

APPENDIX J

RESOLUTION OF COMMENTS ON THE DRAFT PRAR

The Draft Post-Remedial Action Report for Building 14 was issued to the USACE Buffalo District and distributed to interested parties for formal review. The comments received are tabulated in Table J-1 of this appendix along with the resolution of each comment. This final version of the PRAR has been revised in accordance with the comment resolutions listed. (Comments have been filed as Document No. 129-L0A-GET-00013.)

Comments on the PRAR were received from the USACE-CX headquarters, USACE-Buffalo District, Praxair, Inc., and Oak Ridge National Laboratories. The New York State Department of Environmental Conservation also reviewed the report but submitted no comments.

Table J-1
Comments on Draft Post-Remedial Action Report for Building 14 at the Linde Site. Tonawanda, New York

Comment No.	Comment Source	Comment	Comment Resolution
<i>Comments Received from the USACE-CX Headquarters.^a</i>			
1-1	.Name:MEYER .Office:CENWO-HX-H .Discipline:RISK ASSESSOR .Location:Sec. 1 .RM/DETAIL: .COMNTNUMBER:482483-925	The document needs to make clear that USACE implemented the remediation project after cleanup goals and the regulatory framework were already in place. The use of DOE Orders and Guidelines needs to be put into the proper context.	The transfer of management responsibility for FUSRAP from DOE to USACE is discussed in Section 1.2.1. The document will be revised to more clearly state the continuing use of DOE remedial criteria after the transfer.
1-2	.Name:PETERSON .Office:CENWO-HX-H .Discipline:HEALTH PHYSICS .Location:PAGE 1-7 .RM/DETAIL: .COMNTNUMBER:653992-258	The discussion in Section 1.3.2.2 regarding surface contamination limits requires clarification. Specifically, the bullets should be reformatted. As per footnote no. 2 from the surface contamination limit table in DOE Order 5400.5, if both alpha- and beta/gamma-emitting radionuclides exist, the limits established should apply independently. This is not adequately reflected in Section 1.3.2.2.	The bulleted items will be revised to indicate the independent application of limits for alpha- and beta/gamma-emitting radionuclides per DOE Order 5400.5. Additionally, the reference to NRC Regulatory Guide 1.86 will be removed for clarification.
1-3	.Name:PETERSON-JIM .Office:CENWO-HX-T .Discipline:EST .Location:General .RM/DETAIL: .COMNTNUMBER:3496094-2	What was the cost of this remediation. Either this report should reflect what the costs were, or reference where a table of detailed actual costs can be obtained.	The total cost of the remediation will be included in the report.
1-4	.Name:WAPLES .Office:CENWO-HX-T .Discipline:REG .Location:ES-1 .RM/DETAIL:3rd Par. .COMNTNUMBER:5814514-333	Recognizing that this DOE project was underway when it was transferred to USACE for completion in 1997, the document should clearly stated that this project was completed following DOE decision documents, procedures, orders etc. However, the document should not mislead the readers to believe that USACE following the CERCLA process would have followed the same procedural steps that were taken by DOE in establishing the cleanup criteria for this project. With this in mind it does not seem necessary for this document to restate in any detail how the cleanup criteria were established but rather simply reference the previous documents and state what the cleanup criteria was, how was the work performed and how was it verified to ensure it achieved the cleanup criteria.	As noted in the response to Comment No. 1-1, the document will be revised to more clearly indicate that DOE remedial criteria and regulations were applied to the remedial action following the transfer of FUSRAP from DOE to USACE. The PRAR does provide a concise summary and explanation of both the generic and site-specific remedial criteria used for this remedial action. Because this summary is not available elsewhere it will be retained within the PRAR.

Table J-1 (Cont'd)
Comments on Draft Post-Remedial Action Report for Building 14 at the Linde Site, Tonawanda, New York

Comment No.	Comment Source	Comment	Comment Resolution
1-5	.Name:WAPLES .Office:CENWO-HX-T .Discipline:REG .Location:page 1-2 .RM/DETAIL:1.2.1 .COMNTNUMBER:5814514-334	This discussion on DOE order 5400.4 requiring that the response be in accordance with CERCLA, the NCP, and EO 12580 should be adequate. Eliminate the discussion on NEPA because it is not accurate and misleading and USACE is not intergrating the two statutes. The DOJ opinion is very clear on this issue that NEPA does not apply to CERCLA response actions (removal or remedial).	It was the practice of DOE, where DOE FUSRAP remedial actions under CERCLA trigger the procedures set forth in NEPA, to integrate the procedural and documentation requirements of CERCLA and NEPA wherever practical (DOE Order 5400.4). Because this remedial action was initiated under DOE authority, the discussion of NEPA is relevant. However, the text will be revised for accuracy and better clarification.
1-6	.Name:WAPLES .Office:CENWO-HX-T .Discipline:REG .Location:page 1-6 .RM/DETAIL:1.3.2 .COMNTNUMBER:5814514-335	Generic Guidelines and Site-Specific Criteria should be stated and reference the documents that established the cleanup criteria. Eliminate the unnecessary references to DOE orders.	The generic and site-specific criteria for soil are summarized in Section 1. The supplemental limits for surface contamination are discussed in Section 1.4. The reference for the site-specific soil guideline, included in Table 1-1, will be added to Section 1. As noted in previous comments, the remedial action was implemented by DOE using DOE orders and remedial criteria. The application of these orders and criteria continued following the transfer of FUSRAP from DOE to USACE. The PRAR will be modified to more clearly state the continuing use of DOE procedures and criteria.
<i>Comments Received from the USACE-Buffalo District.^a</i>			
2-1	Michelle Barczak USACE Buffalo District	In general, this is a difficult document to review because it is unclear what its purpose is. Clearly it is not a report concerning the completion of remedial action pursuant to CERCLA because no remedial action has been proposed or selected for Building 14. The action was also not performed in accordance with the removal process as described in the National Contingency Plan (NCP). Instead, the work inside the building was done pursuant to the National Environmental Policy Act, presumably because there was thought to be no release to the environment. Based on that analysis, I will review this document as a report detailing the building's current physical condition and DOE's past decisions and activities regarding the building. I will also assume that the data in the report will be used in order to determine if it will be necessary to propose further remedial action for the building in the Proposed Plan that is currently being drafted for Linde.	Comment noted.

Table J-1 (Cont'd)
Comments on Draft Post-Remedial Action Report for Building 14 at the Linde Site, Tonawanda, New York

Comment No.	Comment Source	Comment	Comment Resolution
2-2	Michelle Barczak USACE Buffalo District	The last sentence in the third paragraph on page ES-1 and the second paragraph of section 5.2.2 should be deleted. USACE is not calling supplemental limits set pursuant to DOE Order 5400.5, site specific standards.	This comment will be incorporated.
2-3	Michelle Barczak USACE Buffalo District	Please delete the last sentence of the second paragraph of section 1. It is premature to make that statement at this time.	This comment will be incorporated.
2-4	Michelle Barczak USACE Buffalo District	In the third paragraph of section 1.2.1 change the first sentence to read "...(RI/FS-EIS) process was initiated by DOE to meet...". Change the fourth sentence to read "Actions at the Tonawanda Site were coordinated with...".	This comment will be incorporated.
2-5	Michelle Barczak USACE Buffalo District	In all sections discussing the application of Supplemental Limits to specific areas, change the introductory sentence to say that the limits "were applied" not "will be applied".	To improve accuracy and maintain consistency with future USACE practice, the term "supplemental limits" is being removed from sections of the report where it refers to locations within the building that exceeded the supplemental limits or site-specific criteria. Instead, they are referred to as "locations exceeding remedial action criteria."
2-6	Tom Kenna USACE Buffalo District	Interior title page: Change the Buffalo District citation to "U.S. Army Corps of Engineers, Buffalo District, 1776 Niagara Street, Buffalo, NY 14207." Also, use a slightly large font for this portion of the title page.	This comment will be incorporated.
2-7	Tom Kenna USACE Buffalo District	Section 3: In the last sentence of this section change "... addressed in the Proposed Plan for the Linde Site." to "...addressed in the future	This comment will be incorporated.
2-8	Tom Kenna USACE Buffalo District	Section 4.2.3: This section states that soil borings were advanced at ten locations within Areas 2 and 3. Figure 4.2-1 shows seven boring locations. This discrepancy should be corrected.	The relevant surveys were reviewed, and eight soil boring locations were identified. The text and Figure 4.2-1 will be revised to reflect this change.
2-9	Tom Kenna USACE Buffalo District	Section 4.5.3: This section states that twenty-seven soil borings were drilled to investigate the soil in the first floor offices and hallway area. Figure 4.5-1 shows twenty-six soil boring locations. There is no SB-26 shown. This discrepancy should be corrected.	Figure 4.5-1 was revised and SB-20 was relabeled as SB-26 and SB-20 added in grid H-7.

Table J-1 (Cont'd)
Comments on Draft Post-Remedial Action Report for Building 14 at the Linde Site, Tonawanda, New York

Comment No.	Comment Source	Comment	Comment Resolution
2-10	Tom Kenna USACE Buffalo District	Section 4.9.4, second paragraph: I was unable to locate Survey 818. This survey should be added to the report. Can the survey dates be used to determine if the survey was prior to or after soil excavation?	Survey 818, and several others have been added to Appendix B. In general, the surveys were performed during the initial or intermediate stages of soil removal. The fill material within the trenches were excavated first to permit removal of the drainpipe. The trench bottom and sides were then surveyed to determine whether the trench sides or floor should be removed along with adjacent soil.
2-11	Tom Kenna USACE Buffalo District	Section 4.10.3.1, 4.10.3.2, and 4.10.10: In these sections, and in other portions of the report, it is stated that radiologically contaminated soil/ash remains underneath load bearing walls and that this material could not be removed without jeopardizing the stability of the structure. If Building 14 was constructed in the mid-1930's and MED operations were conducted from 1942 through 1946 (Executive Summary), how can the contaminated material remaining beneath these walls be MED related?	The uranium refining process included acid digestion of the ore. The acid, and possibly other process fluids, are believed to have leaked onto the floor of Building 14 and into the soil through cracks in the concrete.
2-12	Tom Kenna USACE Buffalo District	Section 4.12.7, fourth paragraph: The last sentence of this paragraph indicates that the entire wall surface in Area 14 South West has been released by ORNL, yet ORNL states the area is verified to be below DOE guidelines with the exception of the overheads and walls above twelve feet. Have the wall surfaces above twelve feet been verified to be below DOE guidelines? If so where is this stated?	The wall surfaces from twelve feet above the floor and below were released in the January 30, 1998 letter described in the third paragraph of Section 4.12.7. The last sentence of that paragraph is meant to release all of the walls at all elevations, as well as the floor and subsurface of Area 14SW based on the combination of the January 30, 1998 and March 2, 1998 IVC letters.
2-13	Tom Kenna USACE Buffalo District	Section 4.16.3: Remove the last sentence from this section, "Further investigation of this system (outside of the Butler Building perimeter) may be performed as part of later phases of remedial work at the Linde Site."	This sentence will be removed.
2-14	Tom Kenna USACE Buffalo District	Section 4.19.1: This section states that the Area 9 drain line system was constructed in 1978 while Figure 4.19-1 states that this system was constructed circa 1937. This discrepancy should be corrected.	The Area 9 drain lab was constructed circa 1978. Figure 4.19-1 will be changed to reflect this.
2-15	Tom Kenna USACE Buffalo District	Section 4.19.3: It is stated that there is risk associated with excavating the drain line pipes that are 8 feet below grade. State if this risk is a radiological risk or a construction risk.	The risk was deemed due to construction. The text will be revised to reflect this.

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Comment No.	Comment Source	Comment	Comment Resolution
2-16	Tom Kenna USACE Buffalo District	Section 5.1.1: Remove the last sentence of this section, "The information reported will serve as the basis for future activities ... completing the environmental documentation process."	This sentence will be deleted.
2-17	Tom Kenna USACE Buffalo District	Table 1-1: The 5/15 pCi/g radium cleanup criteria for soils is from 40CFR192, not a DOE order. Please modify the footnotes to this table to reflect this.	The 5/15 pCi/g guideline for residual radioactive material for radium-226 and radium-228 is stated in DOE Order 5400.5 at the location noted in footnote g of Table 1-1.
2-18	Tom Kenna USACE Buffalo District	Table 4.5-1, page 4 of 5: This table states that SB-20 is located at grid H7 and that SB-26 is located at grid A4. This does not agree with Figure 4.5-1. Please correct this discrepancy.	Figure 4.5-1 will be corrected as described in Comment 2-9.
2-19	Tom Kenna USACE Buffalo District	Figure 4.2-1: In the legend change "Floor drain and suspected pipe contamination" to "Floor drain and suspected pipe location"	Figure 4.2-1 will be changed as requested.
2-20	Tom Kenna USACE Buffalo District	General: This is a well written, thorough documentation of the decontamination effort that was performed in Building 14.	Comment noted.
<i>Comments Received from the Praxair, Inc.^a</i>			
3-1	Tom Dugan Praxair	Volume 1, 5.1.3.16, Page 5-7. Process Piping - Nowhere within the report did they describe the methodology for determining the release criteria for the internal piping such as detector size to internal pipe size surface area.	The remedial action criteria discussed in Section 1.3 were applied to the process piping as well as all other surfaces within Building 14. The release criteria applied were the generic guidelines from DOE Order 5400.5 and the supplemental limits. The methodology used to derive the supplemental limits is summarized in Section 1.4 and was developed in Calculation 129-CV-023.
<i>Comments Received from Oak Ridge National Laboratory.^a</i>			
4-1	Ray Foley Oak Ridge National Laboratory	The term "supplemental limits" is used several times in the document, but nowhere in the document are the "supplemental limits" stated that were used for areas not decontaminated and subsequently hazard assessed. We feel that these values should be included in the document. If different limits were used in different locations, these should also be stated.	The supplemental limits were derived in Calculation 129-CV-023 and are discussed in Section 1.4.1 and summarized in Table 1-4. Supplemental limits were developed separately for the following surfaces: floor, wall, overheads (structural steel) and overheads (ducts). The same supplemental limit value was then used for all surfaces of a given type throughout Building 14.

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Comment No.	Comment Source	Comment	Comment Resolution
4-2	Ray Foley Oak Ridge National Laboratory	In the last paragraph of the executive summary, first line, it is stated that “the remedial action in Building 14 successfully identified all interior surfaces and sub-surfaces within the building footprint exceeding the remedial action criteria through an extensive delineation phase and review of previously collected delineation data.” We take exception to the “all” in this statement. This is not to say the statement is incorrect, but based on many years of experience in this line of work, it has been our experience that small areas of contamination, both surface and sub-surface, can be overlooked. This building has had rooms added on and has undergone extensive remodeling since the Manhattan Project involvement was completed. This kind of action often covers up or makes inaccessible, small areas, which could contain some level of contamination. Due to the extensive radiological survey efforts expended in this building, we feel these areas are few and if they exist, would be small. If future maintenance or demolition activities were to inadvertently disturb these possibly existing areas, we feel that any personnel exposure would be very low and would not exceed exposure guidelines, because of the limited number and size of the areas involved. This statement refers only to those areas where contamination <u>may</u> be undiscovered, <u>not</u> to those areas where supplemental limits have been utilized or where suspected contamination may exist.	The sentence will be revised to reflect the low degree of uncertainty in identification of all supplemental limit locations within Building 14.
4-3	Ray Foley Oak Ridge National Laboratory	The “Post Remedial Action Report,” is a large and detailed document. It details both verbally and in drawings those areas still contaminated, where a hazard assessment has been utilized, using supplemental guidelines. We feel Figure 5-1 should be a large size color drawing; i.e., an E-size with the activity data included on the drawing, and furnished to the property owner, for use by the Building 14 facility manager or maintenance personnel. Since the vast majority of the building is clean, the few areas containing contamination or suspected contamination, exceeding guidelines, would be color coded for quick reference. The detailed report would be available if work was going to be done in locations near known contamination.	A drawing of this type is most beneficial when it depicts the delineation results of a site or structure. The three dimensional nature of the building and contaminated surfaces, and the large number of areas within the building, prevent a detailed depiction of all supplemental limit locations on a single drawing. Figure 5-1 is therefore intended to identify the presence of supplemental limit locations within each area. The area-specific figures can then be consulted to obtain greater detail.

Table J-1 (Cont'd)
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Comment No.	Comment Source	Comment	Comment Resolution
4-4	Ray Foley Oak Ridge National Laboratory	There appears to be a discrepancy in Figure 5-1. There are hazard assessed areas not depicted on the drawing. Example Area 12; south end of room on the east, south, and west walls. There is subsurface contamination at the base of these walls, which is not shown. There is also contamination in the soil under the sump at the north stair well. It is in the description, but not on the drawing.	All supplemental limit locations identified in the report are correctly shown in Figure 5-1. The color codes of locations LEC-12/13-1 through LEC-12/13-7 are corrected to be consistent with the legend. No soil contamination was identified in the Area 12 sump stairwell. As reported in Table 4.10-1 (inadvertently omitted in the draft report), total uranium did not exceed 1.50 pCi/g in a soil boring placed in the stairwell. No supplemental limit locations were identified on the walls in Area 12, other than on the west wall footer or "kneewall."
4-5	Ray Foley Oak Ridge National Laboratory	There is also a contaminated structural beam in Area 14, which exceeds guidelines and was hazard assessed. The beam lies on the extreme western side of Area 14 and is parallel to the wall.	The horizontal I-beam in question is about 30 feet above the floor and immediately above the window installed in the west wall. The remedial subcontractor was consulted and investigated the status of decontamination efforts on this beam. The west face of this beam, adjoining the wall, was surveyed on all surfaces, and only a limited amount of contamination exceeding guidelines was found, all of which occurred on the lower horizontal surface. Accessibility was somewhat better on this beam than on the other five beams in Area 14S, where contamination exceeding guidelines remained, and all surveys were readily scanned and all contamination present removed to below guidelines.
4-6	Ray Foley Oak Ridge National Laboratory	There is contamination exceeding guidelines, on the crane rails in area 12-13, that is shown on the drawing, but is not in the Table 5 description.	The supplemental limit locations for the cranerails in Areas 12 and 13, LEC-12/13-8 and LEC-12/13-9, are included in Table 5-1.
4-7	Ray Foley Oak Ridge National Laboratory	Until all hazard assessed areas are approved, it is suggested that health physics coverage be provided for any work in these areas.	USACE is continuing to provide radiological coverage for intrusive work.

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Comment No.	Comment Source	Comment	Comment Resolution
4-8	Ray Foley Oak Ridge National Laboratory	There is a question concerning the legend in certain drawings. Example 4.3-1, "Contamination less than 1 meter on walls" with a cross-hatched design and, "Contamination up to 1 meter on walls," with a double cross-hatch design. Basically, both say the same thing, so we suspect something has been left out. This legend and any other legends, should be reviewed and clarified.	The subsections of Section 4 of the report were prepared individually by different authors, and the descriptions and figures may differ slightly between sections. The figures are correct and should be interpreted based on the title and legend.
4-9	Ray Foley Oak Ridge National Laboratory	The "Post Remedial Action Report," states that some of the hazard assessed areas have been approved and others are pending. It is recommended that the document be held until all areas are approved and the document rewritten to reflect these changes.	Comment noted.

Notes:

a Comments filed as PDCC Document No. 129-L0A-GET-00013. Bechtel National, Inc. 1999.