U.S. DEPARTMENT OF ENERGY

Colorado Department of Public Health and Environment

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Date: SEP 22 2011

Subject: Release of final *Corrective Action Decision/Record of Decision Amendment for Rocky Flats Plant Peripheral Operable Unit and the Central Operable Unit* and Modification of the *Rocky Flats Legacy Management Agreement*, Attachment 2, "Legacy Management Requirements"

Dear Rocky Flats Stakeholders,

The U.S. Department of Energy (DOE), the Colorado Department of Public Health and Environment (CDPHE), and the U.S. Environmental Protection Agency (EPA) have approved the subject documents, which are being released today as final.

Corrective Action Decision/Record of Decision (CAD/ROD) Amendment

The CAD/ROD was originally issued September 29, 2006. The 2006 CAD/ROD concluded that the Peripheral Operable Unit (OU) was not impacted by hazardous substance releases, and no response action was required. The CAD/ROD amendment does not affect the Peripheral OU no-action decision. The CAD/ROD amendment applies only to response actions for the Central OU.

In the 2006 CAD/ROD, the original response actions selected for the Central OU were institutional controls (ICs), physical controls, and continued monitoring. The CAD/ROD has been amended to clarify the description of certain ICs required for the Central OU to more accurately reflect the objective and rationale of the ICs as stated in the 2006 CAD/ROD. The objective and rationale of the ICs has not changed.

The CAD/ROD amendment also removes the 2006 CAD/ROD requirement that any modification to ICs can be made only by a formal CAD/ROD amendment. The CAD/ROD amendment provides that proposed changes to ICs in the future will follow the process in regulations and guidance in effect at the time of the proposal. The CAD/ROD amendment also requires that the existing environmental covenant granted by DOE to CDPHE in accordance with State law will be modified to reflect the IC clarifications.

Modification of Rocky Flats Legacy Management Agreement (RFLMA) Attachment 2

RFLMA Attachment 2 specifies implementation requirements for DOE that ensure the response action selected in the CAD/ROD remains protective of human health and the environment. The modification of RFLMA Attachment 2 incorporates the IC description changes made in the CAD/ROD amendment and also incorporates the objective and rationale of each IC. The RFLMA Attachment 2 modification implements the Soil Disturbance Review Plan, which is required by the CAD/ROD amendment. Excavation or soil disturbance activities that are subject to ICs must have prior regulatory review and approval pursuant to the Soil Disturbance Review Plan in RFLMA Attachment 2.

The newly-added Soil Disturbance Review Plan in the RFLMA Attachment 2 modification essentially formalizes a process that was already being used to evaluate proposed soil-disturbing activities that are subject to ICs.

Public Input

The CAD/ROD amendment and the RFLMA Attachment 2 modification were proposed in the June 1, 2011, *Proposed Plan for Amendment of the Corrective Action Decision/Record of Decision,* which was released for public review and comment on June 3, 2011. The public comment period ended on August 2, 2011. All written comments received were considered by DOE, CDPHE, and EPA prior to finalizing the CAD/ROD amendment and the RFLMA Attachment 2 modification. A comment responsiveness summary is included as an appendix to the new CAD/ROD amendment.

In response to public comments, the CAD/ROD amendment requires that proposed changes to ICs in the future will include a public review and comment period. Also, a provision was added to RFLMA Attachment 2 that requires DOE to post information on the Rocky Flats website and notify stakeholders regarding approved excavation or soil disturbance activities 10 days prior to the activity (except when immediate action is warranted).

The CAD/ROD amendment and RFLMA, including RFLMA Attachment 2, are posted on the **Regulatory Documents** page on the Rocky Flats Site website at:

http://www.lm.doe.gov/Rocky_Flats/Regulations.aspx

If you have any difficulty accessing the documents from the website, or have any other questions, please e-mail Bob Darr at bob.darr@lm.doe.gov, or call (720) 377-9672, to request assistance.

Sincerely,

Scott Surovchak, DOE RFLMA Coordinator	Carl Spreng, CDPHE RFLMA Coordinator	Vera Moritz EPA RFLMA Coordinator