

**4094**

**ELEVATION OF DISPUTE RESOLUTION -  
ADDITIONAL WORK - OPERABLE UNITS 1 AND  
2**

**04/25/91**

**DOE-RN/USEPA  
DOE-12234-91  
2  
LETTER**



**Department of Energy**

4094

Fernald Site Office  
P.O. Box 398705  
Cincinnati, Ohio 45239-8705  
(513) 738-6319

APR 25 1991  
DOE-1223-91

Mr. William E. Muno  
Associate Division Director  
Office of RCRA, Waste Management Division  
U. S. Environmental Protection Agency  
Region 5 - 5HR-12  
230 South Dearborn Street  
Chicago, IL 60604

Dear Mr. Muno:

**ELEVATION OF DISPUTE RESOLUTION - ADDITIONAL WORK - OPERABLE UNITS 1 AND 2**

- References: 1) Letter, DOE-699-91, J. R. Craig to C. A. McCord and G. E. Mitchell, "Additional Work Under the Consent Agreement - Operable Unit 1," dated February 4, 1991
- 2) Letter, DOE-582-91, J. R. Craig to C. A. McCord and G. E. Mitchell, "Additional Work Under the Consent Agreement - Operable Unit 2," dated February 4, 1991
- 3) Letter, C. A. McCord to J. R. Craig, "Operable Units 1 and 2, Additional Work, U. S. DOE Fernald OHD-890-008-976," dated March 4, 1991
- 4) Letter, DOE-981-91, J. R. Craig to C. A. McCord and G. E. Mitchell, "Notice of Dispute - U. S. Environmental Protection Agency (U. S. EPA) Notice of Disagreement with Additional Work for Operable Units 1 and 2," dated March 26, 1991

On February 4, 1991, the Department of Energy (DOE) notified the U. S. Environmental Protection Agency (U. S. EPA) of additional work under the Consent Agreement involving the waste pits (Operable Unit 1) and non-process waste units (Operable Unit 2) (Reference 1 and 2, enclosed). On March 4, 1991, U. S. EPA provided notification of U. S. EPA's disagreement with DOE's notification of this additional work (Reference 3, enclosed). On March 26, 1991, DOE notified U. S. EPA of DOE's dispute of U. S. EPA's disagreement of additional work and provided written statement of dispute regarding the disagreement (Reference 4, enclosed).

**PUBLIC ENVIRONMENTAL INFORMATION CENTER**

% Westinghouse Mat'l. Co. of Ohio  
P. O. Box 398704  
Cincinnati, Ohio 45239-8704

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**FERNALD'S MAIN PRIORITY IS CLEANUP**

Pursuant to Section XIV, Resolution of Disputes, paragraph C, of the Consent Agreement, this letter forwards the written statement of dispute as contained in Reference 4, to the Dispute Resolution Committee (DRC), and thereby elevates the dispute to the DRC.

I would like to arrange a mutually, agreeable time to discuss this matter with you. Please contact me as soon as possible so we can arrange a conference.

Sincerely,



Gerald W. Westerbeck  
Manager

FSO:Vincent

Enclosures: As stated

cc w/encls.:

R. P. Whitfield, EM-40, FORS  
K. A. Hayes, EM-422, GTN  
G. E. Mitchell, OEPA-Dayton  
L. August, GeoTrans  
K. Davidson, OEPA, Columbus  
M. Butler, USEPA-V, 5CS-TUB-3  
J. Benetti, USEPA-V, 5AR-26  
E. Schuessler, PRC  
R. L. Glenn, Parsons  
W. H. Britton, WMCO  
S. W. Coyle, WMCO  
H. F. Daugherty, WMCO  
J. D. Wood, ASI  
AR Files

cc w/o encl.:

J. J. Fiore, EM-42, GTN  
W. E. Muno, USEPA-V, 5HR-13  
D. A. Ullrich, USEPA-V, 5H-12  
G. G. Ioannides, OEPA-Columbus

*ERA Files*