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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555
SEP 09 1988

DOCKETED
USNRC

'88 SEP 12 P2:33

Morton B. Margulies, Chairman
Administrative Judge
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Oscar H. Paris
Administrative Judge
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

OFFICE OF ASSISTANT
DOCKETING & SERVICE
BRANCH

Dr. Emmeth A. Luebke
Administrative Judge
5500 Friendship Boulevard, Apt. 1923N
Chevy Chase, Maryland 20815

In the Matter of
ALL CHEMICAL ISOTOPE ENRICHMENT INC.
(AlChemIE Facility-1 CPDF)
Docket No. 50-603-CP/OL; ASLBP No. 88-570-01-CP/OL

and

In the Matter of
ALL CHEMICAL ISOTOPE ENRICHMENT INC.
(AlChemIE Facility-2 Oliver Springs)
Docket No. 50-604-CP; ASLBP No. 88-571-01-CP

Dear Administrative Judges:

Enclosed for your information is a copy of a letter dated August 30, 1988 from the State of Tennessee Department of Health and Environment. The NRC Staff is reviewing the comments contained on the sheet attached to the letter.

Sincerely,

Bernard M. Bordenick
Counsel for NRC Staff

Encl.: As stated
cc w/encl.: Service List

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PDR ADOCK 05000603
PDR

D507



TENNESSEE DEPARTMENT OF HEALTH AND ENVIRONMENT

Bureau of Environment
T.E.R.R.A. BUILDING
150 NINTH AVENUE NORTH
NASHVILLE, TENNESSEE 37219-5404

August 30, 1988

U. S. Nuclear Regulatory Commission
Document Control Desk
Office Nuclear Material Safety and Safeguards
Washington, DC 20555

ATTN: Mr. Hugh L. Thompson, Jr.

Gentlemen:

We have reviewed the letters dated August 17, 1988, from AlChemIE, Inc. to the NRC concerning Docket Numbers 50-603 and 50-604. Attached are some comments generated from the review and for which we still desire clarification.

Sincerely,

Charles P. West
Division of Radiological Health

CPW/E3018243

Attachment

cc: Dr. A. Thomas Clark, Jr. NRC
Mr. W. A. Pfeifer, AlChemIE
Michael Pearigan, Deputy Attorney General

ALCHEMIE'S LETTER DATED 8-17-88 TO NRC
COMMENTS

10 CFR 50 Non Applicability
(Revision 1 to Nov. 17, 1987 submitted)

- 50.34(b)(6) AlChemIE has not shown Tennessee Department of Health
(iii), (iv) and Environment (TDH&E), conclusively, that there is no
radiological hazard.
- 50.34(b)(8) AlChemIE has not shown TDH&E, conclusively, that there
50.54(i-1) is no radiological hazard.
(j), (k), (l)
(m), (y)
- 50.34(c)(d) Statement made that there are approximately 170 grams
(c) of U-235 on equipment. In a letter to NRC, dated
50.54(p) 6/9/88, other numbers are given that differ from the
above. Which is correct? One hundred seventy grams is
licensable under Tennessee regulations and
jurisdiction.

10 CFR 50 EXEMPTION REQUIREMENTS

1. A. AlChemIE has not positively shown TDH&E that there will be no
radiological release. Also, statement is made that the "facility
is to be used for the production of stable isotopes" but in
July 20, 1988, letter from AlChemIE to NRC, item 2, it is stated
that Tellurium-123 will be enriched "to about 50" percent. These
statements present confusion that has not been clarified.
- D. Again AlChemIE has not shown that there will be "no threat of
radiological release."

CPW/E3018243