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April 7, 2005

Ronald R. Bellamy
Chief, Decommissioning Branch
Division of Nuclear Materials
US Nuclear Regulatory Commission
475 Allendale Rd.
King of Prussia, PA 19406-1415

Dear Mr. Bellamy:

Thank you for your letter of February 4, 2004. While you addressed some of the issues I raised in my December 6, 2004 letter, you did not answer all of my questions.

Specifically, I requested a copy of the calculations that were done to determine that 116 pCi/g of Thorium-232 plus Throium-228 with all daughters present in equilibrium equates to licensable source material (0.05% by weight). The attachments provided in your February 4, 2004 letter merely state the above without explaining how it was obtained.

You also did not address my request for a dose and risk assessment of the affected area upon license termination.

Item number 2 in your letter partially answers my question as to how the final status survey will be conducted. A search of the ADAMS Accession number given (ML031960118) yielded no match. However, we did have this report in our files. The key in your discussion is that after remediation, a final walkover will be conducted to ensure that all *licensable* material is removed. This means that there may be areas that are greater than 10 pCi/g remaining on the site if that material is less than the licensable concentration of 116 pCi/g total thorium. You did not answer my question as to how you will be able to tell if the material was licensable before remediation (over 116 pCi/g), but was not remediated to 10 pCi/g or less. Do you require further cleanup in this situation or do you allow it to remain on site because it is not licensable? For areas that were not remediated, but where non-licensable material remains (under 116 pCi/g but over 10 pCi/g), will they be included in the final status survey and will they be tested with the Elevated Measurement Comparison as per MARSSIM? Will the NRC require that the

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unity rule be applied as per MARSSIM Section 8..5.2? Will the non-licensable areas be included in equation 8-2 of MARSSIM?

Item number 3 of your letter explains why a consultation with the US Environmental Protection Agency (EPA) as per the Memorandum of Understanding (MOU) is not required because the planned activity level for total thorium is less than or equal to 10 pCi/g. Can you assure us that there will be no material remaining at the site above 20 pCi/g Th-232 plus Th-228+D, the Table 1 trigger level in the MOU? If the answer is no, then we believe that the EPA should be consulted. Because none of the notifications to EPA included as attachments to your letter mention the fact that material may be left in place above 20 pCi/g, they do not, in our view, qualify as notification under the MOU.

Thank you for your continued assistance in providing us information that will help us to better understand the NRC's approach to this license termination.

Sincerely,

Jill Lipoti

Jill Lipoti, Ph.D.
Assistant Director

c: Manager Gardner, BER
Paul Giardina, USEPA Region 2
Craig Gordon, NRC Region 1