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Department of Energy
Environmental Management
Consolidated Business Center
250 East 5th Street, Suite 500
Cincinnati, Ohio 45202
(513) 246-0500

December 17, 2009

Mr. Thomas A. Schneider
Federal Facilities Program
Ohio EPA, Southwest District Offices
401 East Fifth Street
Dayton Ohio 45402-2911

EMCBC-00165-10

Mary Knapp
U.S. Fish and Wildlife Service
Reynoldsburg Ecological Services Field Office
690 American Parkway, Suite H
Reynoldsburg, Ohio 43068

**UNITED STATES DEPARTMENT OF ENERGY PARTICIPATION IN THE FERNALD
PRESERVE NATURAL RESOURCES TRUSTEE COUNCIL**

Dear Mr. Schneider and Ms. Knapp:

REFERENCE: Memorandum of Understanding between the Ohio Environmental Protection Agency, the United States Department of Energy and the United States Department of the Interior; July, 2001 establishing Fernald Natural Resources Trustee Council.

The above referenced Memorandum of Understanding (MOU) established a Trustees Council to oversee and insure the implementation of the Fernald Preserve (FP) Natural Resources Restoration Plan (NRRP). On November 11, 2008, the long standing Fernald Closure Project Natural Resources Damages (NRD) Claim was settled. The Consent Decree (CD) settling the claim recognizes the role of the Trustees in the implementation of the NRRP and the Settlement.

The Trustee Council membership includes the Secretary of Interior or his designated representative (and alternate), Secretary of Energy or his designated representative (and alternate), and the Director of Ohio Environmental Protection Agency or his designated representative (and alternate). The designated representative and alternate of each agency presently are the following:

- 1. Secretary of Interior
Field Office Supervisor, U.S. Fish and Wildlife Service, Ohio Field Office or designee (presently Dave DeVault, alternate Jennifer Finfera)

Mr. Schneider
Ms. Knapp

2. Secretary of Energy

Director of the Environmental Management Consolidated Business Center (presently Jack Craig) designates Environmental Management (EM) representative (presently Johnny Reising) as the primary representative for the Trustee Council. (Alternate) representative Office of Legacy Management (LM) Director of Site Operations (presently Ray Plienness) designates LM Fernald Preserve Director (presently Jane Powell)

3. Director of Ohio Environmental Protection Agency

Designated representative for the Director, Ohio Environmental Protection Agency: Fernald Project Manager, (presently Thomas Schneider) Designated (alternate) representative for the Director, Ohio Environmental Protection Agency: (presently Joseph Bartoszek)

Pursuant to Section 12.1 of the CD I am proposing to modify the Secretary of Energy designated representative and alternate Trustee Council membership as follows:

2. Secretary of Energy

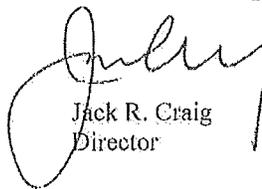
Designated representative for the Secretary, Department of Energy: Director Office of Site Operations Office of Legacy Management (LM) (presently Ray Plienness) Designated (alternate) representative LM Preserve Director (presently Jane Powell).

The Fernald Closure Project was transferred from the Department of Energy (DOE) EM to the DOE LM in January of 2007. The NRD Claim has been settled and the settlement is being implemented per the CD. The treated waste from Silo 1 & 2, which had been in interim storage at Waste Control Specialists since 2006, has recently been permanently disposed of in Texas. As such it is appropriate that the representative of the Trustee Council for DOE be designated as LM. This change will become effective January 1, 2010.

EM representatives that have been associated with the NRRP process and NRD claim and related settlement will be made available on an as needed basis to assist the Trustee Council.

If you have any questions, please contact me at (513) 246-0460.

Sincerely,



Jack R. Craig
Director

cc electronically:
Tom Schneider, OEPA
Mark Navarre, OEPA
David S. Devault, F&WS
Jennifer Finfera, F&WS
Kelly Bakayza, DOI