



starlton%smtpgate dphe state co us@inet rfets gov

03/03/98 04 17 PM

To allen.parker@inet.rfets.gov, Fred Gerdeman/amppi/rffo, John Rampe/amppi/rffo,
csgilbre%smtpgate.dphe.state.co.us@inet.rfets.gov, exkray%smtpgate.dphe.state.co.us@inet.rfets.gov,
sgunders%smtpgate.dphe.state.co.us@inet.rfets.gov
cc rehder.timothy@epamail.epa.gov@inet.rfets.gov, Dave Shelton@gatewaym.rfets.gov, Steve
Slaten/AMEC/DMTP/rffo, dan.miller2%state.co.us@inet.rfets.gov
Subject Comments on the DPP

March 3, 1998

TO John Rampe, DOE

FROM Steve Tarlton, CDPHE

CC Tim Rehder, EPA
Steve Slaten, DOE
Dave Shelton, KH
Allen Parker, KH
Fred Gerdeman, DOE

SUBJECT CDPHE Comments on the 2/13/98 Version of the DPP

As we discussed last Friday, CDPHE has become frustrated with the DPP review process, largely due to the lack of progress on fundamental issues rather than wording and the continued lack of consultation on ongoing projects. In order to shift the focus of discussions from arguing over what a given set of words mean, CDPHE proposes that we look at the fundamental issues that flavor our reactions to the wording.

Getting away from commenting on specific language, yet wanting to advance the resolution of the DPP, we have identified the following problem areas:

- Purpose of DPP
- Regulator role in scoping
- Building typing authority
- Deactivation versus decommissioning
- Process revision from RSOP's to decision documents

Each of these problems areas is discussed below with some recommendations for resolution and specific comments on the DPP.

A Purpose of DPP

As envisioned in RFCA, the DPP was a companion document to the Deactivation Program Plan, that described detailed decision making criteria and how RSOP's would be applied. It would codify the general procedures to be used for decommissioning activities. DOE proposed in November that the Building Disposition process agreed to in RFCA be changed to a general process document and that procedures and RSOP development be delayed. The most recent Draft DPP calls for the DPP to establish "the regulatory steps to be used for decommissioning contaminated buildings". This narrow view of the DPP creates a tension around the regulators' need to understand the entire building disposition process and brings emphasis to the differing view of the regulator role between DOE and CDPHE.

We propose an official, jointly approved decision timeline, encompassing the entire building disposition process. I believe this was drafted for the original DPP, and may now reside in the FDMP. This would help resolve regulator concerns about being excluded from the planning process and provide guidance to DOE and contractor staff regarding the consultative interactions expected.

AR-99-000028
ADMIN RECCRD 1/3

SW-SW-A-003213

B Regulator role in scoping

Our current difficulties around decommissioning projects are largely due to the lack of consultation early in the project. Certainly, some of this is due to the planning lag behind action and other factors. Nonetheless, these experiences have shown, in an often dramatic way, the need for effective consultation.

Recent efforts by all parties to identify work anticipated and lead players for each organization go a long way toward solving this problem. Inclusion in the DPP of the conceptual decision timeline, discussed in item A above, should provide additional emphasis for informal and formal involvement by the regulators.

C Building typing authority

The original conception of the DPP would have established a decision framework for building disposition activities. Thus, the Reconnaissance Level Characterization Report (RLCR) under the original building disposition process did not require regulator approval, since approved procedures would have existed for characterization and cleanup activities and typing was unnecessary except for buildings requiring a DOP. In the current approach, general procedures are not available to guide the performance of activities and decision making and more specific regulator input is necessary. We accept that RFCA states that regulator approval of the RLCR is not required, but insist that regulator approval prior to removing an activity from active oversight is basic to the regulatory process. 

DOE has proposed submitting the RLCR and a typing recommendation to the regulators for a 14 day review. If a regulator decision is not provided, DOE proceeds with the activity as they planned. If the regulators disagree in this time period, consultation is attempted to resolve the differences, followed by dispute resolution if agreement is not reached.

CDPHE will accept this proposed approach, as being consistent with other decision making processes in RFCA. However, the other processes rely heavily on prior consultation throughout the process, and this will be necessary for the regulators to feel comfortable with the decision to be made. If we feel that the RLC or the proposed activities were not consultatively scoped, we will likely be required to disapprove the recommendation for typing until a greater degree of comfort can be achieved. If we proceed in this manner, DOE is even more strongly encouraged to involve the regulators in the deactivation, decommissioning and RLC scoping.

D Deactivation versus decommissioning

This question was initially resolved by the working group, but became confused by the interruption in the working group process. Where AEA authority is clearly exercised and DNFSB oversight has the force of regulation, activities are probably deactivation. Where DNFSB oversight does not have the force of regulation, and DOE is *self-regulating*, the activity is probably decommissioning. 

In our view, the key to the distinction is whether SNM management is a critical part of the activity. If so, it is probably deactivation, and subject to DNFSB oversight. If not, it is probably decommissioning under RFCA. The level of oversight necessary for decommissioning activities is determined during the scoping phase and related to the degree of complexity or risk that the circumstance represents. Not all decommissioning activities will require a decision document, but virtually all will require regulator decision making. 

If DOE agrees with our understanding, we propose that we jointly review what parts of the site have significant SNM, and define what specific activities would be considered deactivation. The rest of the Site's activities, once they cease to be operations-related, would be considered decommissioning. Based on this review, we can decide whether we agree or disagree on the distinction. If we disagree, we have a basis for taking the issue to dispute.

Alternately, if DOE disagrees on the above understanding of the RFCA definitions of deactivation and decommissioning, we could meet to discuss this specific issue, then either agree or go to dispute. We should

get some indication of this the resolution of this issue from the current dispute over regulator authority to set a RFCA Milestone for glove box removal

E Process revision from RSOP's to decision documents
The changes to the RFCA building disposition documents requested by DOE, and agreed to by the regulators, have not completely addressed how RSOP's and general procedures will be used. In concept, DOE would ~~create procedures for decommissioning in each decision document over the next few years, submitting formal decision documents for each work component.~~ At some point in the future, consistent procedures would be able to be grouped and submitted as RSOP's for regulatory and public approval, eliminating the need for some additional decision documents.

RSOP's do not now exist, and the procedures that exist are not yet widely accepted or applicable. As DOE decides to change the approach from activity or building specific approval documents, a consultative process should be undertaken to plan which procedures are appropriate, what needs to be included in the RSOP's, and what schedule and process is necessary. This will likely require changes in the DPP to accommodate the process changes that result. If DOE agrees with this understanding, continued discussions about RSOP's are not necessary until the change in approach is desired.

Specific Comments on the DPP

It may simplify the document to remove sections that do not contribute to the overall decisionmaking process. In that vein, we suggest that the following sections be deleted:

- Sec 1 1 1 everything after the definition of deactivation
- Sec 1 1 4 everything except the sentence beginning *As the decommissioning program matures *
- Sec 1 2
- Sec 1 4
- Sec 3 4 8
- Sec 3 4 9

In addition, we have some editorial and substantive comments that we can go over in the meeting, pending resolution of the more conceptual issues.