



June 29, 2005

Mr. William Taylor
Fernald Closure Project
PO Box 538705
Cincinnati, OH 45253-8705

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Recommendation 2005-06: Comments on April 15, 2005 Draft of the Comprehensive Legacy Management and Institutional Controls Plan

Dear Mr. Taylor,

The Fernald Citizens Advisory Board has reviewed the April 15, 2005 draft of the Comprehensive Legacy Management and Institutional Controls Plan (LMIC). We are pleased that DOE responded positively to previous community input on Volumes 1 and 2 of the plan, as well as the Community Involvement Plan (CIP). In particular, the FCAB appreciates the addition of language regarding the community interest in establishing education as an institutional control and the future focus of the site.

The FCAB continues to have concerns regarding the enforceability of the commitments in the two volumes of the plan. Because DOE staff and leadership change over time, the best way to ensure conscientious long-term management is through legally binding documents. In particular, the FCAB would like to see the CIP included in Volume 2 of the plan, which has been characterized as the enforceable Institutional Controls Plan.

This letter reiterates and clarifies past FCAB comments that were not addressed fully in this recent version of the LMIC and the concomitant CIP.

Comments on Volumes 1 and 2

- Sections 1.3.2 and 4.2 of Volume 1 state that DOE may use contractors to fulfill long-term obligations at Fernald. Past communications between the cleanup contractor, Fluor Fernald, and the FCAB have been very beneficial. The FCAB believes that, where appropriate, these contractors should be engaged directly in communications with the public.
- Section 3.0 of Volume 1 and Section 2.1.1 of Volume 2 address restrictions on hunting at the site. The FCAB suggests that the LMIC explicitly state that hunting and trapping of wildlife could be authorized if necessary for research and monitoring activities.

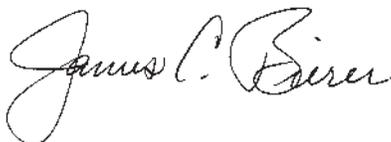
Comments on Community Involvement Plan

- The FCAB requests that DOE list sample topics or issues on which Legacy Management anticipates seeking public input.
- Section 8.0 of the CIP includes the FCAB and LSO with other local citizens groups. Because the FCAB and LSO are DOE-sanctioned organizations, these two groups should be addressed in a separate subsection.
- Section 11.0 states that Legacy Management will maintain a web page for Fernald. The FCAB recommends that this site include links to other pertinent government and community websites, in order to serve as a portal for public information regarding the site.

The FCAB also acknowledges that detailed commitments and plans for education at Fernald and for an LSO will be added to future version of the LMIC. We recommend that DOE begin to develop detailed language as soon as practical, rather than wait until the next complete LMIC revision is due in January 2006. This would allow DOE to more efficiently incorporate public values into the next draft of the LMIC. The FCAB would be happy to discuss and review relevant sections of new or revised text, as soon as they are available.

Please contact us if you have any questions regarding this letter or would like to discuss these issues in more detail.

Sincerely:

Handwritten signature of Jim Bierer in black ink.

Jim Bierer
Chair

Handwritten signature of Lisa Crawford in black ink.

Lisa Crawford
Co-Chair

cc:

Gary Stegner (DOE-Fernald)
Jack Craig (DOE-LM)