

MEMORANDUM TO: April 17, 2001
Daniel M. Gillen, Acting Chief
Fuel Cycle Licensing Branch
Division of Fuel Cycle Safety and Safeguards
Office of Nuclear Material Safety
and Safeguards

FROM: Larry W. Camper, Chief
Decommissioning Branch /RA/
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

SUBJECT: TECHNICAL ASSISTANCE REQUEST - CAPPING CALCIUM
FLUORIDE PONDS AT HONEYWELL

1. OVERVIEW:

We have reviewed your technical assistance request (TAR), dated December 19, 2000, regarding assistance in reviewing Honeywell Metropolis Works' request, dated, December 7, 2000, for guidance concerning its calcium flouride ponds; and the possibility of capping, in place, four such ponds.

As requested in your TAR, we have reviewed the regulatory requirements for the items you raised in the TAR and have sought detailed responses. Because of potential groundwater contamination at this site, we have discussed the groundwater issue and its remedy first, before discussing our responses to the items raised in your TAR.

2. GROUNDWATER DISCUSSION:

The Division of Fuel Cycle Safety and Safeguards (FCSS) should verify, with the licensee, whether groundwater contamination exists on-site and off-site, because of the ponds' potential past leakages into the groundwater. This matter should be considered before addressing with the licensee, options on how to deal with the ponds (described later in this memorandum). Based on our staff's discussions (Leslie Fields, FCSS, and Amir Kouhestani, DWM), regarding information the licensee supplied to you from the result of an earlier similar-type pond cleanup, it appears that the integrity of the liners in these ponds may have been compromised and the groundwater may have been affected.

CONTACT: Amir Kouhestani, DWM/NMSS
(301) 415-0023

3. RESPONSES TO TAR ITEMS:

TAR ITEMS: "Prepare a detailed response as to whether NRC would allow closure of surface impoundments by capping in place while postponing decommissioning. Provide the decommissioning rules and regulations associated with these actions and prepare a written response to the Project Manager with your findings indicating any documents that Honeywell needs to submit for technical review. In addition, please indicate any new license conditions which may be necessary at this time. If NRC will not allow these actions, please provide reasonable justification along with other alternatives."

RESPONSES: The items raised in the TAR can be responded to by reviewing the various regulatory options available to the licensee. The licensee may choose one of these options: a) conduct decommissioning; b) request extension to the timeliness rule and perform no interim action; and c) conduct interim on-site remedial action under the current license.

A. Conduct decommissioning: NRC needs to determine whether the licensee has ceased principal activities at these ponds. The staff is concerned that the decommissioning timeliness requirements in 10 CFR 40.42 (d)(4) may have already been triggered. The licensee's letter of December 7, 2000, indicates this may have occurred, since the letter is inquiring about capping in-place the ponds (i.e., putting the ponds out of operational use). If so, then the licensee has in effect entered into the decommissioning phase for the area containing the ponds. In accordance with the requirements of the timeliness rule -- 10 CFR 40.42(d) -- the licensee must notify the Commission, within 60 days from the date that it has decided to permanently cease principal activities at these outdoor areas (i.e., the ponds), of its plan for site decommissioning; submit the decommissioning plan within 12 months from the date of its formal notice, to the Commission, to deactivate the ponds; and complete decommissioning in 24 months, subsequent to the approval of the plan. If the decommissioning plan is to provide for capping in-place of the four ponds, it should include supporting dose-modeling information indicating the unrestricted or restricted release criteria that the licensee is using, in compliance with 10 CFR Part 20, Subpart E requirements on residual doses (i.e., 10 CFR 20.1402 or 20.1403). The Decommissioning Branch staff will review the licensee's partial site decommissioning plan in accordance with NUREG - 1727, "NMSS Decommissioning Standard Review Plan," and the staff will conduct an environmental assessment in accordance with 10 CFR 51.21, to determine any impact on various environmental media, including groundwater. Since the licensee is currently under a Resource Conservation Recovery Act (RCRA) Consent Order for remediating the hazardous chemical/chemical contamination in the ponds, and has already cleaned and closed another on-site pond and shipped material off-site to a permanent disposal facility, it would be prudent for the licensee to consult first with the State to learn if the capping approach would be acceptable to the State. The proposed capping approach may be unacceptable to the State, and it has jurisdiction over the groundwater remediation. If the site is already subjected to a State corrective action program for chemically contaminated groundwater monitoring and remediation, then the State may also have its own views regarding how the ponds should be remediated.

B. Request to delay or postpone decommissioning: This option would allow interim storage at the ponds until such time as the licensee decides to initiate decommissioning of the entire site. The licensee may submit a license amendment request for a delay from the decommissioning timeliness rule, to initiate decommissioning for the subject pond areas [as provided for in 10 CFR 40.42(f)]. It may seek the Commission's approval of an alternate schedule for completion of decommissioning, if the licensee proves that such relief is not detrimental to the public health and safety and is otherwise in the public interest. The request must be submitted no later than 30 days before notification pursuant to paragraph (d) of Section 40.42. The licensee should provide a strong reason to delay decommissioning, see NRC Regulatory Issue Summary 2000-09 Standard Review Plan for Licensee Requests to Extend the Time Periods Established for Initiation of Decommissioning Activities. Note that timely decommissioning is the Agency's preferred approach. The financial assurance must also be carefully considered. It is important that the staff be satisfied that the delay in initiating decommissioning will not adversely impact completion of decommissioning, based on loss of records and institutional memory, decreased financial assurance, and so on. The licensee, before submitting its license amendment application to delay or postpone decommissioning, may wish to consult with the State to see if the postponement of the ponds' cleanup would be an acceptable alternative to the State.

C. Conduct interim on-site remedial action under current license without a Decommissioning Plan submittal: The licensee may seek to perform an interim on-site remediation under its current operating license, without submitting a decommissioning plan for approval. Section 40.42 (g) describes circumstances whereby a decommissioning plan is required. However, for the licensee to conduct this remedial action as a routine operational activity, the licensee should demonstrate that its proposed procedures and activities have been previously approved by the Commission, and these procedures would not increase the potential for health and safety impacts on workers or the public. 10 CFR 40.42 (d) requires that within 60 days of cessation of operations licensee must either begin decommissioning or within 12 months submit a DP to NRC. Note that despite the licensee conducting remediation of these outdoor ponds under its license and at its own risk, the timeliness rule in 10 CFR 40.42 (h)(1) stipulates that the licensee has only 24 months to complete decommissioning after initiation of decommissioning. Again, the licensee would be well advised to first coordinate its plan of action with the appropriate State agencies, in advance of approaching NRC for approval of its request to conduct interim remedial action.

We suggest that in your response to the licensee's letter of December 7, you encourage it to submit a request to NRC staff to hold an informal, publicly noticed information-exchange (Pre-licensing request) meeting, to review the options discussed above and to go over any other questions that it may have. We are ready to assist FCSS in such a meeting, if requested. Finally as noted earlier, the staff questions whether the timeliness requirements in 10 CFR 40.42 (d) may have been already triggered, and we recommend that FCSS or the Region verify whether the licensee is in compliance with the decommissioning timeliness rule requirements.

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