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States Government

Department of Energy

5388 RF 93

# Memorandum

Rocky Flats Office

DUE DATE

ACTION

DIST.	
BENEDETTI R L	
BENJAMIN A	
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	<input checked="" type="checkbox"/>
KIRBY W A	<input checked="" type="checkbox"/>
KUESTER A V	
MAHAFFEY J W	
MANN H P	
MARX G E	
M KENNA F G	<input checked="" type="checkbox"/>
MORGAN R V	
PIZZUTO V M	
POTTER G L	
SANDLIN N B	
SATTERWHIT D G	
SCHUBERT A L	
SETLOCK G H	
SULLIVAN M T	
SWANSON R	
WILKINSON, R B	
WILSON J M	

Stiger

Susby

Primrose

A

CORRES CONTROL	
PATS/T130G	
ADMN RECORD/080	<input checked="" type="checkbox"/>

R w d f Add  
C C t IRFP

12-23-93  
DATE BY

R f Lt #

DO ORDER 5400 1

DEC 16 1993

ERD SRG 12127

Supplemental Information Concerning Notice of Violation for Operable Unit No 2 Notification as Per September 16 1993 Secretarial Guidance

Associate Deputy Secretary for Field Management, FM 1 HQ  
 General Counsel GC 1 HQ  
 Assistant Secretary for Environmental Restoration and Waste Management EM 1 HQ  
 Assistant Secretary for Environment Safety and Health EH 1 HQ

This memorandum contains supplemental information to our September 13 1993 (ERD HR 10795) (attachment 1) and September 27 1993 (ERD SRG 11140) (attachment 2) correspondence. This supplemental information is being provided in accordance with the September 16 and August 18 1993 memoranda from the Secretary Guidance on Management Procedures for Addressing Responsibility for Violations of Environmental Requirements and Related Fines and Penalties

Our September 13 correspondence was in response to the direction to provide information within 24 hours of a Notice of Violation (NOV) and our September 27 correspondence was in response to the direction to provide information within 10 days of the NOV. A copy of the 24 hour and 10 day responses are included (copy in attachment 2). This memorandum provides supplemental information concerning the disposition of the NOV and resolution of dispute under the Rocky Flats Environmental Restoration InterAgency Agreement (IAG)

The Notice of Violation was received September 10 1993 from U S Environmental Protection Agency (EPA) and the Colorado Department of Health (CDH) for missing a milestone under the IAG (copy in attachment 1). The missed milestone is for the Final RCRA Facilities Investigation/Remedial Investigation (RFI/RI) Report for Operable Unit No 2 (903 Pad Mound and East Trenches)

In consultation with EM 40 we agreed to dispute the NOV through the Dispute Resolution process laid out in the IAG. This dispute was resolved at the informal level on October 14 1993. A copy of the Resolution of Dispute (attachment 3) is attached.

To resolve the dispute DOE agreed that it was in violation of the IAG for the missed Final RFI/RI Report submittal milestone for the period August 9 1993 through

ADMIN RECORD

A-0005-000482

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DEC 16 1993

August 12 1993 (when the clock was stopped retroactively to June 21 1993) in accordance with EPA/CDH letter of August 12 1993 which stopped the clock for milestones for Operable Units 1 through 7 to obtain resolution on the appropriate Risk Assessment Methodology (attachment 4) Furthermore EPA agreed not to assess stipulated penalties for the period August 9 12 1993



Mark N Silverman  
Manager

Attachments

- 1 September 13 1993 Memo
- 2 September 27 1993 Memo
- 3 Resolution of Dispute
- 4 EPA/CDH Letter

cc w/Attachments

A Rampertaap EM-453  
R Schassburger ERD RFO  
M Roy OCC RFO  
H Rose ERD RFO  
S Grace ERD RFO  
N Hutchins EG&G  
W Busby EG&G  
A Primrose EG&G