

STATE OF MISSOURI
 DEPARTMENT OF NATURAL RESOURCES

McCarthay, Governor • David A. Shon, Director

DIVISION OF ENVIRONMENTAL QUALITY
 P.O. Box 176 Jefferson City, MO 65102-0176

December 24, 1997

Mr. Stephen McCracken
 Project Manager-WSSRAP
 7295 Highway 94 South
 St. Charles, Missouri 63304

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

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To <i>F. Costello</i>	From <i>B. Jorgensen</i>
Dept./Agency <i>RI</i>	Phone # <i>636-829-9615</i>
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NSN 7540-01 317 7368 5099-101 GENERAL SERVICES ADMINISTRATION

RE: Weldon Spring Contaminated Metal Project

Dear Mr. McCracken:

Although this office has not received any written request or formal plans regarding the intentions of the Department of Energy (DOE), or its contractor Teledyne Brown Engineering (TBE), to recycle scrap metal at the Weldon Spring Site (WSSRAP), we have been involved with several informal discussions and received some related documents. At this time we have not been provided with enough detail or responses to our questions to support the planned effort.

Recycling and reuse are goals shared by the Missouri Department of Natural Resources, as well as the Department of Energy, to minimize the waste being placed in any disposal cell. However, when plans to release material for unrestricted use from a Superfund site known to be contaminated with hazardous and radioactive materials is contemplated without providing all the necessary information, we become concerned.

In order for us to evaluate your plan and support it, the following concerns or information must be adequately addressed:

1. How do the release levels equate to dose and concentration levels for the isotopes of concern? Since DOE is proposing to use the release limits of DOE Order 5400.5, "Radiation Protection of the Public and the Environment", why isn't the ALARA evaluation required by the Order performed for the proposed release of radioactive material to TBE? "The activity levels given in the Surface Activity Guidelines table should not be treated as existing authorized limits until ALARA process requirements have been fulfilled." DOE Standard, "Draft Handbook for Controlling Release for Reuse or Recycling of Non-Real Property Containing Residual Radioactive Material", DOE-HDBK-xxx-97, June 1997, at page 7, emphasis in original. Refer, also, to DOE guidance for reuse of office

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furniture (*Ibid.*, Example E2.7) and recycling of structural steel (*Ibid.*, Example E2.8).

2. TBE's "Safe Work Plan," dated December 1997, Section 9.1, describes the "applicable release limits" for unrestricted release of contaminated material and states, "The contaminants of concern are U²³⁸, Th²³², and Th²³⁰." The building's characterization report referenced by TBE identified U²³⁴, Th²²⁸, Ra²²⁸, and Ra²²⁶ as contaminants. Why shouldn't DOE require TBE to also identify these radionuclides and provide applicable release limits? Why wouldn't the "Sum of Ratios" determination apply? Will the material meet the Environmental Protection Agency's "any use" dose of 15 mrem? MDNR supports a release or cleanup that would meet a 10⁻⁶ excess risk to cancer. What release guidelines and monitoring will be provided for hazardous chemical contaminants? Please provide a risk assessment or the estimated dose exposure to the public at the "average" and "worst case" release limits.
3. We reiterate our request for a copy of TBE's "Survey and Monitoring Plan" (also referred to in the Safe Work Plan as the "Survey and Release Plan") and the "Radiological Control Plan." We may have additional comments after we have reviewed these documents. We understand that a "statistical" approach will be used to determine whether the material meets the applicable release limits. Has DOE reviewed this approach? If a review has been made, will DOE provide oversight during the contractor's operation to assure compliance? Will spot check surveys be performed by DOE? How will confirmation of the individual isotopes be achieved?
4. DOE has stated that TBE will perform no decontamination of material on site and no material exceeding the unrestricted release limits will leave the WSSRAP site. However, TBE's Safe Work Plan at Section 9.3.2.7 states, "Metal determined to be contaminated may be decontaminated in order to be released as clean." TBE, however, expects to perform no other decontamination activities other than shearing of contaminated metal from clean metal. Please clarify the extent of decontamination activities which DOE will permit TBE to perform.
5. As we understand, the Material Storage Area (MSA) will be leased by TBE. It appears that the responsibility for this area during the life of the lease will fall under the NRC authority. In its "Safe Work Plan" TBE states, "The radiological control and pertinent issues in the MSA will be transferred from the DOE to the NRC for the duration of this work plan." What is the nature and scope of this "transfer." How can DOE relinquish its authority and CERCLA responsibilities to

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another party? What Memoranda of Understanding or other agreements between DOE and NRC provide for this transfer? What steps has DOE taken to coordinate site access requirements and site activities with NRC inspection activities? Does this lease or action need approval from EPA? Who is responsible if a release occurs from the lease area? What is the formal relationship between DOE and TBE? Please provide a copy of the contract between DOE and TBE.

6. State regulation, 10 CSR 80-3(3) excludes radioactively contaminated material from licensed landfills within the state of Missouri. What steps have DOE and TBE taken to assure none of the released material is disposed in Missouri licensed landfills?
7. We understand that this action has been presented to the Weldon Spring Citizens Commission. How or will this action be presented to the general public? Will the general public have an opportunity to comment?

We reiterate this office wants to be in a position to support recycling. However, we must satisfy our concerns that adequate safeguards are in place to protect human health and the environment. We must also be able to answer any questions posed to us by the public regarding your proposed recycling plan. Without additional information, we cannot provide formal support for the actions you have proposed.

Sincerely,

HAZARDOUS WASTE PROGRAM



Cindy S. Kemper
Director

CSK:lee

c: Dan Wall, EPA-Region VII
U.S. Nuclear Regulatory Commission, Regions I & III