

A-117

JAN 9 1975

NOTE TO: Cecil Buchanan

SUBJECT: Release of Unrestricted Property (W. R. Grace & Co., Davison Chemical Division)

Based on our telephone conversation Wednesday, it is my understanding that disposal pursuant to 10 CFR 20.304 is based on the statements of the applicant and not visual observance by RO of the burial. Therefore, under such practices, the statement of Mr. Mobley should be sufficient to confirm that disposal has occurred pursuant to our regulations.

The file that you sent this office indicates a notice of noncompliance for disposal was issued by AEC on July 1, 1964. The licensee stated on July 24, 1964 that they would remedy the situation. Mr. Gilbert, Region 1 Division of Compliance, indicated July 28, 1964 that this reply was adequate. Up until 1974, the AEC had not been notified of actual compliance.

The file now contains the statement of Mr. Mobley that compliance has occurred and two notarized statements that infer that the situation noted in July 1964 was remedied.

Since the AEC normally relies on statements of the licensee for compliance and statements have been made, it appears there is no basis for holding this matter up. I would recommend that the land records indicate that material has been buried on the property. Therefore, providing RO is satisfied with the evidence of compliance, I have no objection to your letter if you change the last sentence to read as follows:

"We have no objection to the release of the property provided a notation is recorded in the appropriate land records indicating radioactive material has been buried on this property pursuant to 10 CFR §20.304 (1974)."

Please contact me if I can provide further assistance in this matter.

James Lieberman
James Lieberman

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