

**OAK RIDGE RESERVATION AND ENVIRONS
NATURAL RESOURCE TRUSTEE
MEMORANDUM OF UNDERSTANDING**

I. INTRODUCTION & PURPOSE

This Memorandum of Understanding (MOU) is entered into by the natural resource trustees (the "Trustees") listed below:

The State of Tennessee, acting through the Commissioner of the Department of Environment and Conservation (TDEC);

The United States Department of Energy (DOE);

The United States Department of Interior (DOI); and,

The Tennessee Valley Authority (TVA).

II. SCOPE

This MOU is intended to promote cooperation between the Trustees in exercising their natural resource trustee responsibilities, under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Federal Water Pollution Control Act, and the Oil Pollution Act of 1990, relating to releases on and/or from the Oak Ridge Reservation (ORR). ORR consists of the Oak Ridge National Laboratory (ORNL) for energy research and development; the Oak Ridge Y-12 Plant (Y-12) for weapons production; the Oak Ridge Gaseous Diffusion Plant (ORGDP or K-25) formerly utilized for enriching uranium; and the Oak Ridge Associated Universities.

III. DUTIES AND RESPONSIBILITIES

The Trustees recognize the importance of coordinating their efforts in order to effectively and efficiently meet their respective natural resource trustee responsibilities. Further, the Trustees recognize that co-trusteeship exists for many natural resources. It is also recognized that DOE's Trustee interests are limited to natural resources located on the ORR and TVA's Trustee interests arises by virtue of its management of lands that lie off the ORR. The Trustees may jointly take the following actions, among others, to address the Trustees' natural resource trustee responsibilities:

- A. Conduct scientific and technical studies, sampling and other matters as deemed necessary to assess the injury to, loss of or destruction of natural resources and to determine appropriate restoration and/or compensation for such injury, loss or destruction.

- B. Make recommendations concerning assessing, restoring, replacing, rehabilitating and/or acquiring the equivalent of or compensation for the affected natural resources.
- C. Coordinate with Federal and State agencies that have responsibility for carrying out and/or overseeing the clean-up of releases on and/or from the ORR.
- D. Oversee the development and the implementation of a plan for the restoration, replacement, rehabilitation and/or acquisition of equivalent resources for those trust resources, and/or the services provided by those resources, that have been or may be injured, destroyed or lost.
- E. Create subcommittees when they are deemed necessary.

IV. TRUSTEE COORDINATOR

DOE is designated to serve as Trustee Coordinator for administrative purposes. In its capacity as Trustee Coordinator, DOE shall:

- A. Coordinate the scheduling of Trustee meetings and preparation of agendas for those meetings;
- B. Act as a central contact point for the Trustees;
- C. Establish and maintain records and relevant documents; and,
- D. Perform such other duties as directed by the Trustees.

V. MEETINGS

Trustees will meet quarterly, if necessary, or more often if needed. Any Trustee may call a meeting upon reasonable notice to the other Trustees.

VI. UNANIMITY

The Trustees agree that all decisions implementing this MOU shall require unanimous approval.

VII. TERMINATION & WITHDRAWAL

This MOU shall be in effect from the date of execution until terminated by agreement of the Trustees. In the event any Trustee withdraws from the MOU, notification shall be made to the other Trustees. In the event of such withdrawal, this MOU remains in effect for the remaining parties.

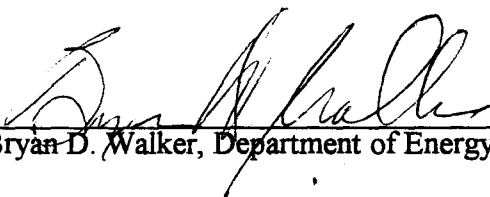
VIII. LIMITATIONS

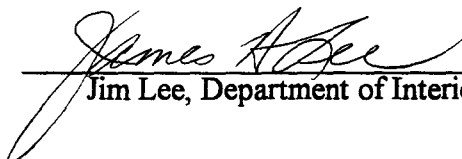
It is recognized that each Trustee has independent rights and duties. This agreement shall not be construed as limiting those rights and duties in any manner. Each Trustee reserves the right to act independently. This agreement shall not be construed as requiring the Trustees to attempt to reach consensus on all issues before acting independently.

Nothing in the MOU shall be construed as obligating the United States, the State or any other public agency, their officers, agents or employees, to expend any funds in excess of appropriations authorized by law.

IX. EXECUTION: EFFECTIVE DATE

The date of execution shall be the date of the final Trustee representative's signature.


Bryan D. Walker, Department of Energy/Date 1/27/95


Jim Lee, Department of Interior/Date 2/28/95


Earl Leming, State of Tennessee/Date 1-27-95


Kathryn J. Jackson, Tennessee Valley Authority/Date 2/2/95

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