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**BASED ON COMMENTS RECEIVED, USEPA
DETERMINED IT IS NOT NECESSARY TO
CHANGE LANGUAGE ON CONSENT
AGREEMENT**

03/03/90

**5RA-14
USEPA/DOE-ORO**

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LETTER**

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:
5RA-14

Mr. Joe LaGrone
Manager
Oak Ridge Operations
P.O. Box 2001
Oak Ridge, Tennessee 37830

Dear Mr. LaGrone:

The public comment period for the newly negotiated Consent Agreement for the cleanup of the United States Department of Energy's (U.S. DOE) Feed Materials Production Center (FMPC) in Fernald, Ohio extended from May 1, 1990, through May 31, 1990. The United States Environmental Protection Agency (U.S. EPA) held a public meeting regarding the Consent Agreement on May 9, 1990. U.S. EPA has received written and oral comments. In accordance with Section XXXV of the Consent Agreement, a copy of the written comments and the transcript of the public meeting were submitted to U.S. DOE at the close of the public comment period. Procedures for finalization of the Consent Agreement involve our concurrence on whether the public comments received require U.S. EPA and U.S. DOE to re-open negotiations on the document. A Responsiveness Summary addressing the comments received is enclosed.

Based on the comments received, U.S. EPA has determined that it is not necessary to change any of the language of the document that we signed in April of 1990. However, a major concern expressed by the public at the public meeting and subsequently in writing is that U.S. DOE should notify U.S. EPA prior to any proposed restart of production at the FMPC. Instead of revising or modifying the Consent Agreement, U.S. EPA has determined that an appropriate response to this comment is for U.S. DOE to commit to U.S. EPA by return letter that it will notify U.S. EPA ninety (90) days prior to any restart of the FMPC or any part thereof. Activities at the site that involve the use of production equipment in conjunction with an approved removal or remedial action work plan would not constitute the start of production. This would include the further processing of any waste residues currently at the plant under Operable Unit 3 or any removal action. U.S. DOE's agreement for such notice would satisfy the concerns of the public regarding this matter.

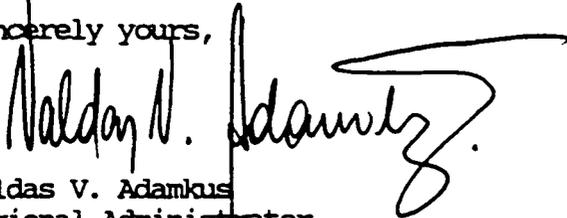
In accordance with Section XXXVII of the Agreement, the Consent Agreement is effective upon issuance of this notice to U.S. DOE that the Public Comment requirements of Section XXXV of this Agreement have been implemented.

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May I take this opportunity to thank you in advance for your cooperation and immediate attention regarding this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Valdas V. Adamkus". The signature is written in a cursive style with a large, sweeping flourish at the end.

Valdas V. Adamkus
Regional Administrator

Enclosure

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cc: Leo Duffy, Special Assistant to Secretary, U.S. DOE
Dr. Richard Shank, PhD., OEPA
Graham Mitchell, OEPA-SWDO
Jack Van Kley, Ohio AG
Bobby Davis, U.S. DOE - FMPC