

AGREEMENT IN PRINCIPLE

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

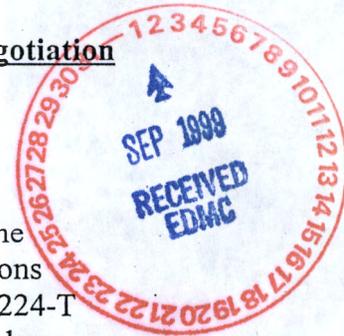
Introduction:

The U.S. Department of Energy (DOE), Richland Operations Office (RL) and the Washington State Department of Ecology (Ecology), have held several discussions concerning the regulatory status and the most efficient path forward for DOE's 224-T Facility. Discussion has centered on a proposal, to which both Ecology and RL have tentatively agreed to manage 224-T Facility closure and decommissioning through the application of Agreement Section 8, "Facility Decommissioning Process," (in lieu of submittal of the currently scheduled Resource Conservation and Recovery Act (RCRA) closure plan, and management of 224-T fully under Agreement sections 6.0 and 7.0). This is proposed because the facility poses an apparent low risk to human health and the environment, and because closure requirements must be effectively integrated with other decommissioning activities.

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 cell side state identifying what, if any, process chemicals, solutions, or wastes were left in the vessels, piping, or sumps is not sufficient. As a result, the regulatory standing of the 224-T cell side is uncertain.

During Fiscal Year 1999, RL will work to identify funding to characterize the process cell side of 224-T, and develop a safety characterization plan. DOE and Ecology also expect to establish initial Agreement milestones for 224-T Facility characterization, and activities that will subsequently allow the parties to determine the scope, and appropriate schedule for 224-T compliance and other decommissioning process activities.

Based on initial cell entry findings and consistent with site priorities, RL plans to complete characterization, analyze the data, and develop a preliminary plan of action in FY 2000. Upon completion of characterization and data analysis, a meeting will be conducted to discuss with Ecology what work should be undertaken in regards to the 224-T Facility Section 8 path forward.



In light of the proceeding, Ecology and DOE agree to the following:

Though 224-T is not being classified as a "key facility" under Agreement section 8.0, DOE and Ecology agree that necessary compliance (including closure), and other decommissioning requirements will be achieved through the application of Agreement section 8.0, instead of fully addressing 224-T through Agreement sections 6.0 and 7.0.

The Parties have entered into this AIP in order to establish the initial expectations and requirements for the closure and decommissioning of the 224-T Facility.

The parties also agree to the following:

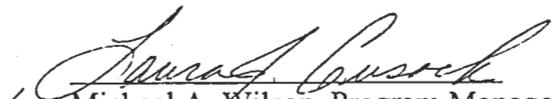
1. That the current requirement for the submittal of a RCRA closure plan for the TRUSAF portion of the 224-T facility (due July 1, 1999) is hereby deleted. Applicable facility closure requirements will be established pursuant to Agreement section 8.0.
2. To enter into Phase I negotiations for the purpose of establishing Agreement commitments for the 224-T process cell characterization, 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 Agreement Section 8 Facility Decommissioning Process commitments and corresponding due dates will be established.
3. That Phase I negotiations shall commence on a date to be mutually agreed to by the parties (currently estimated for September 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 briefing opportunities to the State of Oregon, affected Indian Nations, the Hanford Advisory Board, and other stakeholders as appropriate.

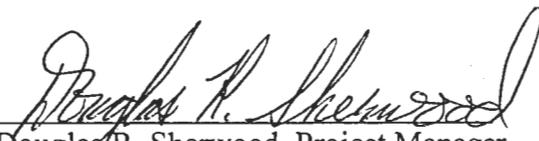
5. That these negotiations shall stand in lieu of the dispute resolution processes established in the Agreement and that if the Parties are not able to resolve all issues in the negotiations, any unresolved matters, shall be referred for resolution under Article VIII for matters over which Ecology exercises 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 beginning at the Inter Agency Management Integration Team level as described in the Agreement.

Approved this 22 day of June 1999

Pink

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

for

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


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

Admin. Record
H6-08