



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

December 4, 1998

Ms. Pamela Blockey-O'Brien  
D23 Golden Valley  
7631 Dallas Highway  
Douglasville, Georgia 30134

Dear Ms. Blockey-O'Brien:

I am responding to your letter to the Commissioners of the U.S. Nuclear Regulatory Commission (NRC) dated October 1, 1998. In your letter, you expressed a concern that our response, dated September 24, 1998, to your letter dated August 27, 1998, was not from the NRC Commissioners, but was from Dr. Weiss. Following our policy and practices, we assigned this responsibility to Dr. Weiss, because he is the manager responsible for the Georgia Tech Research Reactor. His response to your letter dated August 27, 1998, and this response, reflect the positions and policies established by the Commission.

In your letter, dated October 1, 1998, you indicated that you were also concerned about the Commissioners' review of your 10 CFR 2.206 petition-related information. All information related to Director's Decisions DD-95-15 dated July 31, 1995, and DD-97-16 dated June 27, 1997, was available for review by the Commission, according to the NRC procedures. This information included your additional correspondence, your written testimony, and the 500 pages of backup documents provided for the Atomic Safety and Licensing Board hearing. NRC staff by letters dated August 29, 1995, and July 24, 1997, informed you that the time provided by NRC regulation within which the Commission may act to review the Director's Decisions had expired. Accordingly, since the Commission took no review of the Director's Decisions, the decisions became final agency action. Therefore, the NRC plans no further action on these issues.

With regard to the cobalt-60 (Co-60) irradiator sources, as we have informed you in our letters, dated June 5, 1995, December 12, 1997, and September 24, 1998, this material is under the jurisdiction of the State of Georgia, through the NRC Agreement State Program. Therefore, regarding your concerns with the Co-60 sources, you should contact the responsible State of Georgia representative specified in our letter, dated September 24. The fact that the pool, which you referenced in your letter, dated October 1, 1998, stored materials licensed by both the NRC and the State of Georgia does not change the jurisdiction for the regulation of the Co-60 sources.

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9812150031 981204  
PDR ADOCK 05000160  
G PDR

98-243

M4+S-3-3  
(contamination)  
Decontamination

With regard to your concern about the transfer of heavy water authorized by NRC export license XMAT0392, the NRC closed that issue by letter dated February 27, 1998, and reaffirmed that closure in a letter to you dated June 9, 1998. The 1000-kilogram annual limit applies to exports under the general license in 10 CFR 110.24(a). Greater quantities require a specific NRC export license, which, in this case, was requested by Cambridge Isotopes, Inc. The NRC issued XMAT0392 in accordance with applicable regulations on the recommendation of the Executive Branch, subject to a number of conditions. Your assertion that the NRC and the Executive Branch agencies violated NRC's export licensing regulations in this authorization is incorrect. However, a copy of your letter and the response will be forwarded to the NRC Office of the Inspector General for any action deemed appropriate.

The NRC will continue to ensure compliance with the regulations for the protection of the health and safety of the public, the workers, and the environment for NRC licensed activities, including those at the Georgia Tech Research Reactor and by entities licensed to export heavy water to foreign countries.

Sincerely,

ORIGINAL SIGNED BY: R. Zimmerman for  
Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

cc: Thomas Hill  
Radioactive Materials Program  
Department of Natural Resources  
State of Georgia  
4244 International Parkway, Suite 114  
Atlanta, Georgia 30354

"This correspondence addresses policy issues previously resolved by the Commission, transmits factual information, or restates Commission policy."

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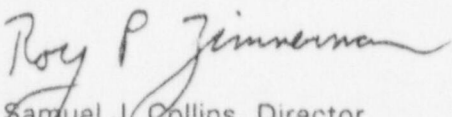
\*See previous concurrence

TECH ED.*	PDND:LA*	PDND:PM <i>Sim</i>	OIP*	NRR*	
BCallure	EHylton	MMendonca <i>for</i>	RHauber	RO'Connell	
11/2/98	11/4/98	12/4/98	11/4/98	11/4/98	
PDND:D*	DRPM:(A)D*	DONRR*	EDO*	OCA*	DONRR <i>RPZ</i>
SWeiss	JRoe	SCollins	WTravers	SJackson	SCollins
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Sincerely,

  
for Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

cc: Thomas Hill  
Radioactive Materials Program  
Department of Natural Resources  
State of Georgia  
4244 International Parkway, Suite 114  
Atlanta, Georgia 30354



*Rec'd 10/20*  
**ACTION**

EDO Principal Correspondence Control

*PDND  
Action  
Rec'd  
10/21*

FROM: DUE: 10/28/98 EDO CONTROL: G19980623  
DOC DT: 10/01/98  
FINAL REPLY:

Pamela Blockey-O'Brien  
Douglasville, Georgia

TO:

Commission

FOR SIGNATURE OF :

\*\* GRN \*\*

CRC NO: 98-0940

Collins, NRR

DESC:

GEORGIA INSTITUTE OF TECHNOLOGY NEELY RESEARCH  
REACTOR CONTAMINATION

ROUTING:

Travers  
Thompson  
Norry  
Blaha  
Burns  
Reyes, RII  
Paperiello, NMSS

DATE: 10/19/98

ASSIGNED TO:

CONTACT:

NRR

Collins

SPECIAL INSTRUCTIONS OR REMARKS:

Add EDO and Chairman on for concurrence.  
Chairman's office to review response prior to  
dispatch.

Ref. G980545 and GT96785.

NRR ACTION: DRPM:Roe  
NRR RECEIVED: October 19, 1998  
NRR Routing: Collins/Miraglia  
Boyer  
Gheron  
Roe  
Zimmerman  
NRR Mailroom

**ACTION**

DUE TO NRR DIRECTOR'S OFFICE

BY

*10/26/98*

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-98-0940 LOGGING DATE: Oct 13 98  
ACTION OFFICE: EDO  
AUTHOR: PAMELA B O'BRIEN  
AFFILIATION: GEORGIA  
ADDRESSEE: CHAIRMAN AND COMMISSIONERS  
LETTER DATE: Oct 1 98 FILE CODE: MHS-3-2  
SUBJECT: REF COMM'S RESPONSE TO AUG 27TH LTR RE GA INSTITUTE  
OF TECH NEELY RESEARCH REACTOR CONTAMINATION....REQ  
ADDL RESPONSE FM THE COMM  
ACTION: Direct Reply  
DISTRIBUTION: CHAIRMAN, COMRS  
SPECIAL HANDLING: SECY TO ACK  
CONSTITUENT:  
NOTES: REF CRC 98-0820....SIGNED BY WEISS ON 9/24/98  
CHAIRMAN SHOULD REVIEW RESPONSE PRIOR TO DISPATCH  
DATE DUE: Oct 30 98  
SIGNATURE: . DATE SIGNED:  
AFFILIATION:

December 4, 1998

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