

July 1, 2010

Ms. Karen Burke, Director
Environmental Remediation
Covidien Mallinckrodt Inc.
675 McDonnell Boulevard
Hazlewood, MO 63042

SUBJECT: APPROVAL OF MALLINCKRODT INC.'S PHASE 2 DECOMMISSIONING PLAN
AND ISSUANCE OF EXEMPTION (DOCKET NO. 40-06563,
LICENSE NO. STB-401)

Dear Ms. Burke:

On May 14, 2003, Mallinckrodt Inc. (Mallinckrodt) submitted a license amendment request to authorize decommissioning as proposed in its Phase 2 Decommissioning Plan (DP) (ADAMS Nos.: ML032110490, ML032600825, ML032600898, ML032600901, ML032600945, and ML032600956). In response to U.S. Nuclear Regulatory Commission (NRC) requests for additional information dated December 16, 2004 (ML043630359), June 29, 2005 (ML051430360), and February 16, 2006 (ML060310346), Mallinckrodt provided supplemental information on August 1, 2005 (ML052160048), September 1, 2005 (ML052520039), March 24, 2006 (ML060870482), April 21, 2006 (ML061240378), and July 20, 2006 (ML062060332). To make the Phase 2 DP a stand-alone document, Mallinckrodt submitted a completely revised Phase 2 DP, which incorporates all of the above revisions, on October 14, 2008 (ML083150652). Additional minor clarifications were submitted on June 3, 2010 (ML101620140).

In response to your amendment request, and pursuant to Part 40 of Title 10 of the Code of Federal Regulations (10 CFR), License STB-401 is hereby amended to authorize decommissioning of the Columbian-Tantalum process areas in accordance with Mallinckrodt's, "Phase II Decommissioning Plan," submitted on October 14, 2008. The NRC concludes that the Phase 2 DP, if properly implemented, will permit the NRC-licensed portions of the site to be released for unrestricted use, in accordance with 10 CFR 20.1402.

However, License STB-401 is not specific regarding the site areas to which the 10 CFR 20.1402 dose criteria apply. 10 CFR 20.2301 authorizes the NRC on its own initiative to grant exemptions that it finds are authorized by law and will not result in undue hazard to life or property. As further detailed in the enclosed Safety Evaluation Report, the NRC finds that an exemption here is authorized by law and will not result in undue hazard to life or property at the Mallinckrodt site. An exemption is therefore being granted allowing the dose criteria to be applied at the geographic boundary of the C-T processing areas. Mallinckrodt and USACE have successfully completed a delineation agreement for Plant 6W, but no agreement currently exists for Plant 7. NRC's exemption is conditioned on Mallinckrodt and USACE reaching a delineation agreement for Plant 7 before decommissioning is complete. It should be noted that NRC will not terminate Mallinckrodt's license until decommissioning in Plant 7 is complete consistent with a delineation agreement. NRC has prepared the enclosed Safety Evaluation Report and Environmental Assessment to support approval of Mallinckrodt's license amendment. The enclosed Finding of No Significant Impact has been published in the *Federal Register*.

Enclosed is a copy of amended License STB-401. In accordance with 10 CFR Part 40.42(c), this license continues in effect, beyond the expiration date until the Commission notifies the licensee in writing that the license is terminated.

If you have any questions, please call John Buckley at (301) 415-6607.

Sincerely,

/RA/ by L. Chang for

Keith I. McConnell, Deputy Director
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 40-6563
License No.: STB-401

Enclosures:

1. Safety Evaluation Report
2. Environmental Assessment
3. *Federal Register* Notice
4. Amended License STB-401

cc: Mallinckrodt Service List

K. Burke

2

Enclosed is a copy of amended License STB-401. In accordance with 10 CFR Part 40.42(c), this license continues in effect, beyond the expiration date until the Commission notifies the licensee in writing that the license is terminated.

If you have any questions, please call John Buckley at (301) 415-6607.

Sincerely,

/RA/ by L. Chang for

Keith I. McConnell, Deputy Director
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 40-6563
License No.: STB-401

Enclosures:

1. Safety Evaluation Report
2. Environmental Assessment
3. *Federal Register* Notice
4. Amended License STB-401

cc: Mallinckrodt Service List

DISTRIBUTION:

RidsRgn3MailCenter GBonano, R III

ML091960063

OFC	DWMEP	DWMEP	DWMEP	OGC	DWMEP
NAME	JBuckley	SMichonski	LChang	NLO JHull	LChang for KMcConnell
DATE	7/15/09	7/16/09	2/13/10	3/10/10	7/1/10

OFFICIAL RECORD COPY

cc: Mallinckrodt Service List

Henry Morton
Morton Associates
10421 Masters Terrace
Potomac, MD 20854

Dennis Chambers
U.S. Army Corps of Engineers
FUSRAP
8945 Latly Avenue
Berkley, MO 63134

Ms. Pat H. Duft
Vice President, Legal
Covidien
Mallinckrodt Inc.
675 McDonnell Boulevard
Hazelwood, MO 63042

Branden B. Doster
Missouri Department of Natural Resources
Hazardous Waste Program
P.O. Box 176
Jefferson City, MO 65102-0176

Karen Burke
Director, Environmental Remediation
Covidien
Mallinckrodt Inc.
675 McDonnell Boulevard
Hazelwood, MO 63042

Robert Geller, Director
Department of National Resources
Hazardous Waste Program
State of Missouri
P.O. Box 176
Jefferson City, MO 65102

Honorable Doyle Childers
Director
Department of National Resources
State of Missouri
P.O. Box 176
Jefferson City, MO 65102

Sharon Cotner, Program Manager
U.S. Army Corps of Engineers
FUSRAP
8945 Latly Avenue
Berkley, MO 63134

Jacqueline Mattingly
U.S. Army Corps of Engineers
FUSRAP
8945 Latly Avenue
Berkley, MO 63134