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

2-22-91

**USEPA/DOE-FMPC
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LETTER**



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

FEB 22 1991

REPLY TO ATTENTION OF:

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

5HR-13

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

Dear Mr. Westerbeck:

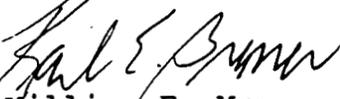
The United States Environmental Protection Agency (U.S. EPA) acknowledges the receipt of your February 13, 1991, letter concerning U.S. EPA's dispute over Operable Unit (OU) #4 Remedial Investigation (RI) report. This dispute was initiated by U.S. EPA in its December 7, 1990, disapproval letter. On January 18, 1991, U.S. EPA's dispute was discussed by members of the Dispute Resolution Committee from U.S. EPA and the United States Department of Energy (U.S. DOE). During the call, U.S. EPA and U.S. DOE agreed that the RI report did not contain the necessary sampling data, and accordingly, the Dispute Resolution Committee agreed to end the dispute by mutual agreement.

Since the conference call on January 18, 1991, U.S. EPA and U.S. DOE have exchanged several letters attempting to characterize the dispute in terms that are agreeable to both parties. U.S. EPA continues to believe that the OU #4 RI report did not comply with the terms of the 1990 Consent Agreement and the National Contingency Plan (NCP). However, U.S. EPA acknowledges that agreement on this point is not necessary for resolution of U.S. EPA's dispute regarding the RI report. Accordingly, U.S. EPA proposes that its dispute regarding the OU #4 RI report be resolved as follows: U.S. EPA and U.S. DOE agree that the revised RI report submitted by U.S. DOE on November 7, 1990, is not, and will not become, the final RI report, as defined in the 1990 Consent Agreement. Instead, U.S. DOE agrees that it will submit a revised RI report for OU #4 that includes all the required analytical data and adequately addresses all of the deficiencies identified in U.S. EPA's December 7, 1990, disapproval letter.

I am hopeful that this letter formalizes the conclusion of U.S. EPA's dispute on the OU #4 RI report. If you concur with the position advanced herein, please sign this letter and return it to me.

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

Sincerely yours,

for


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


Gerry W. Westerbeck
U.S. DOE FMPC

2/28/91
Date

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