



STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF REMEDIATION - DOE OVERSIGHT OFFICE  
761 EMORY VALLEY ROAD  
OAK RIDGE, TN 37830

August 24, 2016

Mr. John Michael Japp  
Federal Facility Agreement Manager  
Department of Energy  
Oak Ridge Operations Office  
PO Box 2001  
Oak Ridge TN 37831

Dear Mr. Japp

**Proposed Path Forward of the Informal Dispute for the Proposed Environmental Management Disposal Facility on the Oak Ridge Reservation**

In an effort to maintain progress in the informal dispute of the RI/FS for future on-site disposal in Bear Creek Valley (site of the proposed EMDF), the State expects a sequence of meetings and/or activities, as part of informal dispute resolution to resolve key issues in dispute, including specific site characterization and the use of defensible modeling. With the goal of resolving these concerns, the State identifies the following necessary actions:

1. The FFA parties pause the informal dispute issue resolution meetings until consensus is reached on a path forward to resolve the outstanding issues identified in this letter. This initial meeting should be among representatives from each agency who have the authority to modify schedules, including subsequent EMDF Appendix E milestones (e.g., D1 ROD), and establish a consensus path forward for informal dispute resolution.
2. Characterization issues - The three parties should conduct a data quality objectives (DQO) meeting to identify data needs for each of the proposed alternatives. DOE should provide a technical facilitator for this meeting to ensure each party's concerns are acknowledged and appropriately addressed.
3. Modeling issues - DOE should contract an independent third party to run other models such as those available through the RESRAD family of codes. The outcome of this effort should include a comparison of all potential Pre-WAC levels, including

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those obtained from model sensitivity analyses, for appropriate management of uncertainty and selection of Pre-WAC levels in the final RI/FS. This effort should support a comprehensive risk assessment of potential scenarios identified to substantiate that the threshold criteria of CERCLA can be met under the proposed Pre-WAC levels. DQO and scoping meetings should be held to reach triparty consensus on scenarios and exposure pathways that will be used for evaluation of risk, on software choices, and on model input parameters. DOE should provide a technical facilitator for these meetings to ensure each party's concerns are acknowledged and appropriately addressed.

4. After the scope of the characterization and modeling efforts are determined and supported, the FFA parties develop a new project schedule that incorporates the necessary characterization activities, the schedule impacts of using multiple models for pre-WAC development, appropriate time to analyze and review characterization and modeling results and incorporate consensus revisions to the current draft RI/FS for closure of the informal dispute, and the new FFA milestone dates for post-RI/FS document submittals and start of construction.

The sequence of events for informal dispute listed above is consistent with the TDEC letter of May 16, 2016 invoking informal dispute; the EPA letter of May 20, 2016; and the letter TDEC provided to DOE in mid-June 2016 (letter from C. Thompson to D. Adler dated June 17, 2016). As stated in the latest letter, "early actions by DOE to address these fundamental concerns will increase TDEC's confidence in the RI/FS conclusions and the resulting Proposed Plan". TDEC is willing to work expeditiously with DOE to select a site or sites and design a disposal facility or facilities that best meets ORR cleanup needs and protects human health and the environment, but action on these points is critical to moving forward.

Questions or comments concerning the contents of this letter should be directed to Randy Young at (865) 220-6584.

Sincerely

  
Randy C. Young  
FFA Manager

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