



U.S. DEPARTMENT OF
ENERGY



Suspension on Release of Uncontaminated Scrap from DOE Radiological Areas Current Status and Strategies for Management

Presentation to:

EM Site Specific Advisory Board Chairs

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Richard W. Meehan

National Nuclear Security Administration

Office of Nuclear Material Integration



Background

- Moratorium and Suspension policies were instituted in February and January of 2000
- “Moratorium” applies **ONLY** to metals contaminated in volume through activation or melt consolidation.
- Moratorium was to last until NRC published “national consensus standards.”
- “Suspension” policy applies **ONLY** to scrap metal managed in radiological area per the definitions of 10 CFR 835 Occupational Radiation Protection on or after July 13, 2000, regardless of radiological character. Suspension does not apply to items cleared and reused for their intended purpose.
- Suspension policy was to remain until improvements could be made to the radiological clearance process and a NEPA process was undertaken to incorporate public input.
- In 2005, NRC Commissioners declined to move forward with any national consensus rulemaking citing little need by the commercial nuclear industry.
- Policies were not associated with documented incidents or health concerns.

Why?

- Large D&D project at K-25 promised to contribute thousands of tons of scrap released under DOE authorized limits and NRC/Agreement State license criteria.
- Concern that ANY level of residuals would present an exposure concern.
- Lack of consistency of approach to clearance between DOE sites
- Need for documented federal oversight of contractor clearance activities --- “Independent Verification.”
- Public confidence in DOE’s ability to monitor and assure the clearance process.



Impact on Site Operations

- Confusion
 - What materials are covered by the policies?
 - Administrative versus regulatory control.
 - “Good faith effort” to be used to comply with policy.
 - No objective standard to measure compliance.
 - Who decides what constitutes “good faith?”
- Impression that the policies were based on health or environmental impacts and/or had a regulatory basis.
- Stockpile or waste?
 - When would the suspension be resolved?
 - High vs. Low value materials
 - Site budget considerations. Decision to waste would impact site stewardship budgets.
- EFCOG estimate of cost of suspension policy to date \$70M - \$200M



Resolving the Suspension - Actions to Date

- NNSA, SC, NE and EM have evaluated site radiological clearance programs for compliance with performance improvement established by the Secretary.
 - Sites had improved clearance program performance since 2000
 - Reduction of number and extent of controlled areas
 - Better control and documentation of clearance actions
 - Enhanced, documented federal oversight of contractor activities
 - More public engagement and reporting of clearance actions through public meetings and Annual Site Environmental Reports (ASERs)
 - Department wide workshop to promote consistency of approach
- HSS revised DOE Order 5400.5 to 458.1. New order clarified management expectations regarding performance enhancements.
- Action Memorandum proposing strategy to allow modifying suspension policy approved, moratorium policy unaffected.



Strategy for Resolution

- Secretary authorized proceeding with a process that could result in delegation of authority to Undersecretaries to lift the suspension for operating sites that demonstrate implementation of performance improvements in a manner consistent with benchmarks established by consensus during the April 2010 workshop.
- Completion of a NEPA process to solicit and incorporate public input to the potential policy change. Process must conclude with a finding of no significant impact (FONSI).
- For RCRA and CERCLA closure projects, project approval process must incorporate NEPA values and include recycle as a waste management option.
- Action memorandum provided for a headquarters function to provide ongoing advice and assistance to field sites with regard to radiological clearance technical and policy guidance.
 - Radiological Clearance Team would consist of representatives from NNSA, SC, EM, and NE.
 - Team would ensure guidance and advice was consistent across DOE and was fully staffed with internal stakeholder organizations (e.g., HSS, GC)
 - Team would be available to Undersecretaries by request to assess site clearance programs.
 - Team would monitor clearance program performance across DOE and report to senior management on trends, issues, or other concerns that may develop.



Current Status

- Action Memorandum approved September 2011.
- Programmatic Environmental Assessment release for public comment on December 12, 2012.
- Public comment period closed February 11, 2013
 - 22,937 comments received.
 - >96% appear to be computer generated and express a standard set of concerns
 - >99% express concern about the protectiveness of radiological clearance standards
- Final PEA and Comment Response Document undergoing review by senior DOE management.
- FONSI drafted for DOE management consideration.



Closing Thoughts

- Change in suspension policy will re-align DOE with domestic and international commercial practices.
 - DOE clearance standards are consistent with NRC licensee practices and IAEA recommendations to Member States (See: Application of the Concepts of Exclusion, Exemption and Clearance. SAFETY GUIDE No. RS-G-1.7, International Atomic Energy Agency, Vienna, Austria, 2004).
- Continuation of the policy is confusing, costly and provides no tangible benefit to the environment or public health.
- Posting wide areas as controlled for convenience is counterproductive and costly in the long run.
- Public sensitivities need to be considered. As a government agency, DOE is held to a higher standard of public accountability.
- Federal “ownership” of program results is key. The public makes no distinction between federal and contractor employees. Its all DOE to the public.
- DOE HQ must provide guidance and support to the field
- Periodic, third party reviews should be considered to maintain standards of performance.



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Typical Items

