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**OPERABLE UNIT (OU) ARARs**

**6-18-92**

**DOE/USEPA**

**DOE-1944-92**

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**LETTER**



**Department of Energy**  
Fernald Environmental Management Project  
P.O. Box 398705  
Cincinnati, Ohio 45239-8705  
(513) 738-6357

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JUN 18 1992

DOE-1944-92

Mr. James A. Saric, Remedial Project Director  
U.S. Environmental Protection Agency  
Region V - 5HRE-8J  
77 W. Jackson Boulevard  
Chicago, Illinois 60604-3590

Dear Mr. Saric:

**OPERABLE UNIT (OU) ARARs**

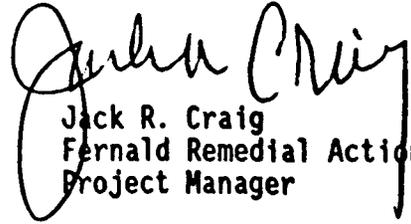
Due to the nationwide programmatic implications, your March 4, 1992 letter concerning the application of 40 CFR 191 to the K-65 residues at the Fernald Environmental Management Project (FEMP) has been forwarded to the Department of Energy Headquarters (DOE-HQ). In response to your letter dated March 23, 1992, a memorandum was transmitted from the DOE Assistant Secretary of Environment, Safety and Health and the Assistant Secretary of Environmental Restoration and Waste Management to the United States Environmental Protection Agency's (U.S. EPA) Assistant Administrator for Enforcement and the Assistant Administrator for Air and Radiation, which requested a meeting to resolve the issue of the application of 40 CFR 191 to the K-65 residues at both the FEMP and the Niagara Falls Storage Site. The DOE-HQ's position on this issue is clearly set forth in the attached memorandum.

Although DOE does not support the position that 40 CFR 191 should be considered an Applicable or Relevant and Appropriate Requirement (ARAR) or a To-Be-Considered (TBC) criteria, the Fernald Field Office has directed the Remedial Investigation/Feasibility Study (RI/FS) contractor to evaluate the alternatives in the Feasibility Study by media, thereby allowing a separate evaluation of the K-65 residues. In addition, the design contractor has been directed to evaluate separation technologies to reduce the volume of waste that EPA would include under 40 CFR 191. The above noted programmatic changes were initiated to minimize potential schedule impacts which could result upon resolution of the issue between the two agencies.

If you or your staff have any questions or comments, please call Randi Allen at FTS (513)-738-6158.

Sincerely,

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Jack R. Craig  
Fernald Remedial Action  
Project Manager

FN:Allen

Enclosure: As Stated

cc w/enc.:

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