

## DEPARTMENT OF HEALTH SERVICES

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November 2, 1993

John J. Surmeier  
Acting Assistant Director for  
State Agreements Program  
Office of State Programs  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Mr. Surmeier:

We have received your letter of September 20, 1993, regarding potentially contaminated sites (SP-93-139). As we have explained in the past, the task you have asked us to do is not a trivial one for a state with as many licenses as California and certainly not a task that could be completed within the 16 working days that were allotted between the time we received the letter and the due date of October 15, 1993, set in the letter.

California, which has issued nearly 6,000 licenses since 1962, has over 3,600 terminated licenses which would have to be reviewed in order to provide the information which you have requested. In addition, an unknown number of U.S. Atomic Energy Commission (AEC) permits and licenses, U.S. Nuclear Regulatory Commission (NRC) licenses, Manhattan Engineering District sites, U.S. Department of Defense sites, and U.S. Department of Energy (DOE) sites need to be reviewed. Since many of the California license files have been sent to the State Archives, these are not readily available and would have to be retrieved, and the files of the pertinent federal agencies would have to be acquired and reviewed.

Although it is believed that all sites released by California met the California equivalent of AEC or NRC guidance and requirements in effect at the time the facility was released, only a complete review of the files including supporting information, data, surveys, and laboratory analyses results can determine if additional decontamination and restoration work is needed to meet current standards. A very rough estimate of the time to do a cursory review of just the terminated California license files to determine if they need an in-depth review and/or site visits is estimated to be at least one (1) full time equivalent (FTE) for one (1) year. Based upon the number of potential sites identified, up to an additional FTE might be necessary to complete the detailed review. Such an effort could not be expended under the present funding and structure of the Agreement State program in California.

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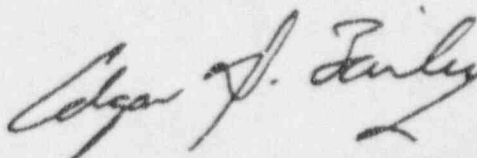
It is our understanding that a similar review of terminated AEC and NRC licenses was done for the NRC under contract by one of the DOE national laboratories. It may be appropriate for the NRC to fund a similar study of the Agreement State terminated licenses to ensure that the same criteria and procedures are used in determining the status of sites within Agreement States. We feel that our sites were properly released; therefore, we cannot justify the expenditure of state monies to conduct such a study in the absence of any evidence that a problem exists. We do understand the NRC's interest and concern and the fact that much of that is generated by Congressional interest, review, and criticism of the NRC and its programs including the Agreement State program. However, the NRC's level of interest and concern may not be seen in all Agreement States where other radiologic health issues such as mammography and naturally occurring radioactive materials (NORM) may be competing for limited staff and funding.

While California does not have a written plan to address the review of terminated licenses for potential contaminated sites, we are actively addressing those sites that we do identify. For examples, within the past year we have cleaned up and disposed of more than 1500 milligrams of Ra 226 that were left when the owner of a radium rental business died, and have overseen the \$2,000,000 decommissioning and decontamination of a facility where an accelerator was used to produce radioactive materials for radiopharmaceuticals. We are presently in the process of participating in the disposal of more than 50 drums of mixed waste resulting from the accidental melting of a Cs-137 source at a now bankrupt lead recovery smelter.

Although we have not done an exhaustive study of terminated California licenses, it is estimated that there may be as many as six (6) sites that are contaminated above present limits. These do not include sites presently licensed by California, former power reactors, military bases, DOE sites, or sites presently or formerly licensed or permitted by federal agencies.

I hope that I have answered your questions regarding the status of the review of terminated licenses in California. I apologize for not meeting the suspense date in your letter.

Sincerely yours,



Edgar D. Bailey, C.H.P., Chief  
Radiologic Health Branch