

TENTATIVE AGREEMENT ON NEGOTIATIONS

Acceleration of K Basins Sludge Treatment and Disposal, Basin Remediation, and Delay in Sludge Retrieval

The U.S. Department of Energy, Richland Operations Office (RL) and the U.S. Environmental Protection Agency (EPA) have concluded negotiations on the Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) M-034 and M-016 commitments for removal of sludge, debris, water and the K Basins. The M-016 commitments involve the removal of the basins and initiate remediation of contamination in the underlying soil.

Tentative agreement has been reached and proposed change packages were developed in accordance with the Tri-Party Agreement. The Tri-Party Agreement Change Requests M-34-04-01 and M-16-04-04 were developed by and found mutually agreeable to the Parties.

The Parties intend that these change requests contain the series of milestones to measure progress of the K Basin remedial action, as well as , the remedial action of selected 100 Area Remaining Waste Sites. Both of these are remedial actions under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The accelerated sludge disposal work scope encompassed within the proposed M-034 commitments are deemed by the parties to be supportive of the “final” remediation of the 100 K Area. Spent Nuclear Fuel and Environmental Restoration milestones as described in this change package are considered by the Parties to be a comprehensive pathway to a safe and stable remediation that offers net positive environmental benefits.

The Parties agree that the Record of Decision (ROD) for the 100-K Area Spent Nuclear Fuel (SNF) Basins will be modified to include treatment of sludge in order to prepare it for shipment to the Waste Isolation Pilot Plant (WIPP). A more detailed description of the waste management process for sludge that is classified as Transuranic (TRU) waste will be provided in the Remedial action Work Plan. While a date for completion of TRU sludge shipments to WIPP cannot be determined at this time, DOE agrees that the Remedial Action for the 100-K Area is not complete until shipment from Hanford to WIPP has taken place. Tri-Party Agreement Major Milestone M-016-00 requires completion of remedial actions for all non-tank farm operable units by September 30, 2024, therefore sludge shipments to WIPP will be completed no later than that date. However, consistent with CERCLA Section 120 requirements for the expeditious completion of all necessary remedial actions, DOE will seek to ship sludge to WIPP by Tri-Party Agreement Interim Milestone M-016-53 completion date of December 31, 2012. This milestone requires completion of Interim Response Actions for the 100-K Area. A portion of the treated sludge may be acceptable for disposal at ERDF as contemplated in the previously issued Interim Action ROD.

Final approval by the Parties is subject to public comment, Washington Department of Ecology consultation, and appropriate change request modifications, if required. The Parties will submit the proposed change package for a 45-day public comment period. Following conclusion of the public comment period, a response to comments document will be prepared and issued, the change request will be updated accordingly and a Conclusion Agreement will be prepared and signed by the Signatories. Following approval, the Spent Nuclear Fuel Tri-Party Change Request will be incorporated into the Tri-Party Agreement.

Approved _____, 2004

ORIGINAL SIGNED BY THE FOLLOWING, OR THEIR DESIGNATES, ON APRIL 29, 2004

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