

## HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (HFFACO)

### AGREEMENT IN PRINCIPLE

#### NEGOTIATION OF HANFORD FEDERAL FACILITY AND CONSENT ORDER REVISIONS FOR HANFORD TANK WASTE TREATMENT AND DISPOSITION SCHEDULES AND PROCESSES

The U.S. Department of Energy, Office of River Protection (DOE-ORP), the U.S. Environmental Protection Agency (EPA) and the Washington State Department of Ecology (Ecology), herein after referred to as the Parties, have agreed to enter into formal Hanford Federal Facility and Consent Order (HFFACO) or Tri-Party Agreement (TPA) negotiations regarding schedules and treatment methods for Hanford tank wastes. Ecology is the lead regulatory agency in these negotiations.

The negotiations are driven primarily by requirements found in TPA milestone M-062-45. This milestone requires the Parties to complete negotiations six months after the issuance of the last System Plan at designated intervals. The Parties resolved a dispute regarding the timing of negotiations designed to conclude by April 30, 2015 by holding the negotiations after a System Plan issued on October 31, 2017. The System Plan describes the disposition of Hanford tank waste and M-62-45 calls for the Parties to negotiate:

- Tank waste sequencing target dates and retrieval milestones
- Milestones for the installation of infrastructure to feed tank waste from the double-shell tank system to the waste treatment system
- Contingency plans, if and as necessary, that may include new compliant tanks
- A supplemental tank waste treatment decision and target dates that convert into milestone under applicable HFFACO procedures.
- Milestone for completion of tank waste retrievals
- Milestone for completion of tank waste treatment
- Milestones for provision of storage capacity for canisters of Immobilized High-Level Waste (IHLW) for the six-year period commencing in January 2022.
- Reevaluate milestones to establish facilities to manage secondary wastes generated by the operation of the Waste Treatment and Immobilization Plant

The above-listed areas are far-reaching and impact nearly all aspects of the DOE-ORP mission, therefore the Parties could potentially address other related topics through these negotiations. Topics include, but are not limited to:

- Alignment of appropriate milestones with the March 11, 2016 Amended Consent Decree between the State of Washington and DOE-ORP (2:08-CV-05085). This would specifically include the January 2022 date for IHLW storage capacity.
- Dates for Direct Feed Low-Activity Waste treatment

- The TPA Appendix H and I process that governs tank waste retrieval, the limits of residual wastes remaining in the tanks, and the number of technologies (and limit thereof) deployed to retrieve tank wastes.

Several TPA milestones (M-45-84, M-047-07, M-062-31-T01, M-062-32-T01 M-62-45-T01, M-062-45-ZZ, M-062-45-ZZ-A, and M-90-13) are currently reported as being "in abeyance" because these negotiations were impending and should now be resolved. Any resulting agreement stemming from these negotiations will address these milestones in abeyance and either set new dates for them or delete them.

By the date established in TPA milestone M-062-45, and under this Agreement-in-Principle, the Parties have until April 30, 2018 to conclude negotiations. However, if no agreement has been reached, the Parties can mutually extend that date.

The Parties agree that following successful conclusion of negotiations, the Parties will sign a Tentative Agreement, and will perform appropriate public involvement, including public comment, in accordance with the TPA Public Involvement Plan. After considering public comment, the Parties will finalize the milestones.

The signatures below represent the acceptance of DOE-ORP, EPA and Ecology on these subject HFFACO/TPA negotiations.



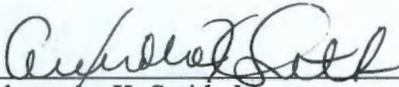
\_\_\_\_\_  
Brian T. Vance, Manager  
U.S. Department of Energy  
Office of River Protection

3/26/18  
Date



\_\_\_\_\_  
David R. Einan, Manager  
Hanford Project Office  
U.S. Environmental Protection Agency

3/29/18  
Date



\_\_\_\_\_  
Alexandra K. Smith, Manager  
Washington State Department of Ecology  
Nuclear Waste Program

3/28/18  
Date