

Amy Snyder

From: Thomas Fredrichs
Sent: Monday, July 28, 2008 11:24 AM
To: Amy Snyder; Duane Schmidt; John Buckley; Bruce Watson
Cc: Kenneth Kline; Peter Habighorst; Lydia Chang; Merritt Baker
Subject: RE: Question on Decommissioning

Amy,

The contract clause " ... the price of this contract does not include any amounts for costs, that may be incurred for any investigation or remediation with respect to disposal sites for low level radioactive wastes disposed of by the Contractor [the licensee] under this contract ... " could refer to potential leaks or other environmental injuries at the disposal site - which could result in disposal site cleanup costs being assessed against the persons who used the site. When the disposal site operator does not pay for remediation (or is no longer in existence), EPA can assess cleanup costs against any person who used the site. The theory for this liability is that the persons who use the site will make sure the disposal site is properly run so that leaks won't occur. DOE wants to protect itself from an assessment of costs if something goes wrong at the disposal site.

If that is the intent of the clause, then waste characterization by BWXT would not be an "investigation" with respect to the disposal site. The investigations and remediation would be done at the disposal site by the EPA (if the NPL score is high enough).

Tom F.

From: Amy Snyder
Sent: Monday, July 28, 2008 10:12 AM
To: Duane Schmidt; John Buckley; Bruce Watson
Cc: Kenneth Kline; Peter Habighorst; Lydia Chang; Thomas Fredrichs; Merritt Baker
Subject: Question on Decommissioning
Importance: High

SENT- to clarify: They should NOT take a lot of your time.

Hi Duane, John, and Bruce,

I hope you do not mind me asking a few decommissioning questions. They should take a lot of your time- I want your answer based on your experience and the facts below. We are reviewing the financial assurance mechanisms now for BWXT- Ken Kline is the reviewer.

I seem to remember on the Mallinckrodt project there was a question **about whether it was possible to distinguish between highly enriched uranium and uranium that was not highly enriched when it came time to decommission the site.**

Ken had some questions based on the BWXT application. The focus of some of this questions lies in the DOE Naval Reactor's agreement to clean up the Naval Fuel's manufacturing areas and any other areas of the site that can be attributed to Navy Fuel Operations contamination (highly enriched uranium). Do you see any problems in distinguishing between such areas (contamination due to highly enriched uranium vs. non-highly enriched uranium) in the future?

Would it be reasonable to ask BWXT how they intend to distinguish Naval Reactor contamination from Non Naval Reactor Contamination? Especially for subsurface and groundwater contamination? BWXT does manufacture other uranium based fuels at the site (Test and Research Reactor fuels) in which highly enriched uranium is used. Also, the application states that Naval uncladded radioactive materials (meaning Highly enriched uranium) are stored or processed in several areas of the site- some of the areas listed are not solely

used for Naval fuels (like the waste operations areas, waste treatment, downblending waste pretreatment areas, rail yard storage facility, container storage facility, BWXT's Research and Test Labs).

Also, the Navy Contract with the licensee regarding clean up states- "the price of this contract does not include any amounts for costs, that may be incurred for any investigation or remediation with respect to disposal sites for low level radioactive wastes disposed of by the Contractor [the licensee] under this contract." Ken Kline indicated that it would be a good idea to check with OGC to see if we should ask the licensee to provide a written statement indicating that it acknowledges responsibility for all low level waste and the cost of its disposal. My question to you is: when a licensee disposes of waste, is the cost of waste characterization considered an "investigation" with respect to disposal sites?

Amy M. Snyder, Senior Project Manager
U.S. Nuclear Regulatory Commission
Office of Nuclear Material Safety and Safeguards
Division of Fuel Cycle Safety and Safeguards
Fuel Manufacturing Branch
M.S. EBB2-C40M
Washington, D.C. 20555
Telephone: (301) 492-3225
Fax: (301) 492-3359