



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FERNALD
LOG B-0404
Dec 29 8 37 AM '00

FILE: _____
LIBRARY
REPLY TO THE ATTENTION OF: _____
C-14J

December 7, 2000

3454

Mr. Gary E. Powell
Manley, Burke & Lipton
225 West Court Street
Cincinnati, Ohio 45202-1053

RE: Area 9, Phase I Implementation Plan

Dear Mr. Powell:

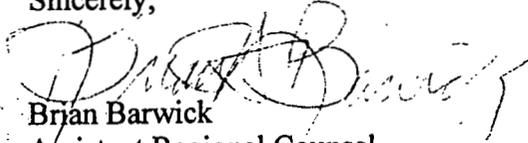
This is in reply to your November 28, 2000, letter on behalf of your client Carl Summe asking that he be allowed to submit comments on the Department of Energy's (DOE) Area 9, Phase I Implementation Plan. Pursuant to Executive Order 12580, 50 Fed. Reg. 2923 (1987), DOE is the lead Federal Agency with respect to releases on or from the Fernald Environmental Management Project (FEMP). Among other things, DOE is responsible for the administration of the FEMP, including public participation in the clean up process. Therefore, Mr. Summe should address any comments to DOE.

As part of the Area 9, Phase I Implementation Plan, on November 29, 2000, DOE submitted the Area 9, Phase I Precertification Summary Report. We would point out that any DOE conclusions in that report concerning remediation of your client's property would relate only to the question of whether, based upon preliminary data, expedited remediation is necessary. The determination of whether any other remediation of Mr. Summe's property is required will be made after data are collected pursuant to the Area 9, Phase I Certification Design Letter, which DOE will submit on January 19, 2001. Therefore, your client may review and comment on the Area 9, Phase I Precertification Summary Report, the Area 9, Phase I Certification Design Letter and ultimately the Area 9, Phase I Certification Report, which will include the determination of whether any other remediation is necessary.

Pursuant to the 1991 Amended Consent Agreement between the United States Environmental Protection Agency (EPA) and DOE, EPA has thirty days to submit comments on each of the above documents. EPA expects to submit comments to DOE on the above documents according to the document review time frames outlined in that agreement. Should your client require additional time to review the documents, such notice should be provided to DOE.

If you have any questions, please call me at (312) 886-6620.

Sincerely,



Brian Barwick
Assistant Regional Counsel

- cc: Jim Saric, (SRF-5J)
- Tom Schneider, OEPA-SWDO
- Mark Navarro, OEPA
- Johnny Reising, U.S. DOE-FEMP
- Terry Hagen, Fluor Fernald