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April 24, 1989

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Re: Docket No. 880801
Docket No. 880801-A

Dear Ms. Laeser and Mr. Mitchell:

This letter responds to our telephone conversation of April 18, 1989 regarding my letter with draft procedures to you and Mr. Mitchell dated April 7, 1989. I understood you to state that DOE and the University will respond with comments on the draft procedures to Weldon Merritt of this office just as "all Interested Persons" are directed to do by his letter dated April 4, 1989. I understood you to further say that it is DOE's and the University's positions that no hearing on Docket Nos. 880801 and 880801-A is appropriate until after the proposed procedures are finally promulgated. Finally, I understood you to say that DOE and the University do not wish to negotiate the proposed procedures with EID for that hearing separately from the commenting DOE and the University intend to do pursuant to the rulemaking process that Weldon Merritt is initiating.

I informed you that EID was not delaying proceeding to Section 74-4-10 hearings until after final promulgation of hearing procedures, and was, in fact, proceeding to hearings based on the proposed procedures in other cases. As I said, EID will act similarly regarding Docket Nos. 880801 and 880801-A.

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HAZARDOUS WASTE SECTION



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I expect that I will have revised proposed procedures ready within a week. I expect to then move the Hearing Officer in this matter, William Hendley, for his approval of the procedures. Unless I hear from you otherwise, I will assume DOE and the University are declining to further negotiate procedures in Docket Nos. 880801 and 880801-A.

Sincerely,



GINI NELSON
Assistant General Counsel

GN:vmj

cc: Boyd Hamilton, EID Hazardous Waste Program Manager
Michael Brown, EID District II Manager

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