



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
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CHICAGO, IL 60604-3590

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2004 JAN 22 A 10:19

FILE: 6446.6619
REPLY TO THE ATTENTION OF:

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JAN 21 2004

Mr. Johnny W. Reising
United States Department of Energy
Feed Materials Production Center
P.O. Box 398705
Cincinnati, Ohio 45239-8705

SRF-6J

RE: Draft Institutional Control
Plan

Mr. Reising:

The United States Environmental Protection Agency (U.S. EPA) has completed its review of the United States Department of Energy's (U.S. DOE) draft Institutional Controls (IC) plan. This document describes the ICs that will be established at the Fernald Site during the post-closure period.

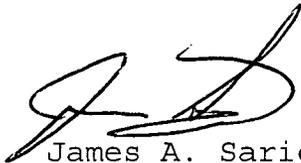
Although conceptually this first draft of the IC plan is on track, U.S. EPA has numerous comments on the document that must be addressed. Further, all of the attachments to the IC plan: the Post Closure Care and Inspection Plan; the Groundwater/Leak Detection and Leachate Monitoring Plan; and the Operations and Maintenance master Plan for the Aquifer Restoration and Wastewater Project must be updated to reflect the requirements of the IC plan and provide specific information for the post-closure period.

U.S. EPA can not approve the IC plan until the enclosed comments are addressed and the attachments are updated and approved. Therefore, U.S. EPA disapproves the draft IC plan. U.S. DOE must submit a revised document and responses to comments, along with revised attachments to U.S. EPA within thirty (30) days receipt of this letter.

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Please contact me at (312) 886-0992 if you have any questions regarding this matter.

Sincerely,



James A. Saric
Remedial Project Manager
Federal Facilities Section
SFD Remedial Response Branch #2

Enclosure

cc: Tom Schneider, OEPA-SWDO
Sally Robison, U.S. DOE-HDQ
Jamie Jameson, Fluor Fernald
Terry Hagen, Fluor Fernald
Tim Poff, Fluor Fernald

Commenting Organization: U.S. EPA Commentor: Saric
Section #: Tables 3-1 and 3-2 Pages #: 13-16 Line #: NA
Original Specific Comment #: 14

Comment: Tables 3-1 and 3-2 discuss controls for the FCP site and the OSDF that are intended to prevent human and environmental exposure to residual contaminants. The tables should be revised to describe potential corrective actions that may result from the routine inspections of the FCP site and the OSDF.

Commenting Organization: U.S. EPA Commentor: Barwick
Section #: 4 Pages #: 17 Line #: NA
Original Specific Comment #: 15

Comment: Page 17, paragraphs 4.1.2 and 4.2.3 should be consistent with the Section XXVII of the AOC which requires DOE to retain records during the pendency of the AOC and for 10 years thereafter.

Commenting Organization: U.S. EPA Commentor: Dalzell
Section #: 2.1.3.3 Pages #: 6 Line #: NA
Original Specific Comment #: 16

Comment: The language should specifically identify who will perform the quarterly inspections.

Commenting Organization: U.S. EPA Commentor: Dalzell
Section #: 2.1.1 Pages #: 4 Line #: NA
Original Specific Comment #: 17

Comment: The paragraph states that the "federal government" will maintain ownership of the FCP. This should be rewritten to specifically state " the federal government through the DOE will maintain ownership of the FCP.

Commenting Organization: U.S. EPA Commentor: Dalzell
Section #: 2.1.1 Pages #: 4 Line #: NA
Original Specific Comment #: 18

Comment: Under 2.1.2, the language states that the "designated steward" will review deed restrictions, if implemented, on an annual basis. Who is the "designated steward?"

Commenting Organization: U.S. EPA Commentor: Dalzell
Section #: 3.1.1 Pages #: 8 Line #: NA
Original Specific Comment #: 19

Comment: The language states that "FCP site inspections will be conducted on a quarterly basis to ensure there are no" Insert "DOE will conduct" at the beginning of the first sentence that begins "FCP site inspections will be...."

were notified of the use restrictions and controls affecting the property, and whether use of the property has conformed with such restrictions and controls."