



Department of Energy

Ohio Field Office
Fernald Area Office

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MAR 25 1999

DOE-0576-99

Mr. James Saric, Remedial Project Director
U.S. Environmental Protection Agency
Region V - SRF-5J
77 W. Jackson Boulevard
Chicago, IL 60604-3590

Mr. Tom Schneider, Project Manager
Ohio Environmental Protection Agency
401 East 5th Street
Dayton, OH 45402-2911

Dear Mr. Saric and Mr. Schneider:

MILESTONE SCHEDULE REVISIONS

In my November 20, 1998, letter requesting your approval of certain enforceable milestone schedule revisions, the Department of Energy (DOE) made two commitments regarding low level legacy waste and nuclear material, respectively. The first was a commitment to remove the remaining low level legacy waste from the Fernald Environmental Management Project (FEMP) by the end of calendar year 2001. The second was to provide a commitment date by April 1, 1999, for removal of all nuclear material from the site. As was discussed verbally with you on March 15, 1999, information has emerged over the past several months, primarily related to the management of nuclear materials, that affects the above commitment dates.

Historically, nuclear materials management, including any ultimately required processing and disposition, was a DOE Defense Programs (DP) responsibility. It has been a clearly referenced assumption of the Baseline that budget was not identified for processing and disposition of nuclear materials or associated wastes. The creation and inclusion of Fernald in the Defense Facilities Project Closure Fund effectively transferred the scope for nuclear material management from DP to the DOE Environmental Management (EM) Program. No additional funding was provided for that new scope. Before and immediately after the transfer of the scope to EM, there was no clearly identified path forward for the disposition of the nuclear materials. In the past several months, two factors have emerged concerning such a path forward. First, in December 1998, a significant portion of the nuclear material inventory was declared waste, thereby opening a clear disposition path.

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Mr. James Saric
Mr. Tom Schneider

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Second, a tentative agreement is in place to transfer a majority of the remaining inventory to the Oak Ridge Field Office. A portion of the material that was declared waste will require additional treatment, and a definitive disposition path needs to be identified.

DOE is currently working with the Oak Ridge Field Office to finalize implementation planning for the nuclear materials transfer, as well as the disposal of the newly declared wastes. DOE believes that these details are required before the schedule for disposition of nuclear materials can be finalized. In addition, these details are required to fully define any resulting impacts to the site's Baseline and associated enforceable milestones. Accordingly, DOE is requesting that a revised date of June 1, 1999, be established for the submittal of a schedule for disposition of nuclear materials and for re-evaluation of the existing milestone for disposition of low level legacy waste. Please note that DOE is also evaluating if other milestones, including those for Decommissioning & Decontamination (D&D), will be affected.

If you have any questions, please feel free to contact me at (513) 648-3139.

Sincerely,



Johnny W. Reising
Fernald Remedial Action
Project Manager

cc:

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