

Appendix L

**FOIA to DOE and NNSA on “Authorized Limits” and “Supplemental Limits”
April, 2007**

Abel Lopez
Director FOIA/PA Division, ME-73
US Department of Energy
1000 Independence Avenue NW
Washington, DC 20585
Fax 202 586 0575

Dear Mr. Lopez:

I am writing, under the Freedom of Information Act of 1966 (Title 5 of the United States Code, section 552), to request that you send me the information listed below from DOE's files.

“Authorized Limits” and “Supplemental Limits” appear to be very important mechanisms for potentially radioactive and known radioactive materials to be released to unregulated destinations and uses including commercial recycling and regular trash dumps. Some are approved nationally by DOE (and possibly NNSA) headquarters and some are approved at each site in the US and at some international sites over which DOE has authority or provides guidance or funding.

This Freedom of Information Request is for information on ALL the approved and pending **“Authorized Limits”** and **“Supplemental Limits”** for release of both volumetric and surface contaminated radioactive and potentially radioactive property/properties, materials and wastes.

Since the concept of **Authorized Limits** to permit radioactive releases appears to have been adopted into DOE's Orders and Guidance in the 1990s and record keeping is required, we are requesting information on all Authorized Limits and Supplemental Limits approved and under consideration from inception until the time this FOIA request is fulfilled.

REQUESTING:

1) Please provide ALL Authorized Limits and Supplemental Limits approved and under consideration

(A) **nationally** by DOE and NNSA;

(B) **by facility**, at each and every DOE, NNSA, contractor and subcontractor **site, field office** and all other applicable sites;

(C) **internationally** by DOE, NNSA or their contractors and subcontractors and international partners from **international locations over which DOE or NNSA have authority or provide guidance or funding.**

This includes **Authorized Limits** and **Supplemental Limits** for both **volumetric** and **surface contamination** for all radioactive and potentially radioactive wastes/materials/property(ies). It includes mixed radioactive and hazardous wastes and materials. This includes ALL approved and pending **Authorized and Supplemental Limits**.

2) Approved and Pending Authorized and Supplemental Limits

Please designate which Authorized and Supplemental Limits

- (A) have been approved and have been used?
- (B) have been approved and are being used?
- (C) are being considered for approval?

This includes reporting the **Authorized and Supplemental Limits** and identifying the responsible parties requesting and approving the **Authorized and Supplemental Limits** as well as complete descriptions and quantification of the materials/wastes/property(ies) to which each **Authorized and Supplemental Limit** applies.

3) Characterization and Quantification.

What materials, wastes, and property/properties have been released under the **Authorized and Supplemental Limits**? What went where? Specifically:

(A) Please provide the **type of materials**, wastes and property/ies, **descriptions** and **volume/weight/amount/area** of materials, wastes, property(ies) released and permitted to be released.

(B) Please provide the **amount of radioactivity including curies or becquerels** of each radionuclide released and permitted to be released for each **Authorized and Supplemental Limit** for each shipment or parcel of materials/wastes/property(ies) released.

4) Destinations.

Where were the materials, wastes, and property/properties sent?

(A) Please provide the name, address, type of establishment and contact information for the recipient of the wastes/materials/property(ies). This includes all contracts, amendments, conditions and agreements regarding the wastes/materials/property(ies).

(B) Please provide documentation of **the intended, expected, required uses and disposition** of the materials/wastes/property(ies) including whether the releases are to/for restricted or “unrestricted” use, reuse, recycle, disposal or disposition.

(C) Please include documentation, notification or designation of “restricted,” and unrestricted use, disposal, reuse and recycling. This includes documentation of whether and how the recipients are/were notified of the source of the materials, wastes, and property/properties provided or sent (whether for restricted or unrestricted use, reuse, recycle, disposal or disposition)? Provide documentation of procedures to keep secondary and subsequent uses “restricted.”

(D) Enforcing “restrictions.” If the recipient destinations are facilities licensed and/or regulated for radioactive materials/wastes/property(ies), please provide **documentation of the license or regulatory authority and how it will be asserted over the materials/wastes/property(ies) being transferred.** Please provide

documentation of the restrictions and mechanisms for enforcement if the release is for use, disposal, reuse, recycling or disposition.

5) Recordkeeping.

(A) Please provide the location and procedures for public notification and input.

(B) Please provide all notices to the public for each **Authorized** and **Supplemental Limit** considered and for each **Authorized and Supplemental Limit** approved.

(C) Please provide the public records of the releases. This includes records of each of the **Authorized and Supplemental Limits** and the documentation for each of the releases.

6) Conclusion/Summary

To summarize, we are asking how much radioactivity the DOE and NNSA have released from nuclear controls. The information being sought is reporting on all Authorized and Supplemental Limits approved and under consideration. Who requested and who approved them? For what kinds of radioactive and potentially radioactive wastes/materials/property(ies)? Where are the records of the Authorized and Supplemental Limits and the releases under them? Where did the released material/waste/property go? How is it being used now? How much material/waste/property has been released? How much and what DOE and NNSA-generated radioactivity has been released under these approved authorized limits? Where did it go? How is it being tracked, verified and validated? How will restricted secondary and subsequent uses be enforced? This applies to DOE and NNSA domestic and international activities.