

R-008-207.11

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**EE/CA K-65 REMOVAL #4
U.S. DOE FERNALD
OH6 890 008 976**

10-18-90

**USEPA/DOE
2
LETTER**



UNITED STATES ENVIRONMENT/
REGION
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

1879

OCT 18 1990

REPLY TO ATTENTION OF:

5HR-12

FACSIMILE AND
FEDERAL EXPRESS

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

RE: EE/CA K-65 Removal #4
U.S. DOE Fernald
OH6 890 008 976

Dear Mr. Avel:

On August 1, 1990, the United States Department of Energy (U.S. DOE) submitted a draft Engineering Evaluation/Cost Analysis (EE/CA) for removal action #4 to address the K-65 silos (silos 1 and 2) for the Feed Materials Production Center (FMPC) in Fernald, Ohio. On September 4, 1990, the United States Environmental Protection Agency (U.S. EPA) approved the document with modifications, in accordance with provisions of Section IX.C of the 1990 Consent Agreement.

On September 28, 1990, U.S. EPA received a facsimile from U.S. DOE regarding the EE/CA approval. The letter misrepresents U.S. EPA's modification of the EE/CA as comments. The modifications are not comments. A work plan for this removal was due thirty (30) days from the date of approval or the end of the public comment period. The public comment period was extended until September 18, 1990, so the work plan was due October 18, 1990.

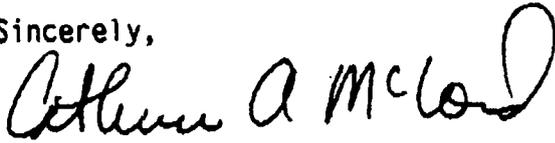
Thirty days after the approval of the EE/CA, U.S. DOE provided notice to U.S. EPA that a dispute was being initiated regarding U.S. EPA's modification of the EE/CA. Pursuant to Section XIV of the 1990 Consent Agreement, the disputing party must submit to the other party a written statement regarding their position with respect to the dispute within thirty (30) days from the action that initiated the dispute (the September 4, 1990, EE/CA modification and approval). The information that the disputing party is relying upon to support its position must be included in this document. The information was not included in U.S. DOE's October 4, 1990, letter. U.S. DOE did present a position regarding the dispute in an October 12, 1990, letter.

After the initial thirty (30) days of dispute resolution, the dispute is elevated to the Dispute Resolution Committee for twenty-one (21) days. This twenty-one day period will end on October 25, 1990. U.S. DOE's intentions for resolution of this dispute are not clear. The 1990 Consent Agreement

conemplates that the Dispute Resolution Committee will meet to resolve this dispute during the 21-day period. U.S. EPA proposes that the meeting be held as soon as possible, early in the week of October 22, 1990. 1879

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

Sincerely,



Catherine A. McCord
On-Scene Coordinator

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