



Westinghouse Electric Company
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Your ref:
Our ref: HEM-07-125
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Subject: Response to 9/12/07 E-Mail to Kurt Hackmann

Dear Dr. McKeel,

This letter is in response to your September 12, 2007 email, regarding the Hematite facility. Your email contains substantial discussion of several issues. The following are Westinghouse's responses to questions or concerns extracted from your message.

- "I am interested in thorium-230 concentrations in the burial pit soil (that I did not see mentioned in that subreport of the RI) and the groundwater.

Answer: For the Burial Pits, thorium-230 was found in the soil at a concentration of 1.14 pCi/g in a soil sample. For groundwater the highest concentration was under the process buildings at a level of 1 pCi/l. Thorium investigation and values are contained in the Remedial Investigation, Volume 1, Sections 4.3 and 6.2.2, Table 4.19 regarding groundwater, Table 4.25 regarding soil, and Table 4.30 regarding subsurface soil. You also should refer to Appendix H, Tables 7 through 11, and Appendix K.

- "I am particularly interested in knowing what radiation dosimetry monitoring data exists for 1956-73."

Answer: Radiation dosimetry records for employees in the 1956 to 1973 timeframe have been retained at the Hematite Site. These records are private and access to them is protected by a variety of laws and regulations. Because of those protections, Westinghouse will provide those records only to the former employees or their assigns upon receipt of their written request, and to others upon receipt of a release from the employee and designation to send the records to a third party.

- "We also need better information on when NRC plans to hold a meeting in Hematite apart from the ones they hold in Rockville, MD, that none of us can attend."

Answer: The NRC is responsible for the schedule and location of those meetings, not Westinghouse. We have noted the potential for such meetings in our newsletters, and base those announcements on the best information available at the time. The NRC has informed us of their intent to hold a public meeting in Hematite to discuss the Decommissioning Plan once they have reviewed our responses to their requests for additional information. We currently anticipate that such a meeting would occur in early 2008. Please contact John (Jack) Hayes, the NRC project manager for the Hematite Site, at (301) 415-5928 if you need additional information.

*“Any further clarification you could make about the effect/s of the denied federal District Court Consent Decree would be helpful. At least, this court decision indicates there was a fundamental misunderstanding of the law when the Consent Decree was formulated by the Missouri Attorney General, MDNR and Westinghouse leaving NRC out of the equation.”**Answer: Your perspective that NRC jurisdiction was not considered as the Consent Decree was being written is not correct. The proposed Consent Decree contained language specifically designed to recognize and protect the NRC’s jurisdiction. The Court declined to approve the Consent Decree because it gave the State concurrent jurisdiction over the radiological constituents. The Court determined that even such concurrent jurisdiction was preempted by the Atomic Energy Act.*

- *“The question is the time frame for the detailed further investigation and characterization of the contents of the 30 to 60 remaining burial pits?”*
- *“...the Remedial Investigation is not complete for the burial pits for OU-1...”*

Answer: We believe that our years of research, review of historical records and field work have provided sufficient information to safely and effectively remediate the site. Continued exploration is not likely to produce valuable information that would change our conclusions or approach, but would delay the important work of remediating the pits.

The MDNR has reviewed our data and concluded that the soils and sediments, including the burial pit area, are adequately characterized. We recently submitted the Feasibility Study to the MDNR for their review, and are working on the Proposed Remedial Action Plan. Both of those documents are being prepared in accordance with the CERCLA process. As we said at the September public meeting, our intent is to have them ready for presentation to the public by the end of 2007.

We concurrently are working with the NRC to finalize the Decommissioning Plan, which will establish bounding conditions and appropriate contingencies and controls for safe and effective site remediation and License termination. We intend to complete a series of responses to them in early 2008.

The MDNR and NRC regulatory processes are complementary. Approvals from both agencies are required before we can address the contaminant sources. We remain committed to timely progression through those processes so that we can remediate the site in a safe, environmentally sound, and socially responsible manner.

- “Could you also please assure me that your answers to Mrs. Eaton and to me also will be shared with the NRC, MDNR and the Missouri AG's office?”

Answer: Mrs. Eaton will be provided with a copy of this letter and you have been copied on hers. We also are copying the MDNR, NRC, and the MO AG's office.

I hope this information is helpful, if you need any other clarification please let me know.

Sincerely,



E. Kurt Hackmann
Decommissioning Project Director

cc: Ben Moore, MDNR
Shelly Woods, MO AG
John Hayes, NRC
Clarissa Eaton
Michele Gutman, WEC