



Department of Energy

Oak Ridge Office of Environmental Management
P.O. Box 2001
Oak Ridge, Tennessee 37831

July 7, 2016

PROGRAM	SITE	PROJECT #	FILE SEQUENCE

ROUTE TO: CPT
RECEIVED 1:05 - P.M.

JUL 12 2016

Mr. Franklin Hill, Director
Superfund Division
U.S. Environmental Protection Agency
Region 4
Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303-8960

Dr. Shari Meghreblian
Deputy Commissioner
Tennessee Department of Environment
and Conservation
William R. Snodgrass, TN Tower
312 Rosa L. Parks Avenue, 2nd Floor
Nashville, Tennessee 37243-0435

Dear Mr. Hill and Dr. Meghreblian:

**RESPONSE TO ACTION FROM ENVIRONMENTAL PROGRAM COUNCIL MEETING
ON MAY 24, 2016, REGARDING COMPLIANCE WITH U.S. DEPARTMENT OF
ENERGY ORDER 435.1 FOR A NEW ONSITE DISPOSAL FACILITY**

The purpose of this letter is to close out an action, regarding the path forward on how the U.S. Department of Energy (DOE) intends to proceed with meeting DOE Order (O) 435.1 requirements from the Environmental Program Council meeting held on May 24, 2016.

The approach for DOE O 435.1 compliance for the proposed onsite disposal cell known as the Environmental Management Disposal Facility (EMDF) differs from the approach used for the existing onsite disposal cell which is referred to as the Environmental Management Waste Management Facility. DOE O 435.1 allows for Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) sites to comply by demonstrating how the substantive requirements are met through the CERCLA process, and this approach was utilized for the Environmental Management Waste Management Facility.

For EMDF, this letter serves as my commitment to submit all of the documents normally used for non-CERCLA sites as part of the DOE O 435.1 process. This will assist in ensuring that the review performed by the DOE Low-Level Waste Disposal Facility Federal Review Group of DOE O 435.1 compliance remains independent of the CERCLA process. DOE will pursue

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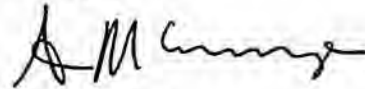
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DOE O 435.1 approval of EMDF in parallel with the CERCLA process in order to obtain the Disposal Authorization Statement authorizing final design and construction of the facility prior to signing the Record of Decision for EMDF.

In addition, DOE is committed to providing opportunities for the U.S. Environmental Protection Agency (EPA) and the Tennessee Department of Environment and Conservation (TDEC) to participate throughout the DOE O 435.1 process, including participation as observers in the DOE Low-Level Waste Disposal Facility Federal Review Group reviews leading to the Disposal Authorization Statement. DOE will ensure that opportunities to attend DOE Low-Level Waste Disposal Facility Federal Review Group training sessions and webinars are provided and will share the technical basis documents used for DOE O 435.1 compliance. As discussed during the Environmental Program Council meeting, the purpose of participating as observers is to maintain awareness of the process, etc.; EPA and TDEC will not have decision making authority.

If you have any questions regarding this letter, please contact me at (865) 576-0742.

Sincerely,



Susan M. Cange
Manager

cc:

Rich Campbell, EPA
Jeffrey Crane, EPA
Don Rigger, EPA
Andy Binford, TDEC
Kristof Czartoryski, TDEC
Chris Thompson, TDEC
Dave Adler, EM-942
Brian Henry, EM-921
Tom Morgan, EM-92
Laura Wilkerson, EM-92
Ed Worth, EM-93