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Mr. R. G. Page, Chief
Uranium Fuel Licensing Branch
Division of Fuel Cycle and
Material Safety
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Page:

During our meeting on March 31, 1982, we indicated that we would ask our Office of General Counsel for an opinion relative to our authority for conducting remedial action at the Pompton Plains site of the W. R. Grace Company. The opinion just received is that "DOE would not have the authority to undertake remedial action to remove radioactive materials resulting from Contract No. AT(30-1)-1037, but would have the authority to undertake remedial action to remove radioactive materials resulting from Contract No. AT(49-6)-993 if such action was required to protect public health and safety." As a point of clarification, the first contract (AT(30-1)-1037) was a contract to purchase material from W. R. Grace. The second contract (AT(49-6)-993) was for processing material to the Atomic Energy Commission specifications and including waste disposal, etc. Based on this opinion, it appears that this site can be considered for inclusion in the Department of Energy formerly utilized sites program. The legal opinion notwithstanding, it is understood that this site will be radiologically characterized this month by a Nuclear Regulatory Commission contractor. Please forward the survey results and other pertinent information on the Pompton Plains site to this office so we may review them prior to inclusion in the formerly utilized site program.

Sincerely,

Original signed by:

William E. Mott
Acting Director
Public Safety Division
Office of Operational
Safety (EP-323)

bcc:
W. Goldsmith, ORNL
Aerospace
A. Whitman, EP-323

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