



INTEROFFICE CORRESPONDENCE

ADMIN RECORD

DATE: December 14, 1994

TO: M. C. Broussard, Environmental Operations Management, Building 080, X8517

FROM: *JRC* J. R. Cirillo, Environmental Operations Management, Building T891B, X5876

SUBJECT: COMPLETION OF PATS COMMITMENT #94-007810 AND DEFICIENCY # EQS/94-0021 - RJC-008-94

DOE Order: 4700.1

The referenced commitment requires the review of current Applicable or Relevant and Appropriate Requirements (ARARs) to determine whether these standards need to be updated to reflect 1992 Safe Drinking Water Act requirements. The following information was obtained through discussions with EG&G Rocky Flats, Inc., legal personnel:

ARARs become "set" at the time of the decision for each action covered by that decision document. The only time that Comprehensive Environmental Response Compensation and Liability Act (CERCLA) requires the ARARs to be changed or "reopened" after the decision is when the standards used originally are not protective of human health or the environment. ARARs are not reopened if the standards are merely more protective.

An Interim Measures/Interim Remedial Action (IM/IRA) is not a final remedy. It is most analogous to removal actions as defined in the National Contingency Plan (NCP). IM/IRA's are required, to the extent practicable considering the exigencies of the situation, to attain applicable or relevant and appropriate requirements under federal environmental or state environmental or facility siting laws. 40 CFR §300.415(i). Because of the short-term and interim remedy nature of IM/IRAs, it was assumed that it was unnecessary to include language in the NCP for revisiting ARARs. Indeed, there are provisions for not complying with some of the ARARs at all. Therefore, revisiting the ARARs in an already approved IM/IRA should only be done if, based on the new information, the action would not be protective of human health or the environment.

Based on this, the current ARARs will remain in effect until a new set of ARARs are negotiated in one of the upcoming Resource Conservation & Recovery Act (RCRA)/CERCLA documents for that unit. No further action is required.

JRC:la

cc:

- K. Bentzen
- L. M. Brooks
- M. C. Brooks
- M. C. Burmeister
- L. Guinn
- R. Z. Houk
- R. S. Luker
- A. L. Primrose
- ERPD Project File (2)

**DOCUMENT CLASSIFICATION
REVIEW WAIVER PER
CLASSIFICATION OFFICE**