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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1315 W. 4th Avenue • Kennewick, Washington 99336-6018 • (509) 735-7581

January 12, 2001

Mr. Peter Knollmeyer
U.S. Department of Energy
P.O. Box 550, MSIN: A5-11
Richland, Washington 99352

Mr. Cliff Clark
U.S. Department of Energy
P.O. Box 550, MSIN: A5-15
Richland, Washington 99352

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EDMC

Dear Messrs. Knollmeyer and Clark:

Thank you for your letter dated December 21, 2000, notifying the Washington State Department of Ecology (Ecology) that the U.S. Department of Energy (USDOE) was having difficulties completing work required by Hanford Federal Facility Agreement and Consent Order (HFFACO) Milestone M-89-02. "Complete Removal of 324 Building REC B-Cell Mixed MW and Equipment (11/30/00)."

Although that letter did not specifically state it, Ecology has determined that the USDOE has failed to comply with HFFACO Milestone M-89-02. Included in that letter was a schedule by which the USDOE intended to complete the work required by that milestone. The schedule identified that all mixed waste would be removed from the B-Cell by March 30, 2001. Ecology understands that both the USDOE and its contractors have been working to complete required work and encourages all to continue on that path.

Please note that in accordance with Part Two, Article IX of the HFFACO, Ecology will be assessing stipulated penalties in the amount of \$5,000 for the first week and up to \$10,000 for each additional week. These penalties will be assessed from the date the milestone was due, until the time that the USDOE actually completes the work. Ecology will consider any extenuating circumstances when making a final decision on the amount of penalty levied against the USDOE.

Ecology encourages the USDOE to continue in its efforts to remove all mixed waste from the B-Cell as soon as possible and is willing to provide whatever assistance is necessary. Ecology also



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stresses the importance of maintaining safe work practices in the completion of that work.

If you have any questions regarding this matter, please feel free to contact me at (509) 736-3038.

Sincerely,



Laura J. Cusack, Project Management Section Manager
Nuclear Waste Program

LJC:sdb

cc: Dave Bartus, EPA
Doug Sherwood, EPA
Mary Lou Blazek, OOE
Administrative Record: Milestone M-89-02 and 324 Building