

## **RMHF Decontamination and Decommissioning Responsiveness Summary**

The Department of Energy received a number of comments on its proposal to demolish RMHF as a non-time critical removal action, as documented in the RMHF Decontamination and Decommissioning Engineering Evaluation/Cost Analysis, released on March 30, 2007. The public comment period closed April 30, 2007.

This responsiveness summary addresses the relevant comments received during this public comment period. Comments were received verbally during a public comment meeting held on April 17, as well as in writing and via telephone during the public comment period. The following table identifies all relevant comments and the Department's response.

Commenter	Comment	DOE Response
<b>Future Land Use</b>		
D. Hirsch	<p>Current zoning is RA-5. The land use around the periphery by your own documents is in part agricultural. It's a reasonably foreseeable land use. Under EPA rules, you must use it if it provides the highest doses and it does.</p> <p>They're asking you to comment on unrestricted use and they're going to come back and tell you that they're going to put in some un-described land use restriction and dismiss all the comments here.</p>	<p>It has been determined that the land will not be used for agricultural purposes. Final future land use decision will be made in consultation with local land use planning authorities.</p> <p>In its e-mail to the SSFL work group, EPA noted, "EPA's CERCLA guidance calls for the lead agency at a site to consider the reasonably anticipated future land use when setting cleanup levels and selecting a remedy (OSWER Directive No. 9355.7-04). Under the guidance, DOE, as the lead agency, is directed to consult with local land use officials and the public about anticipated future land uses at the facility footprints for Building 4024 and the RMHF and at the Site as a whole." EPA further states, "EPA generally defines unrestricted land use to mean residential use. ... it is appropriate to use residential exposure as the baseline for unrestricted use."</p>
S. Kuehl	<p>The contaminant "levels of concern" are based on an erroneous prospective land use and are, therefore, approximately 100 times less than they should be. The site is zoned RA-5. This level of use is found at the boundaries of the site. DOE, however, is assuming a different land use, one that would allow radically higher concentrations of radionuclides to be left behind. This contravenes CERCLA guidance, which indicates that, in the event that multiple land uses may be feasible, DOE must adopt the land use assumption that would lead to the greatest level of cleanup. DOE has not complied.</p> <p>The EE/CA proposes that the site be released for unrestricted residential use. I would strongly submit that, given both the inadequate characterization of the site and the extremely lax cleanup standards being employed, such a use would be a serious threat to public health.</p>	<p>EPA has also stated in the same e-mail, "To the best of our knowledge, EPA has never taken the position that subsistence farming is the appropriate exposure scenario for setting cleanup levels at the Site" (EPA 2007).</p>
L. Parks	<p>The RMHF D&amp;D EE/CA is basing cleanup efforts on residential use standards. However, I would point out that current zoning includes RA-5 rural agriculture. Using a rural agricultural land use standard instead of suburban residential would be more appropriate because it is the actual zoning of a portion of the site. Additionally, the agricultural standard errs on the side of safety by reducing risk to the public, and is in line with EPA guidance that calls for using the prospective land use that leads to the lowest permissible remaining contamination, and relies on factors such as current zoning in determining prospective land use.</p>	
E. Thompson	Can we get you guys to commit to a third alternative of RA-5?	

Commenter	Comment	DOE Response
E. Crawford	RA-5 A. Please, if that's -- If that's the land use, then clearly that should be considered.	DOE has addressed all EPA comments on the draft EE/CA, and as a result EPA stated that: "EPA believes that the cleanup of the facility footprints at Building 4024 and the RMHF, as proposed in the Two EE/CAs, will make those two specific parcels safe for unrestricted use" (EPA 2007).
D. Hirsch	<p>The second thing is they told you they are going to clean it up so this can be released for unrestricted use. Their word over and over again, unrestricted, but in fact, they are saying it will not be unrestricted use because EPA requirements say you have to clean it up to the land use which would produce the highest dose and the greatest clean up. And in this case, that is suburban, excuse me, rural residential. You heard them say they will clean up to residential standards, but they didn't tell you what residential standard. They will clean it up to suburban residential, which is 100 times constant permitted which is what the current zoning is and land use is around it. Current zoning is RA-5, rural agricultural, 5.</p> <p>If you go on DOE's own website, under Land Use, it says that it's zoned RA-5. Under EPA rules, you have to then clean it up to that standard and that would be 100 times more clean up than they have even in that table.</p>	
E. Thompson via letter 4/23/07	Furthermore, that in either case (option), you intend to put the site up for unrestricted use". This is an unconscionable and unethical decision!	

Commenter	Comment	DOE Response
<b>Regulatory Process-related</b>		
See List #1 for names	I disagree with the Department of Energy's plan for Bldg. 4024 & the Radioactive Materials Handling Facility. Your Agency breaks CERCLA laws; it "streamlines" its investigation, and uses very loose standards when calculating how much of your nuclear waste to leave behind.	The RMHF removal action project is consistent with CERCLA and complies with all other applicable regulations.
A. Salkin	Who exactly is doing all the surveying because whose acceptable limits are these?  Have somebody looking over the clean up other than the Department of Energy and Boeing or people contracted by the Department of Energy or Boeing	In 1995, DOE and EPA signed a joint policy agreement that stated DOE would decommission its facilities under its CERCLA removal action authority, in this case decommissioning the RMHF as a non-time critical removal action.
S. Boecker	Right here in your Recommended Removal Action Alternative, you say, oh, gee, we don't know what ours is going to be. How can -- we cannot provide cogent comments when we don't even know what we're commenting on. So I really feel that it is incumbent upon the Department of Energy to make some sense of this process.  This document is inadequate for public review. That's one. The process is you need to provide a statement of what you're planning to do. Then have environmental review of it by experts. Provide those documents, your plan and your environmental review, and what the impacts of that, your actions are going to be to the public in a reasonable way, in a reasonable time frame like 45 or 60 days for the public to read them because I'm assuming we're going to get 3 or 4 inches of material. And then you have a public comment meeting and if you need to -- or you need 10 -- you continue the public comment period until you get, until you satisfy and have all the comments people need to make. Then you make your decision. Oh, you also provide alternatives and you define those fairly well, too.	The 1995 joint policy memorandum was written to encourage streamlined decision making.  The 1995 joint policy memorandum was not written specifically for the ETEC site, but the DOE complex as a whole. Furthermore, it applies only to the decommissioning of surplus buildings structures and soil associated with these building footprints.  EPA has stated in an email to the SSFL work group, "EPA believes that DOE's "streamlined" approach to the Two EE/CAs is appropriate given the nature of the cleanup activities and the circumstances presented at Building 4024 and the RMHF" (EPA 2007).
E. Crawford	I would also insist in the fullest that independent testing be done...  So the least that can be provided here to establish any kind of believability about this process is to get independent testing in there appointed by the elected officials and reliable state authorities.	The non-time critical removal action process is a streamlined process for building removal and remediation of associated contaminated soil. It includes documenting the proposed removal action in the EE/CA, as well as providing a public comment period

Commenter	Comment	DOE Response
D. Hirsch	<p>They tell you they are going to do this because it integrates the EPA's oversight and provides an opportunity for greater public participation. Well, they don't, in fact, integrate EPA oversight.</p> <p>I'd like this clarified on the record by you folks. In fact, Thomas, can you just tell us? Do you -- does EPA have sign-off authority on this? Can they say no? That's not what you say here today. EPA says they can look over, but not do anything about it.</p> <p>When Marie and the rest of us say there's things that should be in the EE/CA, we're not saying go ahead and revise it after our comments. Then we have no ability to comment on the revisions. She's saying, I'm saying the information should have been there in the first place so we can comment on it. And don't play hide-the-ball with us, which is to put the information in after the fact with no opportunity for public comment. You need to re-issue this whole thing, full disclosure, and start the whole thing over again with public input.</p>	<p>for interested community members to comment on the proposal.</p> <p>DOE followed the process that is provided in the 1995 joint policy memorandum to consult with EPA and it also provided a copy of the EE/CA to DTSC. Comments from the regulators have been incorporated into the EE/CA.</p> <p>DOE has used a residential exposure scenario to develop soil cleanup goals for carcinogenic risks using EPA's risk data. The cleanup will be fully protective of human health and the environment for any reasonably anticipated future land use.</p> <p><i>Note: Complete copies of CERCLA, the 1995 joint DOE/EPA policy memo on decommissioning DOE facilities, and other regulations and directives (i.e., the NCP and Executive Order 12580) can be found in the RMHF Administrative Record, and on the ETEC website.</i></p> <p>DOE has addressed all EPA comments on the draft EE/CA, and as a result EPA stated that: "EPA believes that the cleanup of the facility footprints at Building 4024 and the RMHF, as proposed in the Two EE/CAs, will make those two specific parcels safe for unrestricted use" (EPA 2007).</p>

<b>Commenter</b>	<b>Comment</b>	<b>DOE Response</b>
A. Salkin	<p>Who exactly is doing all the surveying because whose acceptable limits are these?</p> <p>Have somebody looking over the clean up other than the Department of Energy and Boeing or people contracted by the Department of Energy or Boeing</p>	<p>Protocols, sampling density, and grid patterns for the final status survey will follow the guidance of the Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM), developed by the EPA, Nuclear Regulatory Commission, DOE, and Department of Defense. The Sampling and Analysis Plan will be reviewed by the EPA.</p> <p>DOE will utilize Oak Ridge Institute of Science and Education and request the California Department of Health Services to conduct verification surveys to confirm DOE's final status survey.</p>

Commenter	Comment	DOE Response
<b>Notification Process</b>		
M. Mason	I think it kind of hurts the public when you don't put all the answers into the questions. You wrote this on the 23rd, but we get it tonight. It's pretty hard to read a document, listen to someone speaking at the same time, and your comment period's over on the 30th. So I don't know how I'm going to get to comment on something I don't even have an answer on.	In addition to meeting the legal requirements of the public notification process and making documents available in designated local libraries, the DOE added public notification in the LA Times and made all the components of the RMHF Administrative Record file available on the ETEC website at the beginning of the public comment period.
D. Hirsch	You did not mail it [the EECA] out to people.	
M. Perryman	<p>News agencies and reporters were not properly notified per the National Contingency Plan that has been listed on your website. The National Contingency Plan states that the lead agency, after the preparation of the proposed plan and review by the support agency, shall publish a notice of availability and brief analysis of the proposed plan in a major local newspaper of general circulation.</p> <p>The NCP states the lead agency, DOE, should publish the notice in a major newspaper of general circulation. The notice provided in the classified section or as an advertisement within newspapers in our area is not adequate since local, state and federal elected officials and community members only look to the classified section for used or new goods in addition to services or housing options.</p> <p>A notice for an important matter such as the RMHF EE/CA requires a press release and proper alerting of the local major news organizations which is, essentially, what the NCP states when it requires lead agencies to publish notice in a major local newspaper.</p>	
C. Rowe	I'm asking that you guys give a legitimate, honest attempt at notifying the public.	
C. Rowe via E-mail	Mr. Johnson, I just found the Notification that you referred to in the Los Angeles Times, March 29, 2007, page 3 of the Classified Section. While this is probably a legal notification (I am not a lawyer), it certainly is not an adequate one. I do not need a house, a car, or a job at this time. So the first thing that I do is separate the Classified Section, and recycle it. This is not meant, where it is placed, to reach the Readers.	

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<b>Administrative Record</b>		
D. Hirsch	Also, they said they were placing the Historical Site Assessment, but when you go into the binder for the mystery record, all they have is the first volume which is methodology. They don't have any of the results.	<p>As required by CERCLA, the official RMHF Administrative Record file was made available on March 30, 2007, at three libraries in the area:</p> <ul style="list-style-type: none"> <li>-the Simi Valley Library;</li> <li>-the Platt Branch Library; and</li> <li>-the Oviatt Library located at California State University-Northridge.</li> </ul> <p>The Administrative Record currently contains Volume 1 of the HSA and will be updated to include the Volume 2 pages that are relevant to RMHF. Both volumes of the Historical Site Assessment can be found in their entirety at these libraries as well as the DOE ETEC website.  <a href="http://apps.em.doe.gov/etec">http://apps.em.doe.gov/etec</a></p>

Commenter	Comment	DOE Response
<b>Soil Cleanup Standards</b>		
S. Kuehl	The “project objectives” are also approximately one hundred times too lax. CERCLA requires getting as close to a 10 <sup>-6</sup> risk as is feasible. The EE/CA, however, declares its objective to be anywhere in the range of risk, between 10 <sup>-4</sup> and 10 <sup>-6</sup> . The issues set forth above, taken together, mean that DOE is contemplating leaving behind contaminants up to 10,000 times higher in concentration than CERCLA guidance and public health concerns would allow. This is completely unacceptable.	Section 2 of the EE/CA identifies removal action objectives for the proposed D&D of the RMHF, and discusses criteria and cleanup objectives for soil. The stated cleanup objective for the removal action (relative to carcinogens) is “Lower the excess cumulative cancer risk to an individual from exposure to site radiological contaminants in soil to a nominal range of 10 <sup>-4</sup> to 10 <sup>-6</sup> , using 10 <sup>-6</sup> as a point of departure.”
L. Parks	Finally, the RMHF D&D EE/CA proposes two alternatives to meet CERCLA requirements: the no action alternative, and the alternative for demolition and removal, based on lower cleanup standards. Another alternative should include higher cleanup standards (i.e., as close as possible to the 1-in-a-million cancer risk standard rather than the 1-in-ten-thousand standard contemplated) with an opportunity for public comment.	Table 2-1 in the EE/CA has been re-titled to identify the radionuclide concentrations as cleanup goals for soil that equate to a 10 <sup>-6</sup> risk level for each radiological constituent of concern.
E. Crawford	<p>You must clean up to the highest EPA standards. You must have independent testing, and you must disclose all of your risk calculations long before we're expected to make our comments, thirty days after you disclose that.</p> <p>I would say halt the public comment period right now until 30 days after you declare your risks, your risk calculations. Write that one down. Thirty-day public comment delay until after you announce your firm risk calculations because another chapter in that text book that I bought about making accelerated clean-ups a reality was recalculating risk.</p>	The Department is committed to using the 10 <sup>-6</sup> risk level as a goal for the RMHF removal action. Soil sample analyses will be capable of achieving minimum detection limits for all isotopes equivalent to the 10 <sup>-6</sup> risk level for the residential scenario. If the 10 <sup>-6</sup> goal is not reached, in accordance with CERCLA and the NCP, a risk management decision will be made by DOE under its lead agency authority based on the calculated health effects to future users of the RMHF site. CERCLA requires the protective risk range of 10 <sup>-4</sup> to 10 <sup>-6</sup> to be achieved for all CERCLA actions.
S. Plotkin	Second, DOE reneged on its initial promise to use EPA standards for superfund sites, that is 10 to the minus 6 level. Its standard concocted 10 minus 4 level which makes for greater health risk by a factor of 100.	

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D. Hirsch	<p>There's a table in the EE/CA which is entitled Contaminants of Concern and there are numbers in that table. Any normal person would presume that those were the clean up standards that are being proposed for you to comment on. They're not. They're not. DOE says in the EE/CA that the actual clean up numbers will be decided later after your comments are over.</p> <p>They will look for contaminants, and if they are in a range of 10 to the minus 4 to 10 to minus 6, all the EE/CA says, a risk management decision will be made. It doesn't tell you who will make it. It doesn't tell you how it will be made and it'll be made after the comments are over.</p>	<p>EPA stated in its e-mail to the SSFL work group, "The EE/CAs describe the risk management decision process specified by CERCLA and the NCP. In that process, following a removal action, residual risks are evaluated. If the residual cancer risk estimates fall within the range of 10<sup>-6</sup> to 10<sup>-4</sup>, risk management decisions about the protectiveness of the remedy and the need for additional cleanup are made by the lead agency (DOE, in this case). The EE/CAs also describe the public involvement component of removal actions that is provided in the NCP." (EPA 2007)</p>
E. Thompson via letter 4/23/07	<p>You went as far as to say, (the second of two options) your leaving the majority of the contaminates in place!</p> <p>I do not expect you to sign off on SSFL, but cleaned up to EPA standards, as promised.</p>	<p>DOE has used a residential exposure scenario to develop soil cleanup goals for carcinogenic risks using EPA's risk data. The cleanup will be fully protective of human health and the environment for any reasonably anticipated future land use.</p> <p>DOE has addressed all EPA comments on the draft EE/CA, and as a result EPA stated that: "EPA believes that the cleanup of the facility footprints at Building 4024 and the RMHF, as proposed in the Two EE/CAs, will make those two specific parcels safe for unrestricted use" (EPA 2007).</p>

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<b>Waste Management</b>		
S. Kuehl	The EE/CA, in a chillingly casual aside, with no analysis of the potential environmental impacts involved, proposes shipping radioactively contaminated wastes from the cleanup to the Kettleman Hills landfill, a landfill neither designed for, nor licensed for, radioactive wastes. This is also unacceptable from an environmental and public health standpoint.	As noted in Section 3 of the EE/CA, all waste generated from the removal action will be characterized and may be segregated by waste type (i.e., decommissioned material, low-level waste, or mixed low-level waste). Detailed information on waste management characterization will be included in the waste management plan. All waste will be sent to a federally-owned or commercial disposal site appropriate for each specific waste type. No waste will be sent to municipal landfills.  Debris from the demolition of the RMHF that meets federal and state release limits (i.e. decommissioned material) may be sent to a Class I hazardous waste disposal facility in full compliance with California Executive Order D-62-02. Material that exceeds federal and state release limits for decommissioned materials (i.e. low-level radioactive waste) will be sent to a licensed low-level radioactive waste facility.  DOE may choose to manage and dispose of all waste as low-level waste or mixed low-level waste, as appropriate.
D. Einhorn	You do not give the routes that possibly will be taken when removing the material.  Now another thing you didn't include in your presentation is how many cubic yards of material, how many truckloads are you going to be taking out? How much radioactive dust, hazardous waste dust is going to be raised with this demolition?	
M. Perryman	If the D&D of the RMHF is approved, I would like to know what measures would be utilized to prevent radiological or chemical exposure to the workers decontaminating and decommissioning the site in addition to what measures would be taken to prevent exposure to the surrounding communities during the excavation and removal processes.  Will the constituents of concern be hauled away in casks (sic) or in open bed trucks?	
D. Hirsch	The waste from these builds, from this clean up will be sent to approved disposal facilities. Now anyone in this audience would think that meant approved by some regulatory agency to receive radioactive waste. False. They don't disclose who will approve it. The truth is it's going to go to landfills in California that are not licensed or designed for radioactive waste.  Last time, we, essentially, learned it was going to Kettleman Hills where they mixed it with chemical waste. Chemicals make it migrate faster. The two together become much more dangerous. There's not an ounce of disclosure of what the health effects are of dumping the radioactive waste in unlicensed sites, sites not licensed for radioactive waste.	

Commenter	Comment	DOE Response
<p>C. Perry via e-mail 3/31/07</p>	<p>Our area gets huge winds. Disposal of the entire Radioactive Materials Handling Facility (RMHF) at the Santa Susana Field Laboratory in order to remove radioactive materials must involve a lot of digging and/or explosions. Digging and explosions involve a lot of DUST. This dust is going to blow all over the place!! Do we want radioactive dust blowing all over the valley? WE DO NOT!! You must find another way.</p>	<p>Trucks leaving SSFL do not travel through Box Canyon.</p> <p>The Class I hazardous waste route is typically:  -down Woolsey Canyon to Valley Circle; then down Plummer or Roscoe; then north on Topanga Canyon;  -east on HWY 118; north on HWY 405; and north on HWY 5.</p> <p>The low-level radioactive waste facility route is typically:  -down Woolsey Canyon to Valley Circle; then down Plummer to Topanga Canyon; north on Topanga Canyon; East on HWY 118; and north on HWY 405;  -north on HWY 5; north on HWY 14; east on HWY 58; north on HWY 15; north on HWY 127; east on HWY 178; east on HWY 372; north on HWY 160; east on HWY 95 to Mercury, Nevada.</p> <p>There is a project-specific Health and Safety Plan which includes policies, procedures and controls that comply with the Department of Energy regulation, 10 CFR 835 "Occupational Radiation Protection" and DOE Order 5400.5, "Environmental Protection of the Public."  <a href="http://www.hss.energy.gov/Enforce/rands/10cfr835.pdf">http://www.hss.energy.gov/Enforce/rands/10cfr835.pdf</a>  These project specific guidelines and DOE regulations ensure appropriate protection of the workers and the public during the proposed removal action.</p> <p>The RMHF building structures will be removed in a carefully planned manner that contains dust generated during the process. A series of engineering and administrative measures will be utilized to mitigate fugitive emissions of dust. Environmental air sampling will be performed on a continuous basis to measure concentrations in the air. A continuous air monitoring system will be used to provide direct readings of airborne concentrations and alarm if warning levels are approached.</p>

Commenter	Comment	DOE Response
<b>Proposed Alternative</b>		
S. Boecker	<p>The alternative is to do a grid study under EPA direction. Get the -- have whoever at EPA you guys need to start talking again.</p> <p>RMHF, Area IV, must be studied, not just the footprint.</p>	<p>The CERCLA non-time critical removal action process requires DOE to identify removal action objectives and to evaluate various alternatives. The No Action alternative is a mandatory alternative that must be analyzed for all CERCLA-compliant actions. The other alternative is demolition and off-site disposal. No other alternatives would meet the identified removal action objectives.</p> <p>Additionally, EPA stated in an e-mail to the SSFL work group that, "EPA believes that the cleanup of the facility footprints at Building 4024 and the RMHF, as proposed in the Two EE/CAs, will make those two specific parcels safe for unrestricted use" (EPA 2007).</p>
E. Crawford	<p>Number 1, certainly provide an alternative other than nothing and our way, which is as we determine after public comments are closed.</p> <p>My suggested alternative is follow all nine steps of certification under CERCLA. Establish and initiate and complete a full environmental impact statement on ETEC because it's completely the basis for all of the, you know, decisions that you make for the RMHF, so provide alternative solution or alternative actions, yes.</p>	
D. Hirsch	<p>They say that we are to comment on only two alternatives, cleaning it up the way they proposed or not cleaning it up at all. No other alternative is provided.</p> <p>The core of the environmental law is taking a hard look at alternatives. It has been violated here. DOE is, essentially, saying my way or the highway, but they're not even telling you what my way is.</p>	
D. Einhorn	As far as I'm concerned, nothing should be done.	
J. Solomon via Phone call to R. Amar	I strongly support the removal and offsite disposal option over "no action" requiring monitoring for the RMHF.	

Commenter	Comment	DOE Response
<b>Miscellaneous Comments</b>		
D. Hirsch	Again, EE/CA says we'll figure out how to do the measurements later after the comment period has expired. So it's a sham. They want to leave you to -- amounts of radioactivity behind. They don't tell you the truth in the document, and the fundamental decisions will occur after the comments are over.	Section 2 of the EE/CA identifies removal action objectives and cleanup criteria for soil. Furthermore, Section 2.3 specifically addresses the sampling and analysis protocols DOE will use.
D. Hirsch	They have not let you know that what they intend to do, first of all with the build[ing], they told you the buildings would be cleaned up to these standards. Turns out that's false. The buildings won't be cleaned up to the standard on the table. The buildings are being cleaned up to regular -- 1.86 levels. So even the figures they put up there turn out to be figures for the soil, not for the buildings. They don't tell you that. And those levels are astronomical for sodium nuclides.	Cleanup guidelines for surface contamination for building structures are specified in DOE Order 5400.5, Chapter IV, which is available in the Administrative Record file. These guidelines are equivalent to those identified in Regulatory Guide 1.86. Table 2-1 of the EE/CA has been appropriately re-titled to identify Radiological Cleanup Goals for Soil.
M. Perryman	<p>Number 2, the Executive Summary states that the RMHF was authorized under the Federal Resource Conservation and Recovery Act to store and treat mixed wastes generated at ETEC. Documentation shows that the RMHF not only handled radioactive materials from the SSFL/ETEC, but also other radioactive materials that was shipped to the site from around the country. Therefore, I request that the Executive Summary be properly amended to this effect and that the community be properly notified of the activities at this facility.</p> <p>This is further illustrated by Table 2-1. Table 2-1 lists the radiological contaminants of concern that DOE will be looking for in the soil. Though the listing of these radioactive contaminants is excellent, not all these radiological products were utilized formally in tests carried out at the SSFL, and I believe a proper explanation is in order if materials outside the ETEC/SSFL site were utilized at the RMHF.</p> <p>Furthermore, I found it interesting the EE/CA does not list tritium as something that will be tested for and removed when, indeed, tritium was utilized at the SSFL's ETEC.</p>	<p>The EE/CA will be revised to state that RMHF received materials from locations other than Area IV. Table 2-1 includes radionuclides that have the potential to be present at the RMHF. This is a comprehensive list of known contaminants that may have been handled at RMHF.</p> <p>Tritium has been identified in Table 2-1 by its alternative name Hydrogen-3.</p>

Commenter	Comment	DOE Response
M. Mason	<p>I have never heard about institutional restrictions. I think this document needs to say what these institutional restrictions are. Are you not going to -- once it's released for unrestricted use, does that mean, example, people can't have fruit trees?</p> <p>So, you know, if you're having institutional restrictions and we're not allowed to know what these restrictions are, this document needs to say that. We need to know.</p>	<p>Institutional restrictions are not part of this proposed action as documented in the EE/CA. DOE's intent is to properly clean the facility footprint to be acceptable for residential land use. EPA generally defines unrestricted land use to mean residential use.</p>
DTSC	<p>Table B-1 identifies article 7 of chapter 15 of division 4.5 of title 22 of the California Code of Regulations as an ARAR for RCRA closure and post-closure. But Table B-1 incorrectly identifies 40CFR parts 260-265 as the ARARs that apply to the classification and management of hazardous waste during the decommissioning and decontamination of the RMHF. U.S. EPA has authorized DTSC to implement the RCRA program in California. Consequently, the California Hazardous Waste Control Law (Health and Saf. Code, div. 20, chap. 6.5 and division 4.5 of the title 22 of the Ca. Code Regs., tit. 22, div. 4.5) contains the applicable requirements and should be cited as a ARAR in lieu of 40 CFR parts 260-265.</p>	<p>The EE/CA has been updated to properly identify the applicable State requirements identified by DTSC.</p>

Commenter	Comment	DOE Response
DTSC	<p>DOE's letter to DTSC dated April 6, 2007 states that DOE intends to sample and determine residual risk in a manner consistent with CERCLA. EPA's guidance document for radiation risk assessments at CERCLA sites states that excess cancer risk from both radionuclides and chemical carcinogens should be summed to provide an estimate of the combined risk presented by all carcinogenic contaminants at the site. (See EPA December 17, 1999 memorandum, Subject: Distribution of OSWER Radiation Risk Assessment Q&amp;A's Final Guidance, Q28, page 11, citing OSWER Directive 9200.4-18). The EE/CA appears to indicate that DOE is not proceeding with the D&amp;D in a manner consistent with this EPA guidance. Specifically, section 2.1 of the EE/CA indicates that DOE is limiting the cumulative cancer risk assessment to radionuclides only. Additionally, section 2.2 does not reference this EPA guidance or expressly state that DOE would consider excess cancer risk from both radionuclides and chemical carcinogens in its risk management decision making to determine the need for further response action relative to any soil activities with cumulative radiological risks that fall between <math>10^{-6}</math> and <math>10^{-4}</math>. EPA's guidance document for coordination between RCRA corrective action and closure and CERCLA site activities suggest that DOE should perform such cumulative effects analysis as a part of its CERCLA-based decommissioning project and not as a part of its RCRA Corrective Action or Closure cleanup program. (See September 24, 1996 memorandum, Subject: Coordination Between RCRA Corrective Action and Closure and CERCLA Site Activities, page 2, citing footnote 1.). DTSC requests that DOE clarify in the EE/CA its intent to perform its risk management decision making in conformance with this EPA guidance.</p>	<p>This CERCLA-based decommissioning action will focus on building demolition/off-site disposal and cleanup of the radiological constituents in soil.</p> <p>Chemical sampling and analyses to determine the cumulative effects of radiological and chemical constituents in soil would only be performed as a part of this action if the data would be applicable to future decision-making by DTSC for RCRA permitted closure and corrective action requirements.</p>
D. Hirsch	<p>They do it in bits and pieces and this bit has been in submission. We're told the RMHF is going to be subject to a second process with the Department of Toxic Substances Control to deal with the chemicals. There's no reason to separate those things out. We should be able to integrate them all and see what the total risk is.</p>	

<b>Commenter</b>	<b>Comment</b>	<b>DOE Response</b>
DTSC	<p>As indicated above, our discussion evolved to encompass the sampling of chemicals authorized for management at the RMHF pursuant to DTSC's grant of interim status and other chemicals subject to DTSC's corrective action requirements. Your letter does not make clear if DOE intends to include the corrective action chemicals in the chemical verification sampling or limit that sampling to the closure chemicals. Including corrective action chemicals is necessary for DOE to perform its cumulative risk management decision making in conformance with the aforementioned EPA guidance. Consequently, DTSC strongly recommends that DOE include both corrective action chemicals and the closure chemicals in the chemical verification sampling. Page 6 of Draft EE/CA, last sentence stated "After the RMHF structures and radiologically impacted soils have been removed, chemical contamination in underlying soils in the RMHF footprint will be addressed as part of the RCRA permit closure." Please clearly describe that a closure plan for hazardous waste management units will be submitted to DTSC for approval.</p>	<p>DOE will submit a closure plan for DTSC approval of the hazardous waste management units. Section 2 of the EE/CA will be updated to state this.</p>

Commenter	Comment	DOE Response
DTSC	<p>In addition to the three points of discussion addressed in your letter, we also discussed off-site disposal locations. In this regard, DOE noted that all waste would be shipped to the Kettleman Hills Class I landfill (if the waste meets the landfill's permit requirements), or to two out of state disposal facilities that are authorized to take radioactive waste or mixed waste, as appropriate. Please include Kettleman Hills in page 12 of the Draft EE/CA document.</p> <p>In addition, the EE/CA should have detailed descriptions about how DOE and Boeing will characterize D&amp;D wastes for hazardous constituents for proper disposal.</p>	<p>As noted on page 12 of the EE/CA, all waste generated from the removal action will be characterized and may be segregated by waste type (i.e., decommissioned material, low-level waste, or mixed low-level waste). All waste will be sent to a federally-owned or commercial disposal site appropriate for each specific waste type. No waste will be sent to municipal landfills.</p> <p>No additional revisions will be made to the EE/CA regarding the disposal location.</p> <p>Debris from the demolition of the RMHF that meets federal and state release limits (i.e. decommissioned material) may be sent to a Class I hazardous waste disposal facility in full compliance with California Executive Order D-62-02. Material that exceeds federal and state release limits for decommissioned materials (i.e. low-level radioactive waste) will be sent to a licensed low-level radioactive waste facility.</p> <p>DOE may choose to manage and dispose of all waste as LLW or MLLW, as appropriate.</p>

**List #1:**

Sam Aaron, Donnamarie Alesia, Amy S. Allen, Bea Ammidown, Cheryl Anderson, Kay Austen, Ernest Avila, Shavavn Avila, Dana Belv, Mary Benjamin, Javier Bennassar, Mike Bottorff, Artoine Bouimer, Ira Boyd, Lindsey Boyd, Nell Buttolph, Ribeen Catturgil, Daniel Cawell, Gladys Cedillo, Michelle Cedillo, Toni Cervantes, Nancy Chapeltier, Danny Chazgnas, Victor Cook, Elizabeth Crawford, Jim Crawford, Daniel Crimspson, Rita Cummings, Jennifer Edgar, Theresa Edgar, Mara Feder, Debara Field, Susie Fox, Brad Franca, Alex S. Gabor, Marc Galdstein, Judy Gavris, Jennifer Giancola, Dyland Giedd, Linda Giordano, Nicholas Glady, Lodell, Goode, Robert Gordon, Gabriel Gottfried, Richard Gottfried, Christopher Griggs, Crystal Gtaah, Julie Gullen, Alden Guzman, Gina Halsey, Davena Harrison, Shari Hiland, Karen Horn, Sarah House-Peteu, Christine Huntley, Joey Ireng, Eric Jackson, Melissa Jacobs,

Gary Jensen, Lauri Kamiel, Elaine Kamiel, Zolenka Kavanova, Veronica Keaton, Bob Knezeulc, Sarah Lakowiz, Jackie Lapin, Gracie LaRubio, Ryan Lauallee, Claudia Lauallee, Jay Laura, Michael Leiner, Julie Levine, Christine Lightheart, Janet Lundbye, Michele Lyff, Patrick Lynn, Jillian M., Minead MacMullan, Sherin Madreno, Tohory Masamine, F. McGivern, Don Meizger, Glen Merba, Kevin Mero, Jaxon Merrill, Joanna Merzer, Bonnie Minkin, Vida Minkin, Clint Mitchell, Rachele Moore, Carrie Nadlman, Candice Norby, Kristine Norby, Nory, Sarah O'Bon, Kaitlin O'Brien, Brian Paul, Skip Perkins, Donna Perkins, Michael Plotkin, Pacie Porter-Zasada, Charles Proser, Paul Pudwin, Augusta Quirk, Linnea Richards, Chelsea Robson, B. Roger, Terresa Rogerson, Terry Rossio, Ron Rothstein, Andrew Rubert, Karen Ruthie, Heidi Sandoval, Jacob Sands, Luigi Santosuosso, Ruben Saul, Cathy Schwartz, Doreen Schwartz, Peter Serwe, Laroue Shatzkin, Dwane Sheldon, Thomas Slagle, Edahn Small, John Smith, Karen Snock, Erik Snyder, Frank Sonath, Tinya Soutureh, Merilee Sperby, Jocelyn Stamat M.D., Bruce Stanley, Fern Tavakahiner, M. Taylor, Joel Taylor, Mollie Teng, Chris Thompson, Marion Trent, John Uerea, Banzae Vact, Chris Vigueria, Psi Vinio, Kirsten Voigt, Richard Wagner, Joe Walorzynski, Julie Wawrzynisk, Angelou Weidman, George White, Robert Williamson, Denise Willson, Thomas Winckler, Max Wolf, Anne Workman, Marc Zaiada, Loren Zanier, Carmi Zlotnih, Asher Zlotnih, Jessica Zoin, Rachel Zovar.