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OPERABLE UNIT 4 - DISPUTE RESOLUTION

01/28/91

**DOE-663-91
DOE-FMPC/USEPA
3
LETTER**



Department of Energy

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FMPC Site Office
P.O. Box 398705
Cincinnati, Ohio 45239-8705
(513) 738-6319

JAN 28 1991

DOE-663-91

Mr. William E. Muno
Associate Division Director
Office of RCRA, Waste Management Division
U. S. Environmental Protection Agency
Region 5 - 5HR-12
230 South Dearborn Street
Chicago, IL 60604

Dear Mr. Muno:

OPERABLE UNIT 4 - DISPUTE RESOLUTION

- Reference: 1) Letter, W. E. Muno to G. W. Westerbeck, "OU #4 EPA RI Dispute U. S. DOE - Fernald OH6 890 008 976," dated January 25, 1991
- 2) Letter, DOE-401-91, A. P. Avel to C. A. McCord, "Operable Unit 4 - Feasibility Study (FS) Report," dated December 13, 1990
- 3) Letter, C. A. McCord to A. P. Avel, "Extension Request OU#4 FS Report U. S. DOE Fernald OH6 890 008 976," dated December 19, 1990

The Dispute Resolution Committee (DRC) held a teleconference on January 18, 1991, to discuss the dispute on the revised RI Report for Operable Unit (OU) 4.

The teleconference ended with DOE agreeing that the RI Report was not complete, because it did not contain all of the sampling data from OU 4. It was also agreed that DOE would submit to U. S. EPA a schedule for obtaining the sampling data and for the revision of the RI Report and subsequent OU 4 RI/FS documents.

On January 25, 1991, U. S. EPA transmitted a letter (Reference 1) to DOE documenting the resolution of the dispute. The letter stated that U. S. EPA and DOE agreed that the RI Report was inadequate. DOE did not agree the report was inadequate, but did agree that the report was incomplete, as stated in our suggested revision to your draft resolution letter. Our position is based on the fact that the sampling had not been completed prior to submittal of the report.

Also, in response to a DOE request for extension of time in which to submit the FS Report for OU 4 (Reference 2), U. S. EPA stated that the FS Report would be due upon the resolution of the RI Report dispute (Reference 3). The January 25, 1991, letter (Reference 1) from U. S. EPA documented the resolution of the dispute on the RI Report and the agreement on submittal of a revised OU 4 schedule for submittal of the RI Report and subsequent OU 4 RI/FS documents. We interpret your January 25, 1991 letter to relieve the requirement of submittal of the FS Report until such time as will be provided for in the revised schedule for OU 4 RI/FS documents.

An initial discussion on the revised schedule was held on January 23, 1991, with members of your staff. A revised schedule for OU 4 RI/FS activities will be formally transmitted to U. S. EPA following DOE/HQ approval.

Please contact me at FTS 774-6357 if you have any questions.

Sincerely,



Gerald W. Westerbeck
EMPC Site Manager

DP-84:Craig

cc:

R. P. Whitfield, EM-40, FORS
R. P. Berube, EH-20, FORS
J. J. Fiore, EM-42, GTN
K. A. Hayes, EM-422, GTN
J. La Grone, M-1, ORO
W. D. Adams, EW-90, ORO
P. J. Gross, SE-31, ORO
G. E. Mitchell, OEPA-Dayton
G. Ionannides, OEPA-Columbus
V. A. Adamkus, USEPA-V, 5A-14
C. A. McCord, 5HR-12
D. A. Ullrich, USEPA-V, 5H-12
M. Butler, USEPA-V, 5CS-TUB-3

bcc:

R. L. Glenn, Parsons
W. H. Britton, WMCO
S. W. Coyle, WMCO
S. M. Peterman, WMCO
J. D. Wood, ASI
F. Haywood, LWA

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