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**OU#4 RI DISPUTE
U.S. DOE - FERNALD
OH6 890 008 976**

1-04-91

**USEPA/DOE-FMPC
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LETTER**



UNITED STATES ENVIRONMENTAL P
REGION 5
230 SOUTH DEARBOR
CHICAGO, ILLINOIS 60604

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JAN 04 1991

Mr. Andrew P. Avel
United States Department of Energy
Feed Materials Production Center
P.O. Box 398705
Cincinnati, Ohio 45239-8705

REPLY TO ATTENTION OF: 5HR-12

RE: OU#4 RI Dispute
U.S. DOE - Fernald
OH6 890 008 976

Dear Mr. Avel:

On December 7, 1990, the United States Environmental Protection Agency (U.S. EPA) disapproved a revised proposed Remedial Investigation (RI) report for Operable Unit (OU) #4. Since this was the second disapproval, U.S. EPA invoked dispute resolution in accordance with Section XII of the 1990 Consent Agreement to prevent the document from going final.

Initial dispute resolution discussions were held during our December 17, 1990, meeting in Chicago. In a January 2, 1991, telephone conference, U.S. DOE stated that U.S. DOE was not prepared to offer any solutions to the dispute. Because the initial thirty days of dispute resolution is ending and the dispute is not settled, U.S. EPA is providing this written statement of the dispute as required by Section XIV.A of the 1990 Consent Agreement.

A copy of this letter is being provided to the Dispute Resolution Committee, as required by Section XIV.D of the 1990 Consent Agreement. This dispute involves the inadequacy of the revised draft RI Report for OU#4. U.S. EPA's position on the deficiencies of this document was outlined in detail in U.S. EPA's December 7, 1990, disapproval and Notice of Violation letters (Attachments).

U.S. EPA is proposing meeting of the dispute resolution committee on January 17, 1991, at 10:00 a.m. in Chicago.

Please contact me at (312/FTS) 886-4436, if you have any questions.

Sincerely,

Catherine A. McCord
Remedial Project Manger

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Attachments

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cc: Richard Shank, OEPA
Graham Mitchell, OEPA-SWDO
Leo Duffy, U.S. DOE - HDQ
Joe LaGrone, U.S. DOE - ORO
Bobby Davis, U.S. DOE - Fernald

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