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AUG 31 2004

Mr. Gene Jablonowski, Remedial Project Manager
United States Environmental Protection Agency
Region V, SR-6J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

DOE-0365-04

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

Dear Mr. Jablonowski and Mr. Schneider:

EXTENSION OF AMENDED CONSENT AGREEMENT MILESTONE FOR INITIATION OF SILOS 1 AND 2 WASTE RETRIEVAL OPERATIONS

- References:
1. DOE Letter, DOE-0500-03, G. Griffiths to G. Jablonowski and T. Schneider, "Draft Remedial Action Work Plan for the Waste Retrieval Operations - Accelerated Waste Retrieval Project," dated September 10, 2003
 2. Letter, C. Jones, OEPA to J. Roberson, USDOE, dated June 8, 2004
 3. Letter, G. Jablonowski to J. Reising, "Disapproval of the Remedial Action Work Plan for Silos 1 and 2 Remediation Facility," dated August 24, 2004
 4. Letter, T. Schneider to W. Taylor, Disapproval - Draft Silos 1 and 2 Remedial Action Work plan," dated August 24, 2004

Pursuant to the Consent Agreement as Amended under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Sections 120 and 106(a) (ACA), the Remedial Action Work Plan (RAWP) (Reference 1) established a milestone of September 8, 2004, for initiation of Silos 1 and 2 Waste Retrieval Operations. The purpose of this letter is to request good-cause extension of the milestone consistent with Paragraph XVIII of the ACA, to propose a subsequent milestone for initiating operations of the Silos 1 and 2 Remediation Facility, and to provide requested notification (Reference 2) of our intent to initiate Silos 1 and 2 waste transfer.

The removal of the Silos 1 & 2 material and placement of that material into the Transfer Tank Area (TTA) of the Accelerated Waste Retrieval (AWR) Facility is recognized and authorized in the June 2000 Silos 1 and 2 Record of Decision (ROD) Amendment. The ROD amendment states, in part at 4.2.1, "The material in Silos 1 & 2 and the sludge in

the Decant Sump Tank System will be removed and placed in the TTA....pending treatment by the selected remedy. The TTA will be equipped with a Radon Control System designed to handle radon emissions generated during removal and storage."

The importance of the AWR Project as a key step in the implementation of the selected remedy for Operable Unit 4 (OU4) has been documented in approved Remedial Design/Remedial Action (RD/RA) documentation for more than four years. The need to transfer the Silos 1 & 2 material to the TTA tanks prior to treatment and offsite disposal was documented in the original AWR RD Package submitted in June 2000, and approved by the USEPA on January 9, 2001 and by OEPA on May 8, 2001. This basis for the AWR Project was reaffirmed in the revised RD package approved by both agencies in 2003, and again in the referenced RA Work Plan, which states:

The Accelerated Waste Retrieval (AWR) project constitutes the initial step in the remedial action for Silos 1 & 2 within Operable Unit 4 of the Fernald Closure Project (FCP). The primary purpose of the AWR Project is to retrieve the material currently stored within Silos 1 & 2 and transfer it to the Transfer Tank Area (TTA) for storage pending final treatment and disposal.

Fernald remains committed to complying with the OU4 Record of Decision (ROD), and its modifications. Promptly proceeding with Silos 1 & 2 transfer:

- Places the material in a safer configuration instead of in silos that have exceeded their design life and are not seismically qualified
- Places the silo material in a form that facilitates subsequent treatment and packaging
- Utilizes qualified people who are ready to safely complete this task
- Expedites the Decontamination and Dismantlement of Silos 1 & 2 and support facilities and soils.

As has been discussed during our weekly conference calls and other discussions, the Fernald Closure Project (FCP) team is working diligently to complete the startup of Accelerated Waste Retrieval (AWR) system in order to begin removal before the milestone date. As you are aware, the Fluor Fernald Standard Startup Review (SSR) team and the Department of Energy (DOE) Readiness Assessment (RA) teams have completed their field reviews and have issued their findings. The SSR team issued 15 pre-start findings, while the RA team issued eight pre-start findings. Primary issues identified in the pre-start findings include:

- The need for additional validation of procedures and conduct of operations by performance of in-field work evolutions;
- The need to demonstrate greater proficiency in implementing radiation control and conduct of operations due to the potential worker dose consequences associated with silo waste retrieval operations;

Mr. Jablonowski
Mr. Schneider

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- The need to revise the Nuclear Health and Safety Plan (N-HASP) to incorporate revised estimates of the inventory of radon in the headspaces of the Transfer Tank Area (TTA) tanks and Silos 1 and 2; and,
- The need for refinement and definition of the roles and responsibilities of the Process Control Team prior to Silo Waste Retrieval System (SWRS) operation.

Implementation of the corrective actions required to resolve the pre-start findings is in process. The first step in waste transfer operations will be introduction and balancing of Radon Control System (RCS) flow between the silo headspaces and the waste retrieval modules as a precursor to actual slurry movement. DOE expects to begin this initial step in waste transfer operations as early as September 8, 2004.

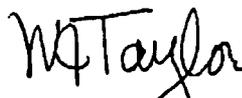
Although DOE remains committed to initiating Silos 1 and 2 waste transfer as soon as possible, the length of time required to implement all corrective actions and to complete the subsequent verification and closure process is uncertain. Based upon detailed review of the findings issued by the SSR team, it has become evident that additional time may be required to close all SSR and RA findings and initiate waste transfer. Therefore, DOE requests a good-cause extension of the milestone for initiation of Silos 1 and 2 waste transfer operations to September 30, 2004.

The need to properly verify that all identified issues have been thoroughly resolved is paramount to assuring the safe startup and operation of the facility. DOE believes that dedicating necessary time to ensuring safety in operations provides good cause pursuant to Paragraph XVIII of the ACA for extension of the milestone.

References 3 and 4 provided U.S. EPA and OEPA disapproval of the draft Remedial Action Work Plan for the Silos 1 and 2 Remediation Facility. The substantive comment from both agencies was the need for an enforceable milestone for initiating operation of the Silos 1 and 2 Remediation Facility. In response to this comment, and recognizing the uncertainty in resolving current issues with the availability of disposal capacity, this letter proposes a milestone of October 1, 2005, for initiating Silo 1 and 2 Remediation Facility Operations. A page change incorporating DOE's proposed milestone is enclosed. DOE is evaluating the remaining comments provided in the referenced letters and will provide appropriate responses under separate cover.

If you have any questions, please contact me at (513) 648-3101.

Sincerely,


William J. Taylor
Director

FCP:Reising

Mr. Jablonowski
Mr. Schneider

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Enclosure: As Stated

cc w/enclosure:

J. Sattler, OH/FCP

T. Schneider, OEPA-Dayton (three copies total of enclosure)

G. Jablonowski, USEPA-V, SR-6J

F. Bell, ATSDR

M. Cullerton, Tetra-Tech

M. Shupe, HSI GeoTrans

R. Vandegrift, ODH

AR Coordinator, Fluor Fernald, Inc./MS78

cc w/o enclosure:

S. Beckman, Fluor Fernald, Inc./MS20

D. Carr, Fluor Fernald, Inc./MS1

ECDC, Fluor Fernald, Inc./MS52-7

1 Health and Safety Plan - A summary of the health and safety controls is provided in
2 Sections 2.5 and 8.0 of the RD Package.

3 Operation and Maintenance Plan - Included as section 2.0 of this RAWP

4 Gross Decontamination Plan - This will be addressed by the D&D Implementation
5 Plan for the Silos 1 and 2 complex, which is to be submitted by December 16,
6 2004 in accordance with the OU3 Integrated RD/RA Work Plan.

3.2 Transportation and Disposal Plan

7 After being filled, waste containers will be staged, both indoors and outdoors, before being
8 shipped off-site for disposal. The current plan is for direct truck shipment to the NTS.
9 The on-site transportation infrastructure will, however accommodate transportation by
10 either rail (direct or intermodal) or direct truck. The details of the transportation and
11 disposal of treated Silos 1 and 2 material, including details on the disposal container and
12 transportation vehicles, will be documented in the Transportation and Disposal Plan, which
13 will be submitted in accordance with the milestone established in Section 4.

4 MILESTONES

ACTIVITY / DELIVERABLE	MILESTONE
Submit Silos 1 and 2 Transportation and Disposal Plan U.S. EPA for review	September 15, 2004
Initiate Silos 1 and 2 Remediation Facility Operations	October 1, 2005