

Rocky Flats Environmental Technology Site

1-F78-ER-ARP.001

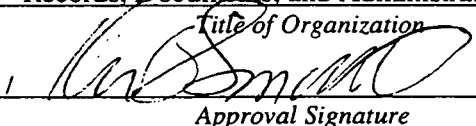
REVISION 2

CERCLA ADMINISTRATIVE RECORD PROGRAM

Responsible K-H Org: Records, Documents, and Administrative Services Effective Date: 11/12/01

Approved By: Manager / Records, Documents, and Administrative Services / 10/29/01
Title Title of Organization

Kim B. Smart
Print Name



Approval Signature

N/A

Print name of Responsible Manager (N/A if RM is Approval Authority)

The Responsible Manager has determined that the following organizations' review/concurrence is required. Review/concurrence documentation is contained in the Document History File:

771 Closure Project
776/777 Closure Project
707 Closure Project
371/374 Closure Project

Remediation, Industrial Building D&D, and Site Services Project
Material Stewardship and Offsite Shipment
Environmental, Safety, Health and Quality
General Counsel

IMPORTANT NOTES

Periodic Review Frequency: 4 years from the effective date

This procedure is performed as written and need not be in hand for the performance of the described tasks. The procedure SHALL be available at a known location for reference.

PADC-1997-00941

Reviewed for Classification / UCNI
(if Required)

By /s/ B. M. Hoffman
Date 10/09/00

CONTROLLED DOCUMENT
(If numbered in red ink-black numbering indicates information only copy)

53

Copy Number

ADMIN RECORD

SW-A-004402

1/24 DOCUMENT CLASSIFICATION
REVIEW WAIVER PER
CLASSIFICATION OFFICE

November 12, 2001

List of Effective Pages

<u>Pages</u>	<u>Effective Date</u>	<u>Change Number</u>
1 - 24	11/12/01	

Total Number of Pages: 24



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1. PURPOSE

This procedure provides instructions for developing and maintaining the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, Administrative Record Files (AR Files) and the Administrative Record (AR) as part of the Rocky Flats Environmental Technology Site (RFETS) AR Program. The objectives of the AR Program are:

- To establish and maintain AR Files containing documents that form the basis for selection of response actions. Thus, certain portions of an AR File become an AR after the approval of the decision document (e.g., Record of Decision).
- To provide a vehicle for public participation in review of proposed response actions prior to selection of an action.
- Although a specific AR is not required by the Resource Conservation and Recovery Act (RCRA) or the Colorado Hazardous Waste Act (CHWA), these instructions shall be followed for RCRA/CHWA corrective action decisions.

This procedure implements requirements of subsection 113(k) of CERCLA (42 USC 9613), Administrative Record and Participation Procedures, 40 CFR 300.800-825, Administrative Record for Selection of a Response Action, and the Rocky Flats Cleanup Agreement (RFCA), entered into by and among the US Department of Energy (DOE), the US Environmental Protection Agency (EPA), and the Colorado Department of Public Health and Environment (CDPHE). This procedure follows the guidance provided in Office of Solid Waste and Emergency Response (OSWER) Directive No. 9833.3A-1, EPA Final Guidance on Administrative Records for Selecting CERCLA Response Actions. Executive Order 12580, published at 3 CFR 193, Superfund Implementation, delegates the responsibility of establishing and maintaining the AR to DOE.

2. SCOPE

This procedure applies to all RFETS employees and subcontractors who perform work in support of and generate documents related to CERCLA environmental remediation (ER) and decontamination and decommissioning (D&D) response actions. This procedure also applies to RFETS employees and subcontractors who identify, capture, review, and protect the documents and records considered or relied upon by the DOE as a basis for the decision for a selected response action. DOE proposes the final selection of CERCLA response actions and the relevant documents supporting ARs for those actions for regulatory approval.

This procedure addresses the identification and submission to the AR Coordinator of documents that shall be part of the CERCLA AR File record compilation.

This procedure does not address Site Records Management and is not a substitute for 1-V41-RM-001, Records Management Guidance for Records Sources.

3. DEFINITIONS

Administrative Record (AR). The compilation of documents which establishes the basis for all removal and remedial action decisions for each Individual Hazardous Substance Site (IHSS) or for each building within an Operable Unit (OU) at RFETS, as required by subsection 113(k)(1) of CERCLA.

Administrative Record Coordinator (ARC). The organizations or persons at RFETS who are assigned to ensure the AR Files are compiled and maintained according to CERCLA, Subpart I of the National Contingency Plan (NCP), the OSWER Guidance, and this Procedure.

Administrative Record File. A file comprised of documents considered to be relevant to the selection of a response action.

[Note: A file is managed as an AR File until the removal or remedial action is approved by the lead regulatory agency. DOE certifies completion of the file by including in each decision document a section or appendix listing the documents that make up the proposed AR for the decision. After completion of the public comment period, all comments received from the public, the responsiveness summary, and the approval letter will be added to the AR File. Approval of the decision document is approval by the regulators of the project's AR File. Once the decision document is approved, the file becomes the Administrative Record for that response action.]

Attorney-Client Privilege. The attorney-client privilege may apply in the following two circumstances:

- (1) Where legal advice of any kind is sought from an attorney or other legal adviser in his or her legal capacity, any communication relating to that purpose made in confidence by the client are protected from disclosure, except when the privilege is waived.
- (2) Communications from the attorney to the client are privileged only if they constitute legal advice or tend to reveal the substance of a client confidence.

Disclosure to third parties may waive the attorney-client privilege.

Attorney Work-Product Protection. The attorney work-product doctrine protects documents and other items prepared by an attorney or at the direction of an attorney, when the work is done in anticipation of litigation. The materials may include information related to investigations or fact-finding, as well as documents containing the legal conclusions, opinions, or theories of an attorney or other person representing the company.

Buffer Zone. The roughly 6000 acres unoccupied by buildings or development that surrounds the Industrial Area at the geographic center of RFETS and extends to its borders.

Building. A "building" for purposes of D&D at RFETS may refer to entire buildings, to portions of buildings, or only to structures, systems, or components within buildings. A "facility" is not defined in RFCA, but is something that is constructed or installed to serve a particular purpose, e.g., a water tower. For the purposes of this procedure, a facility has the same AR requirements as a building.

Corrective Action Decision/Record of Decision (CAD/ROD). A decision document that combines the requirements in both RCRA and CERCLA. The CAD refers to the RCRA/CHWA decision by the State selecting a corrective measure alternative or alternatives to remediate hazardous waste and hazardous waste constituents. The ROD refers to the CERCLA decision by the DOE and/or the EPA selecting the remedial action or actions to remedy environmental and human health concerns at RFETS.

Decontamination and Decommissioning (D&D). *Decontamination* means the removal or reduction of radioactive or hazardous contamination from facilities, equipment or soils by washing, heating, chemical or electrochemical action, mechanical cleaning or other techniques to achieve a cleaner stated objective or end condition. *Decommissioning* means, for those buildings, portions of buildings, structures, systems or components in which deactivation occurs, all activities that occur after the deactivation. It includes surveillance, maintenance, decontamination and/or dismantlement for the purpose of retiring the building from service with adequate regard for the health and safety of workers and the public and protection of the environment. For those buildings in which no deactivation occurs, the term includes characterization, surveillance, maintenance, decontamination and/or dismantlement for the purpose of retiring the building from service with adequate regard for the health and safety of workers and the public and protection of the environment. The ultimate goal of decommissioning is unrestricted use or, if unrestricted use is not feasible, restricted use of the buildings.

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D&D activities do not include deactivation activities. Deactivation activities are not conducted under CERCLA. For the RFETS definition of deactivation, see RFCA paragraph 25y.

Decommissioning Operations Plan (DOP). A decision document, which is a building specific plan developed for any building found as a result of its characterization to have significant contamination or hazards.

Decommissioning Program Plan (DPP). A decision document, which is a sitewide program plan that addresses decommissioning at RFETS.

Individual Hazardous Substance Site (IHSS). Specific locations where solid wastes, hazardous substances, pollutants, contaminants, hazardous wastes, or hazardous constituents may have been disposed or released to the environment within RFETS at any time, irrespective of whether the location was intended for the management of these materials.

Industrial Area. The roughly 350 acres at the geographic center of RFETS which is occupied by the 400 buildings, other structures, roads and utilities, where the bulk of RFETS mission activities occurred between 1951 and 1989.

Interim Measures/Interim Remedial Action (IM/IRA). A decision document which combines the requirements for both RCRA and CERCLA and describes the action which is expected to require greater than six months to accomplish. The IM refers to the RCRA/CHWA term for a short-term action to respond to imminent threats, or other actions to abate or mitigate actual or potential releases of hazardous wastes or constituents. The IRA refers to the CERCLA term for an expedited response action performed in accordance with remedial action authorities to abate or mitigate an actual or potential threat to public health, welfare or the environment from the release or threat of release of a hazardous substance from RFETS.

Operable Unit (OU). A grouping of IHSSs into a single management unit.

Post-Decision Document AR File. A file associated with a specific response action that contains documents generated or received after the decision document has been approved. This file should not be included in the AR, but because the documents may be relevant to a later response selection decision they should be included in the AR File.

Proposed Action Memorandum (PAM). The decision document that describes an accelerated cleanup activity that DOE expects can be completed during a six-month period.

Records Source. Any RFETS employee or subcontractor who creates or receives records from internal or external sources is a Records Source. A Records Source may also be designated as a Records Custodian for an organization.

RFCA Standard Operating Protocol (RSOP). A decision document, applicable to a set of routine environmental remediation and/or decommissioning activities regulated under RFCA. Once an RSOP is approved, DOE may rely upon it to conduct the described activities anywhere on site. The regulators approve the RSOP only once.

Routine Documents Identification List. A list of DOE approved document types that are placed into the AR Files without undergoing a separate review by an ARC. See Appendix 1.

4. RESPONSIBILITIES

4.1 DOE Administrative Record Coordinator

- Act as the Administrative Record Coordinator (ARC) for RFETS.
- Establish a CERCLA AR system in accordance with RFCA and provide, in coordination with RFFO staff, oversight of the Kaiser-Hill Company, L.L.C. administration and maintenance of that system.
- Ensure that policies and procedures are established and maintained to define AR responsibilities.
- Ensure that necessary training is available to DOE employees and support service contractors regarding AR requirements.
- Provide, in coordination with DOE staff, response action and project-specific technical information to assist the Project Manager and Kaiser-Hill Company, L.L.C. or subcontractor ARC in selecting potential AR documents.
- Provide all DOE final approvals for matters associated with the AR program.

4.2 Kaiser-Hill Company, L.L.C. (Kaiser-Hill) Administrative Record Coordinator

- Ensure that policies and procedures are established and maintained to define AR responsibilities.
- Ensure that necessary training is available regarding AR requirements.
- Provide project-specific technical information to assist the project manager and DOE ARC in selecting potential AR documents.

4.3 Subcontractor Administrative Record Coordinator

NOTE Kaiser-Hill Records Management organization will designate an AR Center and an organization to perform the following Subcontractor ARC activities for RFETS:

- Maintain the AR Center.
- Provide guidance on the identification of potential AR documents.
- Accept submission of potential AR documents from Records Sources.
- Process all potential AR documents.
- Coordinate with the Kaiser-Hill ARC and/or project manager to redact all information from privileged documents, mark the documents as such, and to maintain the privileged portion of each record.
- Verify that all documents are appropriately classified before being made available to the public in the AR Files.
- Maintain classified or unclassified controlled nuclear information (UCNI) documents appropriately.
- Coordinate final AR selection with Kaiser-Hill ARC and DOE ARC.
- Ensure that AR documents are available for public inspection.
- Develop and maintain a searchable information system for the AR documents.

4.4 Program or Project Managers

- Identify Records Sources originating potential AR documents.
- Ensure all identified Records Sources who originate possible AR documents are trained in the requirements of this procedure and submit the AR documents to the Subcontractor ARC.
- Review listings of potential AR documents for relevance and AR Files for completeness.
- Before sending a document to the AR, make an initial determination whether it or part of its contents may be covered by a privilege and send document to legal staff (DOE/OCC or K-H/OG, as appropriate) for concurrence and further action.

5. INSTRUCTIONS

The CERCLA AR is the body of documents that forms the basis for the selection of a particular response action (removal or remedial) at a site. In addition to containing the documents that support a response decision, the AR should contain all relevant documents that were considered, but ultimately rejected. For each response action selection there is a separate AR, i.e., RFCA requires an AR for each project-specific CERCLA D&D and ER activity. At RFETS, response actions are selected for IHSSs or buildings within OUs. OU descriptions are found in RFCA Attachment 1. IHSS descriptions are found in RFCA Attachment 3. The ongoing collection of documents for a response action is maintained in an AR File. Documents are added to an AR File as they are generated. The file becomes an AR when the final decision document, e.g., PAM, IM/IRA, DOP, or ROD, is approved. Documents received after - but generated prior to - approval of the decision document, may go into the AR. Documents relevant to the response action, but generated after the decision document is approved, are placed in a post-decision AR File.

This section contains instructions for the identification of potential CERCLA AR documents and their submission to the appropriate AR File.

5.1 Identifying Potential CERCLA AR Documents

Project or Program Managers

- [1] Ensure that identified employees who generate potential AR documents are trained to the identification instructions in this procedure.
- [2] Request training be provided by the Kaiser-Hill ARC, as necessary.
- [3] Identify documents having the potential for inclusion into the AR based on the description and examples in Appendix 1, CERCLA Administrative Record File Document Identification, and Appendix 2, Exclusions to the AR.
- [4] Documents included in a decision document reference section must be included in the project-specific AR File unless otherwise excluded (See Appendix 2, Exclusions to the AR.)
- [5] Resolve with an ARC any uncertainties about potential AR documents.

5.2 Submission of Potential CERCLA AR Documents

Project or Program Managers

- [1] Ensure that employees who generate potential AR documents are trained to the submission instructions of this procedure.
- [2] Submission of potential AR documents to the Subcontractor ARC does not satisfy any records requirements other than those for this procedure.
- [3] Submit copies of all potential AR documents, including attachments, which support and precede the approval of the decision document to the AR within ten days of completion. (You may mark "CERCLA AR" on the RFETS buck slip when making distribution of response action related deliverables.) Post-decision documents (documents created after signing of the decision document) are to be submitted within thirty days of completion.
- [4] Ensure that documents submitted to the AR are unmarked, legible, and signed (if appropriate) originals. Marked documents, e.g., handwritten comments in margins of draft documents, will not be accepted as a potential AR document, unless otherwise directed by the DOE ARC.
- [5] Ensure that all documents are appropriately Classified or identified as Waived per the Classification Office before submitting the document to the AR File. If it is determined that a document contains UCNI material, then two documents need to be prepared for submittal to the AR Center: one document containing the UCNI material and a second document that does not contain the UCNI material but contains a statement identifying the document as such. For example, the document that does not include the UCNI material should include blank page(s), as necessary, and a statement on the appropriate page(s) stating that the page contains UCNI material e.g., "This page has been left blank due to classification issues. Personnel with access to UCNI may obtain this information from the Project Manager or the DOE ARC." This copy will be placed in the AR File and the Public Repositories.

The complete document, including UCNI material, will be placed in a separate location within the AR and maintained in accordance with UCNI requirements. The complete document will NOT be placed in the Public Repositories.

- [6] Ensure that the appropriate submittal letter is provided to the AR (e.g., the submittal letter that delivers the document to the final recipient, CDPHE, DOE, EPA, or Kaiser-Hill. Internal transmittal letters between subcontractors and Kaiser-Hill, or Kaiser-Hill and DOE need not be

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submitted to the AR if the document is forwarded on with a subsequent submittal letter to, for example, CDPHE or EPA.)

- [7] Electronic mail (e-mail) may be a potential AR document and appropriate copies should be submitted (either forwarded or printed and delivered) to the Subcontractor ARC for inclusion in the appropriate AR File. E-mail must clearly identify the originator and recipients, including DOE in some capacity, i.e., DOE must be either the originator, recipient, or copied on the electronic transmittal.

The e-mail address for the RFETS CERCLA Administrative Record is:

cerclaar@rfets.gov

- [8] Ensure documents or transmittals specify IHSS/OU or D&D Building/OU area.
- [9] After initial determination that a document may be privileged, send the document to DOE/OCC or K-H/OGC for final determination and further action.

DOE Office of Chief Counsel / K-H Office of General Counsel

- [10] Determine whether the document or portions of the document may be covered by a privilege.
- [11] If the document is covered by a privilege, summarize the document or redact portions of the document to remove the privileged materials and to make it disclosable, and send the summary or redacted version to the Administrative Record Coordinator. Include with the summary or redacted version the following information: The title of the document and an explanation of the basis for the asserted privilege.
- [12] Stamp each page of the confidential document or the unredacted version of the document with the word "confidential" and/or "privileged" as appropriate. Seal the confidential document or the unredacted version of the document in an envelope or other container with the title of the document on the front, stamp the outside of the envelope or container with the word "confidential" and/or "privileged" and send to the Administrative Record Coordinator. Where the material is not a written document, such as a computer disk or tape, stamp "confidential" and/or "privileged" on its jacket and place in a sealed envelope or container.

Subcontractor ARC

- [14] Accept and process all on-site submitted documents that have been created following the guidelines found in 1-V41-RM-001, Records

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Management Guidance for Records Sources, and the Site Document Requirement Manual.

- [15] Place confidential or privileged documents, without opening the envelope or container, in the confidential portion of the AR File. The confidential portion of the file should be stored in locked files separate from the publicly available record file. The titles of documents contained in the confidential portion of the AR File as well as their location are listed in the index to the AR File. Maintain a separate list of all materials contained in the confidential portion of the record file. Insert the summaries or redacted versions of confidential documents in the portion of the record file available to the public.
- [16] Maintain a log which will include the time, date, and document name, and which will identify persons checking out and returning materials to the confidential file. Establish a list of persons who may have access to each confidential file. No one should have access to the confidential files other than those identified on the routine access list.
- [17] Accept and process all submitted documents originated off-site that are unmarked, legible, and signed (if appropriate) originals. Marked documents, e.g., handwritten comments in margins of draft documents will not be accepted as a potential AR document, unless otherwise directed by the DOE ARC.
- [18] Stamp date received on the first page.
- [19] Review potential AR documents for legibility, page count, etc.
- [20] Review for CERCLA applicability
- [a] If the document type is included in the CERCLA Administrative Record File Routine Document Identification List (Appendix 1), THEN, process accordingly.
 - [b] If the document type is NOT included in the CERCLA Administrative Record File Routine Document Identification List (Appendix 1), and NOT identified using the criteria listed in Exclusions to the CERCLA AR (Appendix 2), THEN, the document index is submitted to DOE for a DOE ARC review. Potential CERCLA AR documents determined by the DOE ARC to be applicable to the AR File are processed accordingly.
 - [c] If the potential Administrative Record document is categorized using the criteria listed in Exclusions to the CERCLA AR (Appendix 2), or determined by DOE ARC to be NOT applicable to the CERCLA AR, THEN, file document into the "Excluded Documents File."

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- [21] Review the submitted document for appropriate Classification review. Documents not appropriately reviewed for classification or identified as Waived per the Classification Office through Waiver/Exemption will be returned to the originator for appropriate follow-up. Prior to returning the document to the originator for appropriate follow-up, the subcontractor ARC will log the document into the AR database for tracking purposes.

Two versions of documents containing UCNI material will be submitted by the Program or Project Manager to the Subcontractor ARC: one document containing the UCNI material and a second document that does not contain the UCNI material but contains a statement identifying the document as such. For example, the document that does not include the UCNI material should include blank page(s), as necessary, and a statement on the appropriate page(s) stating that the page contains UCNI material e.g., "This page has been left blank due to classification issues. Personnel with access to UCNI may obtain this information from the Project Manager or the DOE ARC." This copy will be placed in the AR File and the Public Repositories.

The complete document, including UCNI material, must be placed in a separate location within the AR and maintained in accordance with UCNI requirements. The complete document will NOT be placed in the Public Repositories.

- [22] Potential AR File documents are processed according to the applicable Data Entry instructions.

The following information is entered into the CERCLA AR data entry screen:

- An AR Center affixed unique AR document number;
- The document date;
- Page count (pagination);
- Document title;
- A brief description of the document (its contents, purpose, etc.);
- Additional comments, if applicable;
- Author(s) and Organization(s), if applicable;
- Recipient(s) and Organization(s), if applicable;
- OU as identified in the RFCA;
- OU as identified in the Interagency Agreement (IAG), if applicable;
- IHSS Number(s), if applicable;
- Building Number(s), if applicable;
- Numeric identification (i.e., Document number, correspondence code, letter log number, et cetera);
- Manual Number, if applicable;

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- Document Revision Number, if applicable;
 - Record Transmittal Form Number, if applicable;
 - Classification level/type, and
 - Other non-document data entry, retrieval, etc. information, as required.
- [23] Facilitate the quality microforming of AR documents through document imaging sources.
- [24] Deliver the microformed documents (on microfiche) and updated AR File Index to the four Public Repositories identified in RFCA, Attachment 7.
- [25] Maintain the document hard copy in long-term storage on the Site, thereby ensuring ease of access and retrievability, as necessary;
- [26] Maintain the original microfilm and the original microfiche and copy in long-term storage on the Site, thereby ensuring ease of document access and retrievability, as necessary;
- [27] Administer and maintain the AR database, thereby ensuring ease of document access and retrievability, as necessary, and to ensure readily available file status reports;
- [28] Submit the complete AR File to DOE for permanent storage and disposition as directed by DOE.

6. PROCESSING INSTRUCTIONS

The following documents are processed or maintained as a result of this procedure and shall be processed as follows:

Record Identification	Record Type Determination	Protection / Storage Methods	Processing Instructions
(Routine and Potential) CERCLA AR documents	In Process CERCLA AR documents	Pre-decisional AR documents SHALL be transmitted to the RFFO CERCLA AR Center within 10 days of completions. Post-decisional AR documents SHALL be submitted within 30 days of completion. Program or Project Managers SHALL implement a reasonable level of protection to prevent loss and/or degradation. Records SHALL be protected utilizing standard office filing equipment and methods when not in use.	Transmit all routine and potential AR documents to the RFFO CERCLA AR Center in accordance with this procedure.
AR File	CERCLA Administrative Record	Subcontractor ARC SHALL implement a reasonable level of protection to prevent loss and/or degradation. Records SHALL be protected utilizing standard office filing equipment and methods when not in use.	Appropriately reviewed and indexed documents are microformed and the microfiche and index delivered to the public repositories. Upon site closure or DOE instruction, submit complete AR File to DOE.

Record Identification	Record Type Determination	Protection / Storage Methods	Processing Instructions
Excluded Documents File	Non-CERCLA Administrative Record	Subcontractor ARC SHALL implement a reasonable level of protection to prevent loss and/or degradation. Records SHALL be protected utilizing standard office filing equipment and methods when not in use.	When inactive (as defined in 1-V41-RM-001), transfer to Site Records Management in accordance with 1-V41-RM-001.

7. REFERENCES

Executive Order No. 12580, Superfund Implementation, 3 CFR 193, 1987, reprinted in 42 USC 9615, 1988 and 1993 Supplement.

OSWER Directive 9833.3A-1, Final Guidance on Administrative Records for Selecting CERCLA Response Actions, December 1990.

Final Rocky Flats Cleanup Agreement, CERCLA VIII-96-21, RCRA (3008(h)) VIII-96-01, State of Colorado Docket #96-07-19-01, July 19, 1996.

1-MAN-026, Security Manual, Chapter 6, Identification, Protection, and Control of Classified and Sensitive Unclassified Information.

1-V41-RM-001, KH Records Management Guidance for Records Sources.

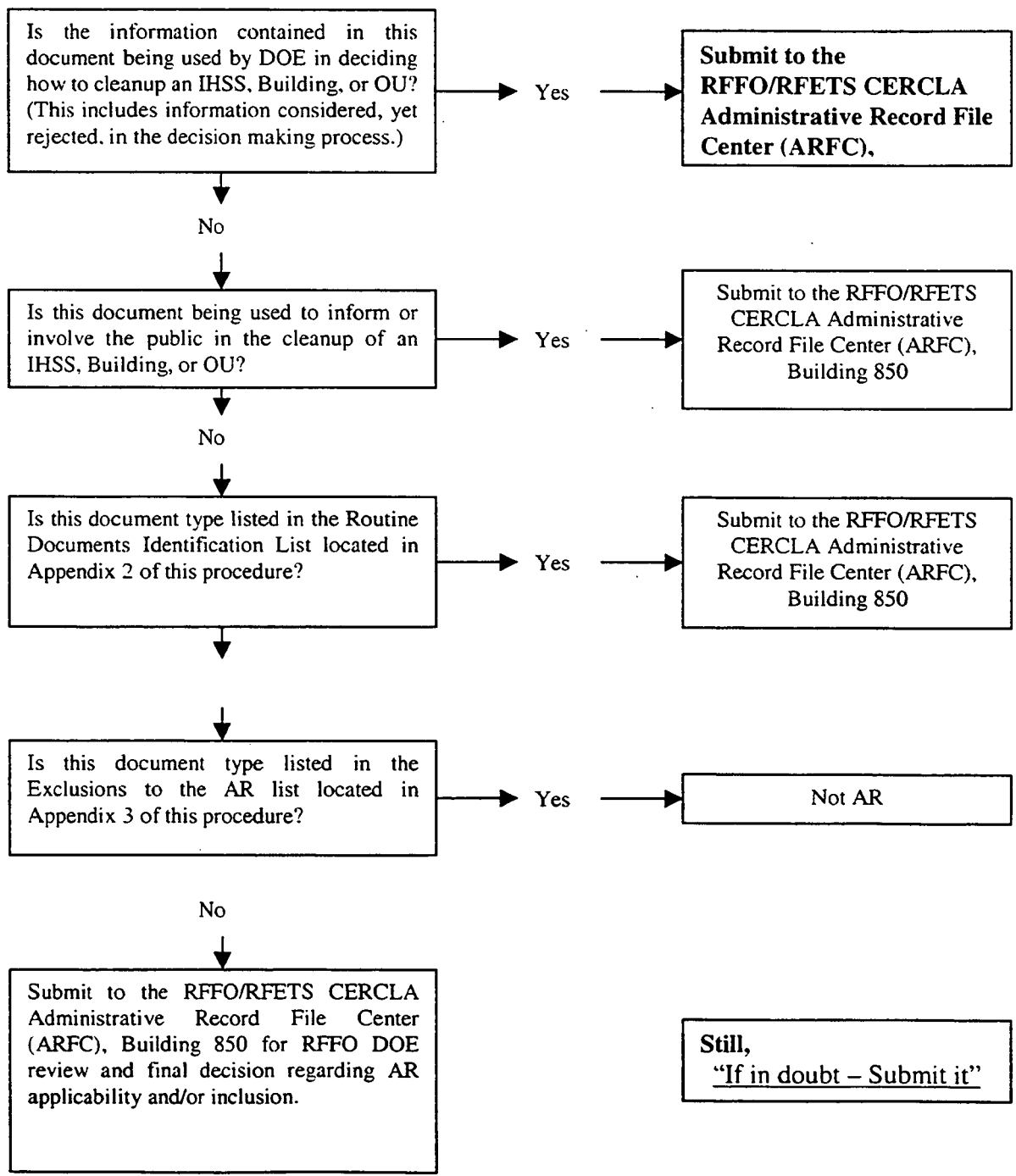
40 CFR 300.800-.825, Administrative Record for Selection of a Response Action, 1993.

42 USC 9613(j)-(k), Civil Proceedings - Administrative Record, 1988 and 1993 Supplement.

Appendix 1

AR DOCUMENT IDENTIFICATION GUIDE

Rocky Flats Cleanup Agreement, paragraphs 283 and 284, requires DOE to establish and maintain the Administrative Record in accordance with CERCLA Section 113(k) for each RFETS activity required in RFCA. This procedure and flow diagram are provided to assist project managers in understanding what documents must be included in project-specific AR Files. [Note: Although a specific AR is not required by either RCRA or the CHWA, these instructions shall be followed for RCRA / CHWA corrective action decisions.]



Appendix 2**CERCLA ADMINISTRATIVE RECORD FILE
ROUTINE DOCUMENTS IDENTIFICATION LIST**

In assessing the relevance of a document to the AR File, there are two basic questions that must be addressed:

- Could the document be used or relied upon by the DOE in deciding how to clean up an IHSS, Building, or OU?
- Will the document be used to inform or involve the public in the cleanup of IHSSs, Buildings, and OUs at the RFETS?

A document does not need to be specific to an OU to be considered for any remediation value. An example would be a document outlining procedures for protecting endangered species at the RFETS. While this document does not address any particular OU, all proposals for remediation must take the endangered species procedure into consideration.

E-mail may be a potential AR document and appropriate copies should be submitted (either forwarded or printed and delivered) to the Subcontractor ARC for inclusion in the appropriate AR File. E-mail must clearly identify the originator and recipients, including DOE in some capacity, i.e., DOE must be either the originator, recipient, or copied on the electronic transmittal.

Some specific document types that would be included in the AR are discussed below. Documents included in a decision document reference section are required to be included in the project-specific AR File unless otherwise excluded. Appendix 2 includes documents generally excluded from an AR.

In accordance with 40 CFR 300.810, the AR for the selection of a response action may contain the following types of documents:

- Documents containing factual information, data and analysis of the factual information, and data that form a basis for the selection of a response action, such as the following:
 - ⇒ Comprehensive Environmental Analysis and Response Program (CEARP) reports
 - ⇒ Preliminary Assessment (PA) Report (or equivalent)
 - ⇒ Site Investigation (SI) Report

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- ⇒ Historical Release Report (HRR) and updates
 - ⇒ Approval letters of HRR updates
 - ⇒ Operable Unit (OU) Work Plans and Standard Operating Procedures (SOPs) and updates
 - ⇒ Remedial Investigation/Feasibility Study (RI/FS) Work Plan
 - ⇒ RCRA Facility Assessment Report
 - ⇒ Amendments to the Final Work Plan
 - ⇒ RCRA Facility Investigation/Corrective Measure (RFI/CMS) Study Work Plan
 - ⇒ Sampling and Analysis Plan (SAP), consisting of a Quality Assurance Project Plan (QAPjP) and Field Sampling Plan (FSP)
 - ⇒ Validated and verified sampling and analysis data, and unverified data only if used in selecting the response action; Invalidated data are not included.
 - ⇒ Site inspection and evaluation reports
 - ⇒ Data summary sheets (location of Chain of Custody forms may be referenced)
 - ⇒ Decommissioning Characterization Protocols
 - ⇒ Reconnaissance Level Characterization Plan
 - ⇒ Reconnaissance Level Characterization Report
 - ⇒ Lead Regulatory Agency letter concurring Building Type
 - ⇒ Technical and engineering evaluations performed for RFETS
 - ⇒ IHSS/Building/OU-specific health and safety plans
 - ⇒ Documents supporting the lead agency's (DOE, EPA, or CDPHE) determination of imminent and substantial endangerment assessment
 - ⇒ Baseline (or Comprehensive) Risk Assessment Technical Memoranda
 - ⇒ Technical Memoranda
 - ⇒ Documentation of applicable or relevant and appropriate requirements (ARARs)
 - ⇒ Feasibility Study/Corrective Measure Study (FS/CMS) Report
 - ⇒ Remedial Investigations/RCRA Facility Investigations (RI/RFI) Report
 - ⇒ RI/RFI Technical Memoranda
 - ⇒ Data submitted by the public, including potentially responsible parties (PRPs)
 - ⇒ Asbestos Characterization Report
 - ⇒ Asbestos Abatement Plan and notification/submittal letter to the State
 - ⇒ Decommissioning Notification Letter
 - ⇒ RSOP Notification Letter
 - ⇒ Air Pollutant Emission Notification
 - ⇒ Migratory Bird Clearance
 - ⇒ NEPA determination if not included in decision document
 - ⇒ Pre-Demolition Survey Plan
 - ⇒ Pre-Demolition Survey Report
 - ⇒ Approval letter for the Pre-Demolition Survey Report from Lead Regulatory Agency
 - ⇒ Post-Demolition Survey Plan
 - ⇒ Post-Demolition Survey Report

- ⇒ Closeout Report
- ⇒ Approval letters for Closeout Reports from Lead Regulatory Agency
- Documents received, published, or made available to the public for remedial actions or removal plans, such as the following:
 - ⇒ Integrated Public Involvement Plan
 - ⇒ Proposed Plan
 - ⇒ Public notices of AR availability and public comment periods
 - ⇒ Documentation of public meetings
 - ⇒ Public comments
 - ⇒ Transcripts of public meetings
 - ⇒ Responses to significant comments made by the public concerning the selection of a response action (also known as a responsiveness summary)
 - ⇒ Responses to comments made by state or federal agencies
 - ⇒ Community Relations Plan
 - ⇒ Newspaper articles showing general community awareness
 - ⇒ Documents sent to persons on the Community Relations mailing list and date when the document sent
 - ⇒ Community Relations mailing list
- Enforcement documents, if they contain information that was considered or relied on in selecting the response action or show that the public had an opportunity to participate in and comment on the selection of the response action, but not documents solely pertaining to liability.
 - Administrative Orders
 - Consent Decrees
- Other information, such as the following:
 - ⇒ AR File Index
 - ⇒ Documentation of state and/or EPA involvement (e.g., meeting minutes)
 - ⇒ Health assessments
 - ⇒ Natural Resource Trustee notices and responses, findings of fact, final reports, and natural resource damage assessments
 - ⇒ Decision documents rising from dispute resolutions
- Decision documents, such as the following:
 - ⇒ Draft decision documents submitted by DOE to the regulatory agencies for review

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- ⇒ Final decision documents and approval letters from the Lead Regulatory Agency
 - ⇒ Decommissioning Program Plan (DPP)
 - ⇒ Proposed Action Memorandum (PAM)
 - ⇒ Interim Measure/Interim Remedial Action Plan (IM/IRA)
 - ⇒ Decommissioning Operations Plan (DOP)
 - ⇒ RFCA Standard Operating Protocol (RSOP)
 - ⇒ Corrective Action Decisions (CAD)
 - ⇒ Records of Decisions (RODs)
 - ⇒ Responsiveness summaries for Decision Documents
 - ⇒ Modifications for Decision Documents and Approval Letters
 - ⇒ Amended Records of Decision and underlying information
 - ⇒ Explanations of significant differences to RODs
- For CERCLA sites with a history of RCRA activity, any relevant RCRA information that may be considered or relied on in selecting the CERCLA response action.

Appendix 3

EXCLUSIONS TO THE CERCLA AR

There are several categories of documents that are normally excluded from the AR. The only exclusion that involves the Records Sources is the exclusion of documents that are clearly irrelevant to the selection of a response action. All other categories are determined by the AR staff. Documents meeting the definition of an AR document as defined in this procedure are submitted to AR staff in accordance with Section 6.2, Submission of Potential AR Documents.

Documents Generally Excluded from the AR

General

Documents generally excluded from the AR are the documents that do not form a basis for the selection of a response action by the DOE. Such documents include:

- Contractor work assignments
- Draft documents, internal memoranda, and day-to-day notes to staff, unless considered or relied upon by the DOE in making a response selection, or where the draft document is the de facto final document
- Publicly available non-site-specific technical literature
- Publicly available statutes and regulations
- The actual work of remediation, as opposed to the process leading up to the decision on how to remediate a site
- Specific cost documentation as opposed to an evidence of cost effectiveness
- Project Execution Plans (PEP)
- Basis of Interim Operations (BIO)
- Integrated Work Control Packages (IWCPs)

UCNI

Two versions of documents containing UCNI material will be submitted by the Program or Project Manager to the Subcontractor ARC: one document containing the UCNI material and a second document that does not contain the UCNI material but contains a statement identifying the document as such. For example, the document that does not include the UCNI material should include blank page(s), as necessary, and a statement on the appropriate page(s) stating that the page contains UCNI material e.g., "This page has been left blank due to classification issues. Personnel with access to UCNI may

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obtain this information from the Project Manager or the DOE ARC." This copy will be placed in the AR File and the Public Repositories.

The complete document, including UCNI material, must be placed in a separate location within the AR and maintained in accordance with UCNI requirements. The complete document will NOT be placed in the Public Repositories.

Privileged and Confidential Documents

Privileged and confidential documents, relating to attorney-client, attorney work product, executive or confidential business information, or the deliberative process privilege are not included in the AR. The confidential or privileged document itself is placed in the confidential portion of the AR File. All documents contained in the confidential portion of the AR File are listed in the index to the AR File. Documents that may be protected under the deliberative process privilege are those that are predecisional, deliberative communications that express opinions, advice, or recommendations among staff members or from staff to management. The privilege was instituted to promote open and candid communication among parties involved in formulating policy.

Personal Privacy

Information about individuals in personnel, medical, and similar files that would constitute a clearly unwarranted invasion of personal privacy are excluded from the AR File.