



The Secretary of Energy
Washington, DC 20585

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MEMORANDUM FOR HEADS OF DEPARTMENT ELEMENTS

FROM: BILL RICHARDSON *Bill Richardson*

SUBJECT: Managing the Release of Surplus and Scrap Materials

Over the last year, the Department has grappled with how to improve its management and release of surplus and scrap material. Our reviews have not identified any evidence that the public might be harmed by releases from our sites, but we have determined that there is a need to improve radiation monitoring, independent verification, and record keeping and reporting. We must also better engage the public in our decision making and help them better understand our release practices.

There is clearly expressed public concern and interest regarding the procedures and requirements under which materials leave our sites for recycling, reuse, or other disposition. I have taken steps to address these concerns while we improve our release policies and procedures. Last January, I placed a moratorium on the unrestricted release of volumetrically contaminated metals pending a decision by the Nuclear Regulatory Commission whether to establish national standards. In July, I suspended the unrestricted release for recycling of all metals from radiation areas within Department of Energy (DOE) facilities until improvements in release criteria and related information management have been implemented. Both these prohibitions remain in effect.

The Department has, over the last several months, been developing procedures which, when implemented, would allow unrestricted releases for recycling of metals without detectable radioactive contamination. Internal and public comments on these proposed changes raised significant and substantive issues. Consequently, additional deliberation is necessary, and the new requirements are not complete.

Moreover, in light of these comments, I have determined that the Department should prepare an environmental impact statement (EIS). This will allow an open, healthy discussion of the broadest range of concerns associated with the unrestricted release of materials from our sites. The Office of Environmental Management, in coordination with other Departmental elements, should prepare a Notice of Intent to begin this EIS, to be published within 60 days.



Finally, I am forwarding the guidance below to help our sites improve their monitoring and release practices. These steps are consistent with existing provisions of DOE Order 5400.5 and should be incorporated into your existing release programs.

1) Clearly define areas and activities that can potentially contaminate property: I want to emphasize the importance of evaluating activities and areas for potential radiological contamination before property is released from them. DOE has both the authority and responsibility for regulating the radiological release of property under our radiological control. It is necessary that we establish and document clear process-knowledge-based procedures for those releases that have no potential to violate our radiological protection requirements. In addition, there should be opportunity for public participation in establishing and implementing these procedures.

2) Clearly define release criteria, including measurement and survey protocols, for property released from areas or activities that have potential to contaminate: Property that cannot be certified for release through process knowledge procedures must be reviewed using our authorized limit-based release procedures consistent with existing DOE Order 5400.5 requirements and associated guidance, as well as the prohibitions mentioned above. All such property must be appropriately surveyed, and its compliance with DOE-approved authorized limits **confirmed**.

Authorized limits you approve must be well documented. The documentation should address the rationale for selecting them (including as low as reasonably achievable, **ALARA**, considerations), the scope of their applicability, and measurement procedures and protocols for demonstrating compliance. Such documentation is necessary even if the surface activity guidelines from DOE Order 5400.5 or the Office of Environment, Safety and Health's (EH) November 17, 1995 guidance is being used. A complete understanding of the limits is needed to ensure that contractors understand the requirements and for DOE to **fulfill its regulatory** responsibility when evaluating contractor performance. It will also help in ensuring that our process to clear materials for release is open to public scrutiny. The approval process for authorized limits should be implemented consistent with the requirements of DOE Order 5400.5 and the EH guidance.

3) Ensuring that released property meets DOE requirements: As I have stated, DOE has both the authority and responsibility for regulating the radiological release of property under our radiological control. Line management, in particular the Field Offices, have the responsibility to ensure that contractors and DOE personnel comply with DOE requirements. As such, I encourage line management to internally review their property release and control systems to ensure they are compliant with DOE directives. It should be clear that DOE contractors or DOE elements are responsible for conducting final surveys and the preparation of documentation to demonstrate that property releases meet DOE requirements. In addition, DOE field offices, working with their lead program office should establish independent verification programs to further confirm that survey and evaluation processes are in place, being appropriately implemented and that property released from DOE radiological control meets authorized limits. The level and scope of the verification effort should be commensurate with the potential for contamination, as well as the complexity and hazard, and it should appropriately address real and personal property releases. If DOE personnel responsible for independent verification use contractors, the contractors must be independent of the operating contractor managing the property or responsible for the release survey or decontamination of the property.

4) Better inform and involve the public and improve DOE reporting on releases: All DOE sites are already responsible for having and implementing public involvement and communications programs. Field Office Managers should incorporate information on property control and release programs including information on **authorized limits, certification** and verification survey programs, and process **knowledge** decisions into site public involvement and communications programs. Site release policies and protocols shall be coordinated with the public, and public input considered in DOE's development and approval of site release programs. Responsible field offices must make the documentation on releases available to the public and those receiving the property.

In addition, field offices should report annually on their release programs. The Office of Management and Administration should work with EH and the program offices to develop a system that will allow headquarters to track releases by category. DOE Order 5400.5 and DOE M 43 1.1 already require annual site environmental reports to contain information on DOE releases of radioactive material and potential doses to the public. Therefore, I am directing Field Office Managers to ensure that they include information on the authorized limits being used at their facilities, and surveys and independent verification program results, in the site's annual **environmental** reports.