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Department of Energy



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ROCKY FLATS OFFICE
P.O. BOX 928
GOLDEN, COLORADO 80402-0928

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DATE

MAY 12 1994

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ADMIN RECORD



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BERMAN, H.S.			
CARNIVAL, G.J.			
COPP, R.D.			
CORDOVA, R.C.			
DAVIS, J.G.			
FERRERA, D.W.			
FRANZ, W.A.			
HANNI, B.J.			
HEALY, T.J.			
HEDAHL, T.G.			
HILBIG, J.G.			
HUTCHINS, N.M.			
KELL, R.E.			
KIRBY, W.A.			
KUESTER, A.W.			
MAHAFFEY, J.W.			
MANN, H.P.			
MARX, G.E.			
MCKENNA, F.G.			
MORGAN, H.V.			
PIZZUTO, V.M.			
POTTER, G.L.			
SANDLIN, N.B.			
SATTERWHITE, D.G.			
SCHUBERT, A.L.			
SETLOCK, G.H.			
STIGER, S.G.			
SULLIVAN, M.T.			
SWANSON, E.R.			
WILKINSON, R.B.			
WILSON, J.M.			
<i>Busby W X</i>			

Mr. Martin Hestmark
U.S. Environmental Protection Agency, Region VIII
ATTN: Rocky Flats Project Manager, 8HWM-R1
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Mr. Gary Baughman
Hazardous Waste Facilities Unit Leader
Colorado Department of Health
4300 Cherry Creek Drive South
Denver, Colorado 80222-1530

Gentlemen:

The U.S. Department of Energy (DOE) understands that efforts continue on the Consent Agreement that would complete the terms of Point 5 of the April 14, 1994, Informal Resolution of the Operable Unit No. 8 (OU 8) Dispute. Those efforts were targeted for resolution of Point 5 by April 29, 1994. DOE recognized that resolution of Point 5 by April 29, 1994 would not be possible. Therefore, DOE requested on April 29, 1994 a two week extension to May 12, 1994 to allow additional time to resolve outstanding issues. DOE was, at that time, in jeopardy for OU 9. Notwithstanding the parties efforts, however, complete resolution of the OU 8 dispute and execution of the Consent Agreement by May 12, 1994 was not attained and DOE becomes in jeopardy for other operable units. We continue to believe that the process of dispute resolution is proceeding effectively. The DOE proposes, therefore, another two week extension of the targeted date to May 26, 1994, which allows additional time for the process to continue to resolve outstanding issues for the Industrial Area OUs.

Consensus on the Rocky Flats Consent Agreement by May 12, 1994 inherently resolves outstanding issues on the Industrial Area OUs. As a protective measure, however, DOE seeks to reserve its rights under the IAG in the event that the dispute resolution for OU 8 is unsuccessful or the parties' efforts do not culminate to a Rocky Flats Consent Agreement. Pursuant to Part 32 of the IAG, therefore, DOE seeks to preserve the right to dispute current or future denials of requests for Table 6 milestone date extensions for all

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DOE ORDER # 5400.1



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MAY 12 1994

Industrial Area OUs. Additionally, pursuant to Part 42 of the IAG, DOE seeks to reserve the right to dispute any current or future requests for modification to work for all industrial area OUs.

Sincerely,



Jessie Roberson
Acting Assistant Manager for
Environmental Restoration

cc w/o Enclosure:

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