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Cc: ["Knight, Daniel@DTSC"](mailto:Knight.Daniel@dtsc.ca.gov); meredith.williams@dtsc.ca.gov; jared.blumenfeld@calepa.ca.gov
Subject: Demolition of DOE-Owned Facilities in Area IV, SSFL
Date: Saturday, August 28, 2021 6:07:33 PM

Dear DTSC Management,

Thank you for responding to my March 11, 2021 PRA request for DTSC/Hirsch communication pertaining to demolition of DOE-owned non-radiological buildings (4462, 4463, 4057 and 4038), DOE-owned buildings that have been either “released for unrestricted use” (4019, 4029) or shown by survey to be suitable for “release for unrestricted use” (4133).

A special thank you to Director Williams for speeding up the response.

I note that Dan Hirsch continued his rant based on the intentionally misguided, misleading and incorrect claim the any trace of residual radioactivity “above background” means that waste is designated as low-level radioactive waste (LLRW) and has to be managed and disposed as such. He fails to provide any federal or state regulatory citations that support this fallacy. He fails to recognize any, and all, of the federal and state radiological standards for soil, water, air, materials or equipment that are all based on low-dose, low-risk, acceptably safe limits, and not on zero tolerance. He fails to recognize that no chemical cleanup standards are based on zero tolerance or cleanup-to-background. But I mis-speak. Of course the Brausch/Hirsch 2010 AOC does exactly that. However, Hirsch fails to recognize that even the 2010 AOC states that chemically contaminated soil at low concentrations (but not zero) is classified as non-hazardous, and does not require disposal at Class I hazardous waste disposal facilities. Neither Hirsch nor the 2020 AOC allows that graded approach for radioactivity.

Notwithstanding the above, DOE radiological survey reports for buildings 4462 and 4463 (11/18/2019), and 4057 and 4038 (2/25/2021) conclude that the buildings are radiologically non-impacted and that all measurements were “indistinguishable from background.” The 3/3/2021 SOP for Phase 1 and Demolition Plan of 4462, 4463, 4057 and 4038 (Rev 0) references these survey reports, and restates the radiologically non-impacted status of these buildings. Section 15 of the SOP on Waste Management and Disposal states ...

- *“Out of an abundance of caution, demolition waste debris has been characterized and categorized and will be disposed of as LLRW or hazardous, irrespective of having characterization data showing no radioactivity.”*

This is an interesting sentence. Demolition waste debris is characterized as *“having characterization data showing no radioactivity.”* DTSC approved this SOP and by definition has approved all statements in the SOP saying that the buildings are radiologically non-impacted, because of survey data that is *“indistinguishable from background.”* Of course the only reason that DTSC approved this SOP was that DOE, at DTSC’s urging, also said *“out of an abundance of caution, demolition waste debris has been ... categorized and will be disposed of as LLRW ...”* Note the distinction between *characterized* (based on measured data) and *categorized* (based on Hirsch/DTSC dictates).

Hirsch's email of March 11, 2021, questions differences in waste volumes in Table 15-1 between the 4462, 4463, 4057 and 4038 SOP dated 12/15/2020 and the SOP dated 3/3/2021. His question and your response side step the real question of why the disposal sites for 4462, 4463, 4057 and 4038 waste changed from US Ecology, Idaho to EnergySolutions, Utah. Clearly DTSC's internal discussions concluded that it was easier to bow to Hirsch's demands during the 11/19/2020 virtual public meeting and mandate EnergySolutions LLRW disposal facility as the disposal site for all waste from all DOE demolition. We know that DOE ETEC technical and program management does not concur with the 2020 AOC. It is suspected that DOE bureaucrats in Washington chose to "make the problem go away", judging that the added expense of sending all DOE demolition waste to EnergySolutions was a "drop-in-the-bucket" compared to EM's total budget. It is also suspected the DOE's own authorized LLRW disposal site in NNSS, Nevada refused to accept the non-contaminated, non-LLRW.

DOE and NASA bureaucrats in Washington also chose to sign the 2010 AOC hoping the then "problem would go away", yet saner minds in both agencies have since recognized their error as evidenced by the DOE and NASA EIS's.

I do realize that I am beating a dead horse, in that nothing I say will change the policies of the DTSC/Hirsch partnership, and that, with the exception of 4462 and 4463, all the subject buildings have been demolished to grade and sent to EnergySolutions. I therefore have only one more question. Have you notified Boeing of your intent to pursue a similar course of action for the Boeing-owned buildings 4005 (slab), 4009, 4011 (low bay), 4055 and 4100, whenever the current 2013 demolition complaint appeal is denied?

I will be submitting a FOIA request to DOE for the EnergySolutions forms "Radioactive Waste Profile" and the NRC Forms 540/541, "Uniform Low-Level Radioactive Waste Manifest" for all non-LLRW shipments from the subject buildings to EnergySolutions.

Sincerely,

Phil

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From: Colburn, Ross@DTSC <Ross.Colburn@dtsc.ca.gov>
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Subject: Rutherford PRA Final Response

Mr. Rutherford:

Please find attached DTSC's response to your Public Records Act Request of March 11, 2021.

Thank you,

Ross Colburn
Senior Staff Counsel
Department of Toxic Substances Control
Tel: (279) 895-5068

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