

102694-9

Department of Energy



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DIST.

DIST.	LTR	ENC
IRLINGAME, A.H.		
ISBY, W.S.		
IRNIVAL, G.J.		
IRDOVA, R.C.		
IRVIS, J.G.		
IRRERA, D.W.		
IRAY, R.E.		
IRIS, J.A.		
IROVER, W.S.		
IRLAN, P.M.		
IRNNI, B.J.		
IRALY, T.J.		
IRDAHL, T.G.		
IRBIG, J.G.		
IRITCHINS, N.M.		
IRCKSON, D.T.		
IRLL, R.E.		
IRJESTER, A.W.		
IRRX, G.E.		
IRDONALD, M.M.		
IRKENNA, F.G.		
IRJRGAN, R.V.		
IRZZUTO, V.M.		
IRJITTER, G.L.		
IRNDLIN, N.B.		
IRJITTERWHITE, D.G.		
IRHUBERT, A.L.		
IRJHWARTZ, J.K.		
IRJFLOCK, G.H.		
IRJIGER, S.G.	X	
IRJBIN, P.M.		
IRJTORHEIS, G.M.		
IRJLSON, J.M.		
IRJOWDRY, C.	X	
IRJHOLLOWELL, L.	X	

EG&G  
ROCKY FLATS PLANT  
CORRESPONDENCE CONTROL

OCT 24 2 20 PM '94

ROCKY FLATS FIELD OFFICE  
P.O. BOX 928  
GOLDEN, COLORADO 80402-0928  
OCT 20 1994

40109

94-DOE-10843



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

Dear Mr. Schieffelin:

The Department of Energy (DOE) received your response to our proposed settlement language for the Operable Unit No. 9 dispute. We believe that we can come to agreement on one issue at this time. We, therefore, propose that it is appropriate to separate the two issues regarding the two separate tank sets, and to settle the issue upon which we agree, while elevating the issue surrounding the active RCRA tanks pursuant to Part 12 of the Interagency Agreement (IAG).

In regard to tanks T-8 and T-9, it appears that your proposed language is largely consistent with the language in our October 7, 1994, proposal. One notable exception is the issue of ancillary equipment. This issue had not been previously raised in our communications, meetings, or correspondence. We believe it has been clear that such equipment is to be investigated separately under the Technical Memorandum 1 (TM 1) Volume 2, which will address the pipelines. TM 1 Volume 1 clearly stated that pipelines would be dealt with separately in TM 1 Volume 2. The segregation of tanks from pipelines was necessary to expedite the tank investigation since additional data was needed to supplement the available pipeline data. Consistent with your counterproposal, DOE will submit an investigation plan that will address the T-8 and T-9 tanks. Your counterproposal also included two separate plans for investigation of the tanks. In the interest of efficiency, however, we intend to supply the information in one plan. I have revised and signed the enclosed counterproposal language, which I believe settles this dispute with respect to these tanks. If you concur with the resolution language for tanks T-8 & T-9, please sign the enclosed resolution and return a copy to me.

As to the issue of tanks T-24 and T-32, your counterproposal language is not acceptable. In our meeting and various telephone conversations, I understood that supplying you with the information demonstrating the RCRA status of these tanks would suffice to render investigation of these tanks under the IAG as an unnecessary activity until such time that the tanks become inactive. In response to your request, we have documented the active RCRA permit status of these tanks, and therefore do not intend to prematurely investigate these tanks under the IAG. Since resolution of issues regarding tanks T-24 and T-32 is not seemingly in the offing, we agree with you that immediate elevation of this portion of the dispute to the Dispute Resolution Committee (DRC) should occur. This letter, with our previous correspondence and RCRA status information (enclosed), serves as DOE's portion of the written statement to the DRC describing the issues underlying the dispute and attempts at resolution.

RCVD. W/O ENC

CORRES. CONTROL	X	X
ADMIN RECORDS	X	X
ATS/T130G		

Reviewed for Addressee  
Corres. Control RFP

10-24-94  
DATE BY

Ref Ltr. #

DOE ORDER # 5400.1

ADMIN RECORD

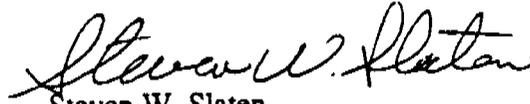
Joe Schieffelin  
94-DOE-10843

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OCT 20 1994

We seek your concurrence on the T-8 and T-9 resolution. If, however, we cannot reach agreement via your concurrence, immediate elevation to the DRC should occur for issues regarding both sets of tanks.

Sincerely,



Steven W. Slaten  
IAG Project Coordinator  
Environmental Restoration

Enclosure

cc w/o Enclosure:

M. Hestmark, EPA  
M. Silverman, OOM, RFFO  
L. Smith, OOM, RFFO  
J. Roberson, AMER, RFFO  
D. Ruscitto, AMOW, RFFO  
D. Brockman, AMES&H, RFFO  
F. Lockhart, ER, RFFO  
R. Schassburger, ER, RFFO  
S. Slaten, ER, RFFO  
R. Sarter, ER, RFFO  
M. Roy, OCC, RFFO  
J. Burd, SAIC  
S. Stiger, EG&G  
C. Cowdry, EG&G