

NMSS/DWMEP
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From: Anthony Huffert
To: Thomas McLaughlin
Date: 12/4/01 8:51AM
Subject: Clearance: Molycorp disposition of concrete

Tom -

This is a follow-up to our conversation this morning on your recent email (below) concerning disposition of concrete at the Molycorp site.

If the licensee proposes to keep the concrete on site, the Clearance Working Group (CWG) would not be involved in the review since it would be viewed as a decommissioning issue rather than a clearance issue. Technical and policy considerations would be addressed by DWM staff rather than the CWG.

If the licensee proposes to ship the concrete offsite to a landfill, at this time the CWG recommends a 10 CFR 20.2002 analysis. This is consistent with staff guidance on this issue from August 2000 and July 2001.

Regarding the use of 10 CFR 40.13(a), to date the Commission has chosen to address the transfer of unimportant quantities of source material from facilities as a separate matter from clearance. If the licensee pursues this approach, it's my understanding that NMSS has not yet encountered a case where a licensee has shipped material to a landfill under this provision - such shipments have gone to WCS so far. If Molycorp continues to pursue this approach, it will probably be necessary to meet with our management to discuss this further, as it impacts not only DCB/DWM, but other Divisions in NMSS as well.

Tony

>>>> Thomas McLaughlin 12/04/01 07:24AM >>>
Tony:

Can you give me any feedback from the CWG as to what data is needed from Molycorp? They may still want to try to leave it on-site instead of sending it to a landfill because of "liability" concerns. As it stands now, we have rejected the request for a license amendment due to lack of data. I know you have talked with Fauver but I should respond back to the licensee as to what data should be provided for off-site disposal at a landfill or to bury the concrete on the site. Thanks for your help.

Tom

CC: Dominick Orlando; Frank Cardile; Gary Purdy; Julie Olivier; Stephen Klementowicz

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