

From: "Werner, Bryan" <brwerner@state.pa.us>
To: "Marjorie McLaughlin" <MMM3@nrc.gov>
Date: Thu, Feb 16, 2006 2:24 PM
Subject: RE: Whittaker EA

Hi Marjorie,

Hopefully ORISE won't hold your process up too much, but it sounds like Whittaker does not plan any site activity until April. As for the second comment, that is basically the answer I was looking for. I'm actually surprised that Kevin Taylor had not said that when I talked to him. I was pretty sure deep samples had been taken, and they should have had some idea of where the slag ended. I just know that we almost got bit by the thinking they were done at Molycorp York a couple of times. We had already released a couple of parts of the site that turned out to have large pockets of contamination a couple of feet under the confirmed clean soil. The only reason it was found was because we found the tip of the pocket two sections over in our confirmatory work. We might consider asking that Whittaker have a section in their FSSR using that data to explain why they are confident they reached native soil. I'm satisfied though as long as the data exists. Thanks again.

Bryan

-----Original Message-----

From: Marjorie McLaughlin [mailto:MMM3@nrc.gov]
Sent: Thursday, February 16, 2006 2:07 PM
To: brwerner@state.pa.us
Subject: RE: Whittaker EA

Bryan:

Thank you for the comments on the draft Whittaker EA. I have corrected the three items specific to the EA text. With respect to the two general comments:

- 1) It is an excellent point that ORISE should review the FSSP, since they will be performing the confirmatory survey for that section. I am having the document sent to them as we speak.
- 2) I agree that the FSSP does not state how Whittaker is certain that they have reached native soil. However, the excavation of Section 2 has reached a depth of greater than 20 feet. We have characterization data from numerous surveys of the slag area (from 1977, 1984, 1999, and 2000). Some were performed by SCIENTECH, one by Westinghouse (for Whittaker), and one by ORISE. During these surveys, soil samples were obtained at depths up to 30 feet. The documentation indicates that no slag was encountered below 13'. Based on the status of the excavation and the results of these prior surveys, we don't intend to require further subsurface sampling.

I hope to have ORISE expedite their review of the FSSP, and then issue the Federal Register notice and the amendment. Of course, you will be cc'd on the amendment. If you have any comments on the responses above, let me know.

Thank you
Marjorie

Marjorie McLaughlin

Health Physicist
USNRC Region I Decommissioning
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610-337-5269 (Fax)

>>> "Werner, Bryan" <brwerner@state.pa.us> 02/15/06 7:55 AM >>>

Marjorie,

I finally heard back from our regional folks with their response to your Draft EA for Whittaker. PADEP's comments are limited to a few specifics in the text and two questions/observations. Despite these comments, PADEP agrees with NRC's Finding of No Significant Impact (FONSI).

The following are references to specifics in the text. These may have already been caught by your own review.

- 1) Page 1, Paragraph 1, Sentence 3; There are dates listing the time frame of Whittaker Corp.'s authorization to possess radioactive materials for processing minerals. The first date listed has a specific day listed, but the second date does not. Either the exact day in the second date was omitted or is not known.
- 2) Page 2, 1st Full Paragraph, Sentence 5; There appears to be a tab or double space in the middle of the word "will". "... and the soil samples will be analyzed by...."
- 3) Page 2, Environmental Impacts of Proposed Action section; The carriage return was omitted after that section and before the following section.

The following are general comments/questions.

- 1) It has been discussed in the past that NRC contractor ORISE will be responsible for performing the confirmatory checks associated with the licensee action addressed in the EA. There is no mention in the draft EA whether ORISE has been asked to review the licensee's Final Status Survey Plan (FSSP). At what point does NRC intend to get ORISE involved?
- 2) Our final question comes out of the Licensee's FSSP. The first sentence of section 4.0, Survey and Sampling in Section 2, states that the excavation in that area has reached native soil. However, there is no explanation as to why they believe they have reached native soil. Their sampling plan calls only for surface samples to be taken. That means no samples will be taken deeper than approximately 6 inches. PADEP feels that the licensee should verify that in fact they have excavated to native soils that mark the bottom of the slag pile. There have been other instances at decommissioning sites within Pennsylvania where the licensee removed material down to the believed native soils, and attempted to release that area. It was later discovered that it was actually a couple of feet of soil that covered up another significant pocket of contamination that exceeded the release criteria.

These items do not constitute a disagreement with NRC's FONSI. These items are for your consideration only. We appreciate the opportunity to review this EA. If you have any questions, please feel free to contact me via email or phone (717-787-2781).

Bryan Werner

-----Original Message-----

From: Marjorie McLaughlin [mailto:MMM3@nrc.gov]
Sent: Wednesday, February 01, 2006 8:44 AM
To: brwerner@state.pa.us
Subject: RE: Whittaker EA

Hi, Bryan!

I know you have the hard copy, but just an FYI, the Whittaker Section 2 FSSP that is the subject of the EA is available in ADAMS. ML060300532 is the accession number.

Out of Scope

Let me know if you need anything else for the EA!

Marjorie

Marjorie McLaughlin

Health Physicist
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