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**U.S. DOE REQUEST FOR SECOND EXTENSION OF THE OU #4 DRAFT
RECORD OF DECISION**

05/26/94

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NOTICE

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

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REPLY TO THE ATTENTION OF:

MAY 26 1994

Mr. Jack R. Craig
United States Department of Energy
Feed Materials Production Center
P.O. Box 398705
Cincinnati, Ohio 45239-8705

HRE-8J

RE: U.S. DOE Request for Second
Extension of the OU #4 Draft
Record of Decision

Dear Mr. Craig:

On April 19, 1994, the United States Department of Energy (U.S. DOE) submitted a request for a (30) thirty-day extension in the submittal of the Operable Unit (OU) 4 Draft Record Of Decision (ROD). On April 29, 1994, the United States Environmental Protection Agency (U.S. EPA) granted the ROD extension pursuant to Sections XVIII B.5 and XVIII D. of the 1991 Amended Consent Agreement (ACA).

On May 11, 1994, U.S. EPA and U.S. DOE representatives attended a public meeting of the Nevada Test Site Citizens Advisory Board (CAB). At that meeting the citizens requested and additional thirty days to review the Proposed Plan for OU 4.

On May 17, 1994, U.S. DOE received a formal request from the Nevada Test Site CAB to extend the OU 4 public review and comment period to allow the CAB adequate time to review the Feasibility Study/Proposed Plan.

Subsequently, on May 19, 1994, U.S. DOE submitted to U.S. EPA a second request for extension in the submittal of the OU 4 ROD. U.S. EPA has completed it's review pursuant to Section XVIII of the 1991 ACA, which requires U.S. EPA to determine whether good cause exists for a schedule extension based upon, among other things, information submitted by U.S. DOE.

The extended public review period will result in a (30) thirty-day schedule delay in the submittal of the draft ROD to U.S. EPA. Sections XVIII B.5 and XVIII D. specifically address such request for additional time for public participation as good cause for an extension.

Therefore, U.S. EPA grants the extension for submittal of the Draft ROD from July 10, 1994, to August 9, 1994. U.S. DOE must make all efforts to minimize impacts on the OU 4 remediation schedule.

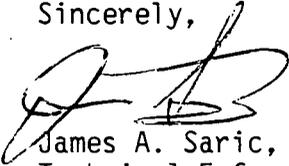
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A formal amendment to the ACA is required when a change in a milestone is necessary. Attached is an amendment to the ACA. Please sign the amendment and submit it to U.S. EPA within thirty (30) days receipt of this letter.

If you have any questions regarding the above matter, please do not hesitate to contact me at (312) 886-0992, or Brian Barwick at (312) 886-6620.

Sincerely,



James A. Saric, Remedial Project Manager
Technical Enforcement Section #1
RCRA Enforcement Branch

Enclosure

cc: Graham Mitchell, OEPA-SWDO
Tom Schneider, OEPA-SWDO
Pat Whitfield, U.S. DOE-HDQ
Don Ofte, FERMCO

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)
)
 U.S. DEPARTMENT OF ENERGY) Administrative
 FEED MATERIALS PRODUCTION CENTER) Docket Number: V-W-90-C-057
 FERNALD, OHIO)
)
 OH6 890 008 976)

AGREEMENT EXTEND SCHEDULE FOR SUBMISSION OF
OPERABLE UNIT FOUR RECORD OF DECISION

On the basis of the facts set forth below and in accordance with Sections XVIII.B.5., XVIII.D., and XXXIII of the September 1991 Amended Consent Agreement ("ACA"), the United States Department of Energy ("U.S. DOE") and the United States Environmental Protection Agency ("U.S. EPA") hereby agree to extend by thirty (30) days the schedule for submission of the Operable Unit 4 ("OU 4") Proposed Draft Record of Decision (ROD).

BACKGROUND

1. On September 10, 1993, U.S. DOE submitted the OU 4 Feasibility Study and Proposed Plan to U.S. EPA, which U.S. EPA approved on February 9, 1994.
2. In accordance with Section X.G. of the ACA, U.S. DOE established a public review and comment period for the FS/PP for a period from March 7, 1994 to April 20, 1994.
3. On April 13, 1994, U.S. DOE received a formal request from the State of Nevada, Department of Administration to extend the OU 4 public review and comment period for an additional sixty (60) days to allow the recently established Citizens Advisory Board for the Nevada Test Site Operations time to review the FS/PP.
4. On April 19, 1994, in accordance with Section XVIII of the ACA, U.S. DOE requested a thirty (30) day extension to the OU 4 ROD due date in order to allow additional public comment on the OU 4 FS/PP.
5. On April 29, 1994, U.S. EPA granted a thirty (30) day extension to the OU 4 ROD pursuant to Sections XVIII.B.5. and XVIII D. of the ACA.
6. On May 17, 1994, the Nevada Test Site Citizens Advisory Board requested another extension to review the OU 4 FS/PP.

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7. On May 19, 1994, in accordance with Section XVIII of the ACA, U.S. DOE requested a second thirty (30) day extension to the OU 4 ROD due date in order to allow additional public comment on the OU 4 FS/PP.

8. Pursuant to Section XVIII.B.5. of the ACA, additional time needed for public participation and document review is good cause for an extension of time.

9. Pursuant to Section XXXIII of the ACA, U.S. EPA and U.S. DOE may amend or modify the ACA solely upon written consent of both U.S. DOE and U.S. EPA. In addition, such amendments or modifications shall have as the effective date that date on which they are signed by U.S. EPA.

10. In establishing this new OU 4 ROD due date, U.S. EPA and U.S. DOE have consulted with, and accepted input from, the Ohio Environmental Protection Agency.

AGREEMENT

5. U.S. EPA and U.S. DOE agree that this extension should provide adequate opportunity for the Citizens Advisory Board to the Nevada Test Site Operations to review and comment on the FS/PP without causing undue delay in submission of the OU 4 ROD.

6. This agreement shall modify Section X., paragraph C.4. of the ACA by revising the submission date for the OU 4 ROD from June 10, 1994, to August 9, 1994. In order to incorporate into the ACA the revised OU 4 ROD submittal date, U.S. EPA and U.S. DOE have revised page 36 which is attached hereto as Attachment one (1). In accordance with Section XXXIII.B., this revised submittal date is effective on the date U.S. EPA signs this Agreement, and revised page 36 is hereby incorporated into and made part of the ACA.

7. U.S. DOE and U.S. EPA individually certify that the signatories to this Agreement have the authority to bind U.S. DOE and U.S. EPA to the requirements of this Agreement.

IT IS SO AGREED:

By: _____ Date: _____
Jack R. Craig, Assistant Manager
Environmental Restoration
U.S. Department of Energy
Fernald Environmental Management Project

By: _____ Date: _____
Valdas V. Adamkus
Regional Administrator
U.S. Environmental Protection Agency
Region V

c. FS Report/Comprehensive Response Action Risk Evaluation: September 10, 1993;

d. Proposed Plan: September 10, 1993;

Proposed Draft Record of Decision: August 9, 1994

#5. Operable Unit 5: Environmental Media. Groundwater, surface water, soil not included in the definitions of OU #1-4, sediments, flora, and fauna.

a. Initial Screening of Alternatives: April 16, 1993;

b. RI Report/Baseline Risk Assessment*: June 24, 1994;

c. FS Report/Comprehensive Response Action Risk Evaluation: November 16, 1994;

d. Proposed Plan: November 16, 1994;

Proposed Draft Record of Decision: July 3, 1995.

* The Site-Wide Ecological Assessment shall be included in the Baseline Risk Assessment for OU 5.

Comprehensive Site-Wide Operable Unit: An evaluation of remedies selected for OUs 1-5, above (including remedial and removal actions) to ensure that they are protective of human health and the environment on a site-wide basis, as required by CERCLA, the NCP and applicable U.S. EPA policy and guidance.

a. Site-Wide RI/Projected Residual Risk Assessment Work Plan Addendum: No later than six (6) months following signature of the ROD for OU 3;

b. Site-Wide RI/Projected Residual Risk Assessment Report: The Site-Wide RI/Projected Residual Risk Assessment Report shall be submitted in accordance with the schedule approved in the Work Plan Addendum above;

c. FS Report: If required by U.S. EPA, the FS Report shall be provided in accordance with the schedule approved in the Work Plan Addendum above.