



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

MAY 18 2006

REPLY TO THE ATTENTION OF:

Mr. Johnny W. Reising
United States Department of Energy
Fernald Closure Project
175 Tri-County Parkway
Springdale, Ohio 45246

SR-6J

RE: Draft Second Five Year Review

Dear 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 second five-year review report for the Fernald Closure Project. This document is statutorily required by the Comprehensive Environmental Response, Compensation, and Liability Act.

The document summarizes site activities currently on-going and since the last five-year review. However, U.S. EPA has enclosed comments that must be addressed. Therefore, U.S. EPA disapproves the draft second five-year review. U.S. DOE must submit a revised final and signed version of the five-year review along with a response to comments document within thirty (30) days receipt of this letter.

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
Con Murphy, Fluor Fernald
Frank Johnston, Fluor Fernald

**TECHNICAL REVIEW COMMENTS ON
"SECOND FIVE-YEAR REVIEW REPORT FOR THE FERNALD CLOSURE PROJECT"**

Commenting Organization: U.S. EPA
Section #: Not Applicable (NA) Page #: NA
Original Specific Comment #: 1
Comment: The report is missing a signature approval page for U.S. Department of Energy (DOE). The report should be revised to include the signature approval page. Further, the next submittal should be signed by a U.S. DOE official.

Commentor: Saric
Line #: NA

Commenting Organization: U.S. EPA
Section #: NA Page #: NA
Original Specific Comment #: 2
Comment: The report is missing a Executive summary. The report should be revised to include an executive summary which includes a reiteration of the issues, recommendations and follow-up actions, as well as the protectiveness statement for each Operable Unit (OU) and the entire site.

Commentor: Saric
Line #: NA

Commenting Organization: U.S. EPA
Section #: 1.1 Page #: 1-1
Original Specific Comment #: 3
Comment: The text states that the report reflects the planned activities of the Long-Term Stewardship Monitoring Plan dated 2000. The report should be revised to state that it also reflects the planned activities of the Legacy Management and Institutional Control Plan (LMICP) dated 2006.

Commentor: Saric
Line #: 18 and 19.

Commenting Organization: U.S. EPA
Section #: 1.2 Page #: 1-2
Original Specific Comment #: 4
Comment: The text discusses U.S. EPA and Ohio Environmental Protection Agency (OEPA) involvement at the site. The text should be revised to discuss community involvement in the 5-year review process for the site.

Commentor: Saric
Line #: 13

Commenting Organization: U.S. EPA
Table #: 1-1 Page #: 1-4
Original Specific Comment #: 5
Comment: Table 1-1 lists major Fernald events and milestones. Table 1-1 should be revised to list the LMICP dated 2006 that describes the closure and post-closure activities for the site.

Commentor: Saric
Line #: 10

Commenting Organization: U.S. EPA
Table #: 1-2 Page #: 1-5
Original Specific Comment #: 6
Comment: Table 1-2 describes the current status of the remedies for operable units (OU) 1 and 2 in the Remedy Overview column of the table. However, the current status of the remedies for OUs 3, 4, and 5 are not discussed. Table 1-2 should be revised to discuss the current status of the remedies for OUs 3, 4, and 5.

Commentor: Saric
Line #: NA

Commenting Organization: U.S. EPA Commentor: Saric

Section #: 1.4 Page #: 1-8 Line #: 1
Original Specific Comment #: 7
Comment: The text states that an interim residual risk assessment will be completed to document conditions remaining as the Fernald Closure Project (FCP) enters the legacy management phase. The text should be revised to state whether the interim residual risk assessment will be (1) human health risk assessment, (2) ecological risk assessment, or (3) both.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 1.5 Page #: 1-8 Line #: NA
Original Specific Comment #: 8
Comment: The text discusses the 5-year review schedule and expectations for future reviews. The text should be revised to discuss community involvement in the second and third 5-year reviews.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 1.7 Page #: 1-9 Line #: 28
Original Specific Comment #: 9
Comment: The text discusses continued Federal ownership as being an institutional control. This is not actually a institutional control. The real institutional control for the site is the Legacy Management Institutional Control Plan. This is the controlling, enforceable document under the Amended Consent Agreement to ensure that institutional controls are maintained and enforced at the site in the future. The specific role of this document must be included.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 1.7 Page #: 1-9 Line #: 29
Original Specific Comment #: 10
Comment: The text discusses deed restrictions. It should be clarified if deed restrictions are only going to be placed on the property now, or only if the property is transferred in the future.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 1.7 Page #: NA Line #:NA
Original Specific Comment #: 11
Comment: The report should better describe the types of institutional controls that are used to supplement the engineered remedy in order to assure that the remedy remains protective of human health and the environment. Additionally, state which RODs for the Site specifically require ICs.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 1.7 Page #: NA Line #:NA
Original Specific Comment #: 12
Comment: It is not apparent if and how the IC plan accounts for off site groundwater contamination. This must be addressed.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 1-7 Page #: 1-9 Line #:NA
Original Specific Comment #: 13
Comment: The text referenced closure of the property. Define what is meant by closure and the approximate time frame of the closure.

Commenting Organization: U.S. EPA
Section #: 2.0 Page #: 2-1 Commentor: Saric
Line #: NA
Original Specific Comment #: 14
Comment: The text discusses remedial action activities for OU 1. The text should be revised to summarize costs associated with remedial action activities for OU 1.

Commenting Organization: U.S. EPA
Section #: 3.0 Page #: 3-1 Commentor: Saric
Line #: NA
Original Specific Comment #: 15
Comment: The text discusses remedial action activities for OU 2. The text should be revised to summarize costs associated with remedial action activities for OU 2.

Commenting Organization: U.S. EPA
Section #: 4.0 Page #: 4-1 Commentor: Saric
Line #: NA
Original Specific Comment #: 16
Comment: The text discusses remedial action activities for OU 3. The text should be revised to summarize costs associated with remedial action activities for OU 3.

Commenting Organization: U.S. EPA
Section #: 5.0 Page #: 5-1 Commentor: Saric
Line #: NA
Original Specific Comment #: 17
Comment: The text discusses remedial action activities for OU 4. The text should be revised to summarize costs associated with remedial action activities for OU 4.

Commenting Organization: U.S. EPA
Section #: 6.0 Page #: 6-1 Commentor: Saric
Line #: NA
Original Specific Comment #: 18
Comment: The text discusses remedial action activities for OU 5. The text should be revised to summarize costs associated with remedial action activities for OU 5.

Commenting Organization: U.S. EPA
Section #: 6.1.1.3 Page #: 6-2 Commentor: Saric
Line #: 22
Original Specific Comment #: 19
Comment: The text states that the total volume of soil to be excavated was estimated at 1,800,000 cubic yards; however, 2,920,000 cubic yards have been excavated to date. The text should be revised to discuss why an additional 1,000,000 cubic yards of material was generated above the estimate.

Commenting Organization: U.S. EPA
Section #: 6.3.2 Page #: 6-7 Commentor: Saric
Line #: 25
Original Specific Comment #: 20
Comment: The text states that Phase II of the Waste Storage Area Module will be installed in the OU 4 waste pit area sometime in 2006. The text should be revised to state that Phase II will include the installation of one extraction well and six monitoring wells.

Commenting Organization: U.S. EPA
Section #: 6.3.32 Page #: 6-9 Commentor: Saric
Line #: 8
Original Specific Comment #: 21
Comment: The text states that effluent from the CAWWT is discharged to the Great Miami River via the Parshall Flume. The text should be revised to discuss the removal of the old outfall line and contaminated soil and concrete that took place in 2004.

Commenting Organization: U.S. EPA

Section #: 6.6

Page #: 6-22

Commentor: Saric

Line #: NA

Original Specific Comment #: 22

Comment: The Operable Unit 5 remedy is not complete. Therefore, the protectiveness statement for both soil and groundwater should be revised to indicate the remedy "is expected to be protective of human health and the environment, upon completion, and immediate threats have been addressed."

Commenting Organization: U.S. EPA

Section #: NA

Page #: NA

Commentor: Saric

Line #:NA

Original Specific Comment #: 23

Comment: Since the site has been divided into multiple Operable Units the document must include a site-wide protectiveness statement.

Commenting Organization: U.S. EPA

Section #: NA

Page #: NA

Commentor: Saric

Line #:NA

Original Specific Comment #: 24

Comment: Provide a table that describes the restricted areas of the Site (i.e., those areas that do not allow unlimited use and unrestricted exposure (UU/UE) and the objective/performance standard(s) for that area.