

No objection. See
attached comments.

E. McGaffigan, Jr.
Edward McGaffigan, Jr.
8/16/00



POLICY ISSUE

August 10, 2000

(NEGATIVE CONSENT)

SECY-00-0172

FOR: The Commissioners

FROM: William D. Travers
Executive Director for Operations

SUBJECT: REMOVAL OF MINNESOTA MINING AND MANUFACTURING COMPANY'S
KERRICK SITE FROM THE SITE DECOMMISSIONING MANAGEMENT PLAN

PURPOSE:

To inform the Commission that a former burial permitted by the Atomic Energy Commission (AEC) under 10 CFR 20.304 at the Minnesota Mining and Manufacturing Company (3M) site, in Kerrick, Minnesota, meets the radiological criteria for unrestricted use in 10 CFR 20.1402. The staff plans to release the site for unrestricted use and remove the site from the Site Decommissioning Management Plan (SDMP).

BACKGROUND:

The 3M site was brought to the attention of the U.S. Nuclear Regulatory Commission (NRC) in 1989 by the Minnesota Pollution Control Agency (MPCA). MPCA inquired about NRC jurisdiction over sites where waste was buried in accordance with 10 CFR 20.304. In August 1990, NRC's Office of the General Counsel concluded that NRC does have jurisdiction over material buried under 10 CFR 20.304, even if the license had been previously terminated. The site was placed on the SDMP because it contains on-site disposals of radioactive material and has previously terminated licenses (SMB-239 and SNM-764) under the AEC.

AEC Source Material License No. SMB-239 was issued on May 9, 1961, and was terminated on May 2, 1967. This license authorized the licensee to use 500 kilograms (kg) [1100 pounds (lbs)] of source materials to conduct research and development into the production of uranium dioxide and thorium dioxide micro-spheres as nuclear fuel.

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Commissioner McGaffigan's Comments on SECY-00-0172

I have no objection to the staff proposal to remove the Minnesota Mining and Manufacturing Company's Kerrick site from the NRC's Site Decommissioning Management Program (SDMP). It is my understanding that the State of Minnesota has taken several steps regarding the site, because of existing chemical contamination, such as: 1) issuing a "Declaration of Restrictions" to impose restrictions on the site that includes the radioactive burial site; 2) proposing in November 1999 to remove the site from its list of priority sites and soliciting NRC's input on this decision; and 3) conducting periodic monitoring of and visits to the site since 1998. These facts allay my concern, based on the staff paper, that the NRC has not conducted a site visit since September 1998 or gained assurances from the State that the site conditions have not changed to the degree that would warrant an NRC site visit prior to removing the site from the SDMP.

Regarding the State of Minnesota, I suggest that before issuing the proposed letter to State officials, the staff informally contact the State to inform them of NRC's proposed action and determine whether the State has any concerns with it since NRC's most recent written communication with Minnesota earlier this year apparently stated that NRC has a continued interest in this site.

EMG