



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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February 14, 2020

20-NWP-039

William F. Hamel, Assistant Manager
Richland Operations Office
United States Department of Energy
PO Box 550, MSIN: H5-20
Richland, Washington 99352

Re: Response to Notification that Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Interim Milestone M-035-09L is at Risk of Not Being Met

Reference: Letter 20-AMRP-0014, dated January 10, 2020, "Notification that Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Interim Milestone M-035-09L is at Risk of Not Being Met"

Dear William F. Hamel:

The Department of Ecology (Ecology) is herein responding to the United States Department of Energy (USDOE) letter 20-AMRP-0014 (reference) regarding Tri-Party Agreement milestone M-035-09L. Ecology notes the following:

1. While USDOE recommended deletion or extension of milestone M-035-09L in Letter 20-AMRP-0014, Ecology has not received a request for extension submitted in accordance with Tri-Party Agreement Action Plan section 12.3.2.
2. Letter 20-AMRP-0014 failed to establish good cause for extension, as defined in Tri-Party Agreement Article XL.
3. Pursuant to Tri-Party Agreement Article VIII, paragraph 30(F) states that, "[t]he pendency of any dispute under this Article shall not affect DOE's responsibility for timely performance of the work required by this Agreement," except in circumstances that are not applicable here.
4. Letter 20-AMRP-0014 was dated January 10, 2020, and milestone M-035-09L is due March 31, 2020. USDOE has adequate time to complete the requirements of M-035-09L.

Therefore, Ecology is inclined not to accept your recommendation to delete or extend milestone M-035-09L.

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If you have any questions, you may contact me at alex.smith@ecy.wa.gov or (509) 372-7905.

Sincerely,



Alexandra K. Smith
Program Manager
Nuclear Waste Program

jbp/lkd

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