

OFFICE OF THE SECRETARY
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AUTHOR: BILL RICHARDSON

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AFFILIATION: DOE

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ADDRESSEE:

G19990634

SUBJECT: DOE RESPONSE TO DINGELL'S LTR ON ISSUES RAISED TO THE NRC RE THE
AUTHORITY OF THE STATE OF TN TO LIC THE PRO RELEAASES OF
DECONTAMINATION NICKEL FM THE MANUFACTURING SCIENCES CORP FAC...

ACTION: Appropriate

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The Secretary of Energy

Washington, DC 20585

August 9, 2000

The Honorable John D. Dingell
Ranking Minority Member
Committee on Commerce
U.S. House of Representatives
Washington, DC 20515-6115

Dear Representative Dingell:

This is in response to your letter on the issues raised to the Nuclear Regulatory Commission (NRC) regarding the authority of the State of Tennessee to license the proposed releases of decontamination nickel from the Manufacturing Sciences Corporation facility in Oak Ridge, Tennessee. We have no comments on the relative jurisdictional authorities between the NRC and the State of Tennessee as an NRC Agreement State. Those issues are more appropriately addressed by the Commission and the State of Tennessee.

However, I have taken several actions to address your concerns on the issue of recycling. I have blocked the commercial releases of the nickel from the Department's gaseous diffusion decommissioning and recycling project in Oak Ridge, Tennessee. This is part of a Department-wide moratorium on the release of all volumetrically contaminated metals pending an NRC decision on whether to develop national release standards. I am enclosing a copy of my January 12, 2000, press release and a copy of my February 14, 2000, memorandum to further explain our actions.

Further, on July 13, 2000, I suspended the release of scrap metals for recycling from radiation areas at the Department of Energy's nuclear facilities. The suspension will remain in effect until the Department establishes, by December 31, 2000, new release to ensure that such materials contain no detectable contamination from departmental activities and our sites can confirm that they meet this new, more rigorous standard. I have enclosed a copy of a memorandum that describes the suspension and related activities.

I have also directed several other changes to current policy. Changes will be made to the Department's record keeping and reporting requirements. Internal reuse and recycling will be promoted, including preparation of a feasibility study on the potential use of a dedicated mill to recycle steel for reuse within the Department. Finally, we are accelerating our program to recover unwanted commercial radioactive sealed sources.



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If you have further questions, please contact me or have your staff contact Mr. John C. Angell, Assistant Secretary for Congressional and Intergovernmental Affairs, at (202) 586-5450.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Bill Richardson", with a long horizontal flourish extending to the right.

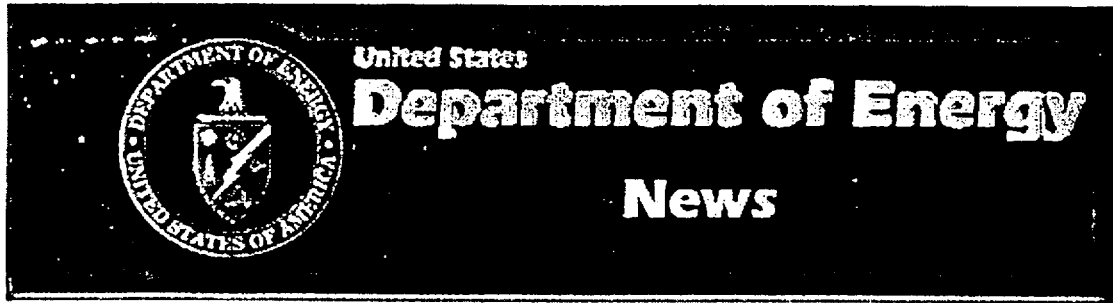
Bill Richardson

3 Enclosures

cc: The Honorable Richard A. Meserve
Chairman, Nuclear Regulatory Commission

Mr. Milton H. Hamilton, Jr.
Commissioner, Tennessee Department of Environment
and Conservation

Privacy & Security Notices



FOR IMMEDIATE RELEASE
January 12, 2000

NEWS MEDIA CONTACT:
Stu Nagurka, 202/586-4940

Energy Secretary Richardson Blocks Nickel Recycling at Oak Ridge

Secretary Supports NRC Establishment of National Standards

Energy Secretary Bill Richardson announced today that he is blocking the release into commerce of volumetrically contaminated nickel from Department of Energy (DOE) facilities in Oak Ridge, Tennessee. The action will allow time for the evaluation of alternatives by DOE and for the Nuclear Regulatory Commission (NRC) to make a decision on national treatment standards. The Secretary also is directing expansion of the decision into a new, department-wide policy that would prevent the release of all volumetrically contaminated metals pending the NRC's decision and DOE's determination whether to release any such metals.

"The department will modify its contract with British Nuclear Fuel Inc. (BNFL) to prohibit release of the Oak Ridge nickel into the marketplace," said Secretary Richardson. "We are also establishing a new policy prohibiting the release of all volumetrically contaminated metals at other DOE facilities. This will give the Nuclear Regulatory Commission time to develop national standards for volumetrically contaminated materials, and allow the public an opportunity to weigh in on the development of a national policy. It also will allow DOE to examine alternatives to free release."

Volumetrically contaminated means contamination is present throughout the mass of the metal. While this decision covers some 6,000 tons of contaminated nickel at Oak Ridge, the new national policy will impact approximately 10,000 tons of additional volumetrically contaminated metal at DOE sites.

BNFL, a DOE contractor, is in the process of cleaning up several buildings at the former Oak Ridge uranium enrichment plant, and is removing equipment containing large amounts of nickel. Under the original contract, BNFL had the option of melting and decontaminating the nickel before releasing the material under a State of Tennessee license.

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Updated: 01/12/00




The Secretary of Energy

Washington, DC 20585

July 13, 2000

MEMORANDUM FOR HEADS OF DEPARTMENTAL ELEMENTS

FROM: BILL RICHARDSON 
SUBJECT: Release of Surplus and Scrap Materials

The Department of Energy's (DOE) management of surplus and scrap materials has evolved over many years. Effective management of these materials has become more complicated over the past decade because the Department has begun generating them in larger quantities as it closes many facilities and expands its environmental management activities. Moreover, since much of this material was once used in nuclear operations, our management of it must continue to take into account safety and security issues, but we also want to address recently voiced public concerns that are not faced by most other Federal Agencies or by private industry.

For several months, we have been actively reviewing ways to improve our management of materials which might be released from departmental control. My goal has been to identify ways to better ensure protection of public health and the environment, openness and public trust, and fiscal responsibility.

I thank the Reuse and Recycling Task Force I established last winter for their contribution to the Department's review. While the work of the task force is now complete, many of its members will be involved over the coming months further developing and implementing changes to our policies and procedures.

On January 12, 2000, I placed a moratorium on the Department's release of volumetrically contaminated metals pending a decision by the Nuclear Regulatory Commission (NRC) whether to establish national standards. The NRC continues to review the issue, and the moratorium remains in effect.

Today, I am hereby directing further action in four areas: improvement of the Department's release criteria and monitoring practices; expansion of efforts to promote reuse and recycling within the complex of DOE facilities; improvement of the Department's management of information about material inventories and releases; and the accelerated recovery of sealed sources. Also, I am suspending the unrestricted release for recycling of scrap metals from radiation areas within DOE facilities. This suspension will remain in effect until improvements in our release criteria and information management have been developed and implemented as described below.



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Our existing release criteria, described in DOE Order 5400.5, limit the potential for radiation exposure to the public to levels well below applicable requirements. Our experience using these criteria, however, demonstrates that even this very low potential exposure is not fully acceptable to the public. Our experience with existing criteria also shows that most scrap metal released is either not contaminated at all or has residual levels of surface contamination well below the current DOE standard.

Henceforth, the Department will not allow the release of scrap metals for recycling if contamination from DOE operations is detected using appropriate, commercially available monitoring equipment and approved procedures. To implement this decision, I am directing the Assistant Secretary for Environment, Safety and Health, with appropriate resource support, to revise DOE directives and associated guidance documents applicable to scrap metal releases through a public process, as described below, by December 31, 2000.

The Department will publish proposed changes to DOE directives and guidance for at least sixty days of public review and comment. The changes will describe conditions whereby the Department uses appropriate, commercially available technology and the most appropriate monitoring and decontamination procedures to ensure that no detectable contamination from DOE operations remains on any scrap metal released into commerce for recycling from any portion of our facilities. The revised DOE directive will establish a review cycle to develop future updates to guidance consistent with lessons learned, advances in monitoring or decontamination technology and procedures, and new information such as any future rulemaking activity by the NRC.

Changes will also be made to DOE's requirements and guidance to improve the collection, maintenance, and reporting of information associated with releases of surplus equipment, scrap metals, and other excess personal property. We need better records on inventories of these materials; contamination, security, and other concerns associated with them; and the basis for decisions authorizing their release. This information needs to be maintained in a way that makes it easily accessible to the public (consistent with classification and other security requirements) and readily available to meet the needs of project and program managers.

Once the revised directives and guidance are in place, the Department will require each DOE site to have local public participation before the site may resume the unrestricted release for recycling of scrap metals from radiation areas. These public participation requirements must address each of the above mentioned elements associated with release criteria and information management. In addition, the Department will require individual sites to certify, through the responsible Program Secretarial Officer (PSO), that they have met all requirements of the revised order before the release of scrap metal from radiation areas for recycling can resume. In addition, each affected PSO will implement an

independent verification program to ensure that site activities continue to comply with the new requirements.

While updated release criteria and record keeping procedures are being developed and implemented, the Department will undertake several activities to promote internal reuse and recycling. All DOE programs and sites should expand their efforts to reuse and recycle materials within the Department. I direct the Assistant Secretary for Energy Efficiency and Renewable Energy to lead completion of a feasibility study on the potential use of a dedicated mill to recycle steel for reuse within the DOE complex. The study is to be completed within ninety days, after which I will receive the study's recommendations and determine if the Department will pursue the project further. Also, I direct the Chief Financial Officer to develop a set of proposed actions that will institutionalize incentives for internal reuse and recycling when such activities are cost-effective and protective of workers, the public, and the environment. The Chief Financial Officer will forward these recommended actions to me within 120 days for approval.

Finally, I direct the Assistant Secretary for Environmental Management to accelerate the Department's program to recover radioactive sources. The goal should be to recover over the next four years the backlog of commercial sources for which the Department has authority.



The Secretary of Energy
Washington, DC 20585

February 14, 2000

MEMORANDUM FOR HEADS OF ALL DEPARTMENTAL ELEMENTS

FROM: BILL RICHARDSON *Bill Richardson*
SUBJECT: Release of Materials for Re-use and Recycle

I am hereby directing actions to improve the management of materials which might be released from Department facilities for re-use or recycling. These actions are intended to better ensure protection of public health and the environment, openness and public trust, and fiscal responsibility.

First, pursuant to my decision on January 12, 2000, the Department will continue its moratorium on the release of volumetrically contaminated metals. Volumetrically contaminated metals are those which have radioactive contaminants distributed throughout their mass. This moratorium will remain in effect at least until the Nuclear Regulatory Commission (NRC) makes a decision regarding whether to proceed with a rulemaking which would set national standards for the release of solid materials (see 64 FR 35090). If the NRC determines to proceed with its rulemaking process, the moratorium will continue throughout that process, and the Department will support the NRC's efforts. I will encourage the NRC to move expeditiously to establish national standards because such standards are in the best interest of the Department and the Nation.

Second, I have established a Re-use and Recycling Task Force, co-chaired by Brian Costner, my Senior Policy Advisor for Environment, Safety and Health (6-8567), and Steve Cary, Senior Technical Advisor for the Office of Environment, Safety and Health (6-0264), which will conduct a review of Department policies regarding the release of all materials for re-use and recycling. This task force will recommend to me this summer ways the Department can better meet the objectives I have outlined above. The task force will operate in an open manner so that concerned citizens and government and industry officials can follow its work and provide input directly to the task force.

Each affected Program Secretarial Officer (see attached list) and the General Counsel should designate one, permanent member to the Re-use and Recycling Task Force. The scope of the task force does not include nuclear materials being managed by the Office of Fissile Materials Disposition, radioisotopes sold for commercial or research purposes, or waste disposal.

Thank you in advance for actively supporting the work of this important task force.

Attachment



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