



May 13, 2004

Secretary Spencer Abraham
Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Dear Secretary Abraham:

Chair

James C. Bierer

Vice Chair

Lisa Crawford

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Sandy Butterfield
Marvin W. Clawson
Lisa Crawford
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Since its inception in 1993, The Fernald Citizens Advisory Board has provided input to the U.S. Department of Energy on environmental management decisions for the Fernald site. The safe disposition of Fernald wastes at appropriate, permanent disposal facilities is a top priority for the Board. This encompasses the waste materials currently stored in three concrete silos located on the western edge of the Fernald site.

The letter sent to DOE by the Attorney General of Nevada, Brian Sandoval, on April 15, 2004, created uncertainty regarding the final disposition of silos waste at the Nevada Test Site. At our May 11, 2004 FCAB meeting, representatives from DOE-Fernald and its contractor staff, as well as ex-officio Board members from the U.S. EPA and Ohio EPA, provided us with information regarding the topics raised in that letter and their potential impacts on the silos remediation projects. After considering these issues, the FCAB felt it is important to swiftly clarify our views on this situation.

The FCAB supports the current Records of Decision for the site and would like to see them completed as planned. This includes the ROD for the silos projects, which calls for the safe removal of waste from the silos, treatment and/or stabilization of that waste, packaging it for shipment in DOT-approved containers, and final disposal at the Nevada Test Site or an appropriately licensed private disposal facility. This legally binding ROD was developed through a long and rigorous process that included extensive involvement of stakeholders in Ohio and Nevada.

Therefore, we urge DOE to take immediate steps to resolve the issues identified in Mr. Sandoval's letter. Specifically, we recommend that DOE immediately give a 45-day notice to the State of Nevada that it intends to move forward with implementation of the silos ROD. We also recommend that DOE work directly and aggressively with representatives from the Nevada Attorney General's office to seek a quick resolution to these issues. Too much time has already passed with little visible progress or information from DOE, and to delay the project would have serious repercussions on the ability to complete this project in a safe, responsible, and cost-effective manner.

We look forward to providing additional, specific input on this issue, as more information becomes available and potential solutions are developed and presented to the FCAB.

Sincerely:

Jim Bierer
Chair

cc:

Senator Mike DeWine

Senator George Voinovich

Representative John Boehner

Representative Steve Chabot

Representative David Hobson

Representative Rob Portman

Thomas B. Skinner, U.S. EPA

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NTS Citizens Advisory Board