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April 5, 2002

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Re: CCNS v. DOE, (D.N.M.94-1039M)

Gentlemen:

As you are aware, Sections 6.1 and 6.2 of the Concerned Citizens for Nuclear Safety (CCNS) v. U.S. Department of Energy (DOE) (D.N.M. 94-1039M) Consent Decree expired on March 25, 2002. Section 6.2 applies to the radiation monitoring program using Thermal Luminescent Dosimeters (TLDs) at Los Alamos National Laboratory (LANL).

On March 14, 2002, Mike McNaughton sent a letter to CCNS suggesting that, based on the supporting document "Siting of Environmental Direct-Penetrating-Radiation Dosimeters," LA-UR-00-1168, LANL would remove a number of TLDs from Technical Areas 15, 16, and 50. CCNS responded and expressed its concern about the removal of these TLDs and the problems it found with the "Siting" document.

While the "Siting" document purports otherwise, CCNS found that several of the locations listed in the report do in fact meet the criteria for TLD locations. CCNS scheduled a meeting to talk with Mr. McNaughton on April 1, 2002 and specifically asked him not to remove any TLDs until we had met to discuss CCNS's concerns. I also requested a copy of several documents referred to in the "Siting" document. Only one of the requested documents was provided at the April 1 meeting.

On April 1, 2002, Dr. Robert Weeks, of the New Mexico Environment Department DOE Oversight Bureau, and I met with Mr. McNaughton. In the spirit of the informal cooperative process developed during the second Clean Air Act audit, CCNS did not write up our concerns. However, in light of Mr. McNaughton's unilateral action CCNS now

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finds it necessary to formally present its comments on the "Siting" document, which comments are attached to this letter.

The April 1 meeting discussed CCNS's concerns about the "Siting" document, including the improper use of the inverse square rule for contamination from non-point sources, such as the material disposal areas and the lagoons and ponds at Technical Area 53 (TA-53). CCNS also expressed the following three concerns with regard to the removal of the TLDs:

1. The National Nuclear Security Administration (NNSA) has directed DOE/LANL to carry out NNSA's national security mission. That mission includes "maintaining core intellectual and technical competencies in nuclear weapons and a safe, and reliable, national nuclear weapons stockpile." Predecisional Draft, Environmental Assessment for the Proposed TA-16 Engineering Complex Refurbishment and Consolidation at LANL, DOE/EA-1407, p. 1.
2. In respond to NNSA's mission, DOE/LANL will be hiring 1,000 workers; 600 new workers and 400 replacements. These workers will be radiation and non-radiation workers.
3. The President's Fiscal Year 2003 proposed budget cuts the DOE/LANL Environmental Restoration budget by 35%. (FY02 Appropriation \$74.52 million; FY03 Request \$48.42 million.)

Taken together, these activities will create new emissions, while less cleanup and monitoring of the old waste sites will be done. It is unknown when the contaminated sites will be remediated.

Although TLDs do not measure radioactive contamination as accurately as soil sampling techniques, they can detect DPR emissions from contaminated sites. Mr. McNaughton reported on Monday that the TLDs cost about \$200 annually to deploy and analyze. This cost seems nominal when compared to the public concerns that will be caused by diminished monitoring for contaminants at LANL at the same time that program activities are enhanced.

We also discussed whether the Community Radiation Monitoring Group could allocate monies for additional TLD deployment at and surrounding LANL. Mr. McNaughton said he would check into it.

Moreover, we are in a drought and these dry conditions, accompanied by winds, may erode the covers on the material disposal areas and other sites where contaminated materials were disposed. The inventories of these sites are unknown or somewhat unknown, as CCNS learned with the MDA H Focus Group. Furthermore, the accelerator at TA-53 is scheduled to restart operations in May 2002, which previously contributed over 90% of the off-site dose.

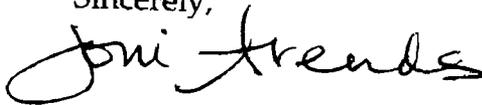
CCNS suggested that a management decision should be made about whether the TLDs should remain at the existing waste locations where DPR emissions are of concern. CCNS and Dr. Weeks understood at the conclusion of our April 1 meeting that we would continue to discuss these issues on Monday, April 8.

On Tuesday, April 2 CCNS discovered that 14 of the 16 TLDs had been removed from locations surrounding TA-50 by Mr. McNaughton's unilateral action prior to our scheduled meeting on the subject.

CCNS would appreciate your attendance, or the attendance of the appropriate person, at the Monday, April 8, 2002 meeting at 1p.m. at ESH-17 so that we can discuss the removal of TLDs from LANL sites. We hope that DOE/LANL will be prepared to explain the urgency it has displayed in removing radiation monitors, and thereby diminishing public protective measures, prior to completion of any adequate consultation with the public.

CCNS would appreciate receiving a copy of the draft 10 CFR 834 "Radiation Protection of the Public and the Environment," 58 Fed. Reg. 56, dated March 25, 1993, along with a copy of the manufacturer's specifications and operating information for the TLDs currently in use at LANL.

Sincerely,



Joni Arends
Waste Programs Director

Enclosure: CCNS Comments - April 5, 2002, "Siting of Environmental Direct-Penetrating-Radiation Dosimeters," LA-UR-00-1168.

cc: Michael McNaughton, ESH-17 by fax to (505) 665-8858
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CCNS Comments - April 5, 2002
"Siting of Environmental Direct-Penetrating-Radiation Dosimeters,"
LA-UR-00-1168

CCNS makes the following comments on the "Siting of Environmental Direct-Penetrating-Radiation Dosimeters" report, LA-UR-00-1168. One of CCNS's main issues with the document is the improper use of the inverse square rule for contamination from non-point radiological sources, such as the material disposal areas and the lagoons and ponds at Technical Area 53 (TA-53).

3.II.A. Criteria for Establishing Direct Penetrating Radiation (DPR) Locations, Evaluate/Quantify DPR exposure from unplanned events, Monitor Population Centers. CCNS is concerned that the nearby population centers are not monitored equally with TLDs. For example, Santa Fe is monitored, whereas Cochiti Pueblo is not, even though Santa Fe is further from LANL than Cochiti Pueblo. Site-Wide Environmental Impact Statement for Continued Operation of the Los Alamos National Laboratory (LANL), DOE/EIS-0238, p. 4-150.

CCNS suggests that a TLD be installed in El Dorado for unplanned release events at LANL.

4.II.A. Identification of Monitoring Locations. CCNS asks for a re-evaluation of the population centers. See 3.II.A. above.

4.II.C. CCNS requests to review the site boundary DPR monitors by using the 16-section overhead slide.

CCNS would appreciate knowing the schedule for placing a new TLD at TA-49.

4.IV. The number needs to be corrected to 4.III, and so on.

Table, p. 6. CCNS questions why there are not columns for criteria V and VI. CCNS questions what it means that the stations are "too far from LANL."

Additional Comments, p. 10. CCNS questions the reasoning for not monitoring the population center at Pojoaque.

CCNS requests the opportunity to participate in the reconsideration of TLDS at TAs 15, 35, 36, 49, 50 and 53.

CCNS is concerned about Locations L254 (TA-21) and L361 (MDA V) due to the decommissioning and decontamination (D & D) work scheduled for TA-21 and Environmental Management budget cuts. CCNS requests to participate in any location changes.

5.I.c and d. Discussion of Criteria, Monitoring sites with the potential for 5 mrem/y at the boundary, Sources of DPR, and Distance. CCNS will review the documents referred to in this section before commenting on this section.

II. Unplanned events. Again, CCNS questions the TLD locations for the population centers surrounding LANL.

V.a. Other reasons, Radiation and Contamination. CCNS will comment on this section after review by our Clean Air Act Audit consultants.

V.b. Other reasons, Waste Disposal Areas. Gamma is released through plants. CCNS questions why DPR monitoring is not done on plants found at the radioactive waste burial sites.

CCNS questions, with existing and future cuts to the Environmental Restoration Program, why DPR monitoring should be discontinued at A, AB, B, C, E, F, U, V, W and X. Granted, DPR monitoring is not as effective as actual soil sampling and analysis. Yet, if there is limited or no funding available for monitoring of these sites, inexpensive TLDs are preferable.

6. LANL TAs. CCNS suggests listing the nuclear hazard category for the TAs.

TA-2 (Omega West). CCNS questions the statement that no DPR monitoring is required at TA-2, especially because D & D work of the reactor will begin very soon. In fact, additional monitoring should be done during the D & D work.

TA-3 (South Mesa Core Area). How is ESH-17 notified that the Ion-Beam Facility (TA-3-16) will be operating?

TA-8 (Anchor West). CCNS discussed with ESH-17 personnel the possibility of adding additional TLDs along the exercise path. What is the status?

TA-15 (R Site). CCNS has concerns about the removal of TLDs from this site, especially with the new construction projects planned for TA-16.

TA-16 (S Site). CCNS has concerns about the removal of TLDs from this site, especially with the new construction projects planned for it. CCNS requests additional review for unplanned release events at this site.

TA-18 (Pajarito Lab). NNSA has placed additional stockpile stewardship responsibilities on DOE/LANL. CCNS questions whether additional DPR monitors should be placed at this facility.

TA-21 (DP Site). CCNS questions whether additional DPR monitors should be placed around this facility due to the planned D & D work at this facility and TA-2.

TA-33 (HP Site). CCNS understood that the AIRNET station at this site was going to be moved to the front gate. What is the status? Until TA-33 is reclassified to a nonhazardous category facility, DPR monitors should remain.

TA-35 (Ten Site). The installation of the permeable reactive barrier in Mortandad Canyon may stir up contaminants. CCNS requests to participate in any changes to the DPR monitors at this site.

TA-36 (Kappa Site). The TA-3 calibration source was moved to TA-36. What is the status of DPR monitoring at this site?

TA-39 (Ancho Canyon). CCNS questions the reasoning in this section. In several instances the road is closer to the DPR emitting sites than the front gate. This site needs to be reevaluated and appropriate DPR monitors installed along the public roadways.

TA-43 (HRL). What is the status of installing a new AIRNET station near the southwest corner of this site? If it has been installed, is there a TLD? What number has been assigned to it?

TA-48 (Radiochemistry). What is the status of installing a new AIRNET station between TA-48-1 and Pajarito Road? If it has been installed, is there a TLD? What number has been assigned to it?

TA-49 (Frijoles Mesa). CCNS requests the opportunity to participate in the reevaluation of the TLDs at this site.

TA-50 (Radioactive Liquid Waste Treatment Facility (RLWTF)). CCNS strongly objects to the removal of 14 TLDs monitoring this facility. TA-50 is a category-2 nuclear facility that currently discharges 20,000 gallons a day into Mortandad Canyon. DOE/LANL has new NNSA national security responsibilities that will create new wastes and emissions. The RLWTF does not have approved Waste Acceptance Criteria, although they are working on it. In the meantime, new wastes may be sent to the RLWTF that may cause the reported annual dose to increase. Environmental Surveillance at LANL during 2000, p. 152-53.

TA-53 (LANSCE). CCNS has had discussions with ESH-17 about moving the location of the TLDs around the accelerator, ponds and lagoons. ESH-17:00-013, 030. These issues have not been resolved. CCNS understands that D & D work will begin soon around the lagoons. Adequate DPR monitoring must be done.

TA-54 (Solid Waste). CCNS requests the opportunity to participate in the reevaluation of the TLDs at this site.

TA-55 (Plutonium Facility). Location 40 has been discontinued. Environmental Surveillance at LANL during 2000, p. 152.

TA-58 (Two-Mile North Site). "This site is reserved for multi-use experimental sciences requiring close functional ties to activities currently located at TA-3." LANL SWEIS, p. 2-22. What goes on at this site? Are there DPR emissions from it?

TA-60 (Sigma Site). What SWMUs are located at this site? What are in these SWMUs?

TA-63 (Pajarito Service Area). "This site is a major growth area with environmental and waste management functions and facilities." LANL SWEIS, p. 2-22. What goes on at this site? Are there DPR emissions from it?

Los Alamos and DP Canyons. Should Los Alamos and DP Canyons be monitored with TLDs during the pipeline construction project that is going on now? How did the New Source Review address the new construction?