

Tri-Party Agreement

Agreement in Principle

Hanford Federal Facility Agreement and Consent Order Negotiation of Commitments for the Completion of Stabilization at Hanford's K Basins

In 1993, the U.S. Department of Energy (DOE), the U.S. Environmental Protection Agency (EPA) and the Washington State Department of Ecology (Ecology) engaged in negotiations culminating in the Fourth Amendment to the Hanford Federal Facility Agreement and Consent Order (Agreement). Amendment Four was approved by the three parties in January 1994. Among the commitments established, Milestone M-34-02 required DOE to submit a signed change request, by June 30, 1996, proposing milestones for the removal of fuel and sludge and completion of stabilization of Hanford's K East and K West Basins (the K Basins).^{*} This change request, per the requirements of interim milestone M-34-02, was also to serve as a basis to initiate negotiations on these commitments.

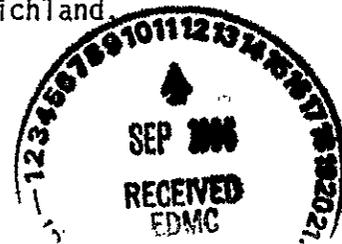
On June 26, 1996, DOE submitted a signed change request to Ecology (M-34-96-02) proposing milestones and associated commitments and requesting that the Parties initiate K Basin negotiations. On July 12, 1996, Ecology disapproved the submitted change request in its particulars, but accepted it as a basis from which to begin negotiations to develop mutually acceptable commitments for the K Basins.

The parties have entered into this Agreement in Principle (AIP) in order to establish the expectations and requirements for the conduct of negotiations.

Therefore, the Parties agree to the following:

- I. To enter into negotiations for the purpose of establishing Agreement commitments for the removal of K East and K West Basin fuel, sludge and debris, remediation and associated activities necessary for the management of K Basin waters, and the completion of stabilization of the K Basins. As part of these negotiations the parties agree to establish a specific M-34-00 end date for completion of all stabilization activities.

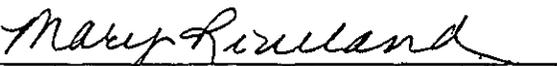
^{*} This change request submittal was to be consistent with the Environmental Impact Statement Record of Decision for the "Management of Spent Nuclear Fuel from the K Basins at the Hanford Site, Richland, Washington," (DOE\EIS-0245F, January 1996.)



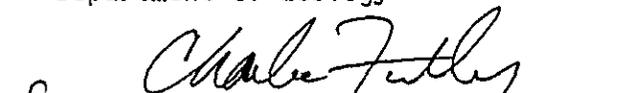
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2. To defer the near term commitment contained within existing interim Milestone M-34-01 requiring the replacement of K East Basin water with "...fresh water starting in September 1996 at a rate of two million gallons/year...". This deferment is necessary in order to allow a reasonable time frame to complete the negotiation of an acceptable path forward. All other Agreement commitments under interim Milestone M-34-01 (and other M-34-00 series milestones and targets until replaced) remain in effect.
3. That negotiations shall commence in August 1996, and shall be completed no later than November 1, 1996. A weekly schedule of times and locations of negotiation activities shall be established by agreement of the parties as necessary after the first negotiation session. The successful conclusion of negotiations shall be followed by an appropriate public comment period of not less than 45 days.
4. That releases to groundwater of hazardous substances subject to CERCLA have been documented at Hanford's K East Basins, and that upon generation (to be established by the negotiations) K Basin sludge shall be managed as dangerous waste pursuant to Chapter 173-303 WAC.
5. That Ecology, as the designated Lead Regulatory Agency for these negotiations, agrees to keep EPA, as the designated support regulator, appropriately and currently informed regarding all pertinent aspects of the negotiations. DOE agrees to provide any assistance as requested to support Ecology in providing briefings or documentation to EPA. The Parties further agree to cooperate in providing periodic briefings to the State of Oregon, affected Indian Nations, the Hanford Advisory Board, and other stakeholders as appropriate.
6. That these negotiations stand in lieu of the dispute resolution process as established in the Agreement, and DOE agrees to suspend its invocation of dispute regarding the disapproval of change request M-34-96-02 pending the successful conclusion of these negotiations. If the parties are not able to resolve all issues in the negotiations, any unresolved matters, including those raised in the current invocation of dispute, shall be referred for resolution under Article VIII of the Agreement. The disputed issues will be immediately referred to the IAMIT level of the dispute resolution process.

Signed this 16 day of August 1996.


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