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LETTER OUTLINING THE TENTATIVE PATH FORWARD FOR THE FERNALD  
SITE NATURAL RESOURCE TRUSTEES

09/06/96

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September 6, 1996

Mr. James Saric, Remedial Project Manager  
U.S. Environmental Protection Agency  
Region 5 - H5F - 5J  
77 West Jackson Boulevard  
Chicago, IL. 60604-3590

Dear Mr. Saric:

The purpose of this letter is to advise you of the tentative path forward for the Fernald site Natural Resource Trustees<sup>1</sup>. As you know, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Executive Order 12580, and the National Contingency Plan collectively require certain federal and state officials to act on behalf of the public as trustees for natural resources.

The Trustees for the Fernald site are the Secretary of the U.S. Department of Energy (DOE), the Secretary of the U.S. Department of the Interior (DOI), and the Director of the Ohio Environmental Protection Agency (Ohio EPA) as appointed by the governor of Ohio. As trustees, our main obligation is to act on behalf of the public by assessing impacts and acquiring, replacing, or restoring the equivalent of the impacted resources at the Fernald site. We have been meeting since June 1994 evaluating Fernald natural resource data and identifying and discussing various issues related to our obligations. Currently, the trustees are in the process of reviewing all pertinent data and information generated at the site to determine if it is sufficient basis for a Natural Resource Damage decision on assessment and restoration. Obviously, if there is sufficient information upon which to base such a decision, the trustees will be able to save the time and expense of a protracted evaluation.

To meet our trustee obligations, we propose integrating our natural resource concerns with response and remediation activities for the Fernald site. This integration entails utilizing existing natural resource information gathered under the CERCLA process to identify natural resource impacts. After reviewing the impact information, the Trustees will evaluate the previous response and selected remedial activities for the Fernald site to determine the extent to which the activities resolve Trustee concerns. The Trustees will then evaluate the need to develop restoration activities in addition to remediation to account for any residual impacts as well as the duration of the past impacts. One aspect of this integration includes incorporating issues identified in the State of Ohio's natural resource damage claim within any type of Trustee resolution.

You should be aware that the Trustees have indicated a preliminary preference for on-property restoration of impacted natural resources, to the extent that this is practical. In addition, the Trustees agree that it is essential to continue to inform the public of the Trustees' activities. To this end, the Trustees distributed a fact sheet with background information in March 1996 and will develop another fact sheet identifying opportunities for public involvement. The Trustees are also interacting with representatives of the Fernald Citizen's Task Force (FCTF) and the recently formed Community Reuse Organization (CRO).

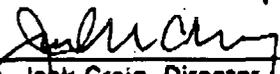
<sup>1</sup>As you know, the State of Ohio has a Natural Resource Damage claim that is currently pending in State of Ohio, ex rel. v United States Department of Energy, Case C-1-86-0217, S.D. Ohio. This letter incorporates a potential compromise to that claim, and thus, is not admissible as evidence against the State of Ohio or U.S. DOE. Further, U.S. DOE and the State of Ohio agree that this letter will not be used as an admission of the State of Ohio or the U.S. DOE in any proceeding.

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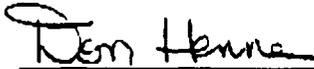
James Saric  
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We hope that this letter has provided you with a description of the tentative path forward for the Fernald site Natural Resource Trustees. If you have any questions or require additional information, please feel free to contact any of the Natural Resource Trustee Representatives at the addresses provided.

Sincerely,

 9/6/96  
Mr. Jack Craig, Director (Date)  
U.S. Department of Energy  
Fernald Area Office  
P.O. Box 538705  
Cincinnati, OH 45253-8705

 8/20/96  
Mr. Thomas A. Schneider (Date)  
Office of Federal Facilities Oversight  
Ohio Environmental Protection Agency  
Southwest District Office  
401 East Fifth St.  
Dayton, OH 45202-2911

 8/15/96  
Mr. Don Henne (Date)  
Office of Environmental Policy and Compliance  
U.S. Department of the Interior  
U.S. Custom House, Room 217  
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Philadelphia, PA 19106

c: John Applegate, FCTF  
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Eric Woods, FERMCO  
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