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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
11/1/89

ATOMIC SAFETY AND LICENSING BOARD PANEL

'89 OCT 19 P4:21

Before Administrative Judge:

Charles Bechhoefer

In the Matter of)
)
COMBUSTION ENGINEERING, INC.)
)
(Hematite Fuel Fabrication)
Facility, Special Nuclear)
Materials License No. SNM-33))

Docket No. 70-36MLA
ASLBP No. 89-593-01-MLA

PROPOSED FINDING OF FACTS:

1. The Hematite plant has been operated since 1956 by five operators. Additional information about the application has been provided in Exhibit A. I request that Exhibit A be made a part of the record.

2. Technology, waste disposal and operating practice and awareness of, have environmental consequences changed during this period of operation.

3. Other nuclear fuel cycle plants which have operated in the St. Louis area, including plants operated by a former operator of the subject site, have incomplete operational records and poorly documented radioactive contamination and waste disposal. Former operators of the Hematite site are known to have buried amounts of uranium waste within site boundaries, but the operators do not have specific information on the size of the burial area, the number of trenches it contained, or the amounts or types of substances buried in them.

4. The last previous plant decommissioning plan was filed in 1979 and no longer reflects current plant operations which

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have been amended since 1979. The last decommissioning plan does not provide for local government or citizen participation. The plan does not discuss the need to clean up buried waste sites, liquid waste disposal ponds, or contaminated limestone rock and soil that are present at the site.

The current operator has not escrowed funds to decommission and clean up the subject site, but states that it will complete these requirements from current revenues. Such revenues will be (by definition) nonexistent upon plant decommissioning.

5. Prior to 1978, the operator used two waste lagoons to handle liquid radioactive waste from processing operations. Although the current operation has ceased using these lagoons and is removing contaminated dirt and sludge, once removal is complete, the remaining contamination is expected to be six to seven times higher than federal guidelines for soil released for unrestricted use. Furthermore, samples from two on-site groundwater monitoring wells indicate that contamination from the waste lagoons and/or solid waste burial sites are ninety-six times higher than federal drinking water standards.

6. The NRC authorized the operator to use limestone rock chips to filter corrosive gases before releasing the gas into the atmosphere. Later, the operator requested that the NRC allow the operator to bury some of the rock on-site, but the NRC refused to grant such permission, stating that the rock should be sent to a licensed disposal facility. Quantities of this rock have been used as back-fill on two on-site landfill areas, and the remainder is stored on-site in two piles. No rock has been disposed of pursuant to NRC specifications.

7. A license should be granted to the operator to expand its operations at the subject site subject to conditions designed to insure correction of environmental problems on-site, and to insure cleanup of the subject site upon plant decommissioning.

8. The license granted to the operator pursuant to the application should be conditioned on characterization and confirmation of the operational history of the subject site since 1956, and all waste disposal areas and contaminated areas identified. Furthermore, the operating history should be reviewed to determine if any off-site disposal areas were utilized.

9. The license granted should be conditioned on the operator's identification of all parties liable for cleanup of all on an off-site waste disposal areas resulting from operation at the subject site. The operator should immediately commence cleanup of all waste disposal areas resulting from operation of the subject site for which it is responsible.

10. The license granted to the operator pursuant to the application should be conditioned on the preparation of a new decommissioning plan which reflects current plant operations, and which involves participation of the local communities and governments surrounding the subject site. Financial guarantees regarding the decommissioning of the subject site should be considered, with specific consideration given to the necessity or advisability of escrow accounts established by the site operator to insure cleanup.

11. The license granted to the operator pursuant to the application should be conditioned on completion of cleanup the

remedial action at the waste lagoon sites, subject to a definite schedule with a definite completion date.

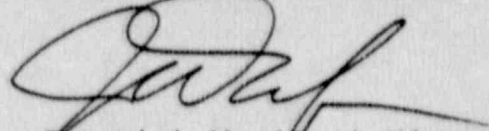
12. The license granted to the operator pursuant to the application should be conditioned on removal of all limestone waste material presently stored on-site, and transportation of all such waste to a licensed disposal facility pursuant to NRC guidelines, subject to a definite schedule with a definite completion date. All waste subsequently generated should be stored on-site pending transportation to a licensed disposal facility, in secure covered storage facilities.

13. The public meeting called for October 24, as well as the public meeting held August 24, elicited facts and testimony of relevance to this procedure and a copy of the transcript of both are relevant to the application of expansion of the operations on the subject site. They include relevant and material statements of public concern regarding the application and therefore, the transcript of both public meetings must be incorporated and made part of the record of this application.

14. Recent release of approximately 273 grams of uranium during plant operations impinge on the credibility of the operators statements in support of this application that plant

operations are safe. I request that the record remain open until the report of the Nuclear Regulatory Commission concerning this release is made public and, further, I request that report be made a part of the record in these proceedings.

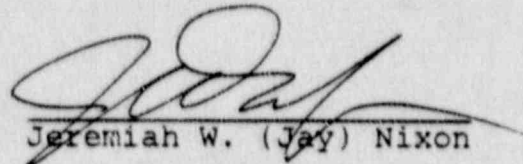
Respectfully submitted



Jeremiah W. (Jay) Nixon
Missouri Senator, 22nd Dist.

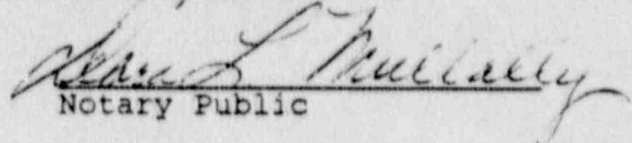
AFFIDAVIT

I, Jeremiah W. (Jay) Nixon, first being duly sworn state that the foregoing is true and correct to my knowledge and belief.



Jeremiah W. (Jay) Nixon

Subscribed and sworn to before me this 17th day of October, 1989. My commission expires November 13, 1989.



Notary Public

EXHIBIT A

ISSUE 1: SITE CHARACTERIZATION

The Hematite plant has been operated since 1965 by five different operators. Technology, accepted waste disposal, and operating practices have changed dramatically during this period. Experience with former nuclear fuel cycle plants in the St. Louis area has demonstrated that operational records are sketchy and that radioactive contamination and waste disposal were not well documented. The full characterization and cleanup of the FUSRAP (Formerly Utilized Site Remedial Action Program) sites in Missouri will require billion dollar expenditures and over a decade to clean up. Even then, there is doubt as to whether they can ever be released for unrestricted use.

Recommendation

The information provided in the record does not indicate that an operational history of the Hematite site exists or that the site has been fully characterized. The Hematite plant site should be fully characterized and any disposal areas or contaminated areas from past operations should be identified. Additionally, the operating history should be reviewed to determine if any off-site disposal areas were utilized. If there are problem areas which are a legacy from past operations, the current operator should accept responsibility or should initiate action to determine the responsible party. A operational history and site characterization should be specified as a license condition.

ISSUE 2: DECOMMISSIONING PLAN

The decommissioning plan to return the plant site to unrestricted use was filed in 1979. This plan was not included as a part of the hearing record. The plan should be amended to reflect expanded plan operations. In light of the experience with the FUSRAP sites, financial guarantees for decommissioning should also be reviewed to determine if they are adequate. Citizen involvement in planning should be sought because the site "will be in their backyard" after closure. The decommissioning plan should include measures to return the area to unrestricted use.

Recommendation

The decommissioning plan should be updated to reflect plant expansion. Financial guarantees to properly decommission the plant should also be reviewed. The local governments should be involved in both decommissioning and plans for site utilization after closure.

An undated decommissioning plan, with citizen involvement, should be required as a license condition.

ISSUE 3: WASTE LAGOONS

The waste lagoons pose an environmental hazard to groundwater underlying the site. Additionally, the lagoons are no longer necessary for plant operation.

Recommendation

The operation should be required to properly close the lagoons and to perform necessary remedial action at the lagoon site. This work should begin immediately and a definite schedule with a completion date should be specified as a license condition.

ISSUE 4: ON-SITE WASTE STORAGE/DISPOSAL

Limestone filter waste is currently stored on site in uncovered waste piles. Additionally, some waste has been buried on-site.

Recommendation

All waste, including the limestone filter waste, should be in secure, covered storage. Buried waste should be excavated and sent to a licensed disposal site. Such action should be initiated and completed expeditiously in order to complete any such excavation before the mid 1990's. These conditions should be specified in the license amendments.

Radioactive waste disposal is becoming increasingly difficult as the three licensed national sites restrict disposal. Missouri is currently involved in a low level radioactive waste (LLRW) compact to develop a new site to be located in Michigan. The availability of future storage capacity is very much in question.

Additionally, the operation should be required to initiate waste reduction measures and on-site waste storage facilities to continue operations during a period of limited disposal capacity.

ISSUE 5: EMISSION CONTROL

The operator has indicated that modernization of the Hematite facility will reduce emissions from the facility. The operator has further posited that significant air releases are virtually impossible. Despite such assurances there was an accidental release of approximately 273 grams of uranium hexafluoride on August 28, 1989.

Recommendation

The operator should be required to conduct air and water monitoring at appropriate off-site points to provide maximum assurance of public safety.

The operator should be asked to establish emission reduction targets and to identify the procedures to be employed to obtain those targets. Finally, despite numerous requests, the report of the Nuclear Regulatory Commission concerning the accidental release of 273 grams of contaminated material has not been made public. The record should be held open until this document has been released and it should be incorporated in the record.

ISSUE 6: CITIZEN INVOLVEMENT

The Hematite plant has been an integral part of the economy and community for the past 33 years. It is important that citizens of the area are knowledgeable and informed as to plant operations. The local government and citizens should be involved in emergency planning and planning for the eventual decommissioning of the plant.

Recommendation

A license condition should be included which requires citizen involvement in emergency planning and decommissioning.