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**OPERABLE UNIT 4 CONSENT AGREEMENT  
SCHEDULE - REQUEST FOR EXTENSION OF THE  
FEASIBILITY STUDY/PROPOSED PLAN-DRAFT  
ENVIRONMENTAL IMPACT STATEMENT PUBLIC  
REVIEW PERIOD AND THE SUBMITTAL OF THE  
DRAFT RECORD OF DECISION TO THE U.S. EPA**

**04/18/94**

**DOE-1514-94  
DOE-FN/EPA  
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LETTER  
OU4**



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**Department of Energy**  
**Fernald Environmental Management Project**  
P.O. Box 398705  
Cincinnati, Ohio 45239-8705  
(513) 738-6357

**APR 18 1994**  
DOE-1514-94

Mr. James A. Saric, Remedial Project Director  
U. S. Environmental Protection Agency  
Region V-5HRE-8J  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

Mr. Thomas Schneider, Project Manager  
Ohio Environmental Protection Agency  
40 South Main Street  
Dayton, Ohio 45402-2086

Dear Mr. Saric and Mr. Schneider:

**OPERABLE UNIT 4 CONSENT AGREEMENT SCHEDULE - REQUEST FOR EXTENSION OF THE  
FEASIBILITY STUDY/PROPOSED PLAN-DRAFT ENVIRONMENTAL IMPACT STATEMENT PUBLIC  
REVIEW PERIOD AND THE SUBMITTAL OF THE DRAFT RECORD OF DECISION TO THE UNITED  
STATES ENVIRONMENTAL PROTECTION AGENCY**

Reference: Letter, Maud Naroll to Ken Morgan, "Fernald Environmental Impact  
Statement, Operable Unit 4, Fernald, Ohio," dated April 5, 1994

In accordance with the Amended Consent Agreement (September 1991), the baseline schedule for the Operable Unit 4 Record of Decision (ROD) requires the submittal of the *Proposed Draft Record of Decision for Remedial Actions at Operable Unit 4* to the United States Environmental Protection Agency (U.S. EPA) on or before June 10, 1994. The completion of the ongoing 45-day public review period (March 7, 1994 through April 20, 1994) for the Operable Unit 4 Feasibility Study/Proposed Plan-Draft Environmental Impact Statement (FS/PP-DEIS) is required before the *Proposed Draft Record of Decision for Remedial Actions at Operable Unit 4* can be finalized and submitted to the U.S. EPA.

On April 13, 1994, the United States Department of Energy, Fernald Field Office (DOE-FN) received a formal request (see enclosed referenced letter) from the State of Nevada, Department of Administration, to extend the Operable Unit 4 (OU4) public review period by 60 days in order to allow the recently formed Citizens Advisory Board for Nevada Test Site Operations adequate time to review the OU4 FS/PP-DEIS. As the lead agency for the Fernald Environmental Management Project (FEMP) site, the DOE-FN considers the request for extension to be legitimate in accordance with the provisions of the National Oil and Hazardous Substance Pollution Contingency Plan, 40 CFR §300.430(f)(3)(i)(C) as follows:

". . . Upon timely request, the lead agency [DOE-FN] will extend the public comment period by a minimum of 30 additional days; . . ."

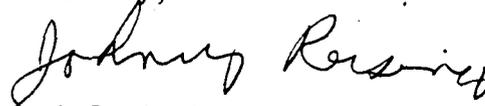
The DOE-FN recommends that a 30-day extension be granted as opposed to the requested 60-day extension, in an effort to minimize schedule impacts, as well as providing adequate time for public review.

Therefore, pursuant to the Amended Consent Agreement (1991), Sections XVIII.A and XVIII.B.5, the DOE-FN believes that good cause exists to formally request a 30-day extension to the schedule for the completion of the OU4 FS/PP-DEIS public review period from April 20, 1994 to May 20, 1994. Likewise, the DOE-FN requests a 30-day extension to the submittal of the *Proposed Draft Record of Decision for Remedial Actions at Operable Unit 4* to the U.S. EPA from June 10, 1994 to July 10, 1994.

The DOE-FN will continue its efforts to expedite the preparation of the *Proposed Draft Record of Decision for Remedial Actions at Operable Unit 4* both during and after conclusion of the extended OU4 FS/PP-DEIS public comment period. Every effort will be made to minimize the impact this schedule extension may have upon the overall OU4 remediation schedule.

If you have any comments or questions on this request, please contact Randi Allen (513-648-3102) at your earliest convenience.

Sincerely,

*for*   
Jack R. Craig  
Fernald Remediation Action  
Project Manager

FN:Allen

cc:

K. A. Chaney, EM-424, TREV  
D. R. Kozlowski, EM-424, TREV  
G. Jablonowski, USEPA-V, AT-18J  
J. Kwasniewski, OEPA-Columbus  
P. Harris, OEPA-Dayton  
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DEPARTMENT OF ADMINISTRATION

Capitol Complex  
Carson City, Nevada 89710  
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April 5, 1994

Mr. Ken Morgan  
Public Information Director  
ATTN: FS/PP-DEIS Comments  
Fernald Field Office  
U.S. Department of Energy  
P.O. Box 398705  
Cincinnati, Ohio 45239-8705

ACTION  
INFO  
MGR  
AMA  
AMESSH  
AMO  
AMEM  
OCFO

<u>MGR</u>	<u>BDIGM</u>	<u>EPD</u>	<u>EKO</u>
✓			
			Kitchen
✓			Fior
✓			<del>_____</del>
			Layton

RE: Fernald Environmental Impact Statement, Operable Unit 4  
Fernald, Ohio

Dear Mr. Morgan:

Thank you for providing the State of Nevada the opportunity to review the Department of Energy's Feasibility Study/Proposed Plan Draft Environmental Impact Statement (EIS) for Remedial Action at Operable Unit (OU) 4 of the Fernald Environmental Management Project (FEMP). As you know, this "Draft EIS" assesses alternatives for the removal, treatment, and disposal of radioactive material at DOE's Fernald site near Cincinnati, Ohio.

The proposed action analyzed in the Draft EIS is to assess the potential environmental impacts of DOE's preferred alternative, which is to remove silo materials and surrounding environmental media, stabilize the product through vitrification, and send the treated material to the Nevada Test Site (NTS) for final disposal. According to information provided to officials from DOE's Nevada Operations Office (DOE/NV), if the proposed action is implemented, over 300,000 cubic yards of radioactive waste would be disposed of at NTS. Disposal activities would cover a period of approximately thirty years.

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As you know, comments on the Draft EIS are due on April 20, 1994. However, for the reason discussed below, we believe the comment due date should be extended to facilitate a more comprehensive stakeholder involvement process for the citizens of Nevada.

Recently, a group of concerned Nevadans, affected Indian Tribes, and local government officials along with officials from the State and DOE jointly participated in the establishment of a Site Specific Advisory Board for DOE/NV's Environmental Restoration and Waste Management Program at the NTS. The group is officially titled The Citizens Advisory Board for NTS Programs (CAB). This new CAB for NTS programs held its first organizational meeting on March 8th, 1994.

Because the CAB will likely play a key role in advising DOE/NV about stakeholder concerns involving major program decisions such as those proposed in the above mentioned document, we believe it is of paramount importance that the CAB be given the opportunity to discuss the possibility of requesting a briefing on the proposed action and alternatives discussed in the Draft EIS.

You might recall that such a briefing was provided by DOE officials and contractors from FEMP to officials from DOE/NV and the State of Nevada. Granting our request for an extended comments period of at least 60 days would allow the CAB to address this issue at its next meeting, which is scheduled for April 20, 1994.

We await your prompt decision concerning this request.

Sincerely,

*Maud Naroll*

Maud Naroll  
State Clearinghouse

MN/jbw

cc: Members, Citizens Advisory Board NTS Programs  
Governors Office and Affected State Agencies  
Nevada Congressional Delegation  
Carol M. Borgstrom DOE\HQ\NEPA  
Nick C. Aquilina, DOE/NV  
Joseph Fiore, DOE/NV  
Donald R. Elle, DOE/NV

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