



Department of Energy
Savannah River Operations Office
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SEP 18 2014

Ms. Susan B. Fulmer, P. G., Manager
Federal Remediation Section
Division of Site Assessment, Remediation and Revitalization
Bureau of Land and Waste Management
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

Mr. Robert H. Pope
Savannah River Site Remedial Project Manager
Superfund Division
U. S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, GA 30303

Dear Ms. Fulmer and Mr. Pope:

SUBJECT: Extension Request for Operational Closure of Four Tanks by 9/30/15
(CERCLIS Number: 89)

By letter dated August 12, 2014, the Department of Energy (DOE) requested a 15-month extension of the subject schedule in accordance with the terms of Section XXXI of the Federal Facility Agreement (FFA). This schedule is developed pursuant to FFA Section IX.E.1 for removal from service (operational closure) of certain liquid radioactive waste tanks and is specifically identified in FFA Appendix L, item 11.

According to Section XXXI.A of the FFA:

“Either a timetable and deadline or a schedule, including schedules within a work plan shall be extended upon receipt of a timely request for extension and when good cause exists for the requested extension.”

FFA Section XXXI.B.6 specifically cites new technical information or technological barriers as good cause for an extension when mutually agreed to by the Parties. DOE’s August 12, 2014, letter provided detailed explanatory information in support of the 15-month extension request which addressed various technical considerations.

As stated in FFA Section XXXI.D.1:

“Within fourteen (14) business days of receipt of a written request for an extension, of a timetable and deadline or a schedule, the EPA and SCDHEC shall advise all Parties in writing of their respective positions on the request. Any failure by EPA or SCDHEC to respond within the 14-day period shall be deemed to constitute

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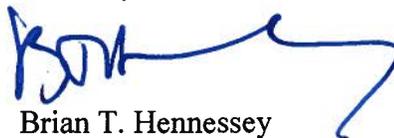
concurrence with the requested extension. If either EPA or SCDHEC does not concur with the requested extension, it shall include in its statement of non-concurrence an explanation of the basis for its position.”

The South Carolina Department of Health and Environmental Control’s (SCDHEC) and the U.S. Environmental Protection Agency’s (EPA) August 29, 2014, letters of non-concurrence, advising DOE of their respective positions, were received by DOE on September 2, 2014. These letters did not include an explanation of the basis for the agencies’ positions that the technical information and barriers DOE experienced do not constitute good cause for an extension for the period of time DOE has requested. Under these circumstances, pursuant to FFA Section XXXI.D.3 and FFA Section XXVII.B, DOE considers it necessary to and hereby invokes dispute resolution.

DOE looks forward to working with SCDHEC and EPA in the informal phase of the dispute resolution process, as it provides a constructive opportunity to gain clarification and resolve the issues. DOE believes the diligent efforts implemented to achieve early closure of tanks 5F and 6F (two of the four tanks included in this 2015 commitment) twenty (20) months ahead of the milestone date, demonstrate that DOE will similarly work to mitigate any schedule delays associated with tanks 12H and 16H.

I will contact you to arrange a time to begin informal dispute resolution. The effort and time that the SCDHEC and the EPA have given to support tank closures are greatly appreciated. Questions from you or your staff may be directed to me at (803) 952-8365, or Ms. Jolene Seitz at (803) 208-6234.

Sincerely,



Brian T. Hennessey
SRS Remedial Project Manager
Infrastructure and Area Completion Division

WDPD-14-78

cc: M. D. Wilson, SCDHEC-Columbia
H. H. Cathcart, SCDHEC-Columbia
J. P. deBessonnet, SCDHEC-Columbia
B. S. Mullinax, SCDHEC-Columbia
G. K. Taylor, SCDHEC-Columbia
D. Scaturo, SCDHEC-Columbia
J. R. Hughes, SCDHEC - Midlands EQC Region Aiken
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M. Berry, EPA-Atlanta