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

April 6, 1993

The Honorable John F. Kerry
United States Senate
Washington, DC 20510

Dear Senator Kerry:

Your letter dated February 8, 1993, forwarded a letter concerning the Nuclear Metals, Inc. (NMI) facility in Concord, Massachusetts from Mr. Sumin Tchen. The following information is provided so you may respond to Mr. Tchen's questions.

1. Based on Mr. Tchen's recent letter, other inquiries and past discussions between him and the Region I staff, we understand his interest in obtaining data which indicates how much radioactive material was released into the atmosphere over time by the NMI facility. Nuclear Metals is required by NRC regulations to assess the concentration of radioactive materials in air released from the facility and to maintain records of those assessments. These records are periodically reviewed by NRC inspectors on the licensee's premises to determine whether the assessments are adequately made and whether the amounts released are within NRC regulations. However, the inspectors have not normally made copies of the records nor is NMI required to report releases to the NRC so long as they are in compliance with NRC regulations. We have carefully searched our files and have not previously identified any document which contained the information Mr. Tchen seeks. This conclusion is reflected in the enclosed copy of a letter from our office of Administration dated February 5, 1993, concerning Mr. Tchen's recent Freedom of Information Act Request. However, in preparing this letter we again reviewed the file and found that one page of one of the documents provided to Mr. Tchen in response to that FOIA request does contain some information responsive to that portion of his request. A copy of that page, which summarizes emissions from 1983 to 1987, is enclosed for your information. Apparently, this page was provided by NMI to the inspector during an inspection in 1989.

As noted above, it is the general practice for NRC inspectors to review licensee records on the licensee's premises. These are records required by rule to be kept by the licensee. There is no reporting requirement that would require a licensee like NMI to provide copies of such records to the NRC for the Agency's files. In the absence of a reporting requirement, I cannot require that NMI provide records such as the detailed, historical information concerning releases of uranium from the NMI facility to me so that I can provide it to Mr. Tchen.

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Mr. Tchen could ask NMI directly for the information desired. While there is no NRC requirement that NMI provide the information, NMI representative Frank J. Vumbaco, Manager, Health and Radiation Safety, has stated, in discussions with NRC Region I staff, that they desire good relations and cooperation with the local community.

For your information, the staff has notified NMI that we intend to prepare an Environmental Assessment on the renewal of their licenses because of the size of the plant, the amounts of depleted uranium handled and the plans to remediate the holding basin. An Environmental Assessment (EA) is an assessment by the NRC staff of the expected future impact of the facility on the environment based on available data and is used to determine whether a formal environmental impact statement is needed. Such an assessment will likely include the use of some recent actual radioactive materials emissions data to make estimates of future releases. The EA will also include a review of the various processes for handling uranium at the facility and their potential impacts. The Environmental Assessment will take at least one year and will be made available for public inspection and comment when it is complete.

2. There is a large quantity of depleted uranium in the holding basin on the NMI property, but the basin is covered to prevent rain water infiltration, and ground water monitoring by NMI indicates that there is little or no movement of uranium from the basin. Therefore, the presence of the uranium in the basin presents little immediate threat to the health and safety of the public. However, we believe that removal of the uranium contaminated material from the basin is important, and the NRC has been working with NMI for a number of years to resolve this matter and assure the material is safely removed. NMI has been actively involved in investigations to determine the most cost effective method for managing the uranium and other contaminated material which will be removed from the basin. The NMI site is listed on the NRC's Site Decommissioning Management Plan to assure that it receives appropriate licensee and NRC attention.

We recently received a characterization report from NMI regarding the holding basin. This is one of the necessary steps toward removing the uranium from the basin. When the characterization report is reviewed and approved, we will develop a remediation schedule with NMI. We will continue meeting with the licensee to assure that the holding basin is remediated on a schedule commensurate with its safety significance.

We do not believe it appropriate at this time to recommend to the U.S. EPA that this site be considered for inclusion on the National Priority List (Superfund) because we have adequate regulatory authority to assure appropriate remediation. We will consult with EPA after NMI submits a formal remediation plan for removal of the material from the basin and before we approve the plan. We also continue to work closely with the Commonwealth of Massachusetts in our development of a reasonable schedule and action plan for NMI's remediation of the holding basin.

3. The facilities where a complete emergency plan is required have been carefully considered during formal rulemaking. NMI does not meet the criteria for requiring such a plan because credible emergency scenarios, including a major fire at the facility, do not produce a significant radiation dose to offsite individuals. Nonetheless, the NRC staff has committed during public meetings to look at what onsite emergency response capability is needed by NMI during the review of the NMI license renewal applications. We will assure that NMI has adequate plans and procedures for dealing with the consequences of emergencies which, based on current information, are expected to be limited to the site. Previous license reviews and discussions with NMI representatives indicate they do have appropriate plans for responding to such emergencies.
4. We believe the NRC has shown substantial concern regarding the possibility of offsite contamination at the NMI site. In 1982 we engaged a contractor to evaluate all releases from the NMI facility and determine whether the monitoring methods in use were appropriate and adequate. The contractor made over 40 measurements of uranium in soil from the site and at least 19 off the site, many of which were in close proximity to the site. The study concluded that the licensee's measurements of radioactive materials in effluents were adequate (some suggestions were made for improvements) and that there is "no evidence that significant levels of U-238 have accumulated in the environment around NMI." In addition, in 1985, we engaged the Remote Sensing Laboratory run by EG&G Energy Measurements, Inc. for the U.S. Department of Energy to conduct an Aerial Radiological Survey of the NMI facility and surrounding area. That survey detected only the authorized radioactive materials present at the site. Copies of the contractor reports are included for your information.

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I believe that we have been responsive to Mr. Tchen's questions. I want to assure you that the NRC is working to ensure that the NMI facility is operated safely and in compliance with NRC regulations and that the contaminated areas on site are remediated on a schedule commensurate with their safety significance. If you have additional questions, please contact us.

Sincerely,

Original
James M. Taylor

James M. Taylor
Executive Director
for Operations

Enclosures:

1. FOIA-92-547 Response
2. Emissions Summary 1983-1987
3. Environmental Survey of Nuclear Metals, Inc. Final Report February 1983
4. "An Aerial Radiological Survey of Nuclear Metals, Inc. And Surrounding Area, dated May-June 1985"

cc: Frank J. Vumbaco, NMI

(Mailed to Boston office as requested by Senator's office)
OCA 4/6/93

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