



Tentative Agreement On

U. S. Department of Energy, Office of River Protection "Recovery Plan" and Associated Hanford Federal Facility Agreement and Consent Order Modifications.

Hanford Federal Facility Agreement and Consent Order (HFFACO) interim milestone M-62-06, Start of Construction – Phase I Treatment Complex, required the United States Department of Energy (DOE), by July 31, 2001, to begin construction of facilities for vitrification of high-level waste contained in underground storage tanks at DOE's Hanford site. Because DOE failed to begin construction by this date, the Washington Department of Ecology (Ecology), on August 1, 2001, issued Notice of Penalty Incurred and Due No. 01NWP HQ-3131, which assessed stipulated dangerous waste penalties against DOE of \$5,000 for the first week and \$10,000 for each week thereafter, pursuant to Article IX of the HFFACO. The notice provided that weekly penalties would continue to be assessed until either (1) DOE begins construction, as defined in HFFACO milestone M-62-06; or (2) DOE submits and Ecology approves an acceptable tank waste treatment "Recovery Plan" documenting actions and associated schedules DOE proposes to implement to assure compliance with HFFACO requirements.

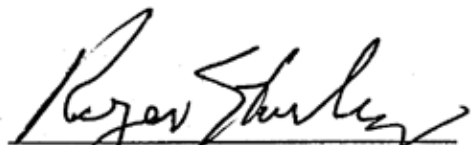
Should DOE submit a Recovery Plan, the Notice of Penalty required that it include: a) the date by which DOE proposes to initiate construction, and b) DOE's proposal for establishing the two construction progress milestones described at HFFACO milestone M-62-07. DOE's recovery plan was also required to demonstrate that the 2007 deadline for beginning waste treatment at the vitrification complex will be met, and that DOE has in place FY 2002 funds and the necessary spending authority to fully support implementing the Recovery Plan. DOE submitted its Recovery Plan on October 1, 2001 as required.

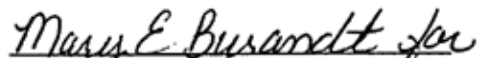
DOE and Ecology staff have subsequently worked with one another to identify appropriate modifications to DOE's Recovery Plan, and have reached a tentative agreement memorialized herein on the Recovery Plan's three basic elements: 1) descriptive text, 2) work schedule sheets, and 3) associated HFFACO modifications to certain M-20, M-62, and M-90 series milestones. A focus sheet summarizing the Recovery Plan (including the proposed milestone revisions) and copy of the plan itself are attached hereto for information purposes only. Ecology hereby "approves" (subject to public comment) DOE's Recovery Plan as documenting actions and associated schedules DOE proposes to implement to assure compliance with HFFACO requirements, as required by Ecology's Notice of Penalty. However, Ecology does not, by virtue of such acceptance and approval, nor by virtue of entering into this tentative agreement, concur with all descriptive text and all work schedule sheet information contained in the plan.

This tentative agreement and proposed Recovery Plan will be submitted for public review and comment for a forty-five (45) day period. Copies of the documents will also be available for review at the parties' public information repositories. Following the forty-five day public comment period, the parties will issue a response to comments document and make any appropriate revisions before final agreement. The parties anticipate that final signature will take place by May 15, 2002.

The parties further agree that to minimize additional delay in the event they fail to agree on any changes as a result of public comment, all unresolved matters shall be referred to the HFFACO dispute resolution process beginning at the Inter Agency Management Integration Team (LAMIT) level. The parties shall attempt to resolve the dispute(s) as provided at HFFACO Article VIII, paragraph 30.

Signed this 17th day of March, 2002


Roger Stanley, Lead Negotiator
Washington Department of Ecology


James E. Rasmussen, Lead Negotiator
U. S. Department of Energy,
Office of River Protection