



Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

August 29, 2014

Mr. Brian T. Hennessey, SRS Remedial Project Manager
Infrastructure and Area Completion Division
U.S. Department of Energy
Savannah River Operations Office
Post Office Box A
Aiken, South Carolina 29802

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

Dear Mr. Hennessey:

The South Carolina Department of Health and Environmental Control (the Department) has completed its review of the above-referenced extension request pursuant to Section XXXI of the Savannah River Site Federal Facility Agreement (FFA). The United States Department of Energy (DOE) is requesting a fifteen (15) month extension for operational closure of Tanks 12H and 16H extending the closure date from September 30, 2015 to December 31, 2016. DOE is pursuing this request under Section XXXI, citing technical problems and funding issues which DOE claims have impacted their ability to fully meet the schedule for closing four tanks by September 30, 2015.

After consideration of the information provided in the extension request, the Department does not approve the proposed extension for reasons including, but not limited to, the following:

- 1) According to Section XXXIB.6 of the FFA, good cause exists for an extension when sought in regard to "Any other event or series of events, including but not limited to new technical information or technological barriers mutually agreed to by the Parties as constituting good cause." Technological challenges over the past five years have been communicated to the regulators but have not previously been noted as a cause for significant delay to the tank closure milestones. The Department does not consider the technical challenges described in your letter to constitute good cause for extension.
- 2) According to Section XLII.7 of the FFA, "In order for Force Majeure based on insufficient funding to apply to DOE, the DOE shall have made timely efforts to obtain such funds as part of the budgetary process set forth in Section XXXIX (Funding) of this

Agreement.” The Department has not been provided information that supports a claim that DOE made timely efforts to obtain sufficient funding for Tanks 12H and 16H for Fiscal Year 2014; therefore, we do not agree a force majeure event warranting extension under Section XXXIB.1 has occurred.

The Department will agree to a schedule adjustment of 27 days for the time loss during the government furlough and for the one-week process used to return the facilities to operating mode as these delays were unpreventable.

The Department is strongly committed to the timely closure of the high-level liquid waste tanks at the Savannah River Site. As previously conveyed in correspondence from Director Templeton to Secretary Moniz, the Department will fully exercise its authorities for penalty assessment if satisfactory commitment to the high level waste schedule is not reached.

If you should have any questions, please contact me at (803) 898-4331.

Sincerely,



(fos) Susan B. Fulmer, P.G., Manager
Federal Remediation Section
Division of Site Assessment, Remediation, and Revitalization
Bureau of Land and Waste Management

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