



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

August 7, 2007

Mr. E. Jonathan Jackson, President
FMRI, Inc.
Number Ten Tantalum Place
Muskogee, Oklahoma 74403-9296

SUBJECT: REQUEST TO DISCONTINUE REPORTING OF GROUNDWATER SAMPLE RESULTS

Dear Mr. Jackson:

This refers to your letter dated June 15, 2007, in which you reported the results of samples collected from Monitoring Well MW-74. In your letter, you stated that this report will be the last notice on the MW-74 exceedances unless requested otherwise by the NRC. We have carefully reviewed your request, and we have determined that these reports must continue. The reports provide useful information to the NRC and the stakeholders, and the reports are required by the license.

NRC Materials License No. SMB-911, Amendment 12, Condition 10 states, in part, that the authorized use is for activities related to decommissioning and characterization of contaminated facilities, equipment, land, and control over licensed materials in accordance with statements, representations, and conditions contained in the license application as supplemented by the July 24, 2003, Request for Consent to License Transfer. Page 11 of this letter refers to Part B of the license. Part B, "General License Information," was accepted by NRC as part of the license transfer process and includes several important requirements including the reporting requirements for monitoring wells located on site property. Your previous reports involving MW-74 exceedances have been submitted to the NRC in accordance with the commitments made in Part B to the license.

The reports provide notification to the NRC of quantities of radioactive material in the groundwater above the reporting level specified in the license for which heightened attention is required. As a minimum, the NRC uses the information for trending purposes. On the basis of the information provided in these reports, the NRC may subsequently elect to require FMRI to take additional actions that the NRC deems appropriate for the situation.

In summary, your request to discontinue reporting of Monitoring Well MW-74 sample results is denied. However, you have the option to submit a license amendment request to modify or delete your commitments made in the July 24, 2003, license transfer letter. With proper justification, the NRC would consider such an amendment.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response (if any) will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the

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NRC Web site at <http://www.nrc.gov/reading-rm/Adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

Should you have any questions concerning this letter, please contact Robert Evans at (817) 860-8234 or the undersigned at (817) 860-8191.

Sincerely,

/RA/

D. Blair Spitzberg, Ph.D., Chief
Fuel Cycle & Decommissioning Branch

Docket No.: 040-07580
License No.: SMB-911

cc w/letter from licensee dated June 15, 2007:

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Region VI
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Tulsa District
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bcc w/o enclosure (via ADAMS distrib):
 LDWert
 CLCain
 JCShepherd, FSME/DWMEP/DURLD
 JMPeckenpaugh, FSME/DWMEP/EPPAD
 DBSpitzberg
 JFKatanic
 JEWhitten
 RJEvans
 RITS Coordinator
 FCDB File
 RIV Nuclear Materials File - 5th Floor

SUNSI Review Completed: RJE ADAMS: Yes No Initials: RJE
 Publicly Available Non-Publicly Available Sensitive Non-Sensitive

DOCUMENT NAME: s:\dnms\!fcdb\!rje\70758002-Monitor Well.wpd final r:_dnms

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| RIV:DNMS:FCDB | FSME:DWMEP:DURLD | C:FCDB |
| RJEvans* | JCShepherd* | DBSpitzberg |
| <i>/RA/</i> | <i>/RA R. J. Evans for/</i> | <i>/RA/</i> |
| 08/01/07 | 08/01/07 | 08/07/07 |

OFFICIAL RECORD

T=Telephone

E=E-mail

F=Fax

*Previous Concurrence