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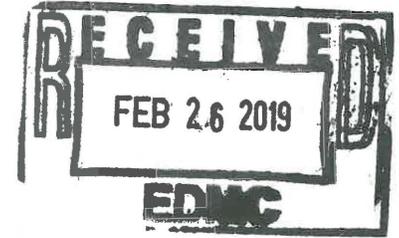
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**OFFICE OF RIVER PROTECTION**  
P.O. Box 450, MSIN H6-60  
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MAR 01 2019

19-TF-0015

Ms. Alexandra K. Smith, Program Manager  
Nuclear Waste Program  
Washington State  
Department of Ecology  
3100 Port of Benton Blvd.  
Richland, Washington 99354



Ms. Smith:

**TRANSMITTAL OF LETTER REGARDING NEED FOR STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY APPROVAL OF PENDING NOTICE OF  
CONSTRUCTION APPLICATION**

- References:
1. WRPS letter from J.R. Eschenberg, to B.T. Vance, ORP, "Washington River Protection Solutions LLC Anticipated Consent Decree Milestone Impacts Due to Lack of State of Washington, Department of Ecology Approval Order," WRPS-1900243, dated January 28, 2019.
  2. ORP letter from K.W. Smith, to J.A. Hedges, Ecology, "The U.S. Department of Energy, Office of River Protection Submits TOC-ENV-NOC 5252, Rev. 00, Criteria and Toxics Air Emissions Notice of Construction for the Operation of Portable Exhausters Supporting Single-Shell Tank Waste Retrieval at the 241-A and 241-AX Tank Farms," 16-ECD-0008, dated February 23, 2016.

In February 2016, the U.S. Department of Energy, Office of River Protection (ORP) submitted a Notice of Construction (NOC) application to the Washington State Department of Ecology (Ecology) (Reference 2). The NOC application included operation of 241-A and 241-AX Farm exhausters at flow rates up to 3,000 scfm per exhauster. Approval of this application is necessary for pre-retrieval construction activities and tank retrievals to proceed as planned. ORP and Washington River Protection Solutions LLC (WRPS) have engaged at various organizational levels to request Ecology take action on the application, but to date, Ecology has not provided approval of the application.

On January 28, 2019, ORP received a WRPS letter (Reference 1) which outlines potential impacts to tank retrievals at A and AX Farms, due to a lack of Ecology regulatory approval associated with the 241-A and 241-AX Tank Farms exhausters (Reference 1). Additionally, WRPS indicated that continued delays may also result in a need to execute a demobilization and layup plan for the project which could include a resource restructuring plan.

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The purpose of this letter is to transmit Reference 1, and to ensure that Ecology is aware of potential impacts to A and AX Tank Farm retrievals, and possibly associated Consent Decree milestones, if Ecology does not approve the NOC in the near future.

While ORP is continuing to evaluate the information provided in Reference 1, we are concerned about the increasingly likely potential for schedule impacts and are thus providing this information to Ecology to facilitate expedited approval of the pending application.

In the event ORP determines that amendment of the Consent Decree (including potential invocation of *force majeure* provisions) or other actions may be necessary, we will promptly notify the State of Washington accordingly.

If you have any questions, please contact me, or your staff may contact Vanessa. A. Turner, Deputy Federal Project Director at (509) 376-5503.



Brian T. Vance  
Manager

TF:VAT

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