

Tri-Party Agreement

JUN 26 2008

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HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER
(HFFACO) RESOLUTION OF DISPUTE AGREEMENT AT THE INTER-AGENCY
MANAGEMENT INTEGRATION TEAM (IAMIT) LEVEL FOR THE
221-U FACILITY RD/RA WORK PLAN

The purpose of this agreement is to document the resolution of dispute at the IAMIT level for the 221-U Facility remedial design remedial action (RD/RA) work plan. A statement of dispute was submitted to the IAMIT on March 27, 2008 concerning five topics, 1) Schedule dates, 2) clean-up levels, 3) regulator extension of document reviews, 4) surveillance and maintenance, and 5) performance fill criteria. The IAMIT has agreed that the dispute has been resolved and the five topics are to be addressed as follows:

Topic 1 Schedule

RL has agreed to accelerate the 221-U Cell 30-related design work and incorporate the new dates into the RD/RA Work Plan schedule. The new start date for design will be 11/30/2013* and the new end date will be 12/31/2018*. RL has also agreed to accelerate demolition of the U Plant ancillary facilities (211-U, 211-UA, 224-U and 224-UA) and update the associated removal action work plan. The restart date for U Plant ancillary facilities removal action activities will be 11/30/2010* and the new completion date will be 09/30/2012*. The remaining 221-U Facility key schedule dates will remain as proposed by RL with a caveat added that schedule dates may be modified as a result of the facility negotiations that will follow after approval of the Agreement-In-Principle.

* Note: Three months after the PRC performance measurement baseline is provided to DOE, a baseline schedule and a draft HFFACO change package will be submitted with proposed U Zone closure milestones, including buildings and waste sites. The parties expect that based on acceleration anticipated under the PRC performance measurement baseline, acceptable milestone due dates can be established six months beyond the DOE approved 50 percent confidence baseline established from the PRC contract commitment dates. Should submittal of the PRC performance measurement baseline be delayed, the Parties agree to meet and assess the impact. If the impact is agreed to be significant, the dates identified in the paragraph above will be in effect.

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Topic 2 Clean-up Levels

The Tri-Parties agreed to strike the proposed language in the RD/RA Work Plan that specifies Hanford Site background levels will be used as clean-up levels for any future unintentional release of material occurring within the scope of the RD/RA Work Plan. DOE will continue to use established spill response procedures for response to any future spills in the CERCLA areas. Clean-up levels for any such spills will be established on a case-by-case basis, as dictated by the applicable Record of Decision or Action Memorandum.

Topic 3 Regulator Extension of Document reviews

Consistent with the HFFACO, DOE does not have approval authority for document review extensions by the regulators. Strikeout text on p 6-2, line 23 of the regulator comment version of the RD/RA Work Plan will be accepted. The Agencies agree that design documents that are at 30% and 60% completion will be HFFACO secondary documents and follow the HFFACO 9.2.3 Secondary Documents review process. The duration of primary and secondary documents review shall be consistent with HFFACO section 9.2.

Topic 4 Surveillance and Maintenance

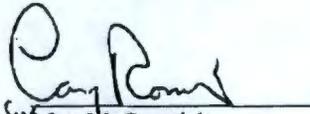
A description of surveillance and maintenance will be incorporated in the RD/RA Work Plan with a level of detail appropriate for a primary document and then point to the implementing documents. Contents of the S&M plan will be written with consideration for the extended length of time between the approval of the RD/RA Work Plan and initiation of physical remediation activities.

Topic 5 Performance Fill Criteria

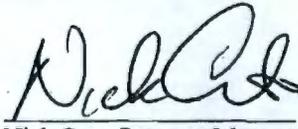
A technical basis shall be developed and noted in the RD/RA Work Plan to document the performance criteria for the minimally contaminated fill material proposed for use beneath the 221-U barrier.

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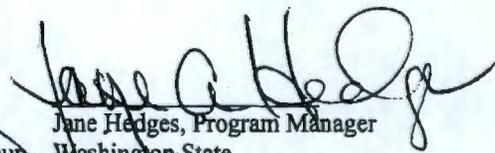
The IAMIT representatives agree that the five topics have been resolved per the descriptions above and this closes the dispute on the 221-U Facility RD/RA Work Plan primary document. The document will be updated with the resulting changes and submitted for approval within 90 days of the date of this agreement. The U Plant Ancillary Facilities removal action work plan will be updated to incorporate the new dates for demolition activities provided in this agreement. The removal action work plan will also be updated within 60 days of the date of this agreement. Closeout of the dispute is conditioned on the timely and accurate revision of these documents.



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Administrative Record (221-U Facility) H6-08