



State of New Jersey

Department of Environmental Protection

Richard J. Codey
Acting Governor

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REGION 1

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Bradley M. Campbell
Commissioner

Radiation Protection and Release Prevention Programs

PO Box 415

Trenton, NJ 08625-0415

Phone (609) 984-5520

Fax (609) 633-2210

December 6, 2004

Ronald R. Bellamy
Chief, Decommissioning Branch
Division of Nuclear Materials
US Nuclear Regulatory Commission Region I
475 Allendale Rd.
King of Prussia, PA 19406-1415

Dear Mr. Bellamy:

I read with interest your November 17, 2004 letter to Edele Hovnanian regarding the Heritage Minerals site. We agree with your directive for the disposition of the stockpiled material. However, once again we are at odds with the policies of the US Nuclear Regulatory Commission (NRC) regarding the rest of the letter.

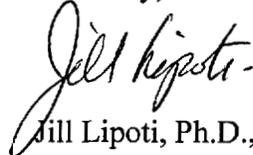
My understanding of item number 1 is that the NRC will release for unrestricted use soil concentrations of just under 116 pCi/g of Thorium-232 because there is an interpretation that soil concentrations below 116 pCi/g are considered unimportant quantities. How did the NRC arrive at 116 pCi/g as the concentration of licensable source material? Our calculations show that 55 pCi/g of Th-232 is licensable source material. If the NRC is including other nuclides along with Th-232, they must be done as a sum of fractions so that the total amount of thorium and uranium does not exceed 500 ppm. We request a copy of the calculations that were done to generate the 116 pCi/g limit.

How will a final status survey be conducted? How will it be known whether material was present at above 10 pCi/g originally and thus considered an unimportant quantity, or was the result of remediation, which then might be subject to further remediation? In a similar vein, how will the elevated measurement comparison be made? Will material that is unimportant be exempt from the EMC?

Technically, the policy at this site is flawed on the most fundamental level of radiation protection. We request that dose and risk assessments be performed and made publicly available before this license is terminated. These assessments must include the contributions from the unimportant quantities.

Since the level of thorium that will remain at this site, or is planned to remain at this site, clearly exceeds the Table 1 value (5 pCi/g) in the Memorandum of Understanding with the US Environmental Protection Agency (EPA), did a consultation take place with the EPA as required? What was the outcome?

Sincerely,



Jill Lipoti, Ph.D., Assistant Director
Radiation Protection and Release
Prevention Programs

c: Paul Giardina, US EPA Region 2 Radiation Representative
Manager Gardner, BER
Craig Gordon, US NRC Region 1