



Department of Energy

Idaho Operations Office

1955 Fremont Avenue
Idaho Falls, ID 83415

June 28, 2021

Ms. Natalie Walker
Hazardous Waste Bureau Chief
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706

SUBJECT: Notification for Site Treatment Plan Extension of Table 5-1 Milestones/Planning Dates for Mixed Wastes with Existing Treatment Technologies, P-5 Commence Operations and Fill One Canister: 3Q 2021(06/30/2021) and Table 5-6b Milestones for Treatment of Waste Backlog in Sodium-Bearing Waste Treatment Facility (CLN211079)

Dear Ms. Walker:

The purpose of this letter is to notify the Idaho Department of Environmental Quality (DEQ) that, due to COVID-19 impacts to the Integrated Waste Treatment Unit (IWTU) Outage J and start-up schedule, the Idaho National Laboratory (INL) Site Treatment Plan (STP) Table 5-1 Milestones/Planning Dates for Mixed Wastes with Existing Treatment Technologies, P-5 Commence Operations and Fill One Canister: 3Q 2021 will not be achieved by June 30, 2021. The inability to achieve milestone P-5 will also affect the backlog schedule for operating treatment facilities in INL STP Table 5-6b, Milestone for Treatment of Waste Backlog in Sodium-Bearing Waste Treatment Facility. Pursuant to Section 2.6 of the INL STP, Department of Energy, Idaho Operations Office (DOE-ID) requests that the milestones be extended as detailed in this letter.

Milestones Sought to be Extended

P-5 Milestone

Table 5-1, "Milestones/Planning Dates for Mixed Waste with Existing Treatment Technologies" identifies six milestones for the IWTU; five of the six have been completed. The remaining milestone P-5, Commence Operations and Fill One Canister was initially on schedule to complete prior to 06/30/2021 prior to the onset of the COVID-19 worldwide pandemic. However, the impacts to Outage J from COVID-19 severely delayed the IWTU preparations. We believe it is correct to state that COVID-19 is the sole reason for missing this milestone.

Backlog Schedule

Table 5-6b, "Milestone for Treatment of Waste Backlog in Sodium-Bearing Waste Treatment

Facility”, identifies the milestone schedule associated with conducting sodium-bearing waste treatment at the IWTU once radiological operations commence. According to Table 5-6b, the IWTU shall complete the 100th canister production by FY 2021 (9/30/2021) and complete 15% annual treatment thereafter: specifically, 484.46 m³ by FY 2022 (9/30/2022) and 411.79 m³ by FY 2023 (9/30/2023). Pre-pandemic and assuming successful completion of milestone P-5, the IWTU Project was on schedule to complete the backlog schedule milestones.

Length of Extension Sought

The current IWTU schedule shows a delay of approximately 12 months from the pre-COVID schedule. Given the actual delay and unknowns associated with potential future COVID-19 impacts, DOE-ID is requesting a one-year and three-month extension to the P-5 milestone, with completion by 4Q FY 2022 (9/30/2022). In addition, DOE-ID is also requesting extension to the IWTU backlog schedule in Table 5-6b as follows:

- complete the 100th canister by Q1 FY 2023 (12/31/2022)
- complete 15% annual treatment thereafter, specifically 484.46 m³ by FY 2023 (9/30/2023) and 411.79 m³ by FY 2024 (9/30/2024)
- 15% thereafter until treatment of the entire waste stream is completed.

Cause for Extension

Pursuant to Section 2.6.2, item (f) of the INL STP, “circumstances unforeseen at the time this STP was prepared that significantly affects the work required under the STP” is the cause for extension. In this case, impacts to the IWTU schedule from the COVID-19 pandemic were not anticipated when the schedule was originally developed and have significantly delayed the project. Since March 2020, the implementation of worker safety protocols, as recommended by the State of Idaho, the local Public Health District, the Centers for Disease Control and Prevention (CDC), and federal guidance, have resulted in reduced staffing levels for quarantines, extra measures to protect workers, inability to efficiently perform some activities due to social distancing requirements, and reduced supplies and support from vendors. The project also implemented a phased approach for increasing work and subsequent staffing levels during the pandemic, consistent with Departmental guidance and Idaho’s staged approach.

Additionally, the DEQ letter dated April 8, 2020, “COVID-19 Regulatory Flexibility and Compliance Assistance”, provided the following regulatory guidance for consideration as it applied to the IWTU schedule:

We do recognize; however, this crisis may temporarily affect the ability for some regulated entities to fully comply with all applicable environmental law requirements. The consequences of this pandemic may affect facility operations and the availability of key staff and contractors who normally perform certain legal or routine compliance requirements including, but not limited to the following: testing, sampling, monitoring/inspecting, certifying, laboratory analysis, training, and licensing renewals. Consistent with other states and the federal government, the State of Idaho will consider the circumstances that affect a regulated entity's claimed inability to meet a specific legal requirement or routine compliance activity when determining whether to exercise

enforcement discretion. Similar to determining whether a force majeure event, also known as an Act of God event, renders compliance impracticable or perhaps even impossible, many of these decisions will be made on a case-by-case basis. It should be noted that most Consent Orders and Compliance Agreement Schedules entered into pursuant to Idaho Code Sections 39-108 and 39-116A contain force majeure provisions.

The project has made several accommodations since March 2020 to protect its workers from COVID-19 while also moving the project towards completion of Outage J and the start of radiological operations. These accommodations included reducing the workforce population at the IWTU facility to achieve the social distancing requirement. Social distancing was achieved by allowing project support personnel to telework; implementing shift work rotations for all operations, maintenance and radiation protection personnel; curtailing the construction schedule and work force personnel based on jobsite specific conditions and COVID-19 protocols in effect at the time; and by spreading out the work performed in the facility to the maximum extent possible. The project re-introduced work and work force as it progressed from one phase to the next per the pandemic phased approach. The project increased the breakroom capacity by installing break trailers as the staffing levels increased, increased sanitization efforts and implemented additional work controls such as physical barriers, engineered ventilation and personal protective equipment.

Throughout all the COVID-19 pandemic reconstitution phases, the project has performed contact tracing and quarantines on those individuals that have experienced symptoms or came in close contact with someone having symptoms. This contact tracing and quarantining has kept personnel safe but have impacted the schedule as, at times, quarantine procedures have required entire construction crews such as pipefitters, electricians, or system engineers to quarantine for 10 to 14 days. The IWTU Project estimates that 12 months of schedule slip has occurred due to the COVID-19 pandemic to date and the IWTU Project continues to evaluate schedule slip on a week-by-week basis. Since COVID-19 protocols and protections will likely continue into the summer months of FY2021, and there exists uncertainty regarding future impacts due to the pandemic, DOE-ID will continue to keep DEQ informed of continuing circumstances that may affect milestones.

DOE-ID is committed to achieving the STP milestones to the maximum extent possible considering pandemic impacts. DOE-ID will continue to provide DEQ with routine updates on IWTU's progress and schedule. DOE-ID is committed to safely and compliantly completing all waste processing activities required by the Idaho Settlement Agreement (ISA) and the STP in a manner that is as timely as is possible, given the current and future pandemic circumstances.

If you have any questions regarding this letter, please do not hesitate to contact me at (208) 569-0259.

Sincerely,

Nicole K. Hernandez

Digitally signed by Nicole
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Nicole Hernandez, STP Project Manager
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