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**REFERRAL OF CIVIL ACTION PURSUANT TO
SECTION 104E) OF THE COMPREHENSIVE
ENVIRONMENTAL RESPONSE, COMPENSATION
AND LIABILITY ACT (CERCLA) OF 1980, AS
AMENDED**

03/01/91

DOE-DC/DEPT OF JUSTICE

2

LETTER

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Department of Energy
Washington, DC 20585

1974

March 1, 1991

Richard B. Stewart
Assistant Attorney General
Environment & Natural Resources
Division
Room 2603, Main Justice
U.S. Department of Justice
10th & Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Stewart:

REFERRAL OF CIVIL ACTION PURSUANT TO SECTION 104(E) OF THE
COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY
ACT (CERCLA) OF 1980, AS AMENDED, 42 U.S.C § 9604(E)

The Department of Energy (DOE) requests that the Department
of Justice (DOJ) consider filing a civil action on behalf of the
Secretary of Energy pursuant to Section 104(e) of the
Comprehensive Environmental Response, Compensation and Liability
Act (CERCLA) of 1980, as amended, 42 U.S.C. § 9604(e), seeking an
Immediate Order in Aid of Access granting DOE and its authorized
representatives access to property in Hamilton, Ohio, owned by
the following:

1. Mandery Trust
2. Frank K. and Michael E. Linesch
3. Verde Estes
4. Elizabeth Estes
5. CSX Railroad, Inc.
6. Clayton and Rose Ann Burton
7. Clarence Roy
8. Richard L. Conley (Delta Steel)
9. Chesapeake Realty Development Corporation

Access is necessary for the purpose of installing and
sampling groundwater monitoring wells in order to gather
information for a CERCLA remedial investigation and feasibility
study (RI/FS) at the Feed Materials Production Center (FMPC) near
Fernald, Ohio. None of the above listed organizations or
individuals has authorized permission to enter. The RI/FS is
being conducted under a CERCLA Consent Agreement with the U.S.
Environmental Protection Agency (EPA).

This referral fulfills a commitment to EPA under the FMPC
Consent Agreement to seek your assistance when necessary to
secure access to off-site properties to prevent delays in
performing the RI/FS at the FMPC. A litigation report is

1974

enclosed with this letter. The DOE attorneys assigned to this matter include Terry Russell of my staff and Beth Osheim at FMPC. Mr. Russell and Ms. Osheim can be reached at (202) 586-5677 and (513) 738-6666, respectively.

Sincerely,

19) Marc Johnston
for
STEPHEN A. WAKEFIELD
General Counsel