

From: Steve Tarlton
To: SCUNDERS
Subject: Draft position on DPP

Below is the draft position developed by our staff on the redline version of the DPP, dated August 11, 1998. Following your review, we should respond formally to DOE.

Position Statement

The DPP negotiations conducted on July 30, 1998 attempted unsuccessfully to resolve questions of building survey requirements and approveability of survey protocols; however, in both cases, a path for resolution was agreed to, as follows.

a) Questions relating to building survey requirements were deferred until DOE researched and provided information regarding what MARSSIM requires, what they currently do to survey out other materials or equipment, and what survey data they have and routinely collect. Subsequently, DOE proposed changes in language (Redline DPP sections 2.2, 3.3.4, and 3.3.10) that mostly satisfy the state's concerns, as long as the new survey procedures are consistent with MARSSIM. Some additional clarification is required.

b) Questions relating to the approveability of the decommissioning protocols were also deferred until DOE could propose some language allowing us to approve the protocols, but not admit that it is an approveable document. DOE's proposed language reads:

The RFOA parties will consult to reach concurrence on the technical content of the Decommissioning Characterization Protocols that will be used to develop the RLC reports (6). The Decommissioning Characterization Protocols will address the use of and methods for sampling and analysis and such factors as process knowledge, facility walkdown, and historical information to develop the RLC report.

(6) All parties recognize that the RLC reports and decision documents for certain buildings, such as 771, 776, and 981 have been or are being prepared without concurrence on the Decommissioning Characterization Protocols, and that concurrence on these protocols will not be needed for approval of decision RFOA documents for these buildings.

No location for this language is specified, nor is this language included in the redline DPP. Modification of this language would be necessary for state acceptance.

Surveys form the basis for most of the DAD decisions to be made, including the initial typing of the building, scoping of decommissioning activities, assessment of decontamination performance, and determination of project completion. The language above appears to limit state acceptance to the RLC phase of the protocols, which would need to be changed through modification of the language.



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All the RFCA parties have agreed, I believe, to use MARSSIM for guidance in performing decommissioning. The Decommissioning Characterization Protocols are necessary to fill in those parts of MARSSIM where inadequate detail exists to provide effective guidance. Thus, the Decommissioning Characterization Protocols should embrace MARSSIM, and add additional clarification or detail. Thus, the Decommissioning Characterization Protocols become the sitewide procedure for characterization. For specific buildings, it may be desirable to modify the procedures specified in the Decommissioning Characterization Protocols. This can easily be done in the building-specific decision document.

State acceptance of this approach would require modifying the proposed DOE language to encompass MARSSIM acceptance, applicability of the protocols to all characterization aspects of decommissioning, and acknowledgment that building-specific adjustments may be desirable and would be included in the building-specific decision document.

The current lack of sitewide characterization protocols has been addressed through inclusion of the characterization protocols in the RFCA decision documents. While this has worked for Type 2 and 3 buildings, it is likely to create problems for characterization of Type 1 buildings. Footnote 6 above would need to be modified to clarify this process.

Concerns remain about the meaning of consult to reach concurrence in the above proposed language. The protocols are clearly sitewide guidance or procedures specific to decommissioning, and RFCA specifies approval of sitewide documents by both regulators. We could probably accept the language, on the condition that concurrence means the protocols are not approved for use without our acceptance. It is unclear to me whether any amount of wordsmithing will resolve this concern.

We recently reviewed the Final Survey Preliminary Notification which raises the concern of conflicting guidance provided by MARSSIM and DOE Order 5400.5, and the question of DOE's ability to require KH to comply with MARSSIM. One immediate solution to both problems is to accept that the Decommissioning Characterization Protocols are in reality RSOPs, complete them in consultation with the regulators, and have the regulators approve them under RFCA. KH is held to meeting RFCA requirements; DOE can cite RFCA as justification for avoiding the inappropriate portions of DOE Order 5400.5; and we can be comfortable that the keystone of the decommissioning program will be performed properly.

Summary of specific issues:

1. Broaden survey language to include all phases.
2. Reiterate commitment to comply with MARSSIM
3. Delete or modify footnote 6
4. Add language regarding possible building-specific procedures.
5. Clarify consult to reach concurrence.

Or, accept that the Decommissioning Characterization Protocols are RSOs, and get them completed and approved

Several issues marginally related to the above:

- a) State staff should be consulted regarding the guidance from DOE to KH on how to merge NARSSIM and DOE Order 5400.5 requirements. This is fundamental to the regulator acceptance of the protocols and subsequent findings.
- b) State staff should be consulted regarding the completion of the Decommissioning Characterization Protocols. This is fundamental to the regulator acceptance of the protocols and subsequent findings.
- c) Remediation versus process waste concerns have been resolved for Building 771, and this template could serve to address these problems wherever they arise. It is only logical, therefore, to include this language in the DPP to institutionalize the solution

CC: STARLTON