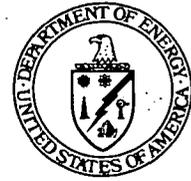




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**Department of Energy**  
**Ohio Field Office**  
**Fernald Environmental Management Project**  
**P. O. Box 538705**  
**Cincinnati, Ohio 45253-8705**  
**(513) 648-3155**



OCT 29 2002

Mr. Gene Jablonowski, Remedial Project Manager  
United States Environmental Protection Agency  
Region V, SRF-5J  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

DOE-0065-03

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

Dear Mr. Jablonowski and Mr. Schneider:

**NOVEMBER 1 EXTENSION**

- References:
1. Letter from G. Jablonowski to J. W. Reising, "Revised Silos 1 and 2 Accelerated Waste Retrieval Project Remedial Design/Remedial Action Schedule," dated October 26, 2001
  2. Letter (DOE-0914-01), from J. W. Reising to G. Jablonowski, "Revised Silos 1 and 2 Accelerated Waste Retrieval Project Remedial Design/Remedial Action Schedule," dated September 27, 2001.

This letter serves to request an extension of the milestone for Phase I operation of the Radon Control System (RCS), which is part of the Accelerated Waste Retrieval (AWR) Project of the Silos 1 and 2 Remediation. The current milestone date for initiating Phase I operation is November 1, 2002. This request is consistent with Section XVIII of the Consent Agreement as Amended under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Sections 120 and 106(a). Section XVIII provides for requests for extension of a milestone when there is good cause.

The Department of Energy (DOE) and Fluor Fernald have worked diligently to design, construct, and test the RCS. We are confident that we possess the capability and operational expertise to run the system safely now. However, the programmatic infrastructure including the maturity of our procedural base, the documentable level of

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Mr. Tom Schneider

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training applied to our workforce and the "at the wheel" experience of our operators in a disciplined Conduct of Operations setting require further development before we would feel comfortable in proceeding. Therefore, a schedule extension is requested.

We believe that within a relatively short period of time, the project will be able to close this programmatic gap. It is our view that the further time required to refine our program represents a responsible action in the best interest of safe operation of the RCS.

As presented in the referenced letter (Reference 1), the agencies approved DOE's proposed date (November 1, 2002) for the initiation of Phase I operations of the RCS. As was known to the agency, the design, construction and startup of the facility were undertaken in an unusually complex contractual environment, including litigation.

Consistent with Section XVIII of the Amended Consent Agreement, DOE concludes that there is "Good Cause" to request an extension in the subject milestone. The crux of the argument for "Good Cause" is that at the time of the proposal by DOE to the Environmental Protection Agency (EPA) for the milestone date, there was exceptional uncertainty associated with the transfer of the Accelerated Waste Retrieval (AWR) project from a fixed price, fully subcontracted project to a direct performance model.

In June 2001, Fluor Fernald executed an Advance Understanding with the former fixed price subcontractor initially selected to design, build, and operate the AWR project. The Advance Understanding identified the means and mechanisms for the transfer of the AWR project documentation, design and subcontracts to Fluor Fernald. The essence of the transfer involved a process of Due Diligence whereby Fluor Fernald, in an orderly process of examination and review, determined the maturity of the design and the supporting documentation, evaluated the applicability of current subcontracts, determined the financial impacts of the transfer and, ultimately, developed a revised plan for executing the AWR project.

On September 27, 2001, DOE submitted a letter (Reference 2) to the EPA proposing November 1, 2002 as the date for the initiation of Phase I of RCS operations. The date for this enforceable milestone was proposed amidst considerable uncertainty surrounding the adequacy of the design and the acceptability of the already constructed features.

We believe that a reasonable way to illustrate the level of uncertainty associated with the acceptability of the design is to note the number of Design Change Notices (DCNs) that were required to revise an apparently completed RCS design. As of the end of September 2001, when Reference 2 was submitted to the EPA, there was a total of 17 DCNs that had been prepared for the RCS design. As of the end of September 2002 following the Due Diligence process, a total of 216 DCNs were issued.

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DOE concludes that a good faith effort to establish a plausible date for the initiation of RCS Phase I operation was made, however the engineering uncertainties inherent in the project at the time of the commitment required more time to resolve than was foreseeable in September 2001.

Fluor Fernald's construction of the RCS project has been effective and safely performed. At the peak of the construction activity, during the summer of 2002, approximately 70 construction workers plus Fluor Fernald construction field supervision were active in a relatively small geographic area. Multi-shift construction work was undertaken to speed the project toward the November 1, 2002 milestone. This multi-shift construction work was done through much of 2002. This work has involved six major subcontractors, Wise Services Personnel, and the Fluor Fernald Decontamination and Dismantlement (D&D) and Soils groups. This work was performed safely. For Calendar Year 2002, the Silos Occupational Safety and Health Act (OSHA) recordable incident rate for the Silos project was considerably lower than the Fernald Environmental Management Project's (FEMP) average.

As the constructed features of the RCS were turned over to Fluor Fernald's operations staff, round-the-clock efforts were undertaken to perform loop checks, simulate cold test operations and calibrate equipment, while at the same time incorporating test results into operating procedures. The Cold Test mockup using a Sealand container as a surrogate for the silo dome proceeded well, and provided us with meaningful operational data in preparation for the readiness. The test work and mockups are complete, but there has not been sufficient time for operators to practice and perform the necessary drills required for them to demonstrate their competence.

Throughout this effort the project team never lost its intensity or focus; it simply ran out of time to complete the programmatic elements. Thus, the project is ready in a practical sense but, not yet able to demonstrate its performance in a formal, programmatic way consistent with DOE safety protocols. The DOE and Fluor Fernald kept the EPA informed of the project progress during the weekly conference calls with the goal of meeting the milestone date. Despite these efforts, it is the judgment of the project that an extension in the time required for initiation of RCS Phase I operation will be needed.

We therefore, in conformance with Section XVIII of the Consent Agreement, request that an extension of the milestone from November 1, 2002 to December 16, 2002 be granted. We are confident that this extension will allow us adequate time to complete the programmatic requirements identified above to further assure stakeholders and other oversight organizations that we can operate safely. We also conclude that this extension will not have a material effect on the Silos 1 and 2 remedy or the critical path for the project.

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Mr. Gene Jablonowski  
Mr. Tom Schneider

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If you have any questions or concerns, please contact me at (513) 648-3139.

Sincerely,



FEMP:Reising

Johnny W. Reising  
Fernald Remedial Action  
Project Manager

cc:

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N. Akgündüz, OH/FEMP  
G. Brown, OH/FEMP  
J. Hall, OH/FEMP  
J. Reising, OH/FEMP  
A. Tanner, OH/FEMP  
J. Saric, USEPA-V, SRF-5J  
M. Cullerton, Tetra Tech  
M. Shupe, HSI GeoTrans  
R. Vandegrift, ODH  
S. Beckman, Fluor Fernald, Inc./MS52-4  
D. Carr, Fluor Fernald, Inc./MS2  
R. Corradi, Fluor Fernald, Inc./MS52-4  
T. Hagen, Fluor Fernald, Inc./MS9  
S. Hinnefeld, Fluor Fernald, Inc./MS52-2  
D. Nixon, Fluor Fernald, Inc./MS65-2  
T. Walsh, Fluor Fernald, Inc./MS52-3  
AR Coordinator, Fluor Fernald, Inc./MS78  
ECDC, Fluor Fernald, Inc./MS52-7