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Department of Energy

FMPC Site Office
P.O. Box 398705
Cincinnati, Ohio 45239-8705
(513) 738-6319

June 1, 1990
DOE-1177-90

Ms. Catherine A. McCord
Remedial Project Manager
U. S. Environmental Protection Agency
Region V - 5HR-12
230 S. Dearborn Street
Chicago, Illinois 60604

Dear Ms. McCord:

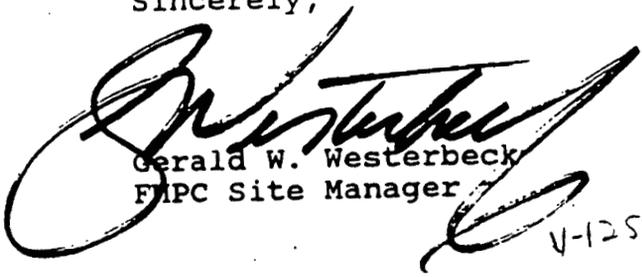
**ACCESS TO PROPERTY NEAR FERNALD, OHIO FOR INFORMATION GATHERING
UNDER CERCLA**

This is in response to your letter to Mr. Bobby J. Davis dated May 22, 1990, directing the U. S. Department of Energy (DOE) to issue "notice letters" and to refer access cases to the Department of Justice (DOJ) within the times specified in your letter. The DOE has issued notice letters to Century Farms, Inc. and Ruetgers-Nease Chemical Company, Inc. for access to their properties. Copies of these letters are enclosed in the event the carbon copies we transmitted did not reach you. If a voluntary access is not received from these companies, the FMPC will ask DOE headquarters to refer the matter to DOJ to obtain a court order in aid of access.

You correctly note in your letter that at the April 25, 1990 Technical Information Exchange (T.I.E.) meeting, the DOE projected issuing these letters by May 1, 1990. Although the projected date was not met, the DOE is (and will continue) using its best efforts to obtain access to these properties. Even though the 1990 Consent Agreement is not finally effective, the DOE will continue to use its best efforts to obtain access in the manner agreed to in Section XXVIII of the Agreement.

If you have any questions concerning the enclosed letters, please call Bobby Davis, of my staff, at (513) 738-6156 or FTS 774-6156.

Sincerely,


Gerald W. Westerbeck
FMPC Site Manager

DP-84: Davis

V-1259

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Enclosures: As stated

cc w/encls.:

G. E. Mitchell, OEPA-Dayton
P. Andrews, USEPA-5

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