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**OU#3 DOE DISPUTE
U.S. DOE - FERNALD
OH6 890 008 976**

XX-XX-XX

**USEPA/DOE-FMPC
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LETTER**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

1507

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

REPLY TO ATTENTION OF:
5HR-13

RE: OU#3 DOE Dispute
U.S. DOE - Fernald
OH6 890 008 976

Dear Mr. Westerbeck:

On January 29, 1991, the United States Department of Energy (U.S. DOE) submitted a request for additional work under Section XV of the 1990 Consent Agreement for Operable Unit (OU) #3. On February 5, 1991, the United States Environmental Protection Agency (U.S. EPA) provided notice of U.S. EPA's disagreement with U.S. DOE's determination that the work required for OU #3 was additional work. On February 12, 1991, U.S. DOE initiated a dispute under Section XIV of the 1990 Consent Agreement regarding U.S. EPA's determination. On March 8, 1991, U.S. DOE elevated this dispute to the Dispute Resolution Committee.

With a March 4, 1991, letter, U.S. DOE and U.S. EPA ended a dispute regarding the adequacy of an Initial Screening of Alternatives (ISA) report for this operable unit. U.S. DOE and U.S. EPA agreed that all releases and potential releases of hazardous substances in the production area are subject to the response actions under the 1990 Consent Agreement. This includes, but is not limited to, all buildings, waste, product, tanks, and storage areas in the production area and other suspect areas.

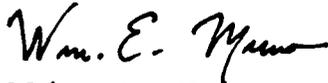
Based on the March 4, 1991, agreement, U.S. DOE agrees to end its dispute over U.S. EPA's determination regarding U.S. DOE's notification of additional work. Also, as agreed in our meeting in Chicago on March 14, 1991, U.S. DOE will prepare a schedule for completion of this work for OU #3. However, this schedule shall not constitute an amendment or modification to the existing 1990 Consent Agreement, unless otherwise agreed by the parties.

If you concur with the ending of this dispute and the position contained herein, please sign this letter and return it to me.

C. W. B.

Please contact me at (312/FTS) 353-4783, if you have any questions.

Sincerely yours,



William E. Munro
Associate Division Director
Office of RCRA, Waste Management Division

Agreed to by:

Gerald W. Westerbeck

Date

cc: Gerry Ionnaides, OEPA
Graham Mitchell, OEPA-SWDO
Pat Whitfield, U.S. DOE - HDQ
Joe LaGrone, U.S. DOE - ORO