Established by <u>Milestone M-062-45</u></p> <p><u>** Without excusing the DOE from any obligation to exercise due diligence toward satisfying this milestone obligation as expeditiously as possible (as that phrase is defined in Milestone M-062-45 with regard to tank waste treatment), the Parties acknowledge that the current milestone due date must be revised. The milestone due date will be revised as described in Milestone M-062-45, paragraph 7, bullet 3.</u></p>

ATTACHMENT L

Update TPA Milestone M-062-45, Requiring System Plan
Negotiations and Establish Two New Milestones

Change Number <b style="color: red;">DRAFT M-62-24-03	Federal Facility Agreement and Consent Order Change Control Form	Date 3/20/2024
Originator Stephanie Schleif, Ecology		Phone 509-537-2229
Class of Change <input type="checkbox"/> I – Signatories <input checked="" type="checkbox"/> II – Executive Managers <input type="checkbox"/> III – Project Managers		
Change Title Update TPA Milestone M-062-45, Requiring System Plan Negotiations and Establish Two New Milestones		
Description/Justification of Change <p>This change control form extends the due date of Tri-Party Agreement (TPA) Interim Milestone M-062-45 and updates the milestone requirements to the system plan negotiations. This change control form also creates two new TPA Interim Milestones M-062-046 and M-062-047.</p> <p>This change control form is one element of the Hanford Tank Waste Holistic Negotiations. Therefore, the Parties agree this constitutes Good Cause to extend the due date of Milestone M-062-45 (reference TPA Article XL, Good Cause for Extensions, paragraph 120.E. “Any other event or series of events mutually agreed to by the Parties as constituting good cause”).</p>		
Impact of Change <p>This change control form extends the due date of TPA Interim Milestone M-062-45 and updates the milestone requirements. This change control form also creates two new TPA Interim Milestones M-062-046 and M-062-047. There is no impact to TPA Major Milestone M-062-00.</p> <p>Approval of this TPA Change Control Form:</p> <ol style="list-style-type: none"> 1. Resolves the TPA dispute resolution processes between the Washington State Department of Ecology (Ecology) and U.S. Department of Energy (DOE): <ol style="list-style-type: none"> a. Initiated on June 21, 2019 (reference DOE letter 19-ORP-0005) for TPA Target Dates M-062-45-T01, M-062-31-T01, M-062-32-T01, M-062-33-T01, M-062-34-T01, and TPA Milestones M-062-45, M-062-45-ZZ and M-062-45-ZZ-A. b. Initiated on February 16, 2021 (reference DOE letter 21-TF-000637) for disapproval of TPA Change Control Form M-62-21-01, on Milestone M-062-45-A. 2. Resolves the Temporary Suspension of TPA Milestone M-062-45-XX pursuant to approved Interagency Management Agency Integration Team (IAMIT) Determination Forms. TPA Milestone M-062-45-XX is a sub-requirement of TPA Interim Milestone M-062-45. The Parties elected to temporarily suspend Milestone M-062-45-XX during Holistic Negotiations, placing the milestone “in abeyance” status via IAMIT Determination Form 2021-006 on October 1, 2021, to date. 3. Completes TPA Interim Milestone M-062-45 that was due on 4/30/2015, TPA Milestone M-062-45-A that was due on 4/30/2021, TPA Milestone M-062-45-XX that was due on 12/31/2021, and Target Date M-062-45-T01 that was due on 4/30/2015 with completion of Holistic Negotiations. 		
Affected Documents The Hanford Federal Facility Agreement and Consent Order or TPA Action Plan, Appendix D, “Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency” and Hanford Site internal planning management, and budget documents (e. g., DOE and DOE contractor Baseline Change Control documents, Project Management Plans).		
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Authorized Changes

Modifications to TPA Appendix D, "Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency," are denoted by using double underline to indicate text additions and ~~strikeout~~ to indicate text deletions. Strikeout of an asterisk (*) looks like this: *.

Number	Milestone	Due Date
M-062-45 Lead Regulatory Agency: Ecology	<p>Every six years, <u>In accordance with the due date,</u> within six months of the issuance of the last revision of the System Plan, the parties will negotiate the following:</p> <ol style="list-style-type: none"> Commencing as target milestones in 2015 and enforceable milestones in 2021 and each negotiation thereafter, Tank waste retrieval sequencing and milestones, and milestones for installation of infrastructure to feed tank waste from the <u>Double-Shell Tank</u> system to the tank waste treatment system, for the next eight <u>six</u> years, <u>subject to the provisions of Milestone M-045-135 with respect to the 22 tanks to be retrieved under that milestone.</u> Contingency actions and milestones, if and as necessary, for providing new, compliant tanks with sufficient capacity and in sufficient time to complete retrievals under this agreement, regardless of <u>Waste Treatment Plant (WTP)</u> operational deficiencies or retrieval conditions. Supplemental treatment selection (a one time selection to be made not later than April 30, 2015) and milestones, which must be consistent with M-062-00 as established by M-062-45 item #5. A 2nd LAW Vitrification Facility must be considered as one of the options. *Milestones M-062-31-T01 through M-062-34-T01 are initially set as target dates and will be established (as may be modified) as interim milestones when they are converted to interim milestones in accordance with applicable HFFACO procedures at the conclusion of this negotiation. 4. <u>3.</u> The date in Milestone M-045-70 for completion of the tank waste retrievals as expeditiously as possible, <u>to commence after the negotiation in paragraph 7.</u> 5. <u>4.</u> The date in Milestone M-062-00 for completion of tank waste treatment as expeditiously as possible, <u>to commence after the negotiation in paragraph 7.</u> 6. <u>5.</u> Milestones for the provision of Immobilized High-Level Waste (IHLW) canister storage capacity for the six <u>six</u>-year period of WTP operation for the operating period that begins in January 2022 <u>years after High-Level Waste (HLW) Facility hot commissioning under the Consent Decree in Washington v. Energy, Case No. 08-5085-RMP.</u> Additional milestones for the provision of such canister capacity will be established <u>in milestone series M-090</u> as needed every six <u>six</u> years thereafter for the storage of IHLW for the subsequent six <u>six</u>-year period of WTP operations. 	<p>04/30/2021 <u>4/30/2030</u> and Every Six Years Thereafter <u>Or as</u> Indicated in the <u>Descriptive Text of</u> <u>This Milestone</u></p>

	<p><u>6.7. Reevaluate milestones to establish facilities to manage secondary waste streams from the WTP by the date that the WTP achieves initial plant operations.</u></p> <p><u>7. Within 18 months of the date for achieving HLW Facility hot commissioning under the Consent Decree in <i>Washington v. Energy</i>, Case No. 08-5085-RMP, the parties will complete negotiations on the following matters on a one-time basis:</u></p> <ul style="list-style-type: none"> • <u>Revising the date in Milestone M-045-00 for completion of closure of all Single-Shell Tank (SST) Farms.</u> • <u>Revising the date in Milestone M-045-70 for completion of the tank waste retrievals as expeditiously as possible.</u> • <u>Revising the date in Milestone M-062-00 for completion of tank waste treatment as expeditiously as possible.</u> • <u>Establishing remaining TPA interim milestones for closure of the remaining SST Waste Management Areas under Milestone M-045-85.</u> • <u>Supplemental treatment selection and milestones, which must be consistent with M-062-00 as established by M-062-45 item #5. A second Low Activity Waste Vitrification Facility must be considered as one of the options. Target Dates M-062-31-T01 through M-062-34-T01 are initially set as target dates and will be established (as may be modified) as interim milestones when they are converted to interim milestones in accordance with applicable TPA procedures at the conclusion of this negotiation.</u> • <u>Establishing a mechanism that will apply to resolve future disputes regarding the determinations in M-062-45 paragraphs 3, 4, and bullets 2 and 3 of paragraph 7, upon termination of the Consent Decree in <i>Washington v. Energy</i>, Case No. 08-5085-RMP.</u> <p>As used in paragraphs <u>3, 4 and 5, and 7</u>, above, the phrase 'as expeditiously as possible' means, in the case of SST retrievals, completing such retrievals as quickly as is technically feasible but not later than the date established in Milestone M-045-70, and in the case of tank waste treatment, completing such treatment as quickly as is technically feasible but not later than the date established in Milestone M-062-00, and in each case without excessive difficulty or expense within the context of such activities, and in consideration of any impact on the overall cleanup mission.</p> <p>By the milestone due date, the parties will complete negotiations on the above matters. Although multiple scenarios may be considered in the course of the negotiations, and none may be considered wholly appropriate, the final decisions in items 1 through 7 above will be consistent with a single scenario, including any agreed-upon supplemental sensitivity analyses. The parties agree that the chosen scenario alone need not dictate matters in the negotiations and that other information may be considered as the parties deem appropriate.</p>	
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	<p>In the event Ecology and DOE do not reach agreement for the matters in M-062-45 paragraphs 1, 2, 3, <u>5, 6</u> and or <u>bullets 1, 4, or 5 of paragraph 7</u>, the dispute between Ecology and DOE will be resolved pursuant to the HFFACOTPA Article VIII. <u>A dispute concerning one matter described in these paragraphs will not prevent the implementation of agreement on other matters.</u></p> <p>The dispute resolution process in HFFACOTPA, Article VIII, does not apply to the determinations in M-062-45 paragraphs 3, 4 and 5, <u>or bullets 2 and 3 of paragraph 7</u>. Rather, these disputes shall be governed by the Consent Decree in <i>Washington v. DOE Energy</i>, Case No. 08-5085-FVSRMP, until the termination of that Consent Decree. No later than 12/31/2021, the United States and Ecology shall complete <u>Negotiations to establish a mechanism that will apply to resolve future disputes regarding the determinations in M-062-45 paragraphs 4 and 5 3 and 4, and bullets 2 and 3 of paragraph 7 after termination of the Consent Decree will proceed as described above.</u> The United States DOE and Ecology have reserved their rights regarding the mechanism that should apply to such future disputes, in the event that they cannot reach agreement.</p>	
<p><u>M-062-46</u></p> <p><u>Lead Regulatory Agency: Ecology</u></p>	<p><u>In accordance with the due date, the Parties will negotiate the following for the period through 4/30/2030:</u></p> <p><u>1. Tank waste retrieval sequencing and milestones, and milestones for installation of infrastructure to feed tank waste from the Double-Shell Tank system to the tank waste treatment system, for the next 6 years, subject to the provisions of Milestone M-045-135 with respect to the 22 tanks to be retrieved under that milestone.</u></p> <p><u>2. Contingency actions and milestones, if and as necessary, for providing new, compliant tanks with sufficient capacity and in sufficient time to complete retrievals under this agreement, regardless of Waste Treatment Plant (WTP) operational deficiencies or retrieval conditions.</u></p> <p><u>By the milestone due date, the parties will complete negotiations on the above matters. Although multiple scenarios may be considered in the course of the negotiations, and none may be considered wholly appropriate, the final decisions in items 1 and 2 above will be consistent with a single scenario, including any agreed-upon supplemental sensitivity analyses. The parties agree that the chosen scenario alone need not dictate matters in the negotiations and that other information may be considered as the parties deem appropriate.</u></p> <p><u>In the event Ecology and DOE do not reach agreement for the matters above, the dispute between Ecology and DOE will be resolved pursuant to the TPA Article VIII. A dispute concerning one matter described in these paragraphs will not prevent the implementation of agreement on other matters.</u></p>	<p><u>04/30/2025</u></p>
<p><u>M-062-47</u></p> <p><u>Lead Regulatory Agency: Ecology</u></p>	<p><u>Within six months of the issuance of the last revision of the System Plan, the Parties will negotiate the following:</u></p>	<p><u>04/30/2027</u> <u>And Every Three Years Thereafter</u></p>

	<p><u>1. Tank waste retrieval sequencing and milestones, and milestones for installation of infrastructure to feed tank waste from the Double-Shell Tank system to the tank waste treatment system, for the next 6 years, subject to the provisions of Milestone M-045-135 with respect to the 22 tanks to be retrieved under that milestone.</u></p> <p><u>2. Contingency actions and milestones, if and as necessary, for providing new, compliant tanks with sufficient capacity and in sufficient time to complete retrievals under this agreement, regardless of Waste Treatment Plant (WTP) operational deficiencies or retrieval conditions.</u></p> <p><u>By the milestone due date, the parties will complete negotiations on the above matters. Although multiple scenarios may be considered in the course of the negotiations, and none may be considered wholly appropriate, the final decisions in items 1 and 2 above will be consistent with a single scenario, including any agreed-upon supplemental sensitivity analyses. The parties agree that the chosen scenario alone need not dictate matters in the negotiations and that other information may be considered as the parties deem appropriate.</u></p> <p><u>In the event Ecology and DOE do not reach agreement for the matters above, the dispute between Ecology and DOE will be resolved pursuant to the TPA Article VIII. A dispute concerning one matter described in these paragraphs will not prevent the implementation of agreement on other matters.</u></p>	
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ATTACHMENT M

Establish New TPA Milestones to Create Alternative
Treatment Capacity for LAW for 200 West Area SSTs

Change Number DRAFT M-62-24-04	Federal Facility Agreement and Consent Order Change Control Form		Date 3/20/2024
Originator Stephanie Schleif, Ecology			Phone 509-537-2229
Class of Change <input type="checkbox"/> I – Signatories <input checked="" type="checkbox"/> II – Executive Managers <input type="checkbox"/> III – Project Managers			
Change Title Establish New TPA Milestones to Create Alternative Treatment Capacity for LAW for 200 West Area SSTs			
Description/Justification of Change <p>This change control form creates three new Tri-Party Agreement (TPA) interim milestones for the U.S. Department of Energy (DOE) to create alternative treatment capacity for Low-Activity Waste (LAW) from the 200 West Area Single-Shell Tanks (SST) and attaches conditions for the disposition of that waste.</p> <p>This change control form is one element of the Hanford Tank Waste Holistic Negotiations.</p>			
Impact of Change <p>This change control form creates 3 new TPA Interim Milestones M-062-64, M-062-65, and M-062-66.</p> <p>There is no impact to TPA Major Milestone M-062-00.</p>			
Affected Documents The Hanford Federal Facility Agreement and Consent Order or TPA Action Plan, Appendix D, “Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency” and Hanford Site internal planning management, and budget documents (e. g., DOE and DOE contractor Baseline Change Control documents, Project Management Plans).			
Approvals			Page 1 of 5
_____	_____	Approved _____ Disapproved _____	
D.L. Noyes, DOE-ORP	Date		
_____	_____	Approved _____ Disapproved _____	
S.N. Schleif, Ecology	Date		
_____	_____	Approved _____ Disapproved _____	
D.R. Einan, EPA	Date		

Authorized Changes

Modifications to TPA Appendix D, "Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency," are denoted by using double underline to indicate text additions and ~~strikeout~~ to indicate text deletions.

Number	Milestone	Due Date
<u>M-062-64</u> <u>Lead Regulatory Agency: Ecology</u>	<p><u>Make alternative selection for facilities and infrastructure needed to perform separation, pretreatment, and/or treatment, and mode of transport, for off-site disposal of low-activity waste (LAW) from 200 West Area Single-Shell Tanks (SST) and apprise Ecology of that selection.</u></p> <p><u>Such facilities and infrastructure include but are not limited to: transfer piping and tank storage, tank side pretreatment, lag storage of pretreated tank waste, shipping load areas, grouting facilities if located on Hanford Site, and interim storage facilities.*</u></p> <p><u>*DOE's treatment and disposition of the LAW from 200 West Area SSTs to be disposed offsite is subject to the following conditions through December 31, 2040. These conditions will continue to apply beyond December 31, 2040, with respect to the treatment and disposition of any tank waste retrieved from, or to be retrieved from, those tanks subject to Milestone M-045-135, until such treatment and disposition is complete.</u></p> <ul style="list-style-type: none"><u>• All grouted tank waste will be disposed of at facilities outside the contiguous borders of the Hanford Nuclear Reservation.</u><u>• No grouted tank waste will be disposed of within the contiguous borders of the Hanford Nuclear Reservation.</u><u>• DOE will only separate, pretreat, and/or treat low-activity tank waste, and manage that waste, to be disposed offsite in a manner that does not result in an inventory of grouted tank waste stored onsite awaiting shipment for offsite disposal in excess of the approximate amount of grouted tank waste that DOE could reasonably ship over a 3-month period given the capacity of the selected shipping capability and the capacity and waste processing capabilities of the selected receiving facility. DOE will provide these capacity and capability parameters in submitting the permit modification request dictated by Milestone M-062-66. The</u>	<u>12/31/2024</u>

Number	Milestone	Due Date
	<p><u>grouted waste inventory quantity will then be established in a permit condition.</u></p> <p><u>The above conditions do not predispose either DOE or Ecology with respect to what conditions, if any, will apply to treatment and disposition of grouted tank waste, if any, after December 31, 2040, and beyond that waste retrieved from, or to be retrieved from, those tanks subject to Milestone M-045-135.</u></p>	
<p><u>M-062-65</u></p> <p><u>Lead Regulatory Agency: Ecology</u></p>	<p><u>Submit to Ecology a critical path schedule for permitting, constructing, and commissioning facilities and infrastructure needed to perform separation, pretreatment, and/or treatment, and mode of transport, for off-site disposal of low-activity waste (LAW) from 200 West Area Single Shell Tanks (SST).*</u></p> <p><u>If DOE determines prior to 12/31/2026 that constructing an on-site grout treatment facility will be necessary prior to off-site disposal of wastes to be retrieved from tanks subject to Milestone M-045-135, then this milestone deadline is automatically extended to 12/31/2028 and DOE and Ecology agree to approve a TPA CCF approving this extension as required by TPA Action Plan Section 12.0.</u></p> <p><u>*DOE's treatment and disposition of the LAW from 200 West Area SSTs to be disposed offsite is subject to the following conditions through December 31, 2040. These conditions will continue to apply beyond December 31, 2040, with respect to the treatment and disposition of any tank waste retrieved from, or to be retrieved from, those tanks subject to Milestone M-045-135, until such treatment and disposition is complete.</u></p> <ul style="list-style-type: none"> <u>All grouted tank waste will be disposed of at facilities outside the contiguous borders of the Hanford Nuclear Reservation.</u> <u>No grouted tank waste will be disposed of within the contiguous borders of the Hanford Nuclear Reservation.</u> <u>DOE will only separate, pretreat, and/or treat low-activity tank waste, and manage that waste, to be disposed offsite in a manner that does not result in an inventory of grouted tank waste stored onsite awaiting shipment for offsite disposal in excess of the approximate amount of grouted tank waste that DOE could reasonably ship over a 3-month period given the capacity of the selected shipping</u> 	<p><u>12/31/2026</u></p>

Number	Milestone	Due Date
	<p><u>capability and the capacity and waste processing capabilities of the selected receiving facility. DOE will provide these capacity and capability parameters in submitting the permit modification request dictated by Milestone M-062-66. The grouted waste inventory quantity will then be established in a permit condition.</u></p> <p><u>The above conditions do not predispose either DOE or Ecology with respect to what conditions, if any, will apply to treatment and disposition of grouted tank waste, if any, after December 31, 2040, and beyond that waste retrieved from, or to be retrieved from, those tanks subject to Milestone M-045-135.</u></p>	
<p><u>M-062-66</u></p> <p><u>Lead Regulatory Agency: Ecology</u></p>	<p><u>Informed by the critical path schedule submitted pursuant to Milestone M-062-65, complete negotiations to establish new TPA interim milestones for submission of a permit modification request and up to 2 new TPA interim milestones for constructing and commissioning facilities and infrastructure needed to perform separation, pretreatment, and/or treatment, and mode of transport, for off-site disposal of low-activity waste (LAW) from 200 West Area Single-Shell Tanks (SST).*</u></p> <p><u>If DOE determines prior to 12/31/2026 that constructing an on-site grout treatment facility will be necessary prior to off-site disposal of wastes to be retrieved from tanks subject to Milestone M-045-135, then this milestone deadline is automatically extended to 6/30/2029 and DOE and Ecology agree to approve a TPA CCF approving this extension as required by TPA Action Plan Section 12.0.</u></p> <p><u>*DOE's treatment and disposition of the LAW from 200 West Area SSTs to be disposed offsite is subject to the following conditions through December 31, 2040. These conditions will continue to apply beyond December 31, 2040, with respect to the treatment and disposition of any tank waste retrieved from, or to be retrieved from, those tanks subject to Milestone M-045-135, until such treatment and disposition is complete.</u></p> <ul style="list-style-type: none"> <u>All grouted tank waste will be disposed of at facilities outside the contiguous borders of the Hanford Nuclear Reservation.</u> <u>No grouted tank waste will be disposed of within the contiguous borders of the Hanford Nuclear Reservation.</u> 	<p><u>06/30/2027</u></p>

Number	Milestone	Due Date
	<ul style="list-style-type: none"><li data-bbox="456 243 1154 789">• <u>DOE will only separate, pretreat, and/or treat low-activity tank waste, and manage that waste, to be disposed offsite in a manner that does not result in an inventory of grouted tank waste stored onsite awaiting shipment for offsite disposal in excess of the approximate amount of grouted tank waste that DOE could reasonably ship over a 3-month period given the capacity of the selected shipping capability and the capacity and waste processing capabilities of the selected receiving facility. DOE will provide these capacity and capability parameters in submitting the permit modification request dictated by Milestone M-062-66. The grouted waste inventory quantity will then be established in a permit condition.</u> <p data-bbox="407 810 1154 1020"><u>The above conditions do not predispose either DOE or Ecology with respect to what conditions, if any, will apply to treatment and disposition of grouted tank waste, if any, after December 31, 2040, and beyond that waste retrieved from, or to be retrieved from, those tanks subject to Milestone M-045-135.</u></p>	

ATTACHMENT N

Update to TPA M-090 Milestone Series for Acquisition
and Modification of Facilities for First 2 Years of
Hanford Site IHLW from WTP Operations

Change Number DRAFT M-90-24-01	Federal Facility Agreement and Consent Order Change Control Form		Date 3/20/2024
Originator Stephanie Schleif, Ecology			Phone 509-537-2229
Class of Change <input checked="" type="checkbox"/> I – Signatories <input type="checkbox"/> II – Executive Managers <input type="checkbox"/> III – Project Managers			
Change Title Update to TPA M-090 Milestone Series for Acquisition and Modification of Facilities for First 2 Years of Hanford Site IHLW from WTP Operations			
Description/Justification of Change <p>This change control form revises and adds new requirements in the Tri-Party Agreement (TPA) M-090 milestone series for the U.S. Department of Energy (DOE) to acquire new facilities and/or modify existing facilities to achieve operational readiness of the Hanford Site Immobilized High-Level (IHLW) Storage Facility for storage of at least the first 2 years of IHLW from Waste Treatment Plant (WTP) operations.</p> <p>This change control form is one element of the Hanford Tank Waste Holistic Negotiations. Therefore, the Parties agree this constitutes Good Cause to extend the due dates of TPA Milestones M-090-00 and M-090-13 (reference TPA Article XL, Good Cause for Extensions, paragraph 120.E. “Any other event or series of events mutually agreed to by the Parties as constituting good cause”).</p>			
Impact of Change <p>This change control form revised the requirements and due dates of TPA Major Milestone M-090-00 and TPA Interim Milestone M-090-13 and creates 2 new Interim Milestones M-090-15 and M-090-16.</p> <p>Approval of this TPA Change Control Form resolves the TPA dispute resolution between the Washington State Department of Ecology and DOE that was initiated on June 21, 2019 (reference DOE letter 19-ORP-0005) for TPA Major Milestone M-090-00.</p>			
Affected Documents The Hanford Federal Facility Agreement and Consent Order or TPA Action Plan, Appendix D, “Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency” and Hanford Site internal planning management, and budget documents (e. g., DOE and DOE contractor Baseline Change Control documents, Project Management Plans).			
Approvals			Page 1 of 3
_____ Brian Vance, DOE	_____ Date	Approved _____ Disapproved _____	
_____ Laura Watson, Ecology	_____ Date	Approved _____ Disapproved _____	
_____ Casey Sixkiller, EPA	_____ Date	Approved _____ Disapproved _____	

Authorized Changes

Modifications to TPA Appendix D, "Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency," are denoted by using double underline to indicate text additions and ~~strikeout~~ to indicate text deletions.

Number	Milestone	Due Date
M-090-00 Lead Regulatory Agency: Ecology	<p>Complete acquisition of new facilities, modification of existing facilities, and/or modification of planned facilities as necessary, <u>and achieve operational readiness of IHLW storage facility</u> for storage of <u>at least</u> the first two<u>2</u> years of Hanford Site IHLW from WTP operations.</p> <p>Compliance with the work schedules set forth in this M-090 series is defined as the performance of sufficient work to assure with reasonable certainty that DOE will accomplish series M-090 major and interim milestone requirements.</p> <p>DOE internal work schedules (e.g., DOE approved schedule baselines) and associated work directives and authorizations shall be consistent with the requirements of this Agreement. Modification of DOE contractor baseline(s) and issuance of associated DOE work directives and/or authorizations that are not consistent with Agreement requirements shall not be finalized prior to approval of an Agreement change request submitted pursuant to Agreement Action Plan Section 12.0.</p>	<p>The Date that the WTP Achieves Hot Start for Completing <u>Hot Commissioning of the HLW Facility under the Consent Decree in Washington v. Energy, Case No. 08-5085-RMP</u></p>
M-090-13 Lead Regulatory Agency: Ecology	<p>Submit to Ecology, a Conceptual Design Report package (Critical Decision 1) for the Interim Hanford Storage Project (storage of the first two years of Hanford Site Immobilized High Level Waste from WTP operations) and a TPA Change Request (in accordance with TPA Action Plan Section 12.0) to submit to Ecology, a Preliminary Design Report package (Critical Decision 2).</p> <p>The Conceptual Design Report package shall include the system specification outline, preliminary drawings, the preliminary hazard analysis, preliminary cost estimate, site development plan, and preliminary schedule for the design, construction, and operation of the facility. These documents are consistent with the requirements of DOE Order 413.3B, "Program and Project Management for the Acquisition of Capital Assets."</p> <p><u>The preliminary schedule for the design, construction and operation of the facility referred to in the paragraph above shall not be enforceable. Submit to Ecology the critical path schedule and 90% design packages for the IHLW storage facility for storage of at least the first 2 years of Hanford Site IHLW from WTP operations. The schedule and design packages shall not be enforceable independent of the milestones in this series.</u></p>	<p>09/30/2025 <u>03/30/2029</u></p>

<u>M-090-15</u> <u>Lead Regulatory</u> <u>Agency: Ecology</u>	<u>Submit to Ecology, a permit modification request for construction and operation of the IHLW storage facility.</u>	<u>09/30/2029</u>
<u>M-090-16</u> <u>Lead Regulatory</u> <u>Agency: Ecology</u>	<u>IHLW storage facility construction substantially complete.</u>	<u>12 Months Prior to</u> <u>Date for Completing</u> <u>Hot Commissioning of</u> <u>the HLW Facility</u> <u>under the Consent</u> <u>Decree in Washington</u> <u>v. Energy, Case No.</u> <u>08-5085-RMP</u>

ATTACHMENT O

Update to TPA Major Milestone M-047-00 to Complete
Work Necessary to Provide Facilities for Management of
Secondary Waste from WTP

Change Number DRAFT M-47-24-01	Federal Facility Agreement and Consent Order Change Control Form		Date 03/20/2024
Originator Delmar Noyes, DOE-ORP			Phone (509) 376-5166
Class of Change <input checked="" type="checkbox"/> I – Signatories <input type="checkbox"/> II – Executive Managers <input type="checkbox"/> III – Project Managers			
Change Title Update to TPA Major Milestone M-047-00 to Complete Work Necessary to Provide Facilities for Management of Secondary Waste from WTP			
Description/Justification of Change <p>This change control form changes the due date of Tri-Party Agreement (TPA) Major Milestone M-047-00 for the U.S. Department of Energy (DOE) to complete the work necessary to provide facilities for management of secondary waste from the Waste Treatment Plant (WTP).</p> <p>This change control form is one element of the Hanford Tank Waste Holistic Negotiations. Therefore, the Parties agree this constitutes Good Cause to change the due date of TPA Major Milestone M-047-00 (reference TPA Article XL, Good Cause for Extensions, paragraph 120.E. “Any other event or series of events mutually agreed to by the Parties as constituting good cause”).</p>			
Impact of Change <p>This change control form changed the due date of TPA Major Milestone M-047-00 from “The Date that the WTP Achieves Initial Plant Operations” to “The Date for Completing Hot Commissioning of the High-Level Waste (HLW) Facility under the Consent Decree in Washington v. Energy, Case No. 08-5085-RMP”.</p> <p>Approval of this TPA Change Control Form resolves the TPA dispute resolution process between the Washington State Department of Ecology (Ecology) and DOE initiated on June 21, 2019 (reference DOE letter 19-ORP-0005) for TPA Major Milestone M-047-00.</p>			
Affected Documents The <i>Hanford Federal Facility Agreement and Consent Order</i> or TPA Action Plan, Appendix D, “Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency” and Hanford Site internal planning management, and budget documents (e. g., DOE and DOE contractor Baseline Change Control documents, Project Management Plans).			
Approvals			Page 1 of 2
_____ Brian Vance, DOE	_____ Date	Approved _____ Disapproved _____	
_____ Laura Watson, Ecology	_____ Date	Approved _____ Disapproved _____	
_____ Casey Sixkiller, EPA	_____ Date	Approved _____ Disapproved _____	

Authorized Changes

Modifications to TPA Appendix D, "Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency," are denoted by using double underline to indicate text additions and ~~strikeout~~ to indicate text deletions.

Number	Milestone	Due Date
M-047-00 Lead Regulatory Agency: Ecology	<p>Complete work necessary to provide facilities for management of secondary waste from the WTP (e.g., tank waste treatment facility liquid effluents).</p> <p>Compliance with the work schedules set forth in this M-<u>047</u> series is defined as the performance of sufficient work to assure with reasonable certainty that DOE will accomplish series M-<u>047</u> major and interim milestone requirements. DOE internal work schedules (i.e., DOE approved schedule baselines) and associated work directives and authorizations shall be consistent with the requirements of this Agreement<u>the TPA</u>.</p> <p>Modification of DOE contractor baseline(s) and issuance of associated DOE work directives and/or authorizations that are not consistent with Agreement<u>TPA</u> requirements shall not be finalized prior to approval of an Agreement<u>TPA</u> change request <u>control form</u> submitted pursuant to <u>TPA</u>Agreement Action Plan Section 12.0.</p>	<p>The Date that the WTP <u>Achieves Initial</u> <u>Operations for</u> <u>Completing Hot</u> <u>Commissioning of the</u> <u>HLW Facility under the</u> <u>Consent Decree in</u> <u>Washington v. Energy,</u> <u>Case No. 08-5085-RMP</u></p>

ATTACHMENT P

Extend Due Date of TPA Interim Milestone M-062-56
in TPA Action Plan, Appendix D

Change Number DRAFT M-62-24-05	Federal Facility Agreement and Consent Order Change Control Form		Date 03/20/2024																								
Originator Delmar Noyes, DOE-ORP			Phone (509) 376-5166																								
Class of Change <input type="checkbox"/> I – Signatories <input checked="" type="checkbox"/> II – Executive Managers <input type="checkbox"/> III – Project Managers																											
Change Title Extend Due Date of TPA Interim Milestone M-062-56 in TPA Action Plan, Appendix D																											
Description/Justification of Change This change control form extends Tri-Party Agreement (TPA) Interim Milestone M-062-56 by one year, from August 31, 2025 to August 31, 2026 to align with the current Advanced Modular Pretreatment System (AMPS) project schedule. This change control form is one element of the Hanford Tank Waste Holistic Negotiations. Therefore, the Parties agree this constitutes Good Cause to extend the due date of this milestone (reference TPA Article XL, Good Cause for Extensions, paragraph 120.E. “Any other event or series of events mutually agreed to by the Parties as constituting good cause”).																											
Impact of Change This change control form extends the due date of interim Milestone M-062-56 by 1 year, from 08/31/2025 to 08/31/2026.” There is no impact to TPA Major Milestone M-062-00.																											
Affected Documents The <i>Hanford Federal Facility Agreement and Consent Order</i> or TPA Action Plan, Appendix D, “Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency” and Hanford Site internal planning management, and budget documents (e. g., DOE and DOE contractor Baseline Change Control documents, Project Management Plans).																											
Approvals <table border="0"> <tr> <td>_____</td> <td>_____</td> <td>Approved _____</td> <td>Disapproved _____</td> </tr> <tr> <td>D. L. Noyes, DOE-ORP</td> <td>Date</td> <td></td> <td></td> </tr> <tr> <td>_____</td> <td>_____</td> <td>Approved _____</td> <td>Disapproved _____</td> </tr> <tr> <td>S.N. Schleif, Ecology</td> <td>Date</td> <td></td> <td></td> </tr> <tr> <td>_____</td> <td>_____</td> <td>Approved _____</td> <td>Disapproved _____</td> </tr> <tr> <td>D. R. Einan, EPA</td> <td>Date</td> <td></td> <td></td> </tr> </table>			_____	_____	Approved _____	Disapproved _____	D. L. Noyes, DOE-ORP	Date			_____	_____	Approved _____	Disapproved _____	S.N. Schleif, Ecology	Date			_____	_____	Approved _____	Disapproved _____	D. R. Einan, EPA	Date			 Page 1 of 2
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S.N. Schleif, Ecology	Date																										
_____	_____	Approved _____	Disapproved _____																								
D. R. Einan, EPA	Date																										

Authorized Changes

Modifications to HFFACO Appendix D, "Milestones and Target Dates Including Designation of Lead Regulatory Agency," are denoted by using ~~strikeout~~ to indicate text deletions and double underline to indicate text additions.

Number	Milestone	Due Date
M-062-56 Lead Regulatory Agency: Ecology	Submit permit application for design and construction of the Low Activity Waste Pretreatment Capability. This would be the Low Activity Waste Pretreatment Capability needed in addition to the TSCR.	08/31/2025 <u>08/31/2026</u>

ATTACHMENT Q

**Extend Due Date of TPA Interim Milestone M-062-21
in TPA Action Plan, Appendix D**

Change Number DRAFT M-62-24-06	Federal Facility Agreement and Consent Order Change Control Form		Date 03/20/2024
Originator Delmar Noyes, DOE-ORP			Phone (509) 376-5166
Class of Change <input type="checkbox"/> I – Signatories <input checked="" type="checkbox"/> II – Executive Managers <input type="checkbox"/> III – Project Managers			
Change Title Extend Due Date of TPA Interim Milestone M-062-21 in TPA Action Plan, Appendix D			
Description/Justification of Change <p>This change control form changes the due date of Tri-Party Agreement (TPA) Interim Milestone M-062-21 from August 31, 2024 and annually thereafter to three years after completion of the negotiations in TPA Milestone M-062-45, Paragraph 7, Bullet 3, which requires the U.S. Department of Energy (DOE) and Washington State Department of Ecology (Ecology) to negotiate and revise the date in TPA Major Milestone M-062-00 for completion of tank waste treatment as expeditiously as possible.</p> <p>This change control form is one element of the Hanford Tank Waste Holistic Negotiations. Therefore, the Parties agree this constitutes Good Cause to extend the due date of this milestone (reference TPA Article XL, Good Cause for Extensions, paragraph 120.E. “Any other event or series of events mutually agreed to by the Parties as constituting good cause”).</p>			
Impact of Change <p>This change control form changed the due date of TPA Interim Milestone M-062-21 from “08/31/2024 and Annually Thereafter” to “Three Years After Completion of the Negotiations in Milestone M-062-45, Paragraph 7, Bullet 3.”</p> <p>There is no impact to TPA Major Milestone M-062-00.</p>			
Affected Documents The <i>Hanford Federal Facility Agreement and Consent Order</i> or TPA Action Plan, Appendix D, “Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency” and Hanford Site internal planning management, and budget documents (e. g., DOE and DOE contractor Baseline Change Control documents, Project Management Plans).			
Approvals			Page 1 of 2
_____	_____	Approved _____ Disapproved _____	
D. L. Noyes, DOE-ORP	Date		
_____	_____	Approved _____ Disapproved _____	
S.N. Schleif, Ecology	Date		
_____	_____	Approved _____ Disapproved _____	
D. R. Einan, EPA	Date		

Authorized Changes

Modifications to HFFACO Appendix D, "Milestones and Target Dates Including Designation of Lead Regulatory Agency," are denoted by using ~~strikeout~~ to indicate text deletions and double underline to indicate text additions.

Number	Milestone	Due Date
M-062-21 Lead Regulatory Agency: Ecology	On an annual basis, submit data, whose accuracy is certified in accordance with WAC 173-303-810(13), and which demonstrates on a rolling three year average, operation of WTP, and any supplemental treatment if needed, at a rate sufficient to accomplish treatment of all Hanford tank waste in accordance with the date required by Milestone M-062-00, taking into account that treatment rates are expected to vary based upon a number of factors, including the character of the waste treated, or alternatively describe plans to increase the rate beyond that previously anticipated in order to achieve treatment of all Hanford tank waste by the M-062-00 milestone date.	08/31/2024 and Annually Thereafter <u>Three Years After Completion of the Negotiations in Milestone M-062-45, Paragraph 7, Bullet 3</u>