

John Rampe
02/12/98 08 24 AM

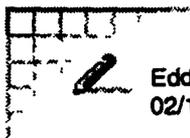
To Fred Gerdeman/amppi/rffo@RFFO
cc
Subject DPP Comments

Fred

Here are Edd's comments I actually don't think they're that bad, apart from the somewhat exasperated tone

JR

----- Forwarded by John Rampe/amppi/rffo on 02/12/98 08 21 AM -----



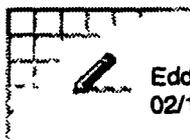
Edd Kray
02/12/98 06 47 AM

To John Rampe/amppi/rffo@RFFO
cc
Subject DPP Comments

John,

Here are the comments I sent back to CDPHE. I didn't have to change much at all this morning

----- Forwarded by Edd Kray/SiteReps/rffo on 02/12/98 06 37 AM -----



Edd Kray
02/10/98 12 20 PM

To steve tarlton@state.co.us
cc chrs gilbreath@state.co.us, steve gunderson@state.co.us
bcc
Subject DPP Comments

Comments on the 2/5/98 DOE DPP

1) General Comment This document appears to be primarily a legal document outlining DOE's legal/regulatory approach to decommissioning rather than any picture of what they will actually do in removing buildings. They discuss what is covered by RFCA and what is not, what documents we are allowed to review/approve; what documents we get for info only (and have no authority to review/approve/comment).

NO action required

It is essential that we have a legal review of this doc by our AG. I would like to see Dan craft and insert language which supports our authority and indicates that we have authority over decommissioning in a true regulatory sense, e.g. we review anything we need to ensure the safety of the project, comment on any aspect that is of concern, expect responses and revisions whenever we need them, inspect their work as we see fit, stop work when things are unacceptable, and so on.

This is still a one-sided document which makes a farce out of our "regulation" of decommissioning

For example, p1, par 1 **FIRST SENTENCE !!** This DPP is said to "outline the regulatory step to be used for decommissioning contaminated buildings" Immediately they limit the scope of the document to regulatory steps vs any meaningful picture of how work will be accomplished safely, without any release to the public or environment. Additionally they immediately limit the scope of the DPP to contaminated buildings Contaminated by who's standards? by what determination? Our premise should be that any building at RFETS is contaminated until proven otherwise by a valid survey

The text is filled with legal landmines limiting our authority and needs a comprehensive AG review It must be consistent with sec 60 and 61 of RFCA Perhaps inserting the language from these sections into the DPP and a sweep to find any conflicting assertions by RFETS is necessary

2) p1, par 3 They reference the EDMP, noting it is not subject to regulatory approval I don't want to hear about anything not subject to regulatory approval within the DPP If it's not subject to approval it's meaningless to us, delete the reference The DPP must contain regulatory commitments. If DOE is not committing to it then don't even mention it in the DPP

Take out all reference to EDMP - no action

3) p2, sec 1 1 1 I'd like to see Dan include language which describes the authorities, rights, responsibilities that CDPHE possesses in relation to regulating decommissioning Discuss the legal authority and what it really means Our view not theirs !!!!

no action

4) p 3, par 1 They contradict themselves in one sentence they say the DPP is the "legal vehicle..." and in the last sentence say that " the DPP describes the dismantlement and demolition process" How I wish it described ANYTHING The last cited sentence is inaccurate

5) p4, sec 1 1 4. I don't believe their definition nor view of an RSOP is in accord with ours An RSOP is not a replacement for an individual PAM (mid par) This section needs careful review and revision The RSOP issue was not discussed in our recent negotiations and remains a big point of contention

no action

6 p4 last sentence They really need to delete their claim that RFFO used input from the WG in developing the DPP, also any claim that the public had input The easiest solution would be to chuck this section entirely

deleted

7 p5, sec 1 4 Delete mention of the unofficial, hence meaningless FDMP Delete any reference to a PEP over which RFETS claims (inaccurately) we have no authority Include a meaningful discussion of what regulation of decommissioning really means and what CDPHE authority covers. What documents, activities, decisions are actually regulated If we cant review or approve then were not regulating the activity are we?

delete or all reference to PEP

8) p 7, sentence before 2.3 Rewrite this as " The RLC will be used to determine the initial classification of buildings as Type 1, 2 or 3 "

9) p9 re list of ~~what~~ is deactivation:

- a) shutting off ventilation deals with HVAC systems, removal of which is decommissioning. **delete**
- b) change disposal of equipment to "disposal of non-fixed equipment"
- c) "decontamination necessary to establish a safe and stable condition is undefined **delete**

as confusing p10 d) what does remove significant quantities of holdup mean?

e) what does removal of other significant hazards mean? this is as much a part of decommissioning as deactivation

10) p11 There are no approved RSOPs/ Discuss what RFETS intention is relating to preparation, submittal and approval of RSOPs

mind just on this is essentially the same as deleted but request

Review RSOP section

Required by law.
No change

11) p 12 I don't understand the need to close the administrative record after approval of the decision document

No action
Not in
Tentative
commitments
No class of
sites
The
changed to
a description
of project
activities

12) p 15, 3 4 2 1 first par Why is the management and resolution of hazards outside the RFCA framework? Why is hazards assessment information for info only? This is completely unacceptable
Revise section completely

13) p 16, par 1, last sentence change to The RLC will contain sufficient detail to plan the decommissioning activities

14) p 20, project approach change "summary of project activities" to " a list and description of project activities" Also change "summary of health and safety issues" to a list and description of health and safety issues". (Same for hazards on page 21 and waste management issues)

15) p 25, first sentence change "the site may use the consultative process" to "the site will use "

16) p 28, last sentence "in some cases due to a third party validation" is not a meaningful commitment They're doing it or they're not Either commit to independent verification or ask us to "trust you". (same for 3 4 10 2) - No action. It's up to DOE.

17) re notification of completion. RFCA requires a completion report. No negotiation allowed by us on this one without changing RFCA *searched for "completion" and "complete" in 3/12 version, couldn't find - no action*

No action
Two
brwads

18) Additions Please refer to the 779 approval letter for several quotations directly from RFCA regarding CDPHE's authorities and responsibilities (inspections, review of documents, stop work authority, field changes, etc I suggest that we search RFCA for additional and similar language and make sure it is inserted in the DPP to remind RFETS of the fact that they are regulated