

Statement Regarding
Department of Energy
“GAP Analysis”

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After all these years, the Department of Energy still doesn't get it.

It continues to violate the law, court rulings, and its own repeated promises. And it continues to place people's health at risk because of its misconduct.

For decades, DOE, and its predecessor agency the Atomic Energy Commission, ran SSFL as though they were above the law. Illegal disposal and airborne burning of radioactive and hazardous materials; contaminated water dumped over hillsides onto the children's camp below; vast quantities of contaminants dumped onto soil and percolating into groundwater. A partial meltdown of a reactor, kept secret for twenty years until public investigators dug up the records and released them. Numerous other nuclear accidents, spills, releases, fires, etc., due to incredibly sloppy practices and a callous disregard for the people who lived nearby.

In 1989 a study found widespread chemical and radioactive contamination throughout the site. Congressman Gallegly called for EPA to be brought in to provide independent oversight, because DOE was a self-regulating entity that had not come into the modern era of compliance with environmental laws.

Gregg Dempsey from EPA's National Radiation Laboratory in Las Vegas was brought in to review SSFL's radiation monitoring program and found it to be a joke. Vegetation samples were washed before monitoring, to wash off the radioactivity; then heated to hundreds of degrees centigrade to drive off the volatile radioactivity before measuring the ash. Soil samples were similarly heated to drive off radioactivity before measuring. The facility did not measure for tritium because they claimed it couldn't be there; when he asked to take a sample from a french drain for tritium, he of course found it.

And in 1989, the site decided to try to address its very elevated radioactivity readings in groundwater by FILTERING the samples first, driving down the readings ten-fold because, of course, they were filtering out the radioactivity before measuring.

Dempsey concluded that the site had a very poor grasp of where contamination was or how much there was, and that their measurements could not be relied upon.

A few years later, DOE decided to have its contractor, Rocketdyne, do an Area IV radiation survey. Dempsey reviewed that one too, and found it also to be a joke. They were waving a radiation probe on a stick back and forth in such a way that there was no way they could detect real contamination. EPA formally told DOE to withdraw the survey, that it couldn't be relied

upon. DOE agreed, and promised to have Dempsey brought in to perform an independent radiation survey. That promise, by DOE and EPA, was repeated numerous times, until DOE broke its word and blocked any independent survey.

Last year, Congress had had enough. It passed legislation requiring an independent survey, at minimum done jointly by DOE and EPA. The Congressional delegation has made clear that they intend that to in fact be an EPA survey, the long-promised Dempsey survey. Despite the law, DOE has simply ignored that legal mandate and claimed (1) it has already gone ahead and spent the money on other things, so no joint survey can occur and (2) if there is to be a survey, DOE insists on doing itself. No one will, rightly, believe any survey DOE does after its long history of cooking numbers, breaking laws, and violating basic environmental protections. That's the whole reason the Congress insisted on EPA. DOE is just stiffing the Congress, the public, and the law.

And that's what this whole business about this "Gap Analysis" entails. This is DOE's plan to do a Mickey Mouse minimal survey itself, incapable of finding the contamination at the site, instead of permitting an independent, thorough EPA survey. No one will believe anything coming out of this "Gap Analysis," nor should they. It is bogus, through and through.¹

A few examples:

DOE claims in the GAP Analysis that it is now complying with the 1995 EPA-DOE Joint Policy on cleaning DOE sites according to CERCLA (i.e., Superfund) standards, whether a site is a Superfund site or not. It goes on to claim it is using the EPA's Preliminary Remediation Goals (PRGs) for a rural residential land use scenario as its screening levels. But in fact it is not. It has, without so disclosing, relaxed them by factors of a hundred or a thousand. Let's underscore that – without revealing the manipulation they were engaged in, they were assuming starting cleanup levels that would permit radioactive concentrations hundreds or thousands of times higher than the very EPA levels they claimed they were following, and which they are required to follow. They buried a table way back in the back of the report, presuming no one would check it against the actual PRGs. Do they think we are stupid? Did they think they could get away with it? Any contractor who would pull off a stunt like that should immediately be dismissed from the project.

DOE then accepts and uses many of the very measurements that EPA had rejected a decade ago and that DOE had agreed had to be redone by someone independently.

All the groundwater samples, filtered to remove radioactivity before being measured, are accepted whole-hog. No discussion of the filtering problem; no requirement to go back and do it right. Just wholesale acceptance of bogus measurements.

¹ DOE called a meeting for tonight about the report, but makes it available at the meeting itself so obviously almost no one can review it before the meeting. DOE did send CBG a copy – the day before the hearing! Obviously there is no serious desire to have meaningful input.

ALL of the data it uses, the report says, came from Rocketdyne. There isn't a single sentence addressing the fact that the company is a convicted multiple environmental felon, for illegal disposal of hazardous materials at the site in an incident that took several workers' lives, and about which the company initially lied to regulators. Not a single sentence about how all this contamination occurred in the first place because of misconduct by the very company they are now relying upon for the data. No discussion of the Dempsey findings that they were in essence cooking the data, fudging the measurements. The report just accepts the measurements, with minor exceptions, hook line and sinker.

To determine where to take minimal additional measurements, the report once again just repeats claims by DOE and Boeing that nothing serious happened at the site; the contamination is localized around a few buildings; and that it isn't worth taking samples elsewhere. They base where to take samples on where Boeing chose to take them before; they assume that if other areas weren't sampled, there is basically no need to sample them now. We know contamination was widespread – airborne releases falling out over wide areas from decades of illegal burning of radioactive wastes in the burn pits, releases from accidents at reactors without containment structures, contaminated water used to irrigate the property and to cool the rocket flame buckets, creating huge plumes of contaminated steam. But DOE's report ignores all that; says let's look in a couple of places only, forget everything else.

DOE claims it will do a hand-held gamma survey, however. Whenever an agency says it will have someone walk around with a Geiger counter or something similar, you know they are trying to pull a fast one. There is no way you can detect the contaminants we are concerned about at the levels we are concerned with via a walk-over survey with a little counter. It is pure PR, pure deception. A gamma walk-over can help find REALLY HOT spots, and provide a bit of information where to take some soil samples,, but to catch what we are looking for here, it's just showmanship, deception. They have to take random soil samples across the whole property, to find contamination they don't know exists; and that is what they are refusing to do.

And they essentially completely ignore SB 990, the new state law controlling the cleanup.

DOE has decided to ignore Judge Conti's ruling; the federal law about an independent survey; Congressional clear intent to have EPA do the survey; the nation's environmental laws; the public interest; and DOE's past promises.

But--- all this will backfire on DOE. Judge Conti has maintained jurisdiction of the matter; Congress is furious that DOE is ignoring its intent and the law; and the public will not give up.

Comparison of the Preliminary Remediation Goals (PRGs) DOE Claimed in the Gap Analysis
Were EPA's PRGs for the Rural Residential Land Use Scenario vs. EPA's Actual PRGs

Radionuclide	DOE Gap Analysis Claimed EPA PRG	Actual EPA PRG	Ratio--How Many Times More Radioactivity DOE would permit
Americium-241	1.9	0.0132	144
Iron-55	2700	0.821	3289
Cobalt-60	0.036	0.0009	40
Cesium-137 (+D)	0.06	0.0012	50
Iodine-129	0.6	0.00003	21978
Nickel-59	210	2.15000	98
Plutonium-239	2.6	0.0061	426
Strontium-90 (+D)	0.23	0.00139	165
Thorium-232	3.1	0.00942	329
Uranium-235 (+D)	0.2	0.00181	110

