

January 24, 2000

Mr. Barry Piacenza
P.O. Box 18121
Pleasant Hills, PA 15236

SUBJECT: RESPONSES TO QUESTIONS AND COMMENTS RESULTING
FROM APRIL 15, 1999, PUBLIC MEETING

Dear Mr. Piacenza:

I am responding to your letter dated April 19, 1999, which forwarded questions and comments related to issues discussed at the U.S. Nuclear Regulatory Commission's (NRC's) April 15, 1999, public meeting held at the Trinity North Elementary School in Washington, PA. The purpose of the meeting was to discuss an amendment request which Molycorp, Inc., has submitted to NRC for a proposed interim storage facility which would be located on the Molycorp, Canton Township, site. Our responses to your questions and comments are enclosed.

Thank you for your interest, comments, and questions regarding this licensing action. I apologize for our delay in responding. If you have further questions regarding this matter, you may contact me at (301) 415-7298 or Roy Person of my staff at (301) 415-6701.

Sincerely,
[Original signed by]
Robert A. Nelson, Chief
Facilities Decommissioning Section
Decommissioning Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

License No. SMB-1393
Docket No. 040-08778

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Enclosure:
Responses to Questions and Comments

cc: Molycorp, Washington Dist. List

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NAME	LPerson	RNelson	JLieberman	LCamber	
DATE	117100	117100	113100	112100	1100

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

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Sincerely,

A handwritten signature in black ink, appearing to read "R. Nelson", with a long horizontal flourish extending to the right.

Robert A. Nelson, Chief
Facilities Decommissioning Section
Decommissioning Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

License No. SMB-1393
Docket No. 040-08778

Enclosure:
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cc: Molycorp, Washington Dist. List

DCB TICKETS 2000

Ticket No. DCB-0024

Today's Date 11/19/99

Original Due Date 11/22/99

Extension Date 1/11/00

Section/Lead FDS/LSP

Description 11/8/99 Ltr. To: R. Nelson Fr: Samuel R. Grego.
Goldberg, Kamin & Garvin, Attorney at Law Subj:
Molycorp Site Decom. Plan - Storage Facility Questions
Lic. SMB-1393

Completion Date 1/24/00

~~Kristi~~

4/12/99

This is the draft I found in OGC (with J. Lieberman)
Stop by and give me Piacenza's phone #.

From: NELSON Document Date: Date Received Task Basis No:
NMSS 05/12/99 199902188

Request Type: BLUE Pending Before:
Facility: (-)

1 (412-461-4826)

Description:

RESPONSE TO QUESTIONS AND COMMENTS RESULTING FM
APRIL 15, 199, PUBLIC MEETING.

Referred to:	Date Due:	Date Received:
TREBY	05/26/99	05/12/99
MARTZ	05/26/99	05/12/99 811

Remarks:

FOR REVIEW

Comments:

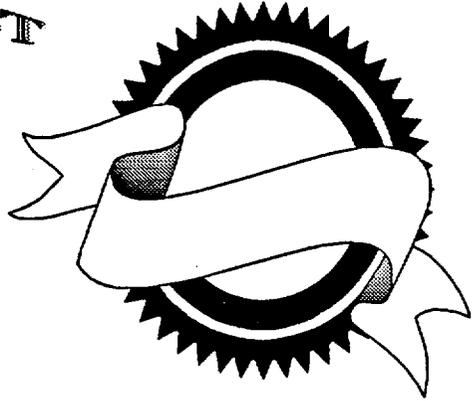
Lexis Yes: No:
 OGC Subject Files Yes: No:
 If Yes, indicate file location using
 OGC Subject Files Index.

See comments on the draft. We will probably need to meet to discuss.

JM 5/24/99

~~XXXXXX~~ May 12, 1999

CONTROL REQUEST



DUE DATE:

CONTROL TO: S. Treby/R&FC / Marty

ADDRESSED TO: _____

_____.

FROM: Ray Lewen, NMSS

_____.

DESCRIPTION OF PACKAGE: _____

_____.

OGC-99- 002188 _____

Mr. Barry Piacenza
P.O. Box 18121
Pleasant Hills, PA 15236

**SUBJECT: RESPONSES TO QUESTIONS AND COMMENTS RESULTING FROM
APRIL 15, 1999, PUBLIC MEETING**

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Thank you for your interest, comments, and questions regarding this licensing action. If you have further questions regarding this matter, you may contact me at (301) 415-7234 or Roy Person of my staff at (301) 415-6701.

Sincerely,

Robert A. Nelson, Chief
Special Projects Section
Decommissioning Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

cc: Molycorp, Washington Dist. List

Enclosure:
Responses to Questions and Comments

License No. SMB-1393
Docket No. 040-08778

RESPONSE TO QUESTIONS AND COMMENTS RESULTING FROM PUBLIC MEETING ON APRIL 15, 1999

1. Question: Has a License been issued to his site? Docket No. 0408778, License SM - 1393? If there is an existing license, please provide the license and all existing files associated with the license.

Answer: Molycorp holds Source Material License No. SMB-1393 for its Washington, Pennsylvania facility. Copies of information contained in the license file may be obtained from NRC's Local Public Document Room in the B.F. Jones Memorial Library, 663 Franklin Street, Aliquippa, PA 15001. Alternately, you can obtain copies from NRC's main Public Document Room, 2120 L Street, NW, Washington, DC 20555, telephone number (202) 634-3273.

2. Question: Has Pennsylvania disqualified the Molycorp site concerning siting the Compact (Delaware, West Virginia, Maryland and Pennsylvania) Low Level Radiation Waste Facility, and if so, why?

Answer: During the April 15th meeting, staff of the Pennsylvania Department of Environmental Protection (PADEP), Bureau of Radiation Protection stated that the Molycorp site would not meet the State's requirements for siting a commercial low-level waste disposal facility because of subsurface mines, oil wells, limestone deposits, and location in a flood plain. The following reasons have been supplied to NRC staff by PADEP. The numbers in parentheses refer to sections of Title 25 Chapter 236 of the Pennsylvania Code.

could select files and substitute the following

"Potentially suitable sites may not be included within the limits of the 100-year flood plain of a waterway as defined in the Flood Plain Management Act (236.126(a)(1))

The Canton Township flood map, published by the Federal Emergency Management Agency (FEMA), shows, that good portions of the Molycorp site is located in the 100-year flood plain."

"Potentially suitable sites may not be located in areas where there is limestone or other predominantly carbonate lithologic units (236.127(a))

Preliminary investigation by the Bureau of Topographic Survey of the DCNR indicates that several carbonate beds lie below the surface at the Molycorp, Washington site, in the form of limestone (10-30 feet below surface) and fossiliferous layers (54-254, 366-368, 650-690, and 792-892 feet below surface."

"Potentially suitable sites may not be located in areas over active or inactive oil and gas wells or gas storage areas (236.128(6)).

Information gathered from the Bureau of Topographic &

then add paragraph 2 page 4 about contacting the state.

Enclosure

The proposal for interim storage as well as any future proposal for long term storage are not proposals for commercial waste facilities. The State of Pennsylvania has prepared information regarding the suitability of sites for commercial facilities and has determined that the site in Washington PA is not an appropriate site for such a facility. ~~For further information~~



Geological Survey shows that the Molycorp site is located inside

Enclosure

the eastern edge of the Washington-Taylorstown Oil Field. An old farmline map shows that at least 9 oil wells are known to exist on the property. In addition, there are many oil wells in close proximity to the property in all directions. The status of the wells is not presently known. However, since the wells are nearly a century old, it is a certainty that the wells were not cased and cemented as required for new wells by modern standards and regulations. Therefore, the potential for downhole communication with surface fluids or contaminants exists."

"Potentially suitable sites may not be located over active or inactive mines that are identified and substantiated by public records (236.128(8)).

The available mine maps for this area shows that the closest underground mining is at least 700 feet to the northwest of the Molycorp site. This mining was conducted in the Pittsburgh Coal Seam prior to 1935. The vertical distance between the Pittsburgh Coal Seam and the surface varies between 330 and 470 feet. There is no mining directly under the site. However, the question is whether Molycorp would be able to prevent future mining at the site which could potentially result in subsidence."

The information supplied by PADEP notes, "This preliminary evaluation is not based on any site specific information, but is based on inspection of information gained through the technical screening process that was used prior to the suspension of the Pennsylvania Low-Level Radioactive Waste (LLRW) Disposal Project on December 31, 1998."

For further information on PADEP's assessment, please contact Mr. Robert Maiers, Chief of the Low-Level Radioactive Waste Section, Bureau of Radiation Protection, P.O. Box 8469, Harrisburg, PA 17105-8469, telephone number (717) 787-2480.

see

delete

NRC staff will include this information in its review of Molycorp's decommissioning plan if that plan proposes on site disposal. The submission of this plan is due by April 16, 2000.

3. Question: Could you please tell me the benefits to me and other people living near the Molycorp site of placing a storage site on Molycorp property and shipping 200 roll-off boxes from York, PA to Washington, PA.

Answer: There may be no direct benefits derived by Washington County residents from shipping this waste from the Molycorp York, PA facility to the Washington, PA Molycorp facility. However, NRC is required to consider any reasonable alternative proposed by the licensee. This proposal was presented in the York decommissioning plan as the licensee's preferred alternative and subsequently assessed for environmental impact, along with several other alternatives, by NRC.

including on-site storage

4. Question: What is the Agency definition of injury? Are you and the applicant liable to cover all of the costs to everyone affected by your actions?

Injury

liability?

The NRC's regulations do not define injury. Under the Atomic Energy Act, the NRC is authorized to regulate licensees in order to protect public health and safety. The NRC believes its regulations do provide adequate public health and safety. As a general matter, the NRC is not liable for the impacts of an action. Depending on the situation, the licensee may have some liability responsibility.

Answer: ~~NRC has no definition for "injury." OGG SHOULD ANSWER THIS!~~

5. Question: Define the difference between storage facility and a disposal facility.

Answer: A "storage facility," as defined in the context of the environmental assessment for the Molycorp storage amendment request, is a facility where contaminated waste-soils are contained and monitored during a prescribed period of time, prior to a decision concerning their final disposal. A "disposal facility" (or more specifically, a land disposal facility) is defined in NRC's regulations in 10 CFR Part 61 to be the land, buildings and structures, and equipment which are intended to be used for the disposal of radioactive waste. For the purposes of the environmental assessment, a disposal facility would be a commercial facility that receives waste from more than one waste generator. The Molycorp proposal (as presented in its decommissioning plan) would not be considered as a Part 61 disposal facility because it would not be allowed to receive waste other than soil from Molycorp's Washington facility or on a one time basis, 3000 to 5000 cubic yards of soil, if approved, from Molycorp's York facility.

6. Question: Why are more stringent requirements being applied to the proposed York Material than to the higher level material in the existing 192 roll off boxes out in the open on the plant site? Page 3 section 3.2.

Answer: The method for storing the York material is not considered more stringent. Although different, both storage methods provide the necessary degree of confinement and protection. The boxes are not open. These sturdy metal containers are securely covered with a tarp to prevent infiltration of rain water.

7. Question: What guarantee do we have that a permanent disposal plan will be put into place and outside of Pennsylvania. Since the Assumption on Page 5 Section 4.5 has lost its relevancy?

Answer: Permanent disposal options outside of Pennsylvania currently exist at the Envirocare low-level waste disposal facility in Clive, Utah, and at the Barnwell, South Carolina, low-level waste disposal facility. The decommissioning plan for the Washington site, being developed by Molycorp, must address permanent disposal. If onsite disposal is proposed by Molycorp, NRC will also evaluate other feasible alternatives including off site disposal options.

9. Question: What does Molycorp intend to do with the current 192 - 194 roll off boxes since page 5 section 2 states that the soils currently at the plant and those to be shipped in form York are to be kept separate.

Answer: Molycorp will address the ultimate disposition of all waste at the Molycorp, Washington, site in its decommissioning plan. The submission of this plan is due by April 16, 2000.

10. Question: What is the financial position of Molycorp, can they prove financial worthiness, can you provide proof?

Answer: Information that NRC has obtained regarding the financial position of Molycorp is

Pursuant to NRC regulations

proprietary in accordance with 10 CFR 2.790(a)4 and cannot be released to the public. However, NRC has obtained financial assurance from Molycorp *to make certain that adequate funds are available to complete decommissioning* in the event Molycorp cannot satisfactorily complete decommissioning of the Washington site, due to financial reasons. NRC has reviewed this financial assurance and has determined that it is adequate.

11. Question: I request that the Agency select Alternative 3, Section 4.3, of the Draft Environmental Assessment and ship all York, Pa Material to Envirocare of Utah as well as the on site 192-194 roll off boxes and all other on site waste in land owned by Molycorp in Canton Township Pennsylvania. Since alternative 2 is more expensive than alternative 3, therefore the cost to ship to Utah is the best answer.

Answer: The ultimate decision regarding the acceptability of onsite disposal (alternative 2) has not been made and will not be made until Molycorp submits its decommissioning plan. This plan will address the ultimate disposition of all radioactive waste at the Molycorp, Washington site. The submission of this plan is due by April 16, 2000. Concerning the York waste, the draft environmental assessment documents the staff's findings concerning the environmental impacts of this proposal. A copy of the draft environmental assessment is attached.

for the Washington site

12. Question: What is the evidence submittal time frame for this hearing.

Answer: The April 15, 1999 public meeting was not a hearing and the meeting was not required under NRC's regulations. The meeting was conducted to explain the proposed storage amendment and to obtain input from the public on this proposal. Comments resulting from the meeting can be submitted at any time.

13. Question: What is the level of compliance to NRC public and occupational dose limits? Will devices capture all environmental output of the site?

Answer: The last inspection conducted on April 9, 1999, included a review of the licensee's radiation protection program and associated personnel monitoring devices and the environmental monitoring program and its associated environmental monitoring devices. This inspection found no items of non-compliance. In addition, the environmental assessment reviewed the proposed monitoring for the interim storage of waste and documents the staff's findings.

copy

14. Question: What guarantees does anyone have that the plant site at 300 Caldwell avenue will ever be cleaned up plus the adjacent site that was used for settlement and evaporation ponds in the years circa 1958, 1959, and 1960-1971, when thousands of gallons of water and waste settlement were dumped on the site?

Answer: Molycorp is required to submit a decommissioning plan for the Washington, PA, site. The submission of this plan is due by April 16, 2000. Following approval of the decommissioning plan, Molycorp must complete the cleanup in accordance with timeliness requirements contained in NRC's regulation. As discussed above, Molycorp has submitted financial assurance to assure that the cleanup is completed.

15. Question: How do we know if the water line in front of the plant has not been compromised by leaching?

The NRC has completed ^{draft} environmental and safety review. NRC has ~~preliminary~~ determined based on these reviews that there are no significant adverse environmental impacts

Answer: Prior to license termination, the licensee will be required to demonstrate that buildings, sumps, discharge lines, equipment, and other materials onsite, meet the NRC's release criteria. At this time, there is no evidence that such leaching has occurred.

16. **Question:** Prove that this temporary storage facility will not impact on people or the environment.

the NRC's draft environmental assessment and analysis
Answer: The environmental assessment and corresponding safety evaluation, along with other actions, such as routine monitoring and inspection must determine that no significant environmental impact will occur to the public or the environment before NRC would approve or allow its construction or operation. The draft environmental assessment and safety evaluation report (attached) document the staff's findings to date.

17. **Question:** What is the long term monitoring procedure and what is its measured success?

Answer: The monitoring procedures for the temporary storage facility are designed for the period of time for which the storage is anticipated (5-10 years). The plan has been designed to provide reasonable assurance that the material will be contained in the storage structure. Similar plans of this type have proven to be highly effective.

18. **Question:** Please explain the long term health impacts of thorium on humans, are there any verifiable long term studies?

Answer 18: The long term health impacts for thorium on humans is dependent on several factors including, the time of exposure to the material, the type of exposure (ingestion, inhalation or external exposure), and the concentration of the material, and for direct exposure, the distance from the source and amount of shielding. NRC regulations are designed to significantly reduce or eliminate the possibility of long term exposures and make them as low as reasonably achievable. The doses that would be of most concern for these decommissioning activities are in the millirem or 1/1000th of a rem range and are near or below what one would reasonably anticipate receiving from natural background. Information on long term studies for thorium can be found in ICRP [INSERT NUMBER].

19. **Question:** Please explain the long term health impact of gamma rays on humans and explain the impacts of gamma radiation on the deterioration of the human cell structure?

Answer: We have enclosed a copy of an NRC publication entitled "Background Information on Radioactive Material and Radiation." Page 7 of this document explains the long term effects of radiation. The second paragraph, specifically, discusses low exposures to radiation and the low doses associated with such exposures.

20. **Question:** Request a complete transcript of this hearing in a timely manner from the NRC under all applicable federal laws, regulations, and executive orders.

Answer: The meeting on April 15, 1999, was not a hearing. The meeting was not transcribed. However, notes were taken and questions and comments will be considered in the final environmental assessment for the storage amendment.

21. **Question:** Page 7, Section 7.2.1, are not the worker doses higher than the standard estimates, those stated are 11, 6, and 8 millirem, apparently the standard is 5 millirem?

Answer: The NRC standard for occupational (worker exposure) exposure is 5000 millirem not 5 millirem as stated in this section. These exposures are thus approximately 1/1000 of the 10 CFR Part 20 standard.

22. Question: Please explain the appellate procedure for this hearing?

Answer: As explained in the answer to question 12, above, this public meeting was not a hearing and therefore appeals are not applicable. Hearings for this license amendment, if held, would be governed by our regulations in 10 CFR 2, Subpart L, a copy of which is attached.

23. Question: Has an economic impact analysis been performed by the agency? If not, why?

Answer: ^{NO.} ~~NRC was not required to conduct an economic impact analysis at this stage of the review of the interim storage amendment request. This type of analysis is, normally, only conducted if it is determined that, as a result of this review, there is potential for significant environmental impact and that an environmental impact statement (EIS) would be required. The draft environmental assessment has concluded that no significant environmental impact would result from this proposed action.~~ *NRC regulations (10CFR 51.30) do not require an analysis of economic impacts for an environmental assessment.*

24. Question: How does the agency explain section 61.7 (2) CFR 10, of year 1997, that appears to grant the ability to bring in classes B and C waste if a permanent disposal license is to be granted.

Answer: The regulations in 10 CFR Part 61 apply to a commercial waste disposal facility (quite different from the types and quantities of radionuclides in this action) and do not apply to either the temporary storage unit or a permanent on site disposal cell.

25. Question: How does the agency explain the number of private license (disposal and interim) sites that are becoming superfund sites and coming under the jurisdiction of the Environmental Protection Agency? Are you not creating future liabilities for the United States by granting increased numbers of private licenses? Especially with classes of waste that have very long half lives in the millions of years?

Answer 25: There are no decommissioning sites regulated by NRC that have become Superfund sites. The Environmental Protection Agency (EPA) has stated that they will not routinely take over sites containing radioactive waste. NRC's decommissioning program operates to reduce the radiological hazard such that the license can be terminated while protecting the public health and safety and the environment.

26. Question 26: In ICRP 30 thorium becomes thallium a radioactive isotope which emits gamma radiation that penetrates the body, in the decay process are there any other reactions that take place that would increase gamma radiation output and is there any change of other atomic particle reactions?

Answer: Naturally radioactive thorium has a number of radioactive daughters (i.e., decay products of the thorium "parent") that decay principally by way of alpha and beta emission. Some daughters, such as thallium-208, can emit gamma radiation during decay. We have attached a table of radionuclide data from the "Health Physics and Radiological Health Handbook," 1992, published by Scinta, Incorporated, Silver Spring, MD. This table lists the

thorium daughters of significance that contribute gamma radiation upon decay.

27. Question: Has the agency completely verified all of the information submitted by the applicant Docket No. 040-8778, License No. SMB 1393, for an interim license? Can that documentation be released? Copies are requested.

Answer: Because of the volume of information received by the agency, 100% verification of all data is not possible. Rather, NRC relies on a regulatory program of guidance, licensing reviews, inspections, and enforcement to ensure compliance with the agency's regulations. For example, in the case of radiological surveys to support decommissioning, NRC has developed a series of guidance documents that describe the preferred approach for demonstrating compliance with the regulations. Upon submittal of a survey plan or survey report, NRC staff review the plan/report using this guidance. If the licensee uses an alternative approach, the justification for this alternate approach is reviewed as well. After the plan has been approved, the staff will conduct unannounced inspections. During these inspections, NRC inspectors will observe the licensee's staff as it takes radiological surveys and samples to verify that the plan is being properly implemented. In addition, records of prior surveys will be reviewed to verify that they are accurate and complete. Finally, the inspectors will take independent measurements and samples to confirm the licensee's results. In violations of the regulations are discovered, the agency will take enforcement action, the severity of which is determined by the severity of the violation.

Concerning the release of information, all publically releasable information for a licensee is filled in the NRC's Public Document Room by the licensee's docket number. The docket number for the Molycorp, Washington, PA license is 040-08778. Contact information for the Public Document Rooms is supplied in response to Question 1. However, NRC is not allowed to release certain types of information, such as proprietary or financial data on an applicant.

28. Question: Is the agency aware of dumping on the site with effluent evaporation ponds and that possible leaching of ground water occurred?

Answer: The NRC is aware that the licensee, at one time, operated 8 surface water treatment ponds that have been removed and the low-level radioactive material contained in the ponds is currently stored in roll offs on the site. The licensee will be required to demonstrate that the areas where the ponds were located and the groundwater meets the NRC release criteria.

29. Question: I request that the Agency select Alternative 3 Section 4.3 of the draft environmental assessment and ship all York, Pa material to Envirocare of Utah as well as the on site 192-194 roll off boxes and all other on site waste in or on land owned by Molycorp in Canton Township Pennsylvania and any other properties in the vicinity that may have been contaminated.

Answer: Your request is duly noted and will be considered in conjunction with other important issues affecting the site when we finalize our review.

30. Question: Are there any regulations that would see the NRC to officially notify property owners in vicinity of the site of the impact, economic and otherwise concerning the site?

Answer: There are no requirements to individually inform property owners. For this type of licensing action (i.e., one that involves an environmental assessment resulting in a finding of no

This question is the same as question 27

significant impact), NRC is required to publish this finding in the Federal Register and the amendment can not be approved until the finding has been published. The finding of no significant impact contains the following information:

- The identification of the proposed action
- A statement that the Commission has determined not to prepare an environmental impact statement for the proposed action;
- Briefly present the reasons why the proposed action will not have a significant effect on the quality of the human environment;
- Include the environmental assessment or a summary of the environmental assessment. If the assessment is included, the finding need not repeat any of the discussion in the assessment but may incorporate it by reference;
- Note any other related environmental documents; and
- State that the finding and any related environmental documents are available for public inspection and where the documents may be inspected.

31. Question: Is the proposed structure for this interim license flood proof?

Answer: The facility, as designed, would be located above the 100 year flood plain and the NRC's review of the structure indicates that it would be adequate with respect to flooding for the estimated 10 year storage period.

32. Question: Will the proposed interim storage facility withstand an auto crash or tractor trailer crash for I-70?

Answer: The facility was not analyzed for such an accident because this is not a reasonably likely accident scenario. However, the consequences of such an accident should be bounded by the accident analysis included in the draft environmental assessment.

33. Question: Does Chartiers Creek really enter the Ohio River at Carnegie?

Answer: One branch of Chartiers Creek (of which there are many) enters the Ohio River at Carnegie Boroughs.

Attachments:

- A. Draft Environmental Assessment
- B. Draft Safety Evaluation Report
- C. Background Information on Radioactive Material and Radiation
- D. Thorium Decay Chain
- E. 10 CFR 2 Subpart L

DCB TICKETS 2000

Ticket No.

Today's Date

Original Due Date

Extension Date

11/11/00

Section/Lead

Decription

Completion Date