



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

April 20, 1994

Mr. Michael H. Mobley, Director
Division of Radiological Health
Tennessee Department of Environment
and Conservation
L and C Annex, Third Floor
401 Church Street
Nashville, TN 37243-1532

Dear Mr. Mobley:

This is in response to your letter of January 24, 1994 to Mr. Richard L. Bangart commenting on the November 8, 1993 Commission meeting on the NRC's Site Decommissioning Management Plan. I am responding because of the significance of the concerns you have expressed. Your letter has also been forwarded to the Office of the Inspector General for review.

The NRC has acknowledged that a number of licenses were terminated by the AEC and the NRC in past years using criteria that are different from those being used today. At the time of those terminations, however, the residual contamination criteria and the survey/sampling techniques were accepted as being sufficient to assure public health and safety and protection of the environment. As we now know, advancing technology allows detection of contamination at lower and lower levels and the acceptable levels of residual contamination have been lowered. Thus, some sites and facilities thought to be acceptably remediated in past years, now require further characterization and remediation. However, none of the sites needing additional remediation are an immediate threat to public health and safety.

Generally, you have indicated that NRC actions are based on factors other than the protection of public health and safety from the hazards of radiation. You can be assured that NRC actions are primarily based on establishing reasonable assurance that public health and safety will be protected. Once the assurance of public health and safety is established, additional levels of protection are based on the as low as is reasonably achievable (ALARA) principles. The ALARA principles take into account the state of technology, the economics of improvements in relation to the state of technology, the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to the utilization of nuclear energy and licensed materials in the public interest. While there may be differences in perspective between the NRC and the Agreement States from time to time on various issues, we do not believe that the need to assure adequate levels of public health and safety should be in dispute.

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Your statements that NRC decisions are based on "quick fixes," do not consider the technical views of health physicists, consider costs as more important than safety, do not realistically consider safety significance and are too heavily influenced by Congress are of concern to me. If there are any NRC actions that you believe have not resulted in an adequate level of protection of public health and safety, please identify them to us so they can be addressed.

Sincerely,

Original signed by
Hugh L. Thompson, Jr.

Hugh L. Thompson, Jr.
Deputy Executive Director for Nuclear
Materials Safety, Safeguards and
Operations Support

cc: D. Williams, OIG

Distribution:

- DIR RF (S-23)
- RLBangart
- PHLohaus
- SDroggitis
- TCombs
- RBernero
- TN File
- Decommissioning File

DCD PDR (YES X NO)
(SPC)

J. A. D. 4/18/94

*See previous concurrence.

OFC	OSP	OSP:DD	OSP:D	NMSS:D	DEDS		
NME	TCombs	PLohaus	RLBangart	RBernero	HLThompson		
DTE	03/28/94*	03/28/94*	03/31/94*	04/19/94	04/19/94		

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Michael H. Mobley

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Congress are of concern to me. If there are any NRC actions that you believe have not resulted in an adequate level of protection of public health and safety, please identify them to us so they can be addressed.

Sincerely,

James M. Taylor
Executive Director for Operations

cc: D. Williams, OIG

Distribution:

DIR RF (S-23)

DCD

PDR (YES NO)

RLBangart

PHLohaus

SDroggitis

TCombs

TN File

Decommissioning File

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