



**U.S. Department of Energy  
Hanford Site**

20-PFD-0038

July 8, 2020

Ms. Alexandra K. Smith, Program Manager  
Nuclear Waste Program  
Washington State Department of Ecology  
3100 Port of Benton Boulevard  
Richland, Washington 99354

Dear Ms. Smith:

AGREEMENT IN PRINCIPLE FOR THE NEGOTIATION OF HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (HFFACO) MILESTONE M-091 SERIES, COMPLETE THE TREATMENT TO LAND DISPOSAL RESTRICTION (LDR) TREATMENT STANDARDS FOR ALL HANFORD SITE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) MIXED LOW-LEVEL WASTE (MLLW) AND RCRA TRANSURANIC MIXED (TRUM) WASTE

The U.S. Department of Energy, Richland Operations Office (RL) would like to restart formal negotiations that were originally initiated in March 2018 to revise the M-091 milestone series. The previous negotiations were stopped in June 2019 due to a disagreement on whether the initiation of treatment to LDR treatment standards for transuranic (TRU) waste or shipment to the Waste Isolation Pilot Plant would be an interim milestone versus a target date. RL is now willing to commit to resuming TRU shipments in 2028. Attached is the Agreement in Principle (AIP) for your approval that will establish a July 31, 2020 date for completing the negotiations. RL commits to working diligently with your staff to complete the negotiations in this timeframe and will set up negotiation sessions starting the week of July 6, 2020.

RL intends that these negotiations will also include discussion of the M-015-93C and M-015-93B milestones related to the characterization of the 200-SW-2 Burial Ground to align these milestones with retrieval of retrievably stored wastes from the Low Level Burial Grounds.

If you have any questions, please contact me, or your staff may contact Mark French, of my staff, on (509) 373-9863.

Sincerely,



William F. Hamel, Assistant Manager  
for the River and Plateau  
Richland Operations Office

PFD:MSF

Attachment: Agreement in Principle

cc w/attach:

S. G. Austin, CHPRC

J. Bell, NPT

S. L. Brasher, MSA

R. Buck, Wanapum

L. Contreras, YN

S. W. Davis, MSA

D. R. Einan, EPA

K. A. Elsethagen, Ecology

S. Leckband, HAB

N. M. Menard, Ecology

M. Murphy, CTUIR

K. Niles, ODOE

S. N. Schleif, Ecology

Administrative Record (M-091)

Environmental Port



**AGREEMENT IN PRINCIPLE FOR THE NEGOTIATION OF HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (HFFACO) MILESTONE M-091 SERIES, M-015-93C AND M-015-93B**

The U.S. Department of Energy (DOE) and the Washington State Department of Ecology (Ecology), herein after referred to as the Parties, agree there is a need to enter into formal negotiations and establish revisions to Hanford Federal Facility Agreement and Consent Order (HFFACO) Appendix D to include:

- Submitting Revision of TRUM Waste and Mixed Low Level Waste (MLLW) Project Management Plan (PMP) to Ecology,
- Submitting a Change Request to Establish a Schedule for Achieving the Retrieval of Retrievable Stored Waste (RSW),
- Submitting a change request to establish a schedule for achieving the offsite shipment of all TRUM waste (in above ground storage as of June 30, 2009, and in retrievable storage), and
- Completing milestone negotiations initiated under milestone M-091-53.

On January 23, 2020, the Parties agreed HFFACO milestone M-015-93C to Initiate Characterization Field Work for the 200-SW-2 OU Landfills should be coordinated to coincide with the M-091 milestone for retrievals. The Parties also agreed to include milestone M-015-93B, Submit RCRA Facility Investigation/Corrective Measures Study and Remedial Investigation/Feasibility Study Report and Proposed Corrective Action Decision/Proposed Plan for the 200-SW-2 OU in these negotiations, as it is a follow-on milestone to M-015-93C.

Upon signing this AIP by DOE and Ecology and throughout the pendency of these negotiations, these Parties agree that there shall be a day-for-day extension in the due date for milestones M-091-03N, M-091-49A, and M-91-44-T, analogous to the relief granted in HFFACO Article VIII.30 and Article XVI.59 to remain in effect until the HFFACO change control forms, including revisions as necessary, are incorporated into the HFFACO.

The Parties will begin negotiations by July 1, 2020 and plan to conclude negotiations with a signed Tentative Agreement by July 31, 2020. These affected milestones will remain under the status of “In Abeyance” throughout these negotiations.

The Parties will cooperate in providing periodic briefings to the State of Oregon, affected Tribes, the Hanford Advisory Board and other stakeholders as necessary.

**AGREEMENT IN PRINCIPLE FOR THE NEGOTIATION OF HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (HFFACO) MILESTONE M-091 SERIES, M-015-93C AND M-015-93B**

The Parties agree that following successful conclusion of the negotiations that are documented in a signed Tentative Agreement, they will perform an appropriate 45-day public comment period in accordance with the Public Involvement Plan. The milestones will be finalized following the public comment period.

The signatures below represent the acceptance of the Parties on these subject HFFACO negotiations.

	<i>7/8/2020</i>		
William F. Hamel	Date	Alex K. Smith, Program Manager	Date
Assistant Manager for River and Plateau		Nuclear Waste Program	
U.S. Department of Energy		Washington State Department of Ecology	
Richland Operations Office			

cc: D. B. Bartus, EPA  
T. B. Bergman, CHPRC  
S. L. Brasher, MSA  
C. E. Cameron, EPA  
M. W. Cline, DOE-RL  
S. W. Davis, MSA  
K. A. Elsethagen, Ecology  
M. S. French, DOE-RL  
K. L. Higgins, DOE-RL  
J. B. Price, Ecology  
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