

May 18, 2008

Ms. Elizabeth Southerland, Director  
Division of Assessment and Remediation  
Office of Superfund Remediation  
and Technology Innovation  
U.S. Environmental Protection Agency  
M.S. 5204P  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

SUBJECT: RESPONSE TO RECOMMENDATIONS REGARDING THE PARTIAL  
DECOMMISSIONING OF THE NUCLEAR FUELS SERVICES SITE IN ERWIN,  
TENNESSEE

Dear Ms. Southerland:

I would like to thank the U.S. Environmental Protection Agency (EPA) for providing its views on the partial decommissioning of the Nuclear Fuels Services (NFS) site in Erwin, Tennessee, in your letter dated April 15, 2008. The U.S. Nuclear Regulatory Commission (NRC) notified EPA about the NFS partial site decommissioning because the licensee's approved derived concentration guideline levels (DCGLs) for certain radionuclides exceed the soil concentration values in Table 1 of the 2002 "Memorandum of Understanding (MOU) between NRC and EPA on Consultation and Finality on Decommissioning and Decontamination of Contaminated Sites." In your letter you stated:

In EPA's view, if the licensee is unable to meet the Table 1 soil values, NRC should consider the use of a more restricted land use and appropriate institutional controls. In addition, NRC should consider determining if the use of site-specific parameters was justified in modeling at this site.

Prior to approving the licensee's decommissioning plan (DP), the NRC staff determined that the licensee provided adequate information justifying an industrial scenario as the most likely land use in the foreseeable future. Thus, the NRC staff concluded that an industrial scenario is the appropriate land use for demonstrating compliance with the requirements in Title 10 of the Code of Federal Regulations, Part 20, Subpart E. Additionally, the licensee chose to meet the lowest surface soil DCGL for each radionuclide, which was derived from the suburban resident or recreational scenarios. The suburban resident and recreational scenarios result in lower DCGLs than the industrial use scenario. Furthermore, once this land is remediated, the owner intends to maintain control of it as a buffer zone under its site security program. Because we believe these measures are adequately protective, NRC will not adopt EPA's recommendations in your April 15, 2008, letter. Nonetheless, following site remediation activities, NRC staff will review the information in the Final Status Survey (FSS) reports and compare the levels of residual radioactivity against the MOU trigger levels. If the FSS measurements exceed the trigger levels in the MOU, we will contact your office pursuant to the MOU.

If you have any questions regarding this letter or the decommissioning activities at the NFS site, please contact Dr. Keith I. McConnell, Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate, at (301) 415-7295.

Sincerely,

*/RA/*

Larry W. Camper, Director  
Division of Waste Management  
and Environmental Protection  
Office of Federal and State Materials  
and Environmental Management Programs

Docket No.: 70-143  
License No.: SNM-124

cc: L. Nanney, Tennessee Dept E&C  
D. Shults, Tennessee Dept E&C  
B. Moore, NFS, Inc.

If you have any questions regarding this letter or the decommissioning activities at the NFS site, please contact Dr. Keith I. McConnell, Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate, at (301) 415-7295.

Sincerely,

**/RA/**

Larry W. Camper, Director  
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 and Environmental Protection  
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cc: L. Nanney , Tennessee Dept E&C  
 D. Shults, Tennessee Dept E&C  
 B. Moore, NFS, Inc.

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