



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

September 25, 1997

70-36  
Jpgs

Mr. Robert W. Sharkey, Director  
Regulatory Affairs  
Combustion Engineering, Inc.  
3300 State Road P  
Hematite, MO 63047

SUBJECT: POSTPONEMENT OF 20.304 DISPOSAL AREA DECOMMISSIONING  
(TAC NO. L30912)

Dear Mr. Sharkey:

In accordance with NRC Information Notice 96-47, "Recordkeeping, Decommissioning Notifications for Disposals of Radioactive Waste by Land Burial Authorized Under Former 10 CFR 20.304, 20.302, and Current 20.2002," you notified the NRC by letter dated September 13, 1996, of the existence of a Section 20.304 burial area at your production facility. In this letter, you also requested a postponement in the decommissioning of the disposal area until the end of plant life. In an NRC letter dated November 25, 1996, the NRC denied this request for postponement because you had not adequately justified such a delay in accordance with NRC requirements. NRC's November 25, 1996, letter indicated that an adequate justification would have demonstrated that the delay is in the public interest by addressing factors described in the Decommissioning Timeliness Rule [59 FR 36030] and other relevant factors such as those listed in 10 CFR 70.38(i).

On April 24, 1997, a meeting between the NRC staff and Combustion Engineering representatives was held at NRC headquarters to discuss this issue. As documented in the NRC memorandum from S. Soong to M. Weber dated May 16, 1997, which summarizes the April meeting, we understood that you would submit a letter to the NRC in the summer of 1997 to further justify your request to delay decommissioning. You indicated that this letter would include a work plan and a completion schedule for characterization of the disposal area. Our expectation of receiving this letter was reiterated to you in our telephone conversation on September 3, 1997.

In accordance with 10 CFR 70.38(g), you were required to submit a decommissioning plan for the 20.304 disposal area no later than September 13, 1997, one year after your September 1996, notification. To date, you have not submitted a decommissioning plan nor a justification for delaying decommissioning as described above in supporting your September 13, 1996, request. Therefore, NRC is considering taking appropriate followup action, including potential enforcement action.

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Mr. Robert W. Sharkey

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Ms. Susan Chotoo of my staff will attend your meeting with the Missouri Department of Natural Resources on the 20.304 disposal area scheduled for September 26, 1997. She will be glad to discuss this issue with you. If you have any questions on this matter, please contact Sean Soong at (301) 415-8155 or me at (301) 415-7266.

Sincerely,

Original signed by:

Michael F. Weber, Chief  
Licensing Branch  
Division of Fuel Cycle Safety  
and Safeguards, NMSS

Docket 70-36  
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Docket 70-36

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Michael F. Weber, Chief  
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Division of Fuel Cycle Safety  
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