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U-007-305.2

**OU#5 ACCESS DISPUTE
U.S. DOE - FERNALD
OH6 890 008 976**

01/04/91

**USEPA/DOE-FMPC
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LETTER
OU5**



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

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JAN 04 1991

Mr. Andrew P. Avel
United States Department of Energy
Feed Materials Production Center
P.O. Box 398705
Cincinnati, Ohio 45239-8705

REPLY TO ATTENTION OF:5HR-12

RE: OU#5 Access Dispute
U.S. DOE - Fernald
OH6 890 008 976

Dear Mr. Avel:

The United States Environmental Protection Agency (U.S. EPA) acknowledges the receipt of the United States Department of Energy's (U.S. DOE) December 19, 1990, letter initiating dispute resolution. U.S. DOE disputed U.S. EPA's December 4, 1990, imposition of stipulated penalties for failure to comply with access requirements of Section XXVIII of the 1990 Consent Agreement for Operable Unit (OU) #5. U.S. EPA's Notice of Violation (NOV) was not disputed.

As you are aware, the dispute resolution process is defined in Section XIV of 1990 Consent Agreement. Section XIV.B allows for thirty (30) days of informal dispute resolution to attempt to resolve the dispute. In this case, the thirty day period started with U.S. EPA's December 4, 1990 NOV.

U.S. DOE has not initiated any informal dispute resolution discussions regarding this matter. Please inform U.S. EPA if U.S. DOE intends to initiate any discussions prior to raising the dispute to the Dispute Resolution Committee prior to thirty days from U.S. EPA's NOV. The dispute end unless it is raised to the Dispute Resolution Committee within thirty days from U.S. EPA's NOV.

Please contact me at (312/FTS) 886-4436, if you have any questions.

Sincerely,

Catherine A. McCord
Remedial Project Manger

E-1104

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cc: Richard Shank, OEPA
Graham Mitchell, OEPA-SWDO
Leo Duffy, U.S. DOE - HDQ
Joe LaGrone, U.S. DOE - ORO
Bobby Davis, U.S. DOE - Fernald