



Matt Blunt, Governor • Doyle Childers, Director

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February 16, 2007

Mr. Amir Kouhestani, Project Manager
Decommissioning & Uranium Recovery Licensing Directorate
Division of Waste Management and Environmental Protection
Office of Federal and State Materials and Environmental Management Programs
U.S Nuclear Regulatory Commission (NRC) Headquarters
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11545 Rockville Pile
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RE: Comments submitted to the Nuclear Regulatory Commission (NRC), relating to the Mallinckrodt C-T Decommissioning Plan Phase II Letter, dated January 15, 2007

Docket No. 40-6563
NRC License STB - 401

Dear Mr. Kouhestani:

The NRC has requested that the Missouri Department of Natural Resources (the department) provide comments on a January 15, 2007, letter to the NRC, from Mallinckrodt.

1. The department's interpretation of Mallinckrodt's goal for the CT Phase II Decontamination & Decommissioning (D&D) is for "unrestricted release." This letter seems to change the goal with the term "Long Term Control License," which we interpret as a "restricted use." However, it seems that Mallinckrodt is requesting a temporary "restricted use" decommissioning with a "Long Term Control License," which may change back to "unrestricted release," once pending issues are resolved, or after the completion of the FUSRAP activities.

Inaccessible soils will be left in place now that Mallinckrodt has expanded the Plant 5 decommissioning boundaries to include the west side of B240 and B250, and they intend to leave a Unreacted Ore (URO) burial trench in place under B101 in Plant 6WH. This brings up the question of whether "unrestricted release" can be achieved if contamination is left at the site. If areas of contamination will remain, the department recommends a Long Term Stewardship Plan with institutional controls, for this site.

2. The department wants to ensure that all areas of CT contamination, and additionally any RCRA constituents, are addressed at the Mallinckrodt site. Mallinckrodt expanded their responsibility in Plant 5 to the area on the westside of B250, extending to the edge of Second Street and on the westside of B240. This letter defines the expanded area in Plant 5 to only consist of "a small area of land along the west side of Building 250." To our knowledge, Mallinckrodt has not characterized this area, although the Department of Energy found contamination in this area.

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3. The department would prefer a site-wide approach to determine dose for "unrestricted use" at the Mallinckrodt St. Louis site.

The NRC presented Mallinckrodt with two options: The C-T areas within the Mallinckrodt boundaries must meet 25 mrem, or the whole site must meet 25 mrem including the FUSRAP and C-T areas, to achieve "unrestricted release." The NRC clarified that "a clear and unambiguous delineation" between FUSRAP and non-FUSRAP areas must be established before this option can be agreed upon. The U.S. Army Corps of Engineers (USACE) and Mallinckrodt have reached an agreement addressing the URO burial trenches in Plant 6WH. An agreement addressing the contamination under the neutralization basins in Plant 7WH has not been finalized.

The department encourages the NRC to require an agreement between the USACE and Mallinckrodt regarding the contamination in Plant 7W before approving an addendum to the D&D Plan to start decommissioning activities in Plant 5.

4. The department recognizes that the NRC must complete an Environmental Assessment (EA) of the Mallinckrodt site, before approving the CT D&D Plan. The department's position is that a characterization of the groundwater and sewers in the EA process must be included. Other regulatory actions pending at the Mallinckrodt site are RCRA corrective action.
5. This statement in the letter concerns the department - "Once the FUSRAP activities have been completed and the USACE ROD for inaccessible MED-AEC material has been issued for the St. Louis Plant, Mallinckrodt would propose evaluating the site for license termination."

The NRC "Timeliness Rule" sets a limited time to complete decommissioning at a site. Mallinckrodt's proposes to extend the decommissioning, but does not define if the license termination will be for restricted or unrestricted use. We need to understand how this proposal will meet the goals of our agencies to protect human health and the environment.

Thank you for giving us the opportunity to review and comment on this letter. If you have any questions, please call me at (314) 877-3251. Address any written communication to 917 N. Hwy 67, Suite 104, Florissant, MO 63031.

Sincerely,

HAZARDOUS WASTE PROGRAM

Jo Anne Wade, Environmental Specialist III
DOE Unit, Federal Facilities Section

JW:dd

c: Ms. Karen Burke, Director of Environmental Remediation, Mallinckrodt/Tyco
Ms Sharon Cotner, FUSRAP Program Manager, U. S. Army Corps of Engineers
Mr. Dan Wall, Project Manager, U.S. Environmental Protection Agency, Region VII