

I-16 Appendix J Operating Instructions

The following delineates the operating instructions to be followed by the parties to the FFA during each annual update to Appendix J. FFA Section XVIII establishes the requirements for development and submission of Appendix J. In accordance with the May 31, 2007 dispute resolution statement this operating instruction further defines the mechanism for annual Appendix J updates, review and approval, or initiation of dispute proceedings if necessary.

1. An annual Appendix J prioritization meeting will be held in January among the parties to the FFA. The meeting will generally include the participation of Senior Managers. An additional purpose of this meeting is to allow EPA and TDEC input into the FY +2 budget request, specifically, any differences in FY+2 budget proposals with the previous Appendix J FY+3 milestones.
2. The goal of the annual Appendix J meeting will be to discuss priorities and to strive to reach a consensus on the FY+3/+4 project-specific milestones and out-year targets to be submitted formally on or before March 15.
3. By March 15, DOE shall submit to EPA and TDEC an updated Appendix J. If DOE proposes to change any milestone in the updated Appendix J, it shall provide the basis, including any new information or conditions, for those changes.
4. EPA and TDEC will review the March 15 submission of Appendix J and provide a letter documenting either approval of Appendix J or listing revisions necessary for approval of Appendix J on or before March 31. If revisions are requested by either TDEC or EPA, the DOE response and/or revised Appendix J submittal shall be transmitted within 2 weeks. If the FFA Project Managers are unable to negotiate an agreed upon Appendix J within 15 days (which is hereby designated as a streamlined informal dispute period), the party proposing to change any milestone from the prior year's approved Appendix J will elevate the matter to the Dispute Resolution Committee (DRC) per the FFA. The DRC will meet within 21 days of elevation and if they are not able to resolve these issues, they will be elevated to the Senior Executive Committee.
5. DOE will not modify Appendix J until both EPA and TDEC approve Appendix J revisions, or resolution of any dispute raised has been reached.