

From: CBGHirsch@aol.com [<mailto:CBGHirsch@aol.com>]
Sent: Monday, April 09, 2007 4:58 PM
To: Energy Technology Engineering Center
Subject: comments on 4024 EECA

Please find attached comments by the City Attorney of LA, Committee to Bridge the Gap, and the Natural Resources Defense Council on the EE/CA for Bldg 4024 at SSFL.

CITY ATTORNEY OF LOS ANGELES
COMMITTEE TO BRIDGE THE GAP
NATURAL RESOURCES DEFENSE COUNCIL

9 April 2007

US Department of Energy
c/o The Boeing Company
5800 Woolsey Canyon Road
Canoga Park, CA 91304-1148

by email to: etec@doeal.gov

RE: Comments on Building 4024 EE/CA

To the Department of Energy:

We write regarding the Building 4024 Decommissioning and Decontamination Engineering Evaluation/Cost Analysis (EE/CA). We are concerned by a number of matters in the EE/CA, particularly:

1. The EE/CA would set cleanup levels as much as ten thousand times more lax than CERCLA guidelines and public health protections would normally permit. It does so by two proposals:
 - a. The EE/CA uses the wrong land use assumption in setting the “contaminant levels of concern” for cleanup. The site is zoned RA-5 (rural agricultural-5 acre plots), and land use consistent with that designation occurs close to the site. When several potential land uses are feasible, CERCLA guidance requires the use of the reasonably foreseeable land use that would result in the greatest degree of cleanup, and current zoning is one of the factors that is to be used in determining prospective land use. However, despite saying it intends the land to be released for *unrestricted* use, DOE has chosen for calculating cleanup standards to assume the land is restricted to suburban residential use, which would allow contaminant levels two orders of magnitude higher than the rural residential land use assumption that should be employed.
 - b. The EE/CA sets as its cleanup objectives risk levels anywhere in the 10^{-4} to 10^{-6} risk range, based on the land use assumption discussed above. However, CERCLA requires an objective of getting as close to 10^{-6} as feasible, falling back only the minimum necessary. By setting 10^{-4} as a *de facto* cleanup objective, DOE is permitting another factor of up to two orders of magnitude relaxation of standards. Risks as high as 10^{-2} could thus result from these two problems

combined. Furthermore, CERCLA requires the consideration of the CERCLA balancing criteria for any decision to fall back from 10^{-6} , and the EE/CA instead permits 10^{-4} without any justification by the balancing criteria.

2. The actual numeric cleanup levels to be employed are nowhere to be found in the EE/CA. Instead, in violation of CERCLA and NEPA, the cleanup levels are to be specified after the close of the comment period on the EE/CA. The EE/CA merely states that the cleanup levels will be decided, at some unspecified time in the future, on the basis of a “risk management decision.” Who will make that decision, and on what basis, is not disclosed. All that is clear is that it will occur at a time when the public has no input.

3. The EE/CA proposes to ship radioactively contaminated wastes from the cleanup to the Kettleman Hills landfill, a site neither licensed nor designed for radioactive wastes. No environmental analysis is presented as to the environmental impacts of such an action.

4. In the 1990s, the AREA IV radiological site characterization performed for DOE by Rocketdyne was found by EPA to be severely flawed and unreliable. DOE agreed to have EPA perform an extensive, defensible site characterization, but subsequently reversed this commitment. The EE/CA proposes cleanup of the 4024 without any such independent characterization prior to cleanup (i.e., no credible method of determining where the radioactive contamination is that needs being cleaned up). The protocols for the post-remediation sampling are also excluded from the public for input.

5. The EE/CA proposes to release the site for unrestricted use. We continue to believe that under the totality of the circumstances, with inadequate characterization and non-protective cleanup standards, that is ill-advised.

6. “A hard look at alternatives” is at the heart of environmental analysis. However, the EE/CA proposes only two alternatives – the seriously inadequate cleanup standards and methods put forward, and doing nothing. No other alternatives – e.g., the EPA site survey, cleanup standards based on rural residential land use, cleanup objectives that aim as close to 10^{-6} as feasible, disposal of all radioactively contaminated wastes in a licensed radioactive waste disposal facility – are considered.

7. There is no serious consideration of cumulative impacts. The EE/CA continues DOE’s practice with regards SSFL of artificially segmenting the cleanup.

We respectfully suggest DOE withdraw its EE/CA and commence cleanup of the full site consistent with the 1995 DOE-EPA Joint Policy and its obligations under the environmental laws and regulations of the nation.

Sincerely,

Daniel Hirsch
President
Committee to Bridge the Gap

Dr. Thomas B. Cochran
Director, Nuclear Program
Natural Resources Defense
Council

City of Los Angeles
Office of the City Attorney
Mary J. Decker
Deputy City Attorney