

March 5, 2004

Mr. Michael Cook, Director
Office of Emergency and Remedial Response
U.S. Environmental Protection Agency
Washington, DC 20460

SUBJECT: NOTIFICATION OF THE DECOMMISSIONING OF THE SAXTON NUCLEAR
EXPERIMENTAL CORPORATION SITE

Dear Mr. Cook:

This letter is intended to notify you of the decommissioning oversight actions that the U.S. Nuclear Regulatory Commission (NRC) has taken and intends to take for the Saxton Nuclear Experimental Corporation (Saxton) site in Liberty Township, Bedford County, Pennsylvania.

On October 9, 2002, the NRC and the U.S. Environmental Protection Agency (EPA) entered into a Memorandum of Understanding (MOU) on "Consultation and Finality on Decommissioning and Decontamination of Contaminated Sites." Under the MOU, EPA agreed to continue its Comprehensive Environmental Response, Compensation, and Liability Act deferral policy of not listing sites on the National Priorities List that are subject to NRC's licensing authority. The MOU provides that, unless an NRC-licensed site exceeds any of three trigger criteria contained in the MOU, EPA agrees to a policy of deferral to NRC decision-making on decommissioning without the need for consultation.

For sites that trigger the criteria in the MOU, NRC will consult with EPA at two points in the decommissioning process: (1) prior to NRC's approval of the license termination plan (LTP) or decommissioning plan (DP), which NRC terms Level 1 consultation; and (2) following completion of the Final Status Survey (FSS), which NRC terms Level 2 consultation. Although the NRC's plan for consulting with EPA calls for the initial Level 1 consultation to occur early in the decommissioning process, at the time the MOU was signed NRC had several sites which were in the latter stages of the LTP/DP process. Since these sites were further along in the decommissioning process, the next opportunity to consult with EPA would be a Level 2 consultation following the completion of the FSS.

This letter is to notify you of the existence of one of these sites. This letter is not considered a Level 1 consultation because this site already has an approved license termination plan. However, the NRC believes it is in the spirit of the MOU to notify the EPA of sites which could possibly require a Level 2 consultation in the future, and were already well into the decommissioning process at the time the MOU was signed.

The Saxton Site

The Saxton site consists of a deactivated pressurized-water nuclear reactor located on about 1.15 acres, near the borough of Saxton in Liberty Township, Bedford County, Pennsylvania. The Saxton facility was built from 1960 to 1962 and operated from 1962 to 1972. After its

shutdown in 1972, all the nuclear fuel was removed from the reactor and returned to the fuel's owner, the Atomic Energy Commission. The site is currently being decommissioned under an approved LTP. The approved LTP contains derived concentration guideline levels (DCGLs) for 11 radionuclides to be used during the remediation of the site (see enclosure). The DCGLs for two radionuclides slightly exceed the MOU values; Cs-137 (6.6 pCi/g vs. 6.0 pCi/g) and Eu-152 (10.1 pCi/g vs. 4 pCi/g). License termination is anticipated in 2004.

Before the NRC license is terminated the doses to the average member of the critical group at the Saxton site will be in compliance with NRC's criteria in Part 20 Subpart E that provides all-pathways dose criteria of 0.25 millisieverts per year (25 millirem per year) plus as low as reasonably achievable (ALARA), to an average member of the critical group. The dose criteria in Part 20 Subpart E are fully protective of the public health and safety, and were the result of a comprehensive rulemaking, including an accompanying generic environmental impact statement. Furthermore, individuals at a decommissioned site are expected to receive doses substantially below the constraint level because of ALARA, conservative dose modeling assumptions, and the nature of the cleanup process itself, which often reduces residual contamination levels significantly below site DCGLs. Therefore, based on NRC's decommissioning experience, the staff does not expect that this site will require a Level 2 consultation, because the levels of residual radioactivity remaining after remediation are anticipated to be lower than the MOU trigger levels. However, if the residual radioactive material concentration levels in soil at the time of license termination still exceed the MOU trigger values, NRC will enter into Level 2 consultation with the EPA in accordance with the MOU.

As part of the LTP review and approval process, the NRC staff prepared an environmental assessment (EA) to document how the remediation at Saxton would ensure protection of the public health and safety and the environment.¹ The EA was summarized in the Federal Register on March 20, 2003, at 68 FR 13733. The EA concludes that approval of the LTP would not result in any significant impacts on the human environment and is protective of human health. In addition, the approval of the LTP was based on the NRC staff's Safety Evaluation Report (SER) issued on March 28, 2003.² The SER concluded that the activities described in the LTP were consistent with the Commission's regulations and that approval of the LTP would not be inimical to the common defense and security, or to the health and safety of the public.

¹ The EA is available in NRC's electronic reading room at <http://www.nrc.gov/reading-rm.html> (ML030350564).

² The SER is available in NRC's electronic reading room (ML030580260).

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Next Steps

Following site remediation activities at Saxton, NRC staff will review information contained in the FSS Reports and compare the remaining levels of residual radioactivity to the MOU trigger levels. If the FSS measurements trigger the MOU, a consultation between the agencies will occur under the MOU to identify and resolve any remaining issues. In the meantime, if you have any questions regarding this letter or the remediation activities at Saxton please contact Mr. John Greeves, Director of the Division of Waste Management, at 301-415-7437.

Sincerely,

/RA/

Martin J. Virgilio, Director
Office of Nuclear Material Safety
and Safeguards

Enclosure: Proposed Remediation Values at the Saxton Site

cc: Saxton Site Contact List

**PROPOSED REMEDIATION VALUES
AT THE SAXTON SITE**

Radionuclide	DCGL (soil)*	MOU (soil)
H-3	130	228
C-14	2	46
Co-60	3.5	4
Ni-63	750	9,480
Sr-90	1.2	23
Cs-137	6.6	6
Eu-152	10.1	4
Pu-238	1.8	297
Pu-239	1.6	259
Pu-241	86	40,600
Am-241	9.9	187

*soil values reported in pCi/g