

Tri-Party Agreement

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## AGREEMENT IN PRINCIPLE

### HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER NEGOTIATION OF COMMITMENTS FOR THE COMPLETION OF DISPOSITION OF HANFORD'S SURPLUS PRODUCTION REACTORS<sup>1</sup>

#### INTRODUCTION:

1. Amendment Four of the Hanford Federal Facility Agreement and Consent Order (Agreement, January 1991), and subsequent Environmental Restoration Refocusing negotiations (See Agreement change request M-16-94-03, May 1995), documented the parties commitment that "Schedules for cleanup and removal of the reactor cores from these buildings will be negotiated no later than December 1996... Similar negotiations shall be required for the 105-N Reactor Building."
2. In 1992 the U.S. Department of Energy (DOE) evaluated environmental impacts, benefits, costs, and institutional and programmatic needs associated with the decommissioning of the eight surplus reactors at the Hanford Site. Results of this review were documented in a 1993 Record of Decision (ROD) which selected the preferred disposition alternative of safe storage followed by deferred one piece removal of each of the eight surplus reactor cores. Analysis documenting this selection can be found in the DOE's Final Environmental Impact Statement (FEIS), Decommissioning of Eight Surplus Reactors at the Hanford Site Richland, Washington (DOE/EIS-0119F, December 1992).
3. The surplus reactor FEIS ROD also contained commitments by DOE that it intends to complete surplus reactor decommissioning consistent with Hanford cleanup schedules for remedial action included in the Agreement. Under this approach the safe storage period would be less than the 75 years outlined in the FEIS. The DOE committed that should the surplus reactor FEIS ROD prove to be inconsistent with CERCLA or RCRA decisions pertaining to adjacent waste sites and facilities covered by Agreement milestone series M-16-00, it would re-evaluate the priority of its selected alternative actions, and whether it may be appropriate to proceed with the preferred alternative on an Operable Unit-by-Operable Unit basis. Until reactor final disposition is initiated the DOE will conduct routine surveillance and maintenance sufficient to maintain the facilities in a safe storage condition.

<sup>1</sup>

For the purpose of these negotiations Hanford's surplus production reactors are defined as the 105 buildings associated with the B, C, D, DR, F, H, KE, and KW reactor complexes, and the 105 and 109 buildings at the N reactor complex.

4. Interim Safe Storage of Hanford's C Reactor has begun as a Large-Scale Technology Demonstration project supported by DOE's Office of Science and Technology (EM-50). This demonstration is expected to provide a number of benefits including among which are the following:
- Providing "lessons learned" which allow improvements in methodologies for placing reactor facilities in a safe condition.
  - Providing lessons learned which are equally applicable to final disposition.
  - Allowing the effective use of technology development funds in support of Hanford reactor decommissioning.
  - Allowing the placement of C Reactor in a safe and stable condition until final disposition is initiated.

C Reactor Interim Safe Storage (ISS) will provide a far safer facility work environment for personnel conducting surveillance and maintenance during the safe storage period, and will greatly reduce the likelihood of intrusion and environmental release.

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

IN LIGHT OF THE PRECEDING, ECOLOGY, DOE, AND EPA AGREE TO THE FOLLOWING:

- A. To enter into formal Agreement negotiations, and to negotiate milestones, target dates, and associated Agreement language necessary to define an effective surplus reactor disposition program.
- B. That the negotiation of ISS and disposition schedules will include Hanford's N Reactor as well as Reactors B, C, D, DR, F, H, KE, and KW. Many uncertainties still exist in the definition of interim safe storage activities for Hanford's N Reactor. These negotiations will establish a schedule to develop a preferred alternative for ISS of N Reactor and to develop an assessment of elements including land-use planning, environmental impacts, cost, risk, and public and worker health and safety.
- C. That such negotiations will be conducted pursuant to Agreement Action Plan section 8.9, and unless otherwise agreed to by the parties (e.g., see paragraph 3) will be based on a phased approach, i.e.,
- Phase 1: Interim Reactor Safe Storage.
  - Phase 2: Final Reactor Disposition.

## Agreement in Principle


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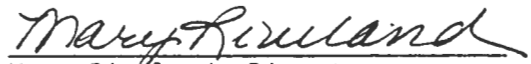
- D. That Ecology and EPA share regulatory authority for activities addressed under these negotiations. Ecology is the lead regulatory agency for D, DR, H, and N Reactors. EPA is lead for B, C, F, KE and KW Reactors.
- E. That negotiations will be conducted with due consideration to priorities and impacts of proposed reactor decommissioning activities in light of other Hanford Site activities.
- F. That during negotiations the parties will revisit the primary assumptions of DOE's September 1993 ROD in order to assess validity, or to determine the need for modification in light of current information. This assessment will include elements such as land use planning, environmental impact, cost, risk, public and worker health and safety, and coordination with other Tri-Party Agreement activities.
- G. That as part of these negotiations the parties will develop clear definitions of critical terminology, including "Interim Safe Storage," and that negotiated terms will be documented in Appendix A of the Agreement.
- H. That negotiations will be based in part on the joint recognition that ISS of Hanford's C Reactor will proceed throughout the negotiation period.
- I. That due to its historic significance Hanford's B Reactor has been placed on the National Register of Historic Places. B Reactor will be placed and maintained in a safe condition, and may follow a different pathway for final disposition.
- J. That these negotiations are being conducted concurrent with negotiations addressing remediation activities at Hanford's KE and KW Areas (Agreement milestone series M-34-00). That KE/KW fuel basin activities will impact negotiations for the disposition of the KE/KW Reactor facilities.
- K. That DOE, EPA, and Ecology recognize the likelihood of significant public interest regarding these negotiations, and the parties corresponding responsibility to allow adequate time for involvement and feedback from stakeholders including the Hanford Advisory Board, the State of Oregon, local governments, and affected Indian Nations.
- L. That in recognition of these coordination and stakeholder involvement needs the original schedule for negotiation conclusion (December 31, 1996) should be extended. The parties consequently agree that these negotiations will be completed no later than March 31, 1997.

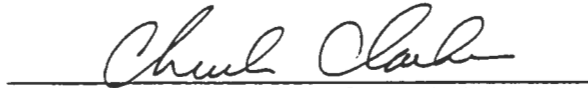


- M. That opportunities for early and continuing public participation will be provided to include briefings for the Hanford Advisory Board, the State of Oregon, local governments, and affected Indian Nations during the negotiations in order to relay negotiation status and to solicit and resolve advice.
- N. That completion of these negotiations will be followed by the submittal of the text of tentative agreements and associated Agreement change packages for a public comment period of not less than 45 days. That the need for associated public meetings will be assessed as part of these negotiations, and that responses to significant public comments shall be prepared and issued prior to final Agreement approval.
- O. That these negotiations shall stand in lieu of the dispute resolution process as established in the Agreement and that if the parties are not able to resolve all issues in the negotiations, any unresolved matters, shall be referred for resolution under Article VIII for matters over which Ecology exercises final decision making authority and Article XVI for matters over which EPA exercises final decision making authority. Any dispute resulting from these negotiations shall be initiated at the Inter Agency Management Integration Team (IAMIT) level as described in the Agreement.

Approved this 31 day of December 1996.

  
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John D. Wagoner, Manager  
U.S. Department of Energy  
Richland Operations Office

  
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Mary Riveland, Director  
State of Washington  
Department of Ecology

  
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Chuck Clarke, Regional Administrator  
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97-EAP-140

Ms. Marilyn Reeves, Chair  
Hanford Advisory Board  
22250 Boulder Crest Lane S. E.  
Amity, Oregon 97101

Dear Ms. Reeves:

BOARD CONSENSUS ADVISE #58/INTERIM SAFE STORAGE OF 105-C: DECEMBER 5, 1996

We appreciate the time taken by you and the Board in reviewing and commenting on the agencies' draft Reactor Disposition Agreement In Principle (AIP). As you know, Ralph Patt and the Boards' Environmental Restoration (ER) Committee members have been particularly helpful in this matter.

Subsequent to the Board's December 1996 meeting our negotiators met and agreed to modify the agencies' AIP in response to Board advise #58 (see enclosed final copy). Most specifically, the agencies agreed that as part of our negotiations the parties will evaluate each of the major assumptions of the U. S. Department of Energy's (DOE's) Reactor Record of Decision (ROD) in light of current information. This evaluation will be performed in order to aid the agencies in assessing whether or not ROD assumptions continue to appear valid, or if current knowledge indicates that modification is warranted. We expect to be able to provide our initial assessment to the Board's ER Committee in January 1997 and plan a more extensive presentation at the Board's February 1997 meeting.

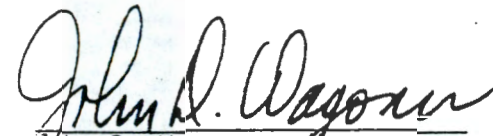
In regard to specific comments you offered regarding the placement of 105-C facilities in Interim Safe Storage (ISS), we offer the following: (1) We appreciate your support of the C Reactor ISS Demonstration Project and assure you that each of our agencies expect this project to move forward on schedule. We also note that Fiscal Year 1997 funding for this project has not been impacted by recent shortfalls experienced elsewhere in the ER Program; (2) The Parties are aware of the Board's concern in regard to cleanup of contamination beneath the C-105 building, as well as at other 100 area 105 reactor facilities. We expect to identify/establish a small zone beneath, and immediately adjacent to, these structures where addressing contamination will be conducted in coordination with either reactor building ISS or disposition; (3) We each view ISS as just that, i.e., an interim measure which will lead to subsequent final disposition pursuant to the DOE NEPA ROD and commitments between the parties reached during the course of these negotiations.

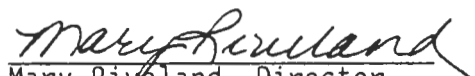
Ms. Marilyn Reeves


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Please pass our thanks on to Board members for their continuing interest in our Reactor Disposition negotiations. We look forward to working closely with the Board and Committee members over the coming months. As you know, these decisions constitute a critical element in defining the future of the Hanford Reach.

Sincerely,

  
John D. Wagoner, Manager  
U.S. Department of Energy  
Richland Operations Office

  
Mary Riveland, Director  
State of Washington  
Department of Ecology

  
Chuck Clarke, Regional Administrator  
U.S. Environmental Protection Agency  
Region 10

Enclosure

cc w/o encl:  
M. Blazek, ODOE  
D. Belsey, HAB  
B. Burke, CTUIR  
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D. Powaukee, Nez Perce