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**DISPUTE RESOLUTION - OPERABLE UNIT 4  
REMEDIAL INVESTIGATION (RI) REPORT**

**01/07/91**

**DOE-537-91  
DOE-FMPC/USEPA  
2  
LETTER**



Department of <sup>947</sup>  
FMPC Site Office  
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JAN 9 1991

JAN 07 1991  
DOE-537-91

*Carroll*

Ms. Catherine A. McCord, Remedial Project Director  
U. S. Environmental Protection Agency  
Region V - 5HR-12  
230 South Dearborn Street  
Chicago, IL 60604

Dear Ms. McCord:

**DISPUTE RESOLUTION - OPERABLE UNIT 4 - REMEDIAL INVESTIGATION  
(RI) REPORT**

- Reference:
- 1) Letter, DOE-452-91, G. W. Westerbeck to D. A. Ullrich, "Notice of Dispute - U.S. EPA Disapproval - Operable Unit 4 Remedial Investigation (RI) Report and U.S. EPA Notice of Violation (NOV)," dated December 20, 1990
  - 2) Letter, C. A. McCord to A. P. Avel, "OU #4 RI Dispute U.S. DOE - Fernald OH6 890 008 976," dated January 4, 1991

On December 7, 1990, U.S. EPA disapproved the revised Remedial Investigation (RI) Report for Operable Unit 4 and invoked the dispute resolution procedures of the Consent Agreement. Also on December 7, 1990, U.S. EPA transmitted a NOV to DOE for an alleged violation of Section X.C. of the 1990 Consent Agreement.

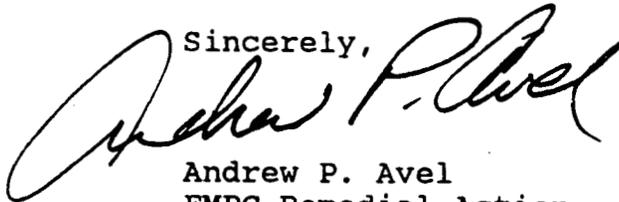
On December 20, 1990, DOE invoked the dispute resolution procedures of the Consent Agreement regarding the NOV and proposed assessment of the stipulated penalties for the Operable Unit 4 RI Report, and the disapproval of the RI Report (Reference 1).

On January 4, 1991, DOE and U.S. EPA Remedial Project Managers discussed by telephone possible methods for resolving the disputes. DOE proposes that the dispute outlined in Reference 1 be discussed at a meeting to be scheduled at a mutually convenient time and location.

A copy of this letter is being provided to the dispute resolution committee, as required by Section XIV.D of the 1990 Consent Agreement. DOE's position on the dispute is outlined in Reference 1 and is enclosed.

If you have any questions, please contact me at FTS 774-6161.

Sincerely,



Andrew P. Avel  
FMPC Remedial Action  
Project Director

DP-84:Craig

Enclosure: As stated

cc w/encl.:

R. P. Whitfield, EM-40, FORS  
K. A. Hayes, EM-422, GTN  
G. E. Mitchell, OEPA-Dayton  
M. Butler, USEPA-V  
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cc w/o encl.:

W. D. Adams, EW-90, ORO  
P. J. Gross, SE-31, ORO  
W. E. Muno, USEPA-V  
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K. J. Pierard, USEPA-V  
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C: ARFile  
ERA Project File 2