



Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

0062571

99-EAP-327

JUN 01 1999

Mr. Michael A. Wilson, Program Manager
Nuclear Waste Program
State of Washington
Department of Ecology
P. O. Box 47600
Olympia, Washington 98504

Mr. Douglas R. Sherwood
Hanford Project Manager
U.S. Environmental Protection Agency
712 Swift Boulevard, Suite 5
Richland, Washington 99352

RECEIVED
AUG 30 2004
EDMC

Gentlemen:

DRAFT AGREEMENT IN PRINCIPAL (AIP) FOR 224-T FACILITY

Please find attached a proposed draft AIP for the 224-T Facility. Based on the discussions held at the May 25, 1999, Interagency Management Integration Team meeting, the proposed draft has been modified to reflect those discussions. Accordingly, the proposed plan of action outlined in the letter of April 27, 1999, (attachment 2) will also be modified to reflect these changes.

Please have your staff review this latest version and provide comments to Loren Rogers, Transition Programs Division at (509) 376-9560 or Jon Yerxa of my staff, on (509) 376-9628.

It is our intent to get this AIP out in final form for signature by June 10, 1999. If you have any questions, please contact me on (509) 376-6888.

Sincerely,

George H. Sanders, Administrator
Hanford Tri-Party Agreement

EAP:JKY

Attachments

cc w/attachs:

J. R. Wilkinson, CTUIR
M. Jaraysi, Ecology
R. F. Stanley, Ecology
J. S. Hertzal, FDH

A. M. Hopkins, FDH
R. E. Piippo, FDH
D. Powaukee, NPT
R. Jim, OOE

AGREEMENT IN PRINCIPLE

Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Negotiation of Commitments for the 224-T Facility Transition

Introduction:

The U.S. Department of Energy (DOE), Richland Operations Office (RL) has held several discussions with the State of Washington Department of Ecology (Ecology), concerning the regulatory status and the potential path forward for the 224-T Facility. Discussion has centered on a proposal, to which both Ecology and RL have tentatively agreed to manage 224-T Facility under Section 8, "Facility Decommissioning Process," of the Tri-Party Agreement instead of preparing a Resource Conservation and Recovery Act (RCRA) closure plan. This is proposed because the facility poses a low risk to human health and the environment, and is consistent with Hanford cleanup priorities.

The 224-T Facility consists of two contiguous entities: Transuranic Storage and Assay Facility (TRUSAF), which is a RCRA container storage unit, and the cell side which contains six nuclear process cells. The process cell side was last entered and the doors sealed in 1985. Accurate documentation of the current state identifying what, if any, process chemicals, solutions, or wastes were left in the vessels, piping, or sumps is not sufficient.

During Fiscal Year 1999, RL will work to identify funding to characterize the process cell side of 224-T, develop a safety characterization plan, and establish Tri-Party Agreement milestones for tracking the 224-T Facility characterization and planning activities that will determine the scope of the Section 8 path forward.

In FY 2000, RL plans to complete the characterization work, analyze the data, and develop a preliminary plan of action. Upon completion of the characterization work and data analysis, a meeting is proposed to discuss with Ecology what management actions should be taken in regards to the 224-T Facility Section 8 path forward.

In light of the above, RL proposed that by June 1999, the agencies develop an Agreement In Principle to guide Tri-Party Agreement negotiations.

Agreement:

The Parties agree to enter into this AIP in order to establish the expectations and requirements for the conduct of negotiations on the 224-T Facility Transition.

Therefore, the parties agree to the following:

1. To remove the TRUSAF portion of the 224-T Facility from the requirements of a RCRA closure plan, and instead agree to develop Tri-Party Agreement characterization and planning milestones in addition to placing the entire facility under Tri-Party Agreement Section 8.
2. To enter into Phase I negotiations for the purpose of establishing Agreement commitments for the 224-T process cell characterization planning, entry/data collection and resulting data analysis. As part of these negotiations the Parties agree to establish a specific M-20-23 end date for completion of all characterization activities. After the process cell data is gathered, analyzed and reviewed by the Parties, Phase II negotiations will be scheduled and Tri-Party Agreement Section 8 Facility Decommissioning Process commitments and corresponding due dates will be established.
3. That the Phase I negotiation for the characterization activities shall commence on August 2, 1999, and shall be completed no later than November 30, 1999. A weekly schedule of times and locations of negotiation sessions will be established by agreement between the Parties following 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 Ecology, as the designated Lead Regulatory Agency for these negotiations, agrees to keep the U.S. Environmental Protection Agency (EPA) appropriately and currently informed regarding all pertinent aspects of the negotiations. DOE agrees to provide any reasonable 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.
5. That these negotiations shall stand in lieu of the dispute resolution processes 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 addressed

at the Inter Agency Management Integration Team level as described in the Agreement.

Approval this ____ day of June 1999

James E. Rasmussen, Director
U.S. Department of Energy
Richland Operations Office

Michael A. Wilson, Program Manager
State of Washington
Department of Ecology

Douglas R. Sherwood, Project Manager
U. S. Environmental Protection Agency

58591



Department of Energy
Richland Operations Office
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99-TPD-164

APR 27 1999

Mr. M. A. Wilson, Program Manager
Nuclear Waste Program
State of Washington Department of Ecology
P.O. Box 47600
Olympia, Washington 98504

Dear Mr. Wilson:

PROPOSED PLAN OF ACTION FOR THE 224-T FACILITY

The 224-T Facility consists of two contiguous entities. Transuranic Storage and Assay Facility (TRUSAF), which is a Resource Conservation and Recovery Act (RCRA) container storage unit, and the cell side which contains six nuclear process cells. The Hanford Facility RCRA Permit modification schedule requires submittal of a RCRA closure plan to the State of Washington Department of Ecology (Ecology) for TRUSAF by June 1, 1999. The process cell side was last entered and the doors sealed in 1985. Accurate documentation of the current state of the process cell side identifying what, if any, process chemicals, solutions, or wastes were left in the vessels, piping, or sumps is not sufficient, and funding is currently available only for surveillance and maintenance activities.

The Richland Operations Office (RL) has held several discussions with the Ecology Waste Management Project Manager, Moses Jaraysi, concerning the regulatory status and the potential path forward for the 224-T Facility. Discussion has centered on a proposal, to which both Ecology and RL have tentatively agreed to manage 224-T as a "key facility" under Section 8, "Facility Decommissioning Process," of the Hanford Federal Facility Agreement and Compliance Order (Tri-Party Agreement) instead of preparing a RCRA closure plan. This is proposed since the facility only poses a low risk to human health and the environment, and it is not consistent with Hanford clean-up priorities to spend resources at this time to close such a low risk facility.

During the course of FY 1999, RL will work to identify funding to characterize the process cell side of 224-T, develop a safety characterization plan, and establish Tri-Party Agreement milestones for tracking the 224-T Facility characterization and planning activities that will determine the scope of the Section 8 path forward. RL proposes that the agencies develop an Agreement in Principle to guide TPA negotiations by June 1999.

In FY 2000, RL plans to complete the characterization work, analyze the data, and develop a preliminary plan of action. Upon completion of the characterization work, a meeting is proposed to discuss with Ecology what management actions should be taken in regards to the 224-T Facility path forward.

Mr. M. A. Wilson
99-TPD-164

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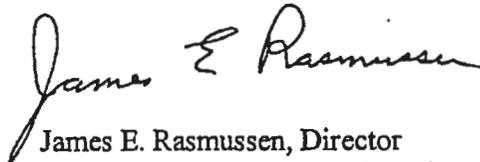
APR 27 1999

We request your acceptance of removing TRUSAF from the requirements of a RCRA closure plan, and instead agree to develop Tri-Party Agreement characterization and planning milestones in addition to placing the entire facility under the Tri-Party Agreement Section 8 as a "key" facility.

We look forward to receiving your response to this letter and to working together to establish milestones for the 224-T Facility.

If you have any questions, please contact Loren E. Rogers of the Transition Program Division, on (509) 373-9560, or George H. Sanders of my staff, on (509) 376-6888.

Sincerely,



James E. Rasmussen, Director
Environmental Assurance, Permits,
and Policy Division

TPD:LER

cc: M. N. Jaraysi, Ecology
D. R. Sherwood, EPA
J. S. Hertzell, FDH
A. M. Hopkins, FDH
R. E. Piippo, FDH