

AGREEMENT ON PRINCIPAL REGULATORY COMMITMENTS
Pertaining to Hanford Tank Waste Treatment Complex
Construction and Operations

- Secretary Richardson confirmed the Department of Energy (DOE) commitment to start hot operations for Hanford tank waste treatment by the year 2007, and to complete treatment of 10 percent of the tank waste by volume and 25 percent of the tank waste by activity by the year 2018. As a result, DOE will not seek an alternative path within the Tri-Party Agreement to achieve results by the 2007 and 2018 commitment dates.
- However, DOE needs flexibility in how it will achieve the 2007 and 2018 commitment dates. The following regulatory commitments were agreed to at the Parties September 17th, 1999 senior management meeting, and are structured to provide this flexibility and maintain enforceable regulatory commitments that will demonstrate successful progress in reaching the 2007 and 2018 commitment dates:

| Item Number | Milestone Type | Description | Date |
|-------------|-------------------|---|---------|
| 1 | Interim Milestone | <p><i>Submittal of Hanford Tank Waste Treatment Alternatives Report</i></p> <p>DOE will submit a report that describes the alternatives (technical, financial, and contractual) to treat Hanford tank waste. The report will: 1) Identify and describe credible alternatives to the current privatization approach that meet DOE commitments to achieve hot operations by 2007, and to treat no less than 10 percent of the tank waste by volume and 25 percent of the tank waste by activity by the year 2018, 2) serve as a basis to amend the Fiscal Year 2001 budget request for authority to implement a contingency option (authority to use privatization set-aside funds), and 3) be released concurrently to Ecology, EPA, and the public.</p> | 3/01/00 |
| 2 | Target Date | <p><i>Readiness to Proceed - Support to Phase I Treatment</i></p> <p>DOE and it's Hanford tank farms operations contractor will complete all necessary work and achieve Readiness to Proceed (RTP) in support of Part B-2, Phase I</p> | 5/1/00 |
| 3 | Interim Milestone | <p><i>Issuance of DOE Authorization to Proceed (ATP) - Phase I Treatment</i></p> <p>DOE will authorize Part B-2, Phase I, of Contract DE-AC06-96L13308 (the contract phase to design, construct, commission, and provide services for Hanford tank waste pretreatment, low-activity waste vitrification, and high-level waste vitrification).</p> <p>The Parties will revise or confirm start of Construction and Construction Progress milestone due dates (noted here as items 5 and 6) within six (6) months of ATP. Revision, if necessary, shall be consistent with Hot Commissioning by 2007, Commercial Operations by 2009, and Completion of Phase I Treatment by 2018.</p> | 8/31/00 |

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| 4 | Interim Milestone | <i>Part B Permit Application for Phase I Treatment Complex</i> DOE will submit it's certified draft tank waste treatment complex RCRA Part B Permit Application to Ecology. At this time, public review and comment opportunities will be provided that are consistent with the permittee- initiated requirements for a Class 3 Permit Modification. | 4/28/00 |
| 5 | Interim Milestone | <i>Start of Construction – Phase I Treatment Complex</i> First placement of structural concrete at one of the treatment complex principal facilities (i.e., pretreatment, low-activity waste vitrification, or high-level waste vitrification facilities). | 7/31/01 |
| 6 | Interim Milestone | <i>Construction Progress Milestones (2) – Phase I Treatment Complex</i> DOE shall complete two construction progress milestones during the period between the start of construction and start of commercial operations; these milestones will be established within 60 days of issuance of the DOE ATP with Phase I Treatment. | TBD |
| 7 | Interim Milestone | <i>Start (Hot) commissioning – Phase I Treatment Complex</i> DOE will start hot commissioning of it's tank waste treatment complex (defined as first principal facility receipt of radioactive tank waste for treatment). | 12/2007 |
| 8 | Interim Milestone | <i>Start Commercial Operation – Phase I Treatment Complex</i> DOE will achieve sustained throughput of pretreatment, low-activity waste vitrification and high-level waste vitrification processes, and demonstrated treatment complex availability to complete treatment of no less than 10 percent of the tank waste by volume and 25 percent of tank waste by activity by 2018. | 12/2009 |
| 9 | Major Milestone | <i>Complete Phase I – Treatment</i> DOE shall complete treatment of no less than 10 percent of the tank waste by volume and 25 percent of the tank waste by activity. | 12/2018 |

- Interim Milestones noted here as items 5 and 6 will be adjusted to reflect the results from the DOE ATP with Phase I Treatment, provided that such adjustments shall be consistent with the achievement of item numbers 7, 8, and 9.
- Agency negotiators are directed to reinitiate negotiations in order to convert regulatory commitments shown in this agreement to TPA Change Request format. Such conversion shall not modify the 2028 completion date for tank waste processing, but shall serve as a complete replacement of Milestone series M-50 (pretreatment), M-51 (high level waste treatment), M-60 (low activity waste treatment under the primary path), and M-61 (low activity waste treatment under the alternate path).

- These negotiations will also serve the purpose of developing tentative Agreement language for the following issues which were not addressed during the Parties September 17th, 1999 meeting.
 1. Agreement requirements as necessary to ensure effective Agreement implementation. To this end, the Parties agree to review and modify such requirements as may be necessary, e.g., work, critical path, change control, and reporting. Ecology and DOE will also recognize the need for their continuing an open and frank discussion of financing and contract issues, and issue status.
 2. Agreement revisions requiring that Hanford contractor baselines be consistent with Agreement requirements.
 3. Agreement milestones, target dates, and associated Agreement language as a result of PHMC work schedules impacted by the tank waste treatment complex contract (e.g., DST upgrades, disposal).
 4. Agreement milestones, target dates and associated Agreement language which requires that DOE and it's contractors complete all actions necessary to ensure timely delivery of tank waste feed.
 5. Agreement language necessary for compliance with Land Disposal Restriction (LDR) requirements of the Resource Conservation and Recovery Act (RCRA) in a manner equivalent to Site Treatment Plans as required by the Federal Facility Compliance act (FFCA) of 1992.
 6. An Agreement milestone and associated language scheduling the submittal of DOE's vitrified HLW RCRA delisting petition.
 7. Agreement milestones, target dates and associated Agreement language which establish: a) a specific schedule for the Parties to revisit and negotiate Agreement modifications pertaining to tank waste retrieval, and b) a specific schedule for the Parties to revisit and negotiate Agreement modifications pertaining to the processing of the remainder of Hanford tank wastes (post Phase I treatment).
 8. Modifications necessary due to the recent establishment of the Office of River Protection (ORP).
- Negotiations will conclude no later than January 31st, 2000.
- Should agreement not be reached by January 31st, 2000, a final determination shall be issued pursuant to Part II, Article VIII of the Agreement. This decision or determination will be issued no later than February 14th, 2000.

AGREED TO THIS 15th DAY OF NOVEMBER, 1999

Original signed by:

Tom Fitzsimmons, Director

Department of Ecology

Richard T. French, Manager

U.S. Department of Energy
Office of River Protection

Chuck Clarke, Administrator

U.S. Environmental Protection Agency
Region 10

Keith A. Klein, Manager

U.S. Department of Energy
Richland Field Office