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NOTICE OF ELEVATION OF DISPUTE

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DOE-ORO/USEPA

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LETTER



Department of Energy
Oak Ridge Operations
P.O. Box 2001
Oak Ridge, Tennessee 37831 - 8510

March 22, 1991

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Mr. Raymond B. Ludwiszewski
Acting Assistant Administrator
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Dear Mr. Ludwiszewski:

NOTICE OF ELEVATION OF DISPUTE

On February 15, 1991, Mr. Adamkus, Regional Administrator of the U.S. Environmental Protection Agency (U.S. EPA) issued on behalf of Region 5 a formal written statement of position concerning the assessment of stipulated penalties against the U.S. Department of Energy (U.S. DOE) under the 1990 Consent Agreement for the Fernald Site Office in Fernald, Ohio. The statement concluded that U.S. EPA properly assessed stipulated penalties against U.S. DOE for the following alleged violations: (1) that U.S. DOE did not refer certain land access issues to the U.S. Department of Justice on a timely basis; (2) that U.S. DOE submitted a "Remedial Investigation Report" for Operable Unit 4 that contained insufficient sampling data; and (3) that U.S. DOE submitted an "Initial Screening of Alternatives Report" for Operable Unit 3 that did not propose alternative remedies for all relevant areas of the site and was therefore inadequate. U.S. DOE continues to object to the assessment of penalties as proposed by U.S. EPA.

By this letter, I am providing U.S. DOE's formal written notice elevating this dispute to the Administrator of U.S. EPA for resolution in accordance with all applicable laws and procedures, consistent with the provisions of Section XIV of the 1990 Consent Agreement. A written statement of U.S. DOE's position will be forwarded to you for use by the Administrator in his consideration of this matter.

Sincerely,

Joe La Grone
Manager

Mr. Raymond Ludwiszewski

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March 22, 1991

cc: L. Duffy, EM-1, 7A-049, FORS
R. P. Whitfield, EM-40, 7A-049, FORS
R. P. Berube, EH-20, 7A-075, FORS
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