

CORRES CONTROL  
INCOMING LTR NO.

01738 RF 94

DUE  
DATE

ACTION

DIST TO ENCL

BERMAN, H.S.	
CARNIVAL, G.J.	
COBB, R.D.	
CORDOVA, P.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, R.V.	
PZZUTO, V.M.	
POTTER, G.L.	
SANDLIN, N.B.	
SATTERWHITE, D.G.	
SCHUBERT, A.L.	
SETLOCK, G.H.	
STIGER, S.G.	<input checked="" type="checkbox"/>
SULLIVAN, M.T.	
SWANSON, E.R.	
WILKINSON, R.B.	
WILSON, J.M.	

*Busby, W.A.*

CORRES CONTROL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
ADMIN RECORD/0801	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PATS/ T130G		

Reviewed for Addressee  
Corres. Control RFP

5/8/94 *CM*  
DATE BY

Ref Ltr. #

DOE ORDER # 5400.1

RF-46522 (Rev. 01/94)



050494-9

Department of Energy

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

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APR 29 1994

94-DOE-04830



000028013

Mr. Martin Hestmark  
U. S. Environmental Protection Agency, Region VIII  
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Denver, Colorado 80202-2405

Mr. Gary Baughman  
Hazardous Waste Facilities Unit Leader  
Colorado Department of Health  
4300 Cherry Creek Drive South  
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Gentlemen:

The U.S. Department of Energy (DOE) understands that efforts are presently ongoing to finalize a 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. The Informal Resolution addressed OU 8, but also applied to the other Industrial Area (IA) OUs. We further understand that Point 5 was targeted for resolution by April 28, 1994. Notwithstanding the parties efforts, however, complete resolution of the OU 8 dispute and execution of the Consent Agreement by April 29, 1994 was not attained and DOE is in jeopardy for OU 9. We believe OU 8 dispute process is proceeding effectively. The DOE proposes, therefore, a two week extension of the targeted date to May 12, 1994, which allows sufficient time for the process to continue to resolve outstanding issues for OU 8 and the remaining IA OUs.

As a protective measure, however, and in the event that the dispute resolution for OU 8 is unsuccessful, DOE wishes to preserve its defense and its rights to dispute the April 14, 1994 Draft and Final Phase I RCRA Facility Investigation/Remedial Action Report modification and Table 6 milestone date extension denials on OU 9. The DOE seeks to reserve the right to dispute the decisions of Colorado Department of Health to deny DOE's March 17, 1994 request for modification to work under Part 32 of the Interagency Agreement (IAG) and request for schedule extension under Part 42 of the IAG.

Sincerely,

*Jessie Roberson*  
Jessie Roberson  
Acting Assistant Manager for  
Environmental Restoration



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A-OU12-000193

M. Hestmark & G. Baughman  
94-DOE-04830

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APR 29 1994

cc  
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A. Rampertaap, EM-453  
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S. Stiger, EG&G  
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