To: Fonseca, Silvina[Fonseca.Silvina@epa.gov]; Openchowski, Charles[openchowski.charles@epa.gov]; Johnson, MaryC[Johnson.MaryC@epa.gov]; Anderson, RobinM[Anderson.RobinM@epa.gov]; Walker, Stuart[Walker.Stuart@epa.gov]; Buxbaum, David[Buxbaum.David@epa.gov]
From: Brock, Martha[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6DED7EA3316A44B682A083927BCBF919-BROCK, MARTHA]
Sent: Tue 7/6/2021 12:55:14 PM (UTC)
Subject: RE: Radionuclide limit compare

About Sr-90 being mentioned?

Andy Binford (a past TDEC employee, now retired) who was the equivalent of a Section Chief and then became an "advisor", said that 27% of ORNL (Oak Ridge National Laboratory) waste from D&D will be disposed of at EMDF, and that they are expecting a higher level of Sr-90 than they've seen.

From: Fonseca, Silvina <Fonseca.Silvina@epa.gov>
Sent: Tuesday, July 6, 2021 8:45 AM
To: Brock, Martha <Brock.Martha@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>; Johnson, MaryC <Johnson.MaryC@epa.gov>; Anderson, RobinM <Anderson.RobinM@epa.gov>; Walker, Stuart <Walker.Stuart@epa.gov>; Buxbaum, David <Buxbaum.David@epa.gov>
Subject: RE: Radionuclide limit compare

Martha can you clarify your last statement?

From: Brock, Martha <Brock.Martha@epa.gov>
Sent: Friday, July 2, 2021 1:04 PM
To: Openchowski, Charles <openchowski.charles@epa.gov>; Johnson, MaryC <Johnson.MaryC@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Anderson, RobinM <Anderson.RobinM@epa.gov>; Walker, Stuart <Walker.Stuart@epa.gov>; Buxbaum, David <Buxbaum.David@epa.gov>
Subject: Radionuclide limit compare

Attached is a table that selects four radionuclides for comparison among EPA's calculation (I used the last table that we sent to DOE, which we sent in January 2020 after the December 2019 meeting in D.C. and have also attached it here), the DOE D2 FFS and the DOE D3 FFS that we received last week, that is based on the Wheeler Decision.

Aside from dilution, which folks seems to be focusing on as a problem, the concentrations based on RME, site-specific factors (not really clear what those are) are not protective and anyone asserting that they are protective apparently does not understand the concept of the state's designated use.

Here is the comparison of those four radionuclides (may there are others that we should pick, but Sr-90 was specifically mentioned on the call with SELC and others last week), all supposedly reflect the concentrations in pCi/L at a 10-5 risk level:

Radionuclide	2020 EPA calculation	2016 DOE D2 FFS	2021 DOE D3 FFS
I-126	3.01	23	306
Sr-90	89.1	546	5,123
Tc-99	222.3	1,662	28,410
U-238	213.9	962	6,692

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If the agency's interpretation deviates from prior policy, the agency must provide a reasoned basis for the change. *Encino Motorcars, LLC v. Navarro*, 136 S. Ct. 2117, 2125–26 (2016).