

General

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John Kieling, Bureau Chief
Hazardous Waste Bureau
New Mexico Environment Department
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Subject: Response to Review of Derivation and Use of Radionuclide Screening Action Levels, Revision 2, October 2012

Dear Mr. Kieling:

The U.S. Department of Energy (DOE) and Los Alamos National Security, LLC (LANS) are in receipt of the New Mexico Environment Department's (NMED's) letter, "Review, Derivation and Use of Radionuclide Screening Action Levels, Revision 2, October 2012" (HWB-LANL-13-033), dated August 7, 2013. Although the screening action level (SAL) document was submitted to NMED for information only, DOE/LANS appreciate NMED's review of the document and acceptance of the SALs contained therein. NMED's letter concludes, "The proposed SALs are acceptable; however, the Permittees must ensure that cumulative risk from all radiological and non-radiological carcinogenic sources meets both the Superfund/EPA and NMED risk range before a site is proposed for corrective action complete." In light of this statement concerning the use of radiological risk as a basis for "corrective action complete" determinations, we wish to reiterate DOE's obligations, authorities, and procedures regarding radiological protection of the public and the environment.

As acknowledged in the March 2005 Compliance Order on Consent (Consent Order), DOE is the sole regulatory authority for radionuclides. Under the Atomic Energy Act of 1954, as amended, DOE is obligated to protect the public and the environment from radiological exposure at DOE facilities and from activities conducted therein. Currently, these obligations are implemented through DOE Order 458.1, Radiation Protection of the Public and the Environment. As noted in NMED's August 7, 2013, letter, DOE Order 458.1 is the basis for the SALs presented in the document.

DOE's radiological protection requirements in Order 458.1 are based on radiological dose rather than risk. Consequently, the SALs used by DOE/LANS are also based on dose limits rather than risk targets. This was also the case with DOE radiation protection orders preceding Order 458.1 and the previous versions of the SALs developed in November 2000 and January 2005 and published by Los Alamos National Laboratory (LA-UR-01-0990 and LA-UR-05-1849, respectively). To demonstrate compliance with DOE Order 458.1, DOE evaluates the dose associated with radiological contamination at solid waste management units (SWMUs) and areas of concern



(AOCs). DOE has committed to voluntarily providing radiological risk information to NMED as specified in an August 26, 2004, letter from the National Nuclear Security Administration Assistant Administrator for Defense Programs to the Secretary of NMED. The radiological risk is provided for information purposes but, consistent with DOE orders, dose is the basis for corrective action decisions related to radiological contaminants. Radiological dose and nonradiological risk are evaluated separately for each site, and each value must be below respective regulatory limits before a site is proposed for corrective action complete. DOE will continue to provide radiological risk information to NMED in investigation reports and other applicable Consent Order documents.

In summary, DOE will continue to use dose-based SALs as the basis for determining whether the radiological conditions at SWMUs or AOCs are protective of human health. These determinations will form the basis for DOE's decisions, as the regulator, of whether corrective actions for radionuclides are complete.

If you have any questions, please contact Rich Mirinda at (505) 665-6953 (rmirinda@lanl.gov) or Tom Carver at (505) 665-0172 (tom.carver@nnsa.doe.gov).

Sincerely,



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Sincerely,



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