

CORRES. CONTROL
INCOMING LTR NO.

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ACTION

DIST.	LTR	ENC
BURLINGAME, A.H.		
BUSBY, W.S.		
CARNIVAL, G.J.		
CORDOVA, R.C.		
DAVIS, J.G.	XX	XX
FERRERA, D.W.		
FRAY, R.E.		
GEIS, J.A.		
GLOVER, W.S.		
GOLAN, P.M.		
HANNI, B.J.		
HEALY, T.J.		
HEDAHL, T.G.		
HILBIG, J.G.		
HUTCHINS, N.M.		
JACKSON, D.T.		
KELL, R.E.		
KUESTER, A.W.		
MARX, G.E.		
MCDONALD, M.M.		
McKENNA, F.G.		
MORGAN, R.V.		
PIZZUTO, V.M.		
POTTER, G.L.		
SANDLIN, N.B.		
SATTERWHITE, D.G.		
SCHUBERT, A.L.		
SCHWARTZ, J.K.		
SETLOCK, G.H.		
STIGG, G.		
TOBIN, P.M.		
VOORHEIS, G.M.		
WILSON, J.M.		
Keith, S.	XX	XX
Ledford, A.	XX	XX



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Department of Energy

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

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Mr. Joe Schieffelin
Hazardous Waste Facilities Unit Leader
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80222-1530

Mr. Martin Hestmark
U.S. Environmental Protection Agency, Region VIII
ATTN: Rocky Flats Project Manager, 8HWM-RI
999 18th Street, Suite 500, 8WM-C
Denver, Colorado 80202-2405

Gentlemen:

On June 23, 1994, the Department of Energy (DOE) transmitted a statement of dispute regarding the Operable Unit 4 (OU4) schedule extension request. The basis for dispute was well documented in our statement.

Paragraphs 92 and 93 of the Interagency Agreement (IAG) provide that we shall work to informally resolve disputes within 14 days at the Project Coordinator level. This 14 day period expired on July 7, 1994. In our meeting on July 7, you proposed to grant the full requested extension, but not the requested scope modification. We agreed, to take four weeks from July 7 for the informal dispute resolution process to reassess the major issues surrounding the technical, regulatory, and legal aspects of the OU4 dispute and to assess whether we could reach consensus on the major elements and direction of the solar ponds effort. We jointly identified 11 issues to be assessed (enclosed).

DOE agreed at the meeting to draft the settlement language and provide it to you so that it could be jointly signed by July 8. Since we have not come to closure on mutually acceptable language for the settlement agreement, I am sending this letter to serve as DOE's agreement to the additional four weeks for informal dispute resolution and to supersede and rescind the settlement language I signed and faxed to you on July 8, 1994.

It is my understanding that we jointly agreed to extend the informal dispute resolution period, and I believe that we have the potential to make further progress towards resolving this dispute by extending the informal dispute period by four weeks from July 7, 1994. Since this reassessment was not planned scope, we believe a corresponding extension to all affected milestones is appropriate.

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Reviewed for Addressee
Corres. Control RFP

7/19/94
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DOE ORDER # 5400.1



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Schieffelin, Hestmark
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We are following the spirit and the intent of the IAG by attempting to settle this dispute informally and in good faith at the IAG Project Coordinator level. We have dedicated our staff to addressing the eleven issues we identified, and have scheduled an initial meeting with you on July 15, 1994.

If you have any questions, please call me at 966-4839.

Sincerely,



Steve Slaten
IAG Project Coordinator
Environmental Restoration

Enclosure

cc w/Enclosure:

J. Roberson, AMER, RFFO
F. Lockhart, ER, RFFO
S. Surovchak, ER, RFFO
S. Howard, SAIC, RFFO
P. Witherill, SAIC, RFFO
H. Ainscough, CDPHE
A. Duran, EPA
~~S. Stinger, EG&G~~
S. Keith, EG&G
A. Ledford, EG&G

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**Issues Identified on July 7, 1994 by the IAG Project Coordinators
and to be
Assessed During the OU-4 Solar Evaporation Ponds Informal Dispute**

1. Evaluation of site conditions including contaminant levels in liners and subsurface soils that can support in turn evaluation of proposed, and alternative, strategies for controlling migration.
2. Additional evaluation of the cap design parameters such as side slopes, height, surface extent (foot print), waste/backfill volume, and foundation (geotechnical) analyses with special emphasis upon those areas not encompassed by the extent of previous cap design proposals and the soils beneath the pond liners.
3. Status and appropriateness of the sludge as remediation waste.
4. Inclusion of the sludge beneath the cap as an "enhancement" to the closure design.
5. Physical form (monolithic, crushed to aggregate, etc.) of the backfill, including sludge, soils, liners, and debris.
6. Impacts of DOE Order 5820.2A and related implementing DOE policies on closure design.
7. Additional comparison of cost-effectiveness of closure designs incorporating on-site vs. off-site disposal of liner materials, sludges, and/or soils.
8. Risk management associated with the comparison discussed in number 7.
9. Access and availability of an off-site versus an on-site low level mixed waste (LLMW) disposal facility.
10. Prioritize waste streams (soils, liners, sludge, B-788 components) intended for inclusion beneath the cap.
11. Use of Industrial Hazardous Substance Site (IHSS) 101 site vicinity versus alternative Rocky Flats Environmental Restoration (ER) Corrective Action Management Unit (CAMU) location for disposal of Operable Unit 4 (OU-4) and additional ER remediation wastes.

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