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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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May 12, 1993



Mr. James D. Bauer, Program Manager
Office of Environmental Assurance,
Permits, and Policy
U. S. Department of Energy
P. O. Box 550, A5-15
Richland, WA 99352-0550

Dear Mr. Bauer:

This letter responds to John Wagoner's request that the Department of Ecology (Ecology) grant a deferral of work required under interim milestone M-03-05 of the Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement or TPA). Mr. Wagoner's request was made within his March 31, 1993, letter to Mary Riveland of Ecology, and Dana Rasmussen of the Environmental Protection Agency proposing modification of the TPA. Deferral of this work (start of construction of the Hanford Waste Vitrification Plant (HWVP)), was also addressed within our joint Agreement in Principle (also March 31, 1993), as was an agreed upon subsequent deferral of HWVP hot operations.

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Ecology is hereby granting a short-term deferral of HWVP start of construction through September 30, 1993, under the provisions of Article XL (EXTENSIONS) of the TPA.

This deferral is granted in recognition of many of the issues raised within Mr. Wagoner's request. However, we also note, that while the U. S. Department of Energy (USDOE) has raised these issues as constituting good cause, our observations throughout USDOE's recent "rebaselining" studies has also provided us significant information which supports construction initiation. For these reasons, we agree that good cause exists for approval of a short-term deferral in order to provide sufficient time to examine vitrification options, and to allow us to conclude negotiations on a reasonable course of action for handling Hanford's tank wastes.

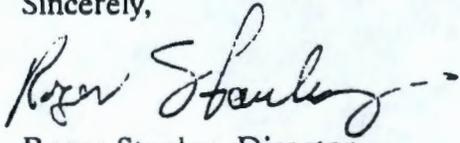


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Mr. James D. Bauer
May 12, 1993
Page 2

You should note that this deferral will remain in effect only through September 30, 1993, and that if, at that time, negotiations have not resulted in agreement between the parties regarding the HWVP, USDOE is required to immediately mobilize and commence construction as contemplated under the subject interim milestone (M-03-05). Prior to September 30, 1993, USDOE must maintain its capabilities to resume work should that be required.

Sincerely,



Roger Stanley, Director
Tri-Party Agreement Implementation
Nuclear and Mixed Waste Management Program

RS:dr

cc: John Wagoner, USDOE
John Anttonen, USDOE
Dana Rasmussen, EPA
Mary Riveland, Ecology
Tanya Barnett, Attorney General's Office

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Mr. James D. Bauer
May 12, 1993
Page 3

bcc: Steve Wisness, DOE
George Hofer, EPA
Paul Day, EPA
Tom Anderson, WHC ✓
Dan Silver, Ecology
Dru Butler, Ecology
Dave Jansen, Ecology

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CORRESPONDENCE DISTRIBUTION COVERSHEET

Author: R Stanley/Ecology Addressee: JD Bauer/RL Correspondence No.: Incoming: 9302693.1

Subject: REQUEST TO MODIFY THE HANFORD FEDERAL FACILITY COMPLIANCE AGREEMENT AND CONSENT ORDER (TRI-PARTY AGREEMENT)

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