

August 13, 1998

SECY-98-195

FOR: The Commissioners

FROM: L. Joseph Callan /s/
Executive Director for Operations

SUBJECT: REMOVAL OF THE CABOT BOYERTOWN SITE FROM THE SITE
DECOMMISSIONING MANAGEMENT PLAN

PURPOSE:

To inform the Commission that the staff plans to remove the Cabot Boyertown, Pennsylvania, site from the Site Decommissioning Management Plan (SDMP).

BACKGROUND:

In SECY-90-121, the original SDMP, and subsequent revisions the staff identified approximately 50 problematic sites where remedial actions were warranted because of the presence of residual radioactive material in excess of the U.S. Nuclear Regulatory Commission's (NRC's) current unrestricted use criteria. One of these sites was the Cabot Boyertown facility.

The Boyertown facility is located on a 0.688 square kilometer (170-acre) tract of land in southeastern Pennsylvania on the border of Berks and Montgomery counties, approximately 2.4 kilometers (1.6 miles) northeast of the borough of Boyertown in a sparsely populated area where agriculture is the primary land use.

CONTACT: Michael A. Lamastra, NMSS/FCSS
(301) 415-8139

The site was first licensed in January 21, 1963, by Cabot (then known as Kawecki Chemical Company) to store Malayan tin slag containing 0.1 percent thorium. The Cabot Boyertown license, SNM-920, was last renewed on December 24, 1996, with an expiration date of December 31, 2001.

The Boyertown facility processes tin slags, tantalite, and columbite ores to extract tantalum (Ta) and niobium (Nb) (also known as columbium). The ores and slags contain the combination of uranium and thorium at up to 2 percent by weight. In addition to the extraction of Ta and Nb from ores, the main operations at the Boyertown facility include fabrication of products, treatment of industrial liquid waste (before release to the environment), and storage of byproduct filter cake containing valuable rare earth components. The filter cake is classified as source material because it contains uranium and thorium (in combination) in excess of 0.05 percent by weight.

The Cabot Boyertown facility was included on the SDMP, even though it was still operating, because it was storing $2.27E+7$ kg (25,000 tons) of filter cake accumulated over a 25 year period. During the recent renewal of the facility license, the staff reviewed Cabot's decommissioning funding plan (DFP) in accordance with 10 CFR 40.36(c)(2). The review included both a cost estimate for decommissioning the facility and the licensee's proposed financial assurance instrument. The DFP did not include the cost of disposal of the 25,000 tons of filter cake because the licensee considered it to be a valuable asset. The staff agreed but kept the site on the SDMP because of the large potential cost of disposal, if disposal of the filter cake at a low-level waste disposal site was required.

By letter dated February 13, 1998, (Attachment 1), Cabot requested that the Boyertown site be removed from the SDMP, because the $2.27E+7$ kg (25,000 tons) of filter cake had been transferred to an NRC-licensed uranium processing facility in Utah.

DISCUSSION:

NUREG-1444, "Site Decommissioning Management Plan," states in part that an operating site will be removed from the SDMP when the large volume of material has been removed from the site, and appropriate licensing actions have been taken by the staff. By letter dated February 13, 1998, the licensee confirmed that the filter cake had been transferred offsite. An April 10, 1998, inspection by the Region I staff verified that the $2.27E+7$ kg (25,000 tons) of filter cake were transferred for further processing. Storage bins were empty except for some waste material and filter cake accumulating from current processing. The licensee anticipates that filter cake currently being accumulated will be processed in a similar manner when cost-effective. However, the licensee has committed to performing a biennial review of its cost estimate for decommissioning the facility, including the cost of disposal of any filter cake on site, and adjusting the financial assurance instrument to ensure that sufficient funds will be available to cover the cost of decommissioning. The staff will incorporate this commitment into License SNM-920. Consequently, NRC has reasonable assurance that Cabot's financial assurance for decommissioning will be sufficient to cover projected costs of decommissioning the Boyertown site.

CONCLUSION

Based on the fact that the Cabot Boyertown facility has transferred the 2.27E+7 kg (25,000 tons) of filter cake accumulated over 25 years and that the staff has reasonable assurance that sufficient financial assurance is available to decommission the site, the staff concludes that the Boyertown facility should be removed from the SDMP. Consistent with the NRC procedure that implemented the SDMP action plan (57 FR 13389), the staff will inform the U.S. Environmental Protection Agency of NRC's intent to remove the Cabot Boyertown site from the SDMP. In addition, in accordance with the Memorandum of Understanding with the Pennsylvania Department of Environmental Protection (PADEP), the staff intends to inform PADEP of NRC's intent to remove the site from the SDMP. The staff will also proceed to formally notify Cabot that the Boyertown facility has been removed from the SDMP. Draft letters to be sent to EPA, PADEP, and Cabot Corporation are enclosed (see attachment 2, 3, and 4).

Staff requests action within 10 days. Action will not be taken until the Staff Requirements Memorandum is received. We consider this action to be within the delegated authority of the Director, Office of Nuclear Material Safety and Safeguards.

COORDINATION:

The Office of the General Counsel has reviewed this paper and has no legal objection.

L. Joseph Callan
Executive Director
for Operations

Attachments:

1. Ltr dtd 2/13/98
2. Draft ltr EPA
3. Draft ltr PADEP
4. Draft ltr to Cabot Corporation

Attachment 2

Mr. Stephen D. Luftig, Director
Office of Emergency and
Remediation Response
U.S. Environmental Protection Agency
401 M. Street, SW
Washington, DC 20460

**SUBJECT: REMOVAL OF CABOT'S BOYERTOWN FACILITY FROM THE SITE
DECOMMISSIONING MANAGEMENT PLAN (SDMP)**

Dear Mr. Luftig:

This letter is to inform the U.S. Environmental Protection Agency (EPA) that the U.S. Nuclear Regulatory Commission (NRC) is removing License SMB-920 for the Cabot Boyertown, Pennsylvania, facility from the Site Decommissioning Management Plan (SDMP). This action was taken after NRC verified that the 25,000 tons of filter cake had been transferred to an NRC-licensed uranium processing facility in Utah. Consequently, NRC has reasonable assurance that Cabot's financial assurance for decommissioning will be sufficient to cover projected costs of decommissioning the Boyertown site.

The staff is providing this information to EPA in accordance with the NRC policy published in its "Action Plan to Ensure Timely Cleanup of Site Decommissioning Management Plan Sites" (57 FR 13389), which states that NRC will inform EPA about specific decommissioning actions at SDMP sites. NRC intends to remove this site from the SDMP and the facility will continue to operate.

If you have any questions regarding this letter, please contact me at 301-415-7190 or Mr. Michael Lamastra of my staff at 301-415-8139.

Sincerely,

Carl J. Paperiello, Director
Office of Nuclear Material Safety
and Safeguards

Docket 40-6940
License SMB-920

The Commissioners

Attachment 3

Mr. John J. Matyiva
Regional Manager
Environmental Cleanup
PA Department of Environmental Protection
400 Waterford Drive
Pittsburgh, PA 15222-4745

SUBJECT: REMOVAL OF CABOT'S BOYERTOWN FACILITY FROM THE SITE
DECOMMISSIONING MANAGEMENT PLAN (SDMP)

Dear Mr. Matyiva:

This letter is to inform the Pennsylvania Department of Environmental Protection (PADEP) that the U.S. Nuclear Regulatory Commission (NRC) is removing License SMB-920 for the Cabot Boyertown, Pennsylvania facility from the Site Decommissioning Management Plan (SDMP). This action was taken after NRC verified that the 25,000 tons of filter cake had been transferred to an NRC-licensed uranium processing facility in Utah. Consequently, NRC has reasonable assurance that Cabot's financial assurance for decommissioning will be sufficient to cover projected costs of decommissioning the Boyertown site.

The staff is providing this information to the PADEP in accordance with the NRC policy published in its "Action Plan to Ensure Timely Cleanup of Site Decommissioning Management Plan Sites" (57 FR 13389), and the Memorandum of Understanding between NRC and PADEP, which states that NRC will inform PADEP about specific decommissioning actions at SDMP sites in Pennsylvania. NRC intends to remove this site from the SDMP and the facility will continue to operate.

If you have any questions regarding this letter, please contact me at 301-415-7190 or Mr. Michael Lamastra of my staff at 301-415-8139.

Sincerely,

Mary T. Adams, Acting Chief
Licensing Branch
Division of Fuel Cycle Safety
and Safeguards, NMSS

Docket 40-6940
License SMB-920

The Commissioners

Attachment 4

Mr. Kevin L. Holsopple
Radiation Safety Officer
Cabot Corporation
P.O. Box 1608
County Line Road
Boyertown, Pennsylvania 19512-1608

SUBJECT: REMOVAL OF BOYERTOWN FACILITY FROM THE SITE
DECOMMISSIONING MANAGEMENT PLAN (SDMP) (TAC NO. L31055)

Dear Mr. Holsopple:

This letter is to notify you that in accordance with your request dated February 13, 1998, License No. SMB-920 for your Boyertown Facility has been removed from the Site Decommissioning Management Plan (SDMP). This action was taken after the U.S. Nuclear Regulatory Commission (NRC) Region I Office verified that the 25,000 tons of filter cake had been transferred for further processing to an NRC-licensed uranium processing facility in Utah.

If you have any questions regarding this letter, please contact me at 301-415-7190 or Michael Lamastra of my staff on 301-415-8139.

Sincerely,

Mary T. Adams, Acting Chief
Licensing Branch
Division of Fuel Cycle Safety
and Safeguards, NMSS

Docket 40-6940
License SMB-920

cc: Mr. John J. Matyiva
Regional Manager
Environmental Cleanup
PA Department of Environmental Protection
400 Waterford Drive
Pittsburgh, PA 15222-4745