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**U-005-505.3**

**CLARIFICATION OF OPERABLE UNIT 3 RECORD OF DECISION  
SUMMARY BULLET**

**09/10/96**

**DOE-1310-96  
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LETTER**



## Department of Energy

Ohio Field Office  
Fernald Area Office  
P. O. Box 538705  
Cincinnati, Ohio 45253-8705  
(513) 648-3155



SEP 10 1996  
DOE-1310-96

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

Mr. Tom Schneider, Project Manager  
Ohio Environmental Protection Agency  
401 East 5th Street  
Dayton, Ohio 45402-2911

Dear Mr. Saric and Mr. Schneider:

### CLARIFICATION OF OPERABLE UNIT 3 RECORD OF DECISION SUMMARY BULLET

The purpose of this letter is to provide additional clarification of a summary bullet from the Operable Unit 3 (OU3) Record of Decision (ROD). During the regulatory review of the August 23, 1996 submittal of the OU3 ROD for Final Remedial Action, an issue with one of the summary bullets for the ROD scope was identified as a concern. The bullet reads:

- Requires off-site disposal of process residues and product materials and equipment containing process-residues;

The intent of the statement was to indicate that off-site disposition was required for these materials; that on-site disposal was not considered acceptable. There was no intent to indicate that nuclear product materials were regulated under CERCLA. These materials would continue to be regulated under the Atomic Energy Act. At some future time, a portion of the current product inventory may be determined to be a waste, based on economic or other decisions. At that time the disposition of the designated waste product materials would be within the jurisdiction of the OU3 ROD, which requires off-site disposal.

Although the use of the word disposition rather than disposal would have been more accurate for the product materials category, the intent of excluding these materials from the Fernald Environmental Management Project (FEMP) On-Site Disposal Facility is the primary message, and because this message is intact, DOE proposes that this language can be left unchanged at this stage in the approval process.

If you have any questions, please contact John Trygier at (513) 648-3154.

Sincerely,



Johnny W. Reising  
Fernald Remedial Action  
Project Manager

FN:Hall

cc:

R. L. Nace, EM-425/GTN  
G. Jablonowski, USEPA-V, 5HRE-8J  
R. Beaumier, TPSS/DERR, OEPA-Columbus  
F. Bell, ATSDR  
D. S. Ward, GeoTrans  
R. Vandegrift, ODOH  
S. McLellan, PRC  
T. Hagen, FERMCO/65-2  
J. Harmon, FERMCO/90  
C. Little, FERMCO/2  
AR Coordinator/78