

From: [Kurian, Varughese](mailto:Kurian.Varughese)
To: [Kurian, Varughese](mailto:Kurian.Varughese)
Subject: FW: RE: RE: RE: FW: FDA Winchester Lab Approved Environmental Assessment/FONSI & Draft Decommissioning Plan
Date: Tuesday, February 20, 2018 10:45:08 AM

From: Malkin, Elon [<mailto:Elon.Malkin@fda.hhs.gov>]
Sent: Friday, January 26, 2018 11:07 AM
To: Kurian, Varughese <Varughese.Kurian@nrc.gov>
Subject: [External_Sender] RE: RE: RE: FW: FDA Winchester Lab Approved Environmental Assessment/FONSI & Draft Decommissioning Plan

As always,

Thank you for your responses Varughese.

We are striving to get the RAI to you before February.

There is also interest here in having a conference call regarding some the financial questions. Specifically using the Staff Guidance manual as evidence of the COOs authority.

Perhaps Christopher will be available for this meeting?

Best

elon

From: Kurian, Varughese [<mailto:Varughese.Kurian@nrc.gov>]
Sent: Friday, January 26, 2018 10:24 AM
To: Malkin, Elon <Elon.Malkin@fda.hhs.gov>
Subject: RE: RE: RE: FW: FDA Winchester Lab Approved Environmental Assessment/FONSI & Draft Decommissioning Plan

Hi Elon,

The NRC response to your questions/concerns are as follows.

- 1) While the NRC's release criteria should be addressed through the remediation and survey efforts anticipated in the near future, the State and EPA may continue to have concerns with the site that may manifest at some point in the future due to different regulatory criteria...such as when the facility is transferred out of federal control. As such, the NRC recommends the FDA give due consideration to other

agency's regulatory concerns while the opportunity to preemptively address them remains. Once the site (or part of the site) is released per the NRC's criteria, the NRC's concerns with the materials and residual radioactivity in that portion of the site is negligible and the NRC anticipates having no regulatory authority over those materials unless new information arises that indicates the materials may significantly impact public health and safety, at which time the NRC would take appropriate action and most likely reincorporate the portion of the site back under the license. However, the NRC cautions that, if materials are transferred from the released portion and into an area(s) that is still under the NRC license, then the materials may again need to be released under the NRC's criteria.

- 2) Yes, please provide the basis for the \$450k increase (scope of work for the increase). The provisions of 10 CFR 30.36(g)(4)(v), 10 CFR 40.42(g)(4)(v), and 10 CFR 70.38(g)(4)(v) require that licensees provide "An updated detailed cost estimate for decommissioning" when submitting the DP. If you already have a third party quote for the increase, providing that will expedite the review. In terms of the financial assurance, either of your proposals will work, showing that it is now included in the awarded, funded, contract (an approved Mod to the contract in the amount of \$450k which shows your contractor and describes the scope) or increasing the SOI.
- 3) Regarding groundwater, please refer to the RAIs previously communicated – it was not clear that adequate characterization of the groundwater had occurred.

It is similarly very difficult to estimate the timing of the regulatory process as it is dependent on receipt of a complete submittal to address the NRC's concerns. Timing of the submittal (including response to RAIs) is not within the NRC's control. However, the NRC will attempt to expeditiously complete their evaluations once all the information needed for staff to make their findings has been received.

Regards,

Varughese

From: Malkin, Elon [<mailto:Elon.Malkin@fda.hhs.gov>]

Sent: Wednesday, January 17, 2018 11:25 AM

To: Kurian, Varughese <Varughese.Kurian@nrc.gov>

Subject: [External_Sender] RE: RE: FW: FDA Winchester Lab Approved Environmental Assessment/FONSI & Draft Decommissioning Plan

Importance: High

Hi Varughese,

I hope you are having a nice winter.

I have a couple of questions/concerns.

Item 1:

In the email below, you mention that we will only be held to the state limit if we sell the property.

Although FDA does plan to sell the property in the foreseeable future, there will obviously be excavation and soil movement associated with new building construction.

That said, once we have NRC partial site and begin new building excavations, will the construction contractors be allowed to move some soil off site to local landfills or other areas for construction purposes?

Item 2:

Based on our phone conversation around Thanksgiving, we are currently planning to dispose of all concrete and asphalt surfaces as rad waste, rather than sample and survey all the surfaces (with the idea that this will save us time in the long run). Once this happens, we will be able to conduct more effective walkover surveys. This will however require more money for me to get approved.

That said, can I respond to the RAIs regarding the health physics and the environmental report and reference that I am working on securing funds for the estimated additional \$450K in waste costs? Alternative, can I just show how I came up with the number (third party quote) and include it in the SOI?

Item 3:

I am working responding to RAIs associated with sources of clean fill and the groundwater status (which all signs show no groundwater from the Phase I ESA by Sanborn head)

That said, In terms of scheduling and the Environmental Assessment, will the NRC be issuing a FONSI (Finding of No Significant impact)?

If so, how long will this process take?

Thanks for all your help through this process.

Best

Elon

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From: Malkin, Elon

Sent: Wednesday, December 13, 2017 12:49 PM

To: Kurian, Varughese <Varughese.Kurian@nrc.gov>

Subject: RE: RE: FW: FDA Winchester Lab Approved Environmental Assessment/FONSI & Draft Decommissioning Plan

Thank you for your follow-up Varughese.

This makes good sense to me.

Best

Elon

From: Kurian, Varughese [<mailto:Varughese.Kurian@nrc.gov>]

Sent: Wednesday, December 13, 2017 12:22 PM

To: Malkin, Elon <Elon.Malkin@fda.hhs.gov>

Subject: RE: RE: FW: FDA Winchester Lab Approved Environmental Assessment/FONSI & Draft Decommissioning Plan

Hi Elon,

The NRC will review to the termination criteria of 25 mrem/y dose to an average member of the critical group from all applicable pathways contained in 10 CFR 20 Subpart E. However, incase to sell the property, FDA will have to meet the state requirements.

Wish you also a great holiday season.

Thank you,

Varughese

From: Malkin, Elon [<mailto:Elon.Malkin@fda.hhs.gov>]

Sent: Tuesday, December 12, 2017 11:39 AM

To: Kurian, Varughese <Varughese.Kurian@nrc.gov>

Subject: [External_Sender] RE: FW: FDA Winchester Lab Approved Environmental Assessment/FONSI & Draft Decommissioning Plan

Thank you Varughese and have a great holiday season

From: Kurian, Varughese [<mailto:Varughese.Kurian@nrc.gov>]

Sent: Tuesday, December 12, 2017 11:31 AM

To: Malkin, Elon <Elon.Malkin@fda.hhs.gov>

Subject: RE: FW: FDA Winchester Lab Approved Environmental Assessment/FONSI & Draft Decommissioning Plan

Hi Elon,

Thank you for the email. I am in discussion with my team members and staff from Agreement State Branch. I will let you know once I find out the answer.

Thank you,

Varughese

From: Malkin, Elon [<mailto:Elon.Malkin@fda.hhs.gov>]

Sent: Thursday, December 07, 2017 2:50 PM

To: Kurian, Varughese <Varughese.Kurian@nrc.gov>

Subject: [External_Sender] FW: FDA Winchester Lab Approved Environmental Assessment/FONSI & Draft Decommissioning Plan

Hi Varughese,

My understanding is that because WEAC is a federal facility, we are regulated by the NRC, rather than the Agreement State of Massachusetts.

Would we be required to comply with the 10 mrem per year limit as part of our decommissioning plan?

I think with our current plan of removing all contaminated soil as rad waste, we would meet this criteria.

However, pledging to release to this lower limit could result in significantly higher waste disposal costs if we discover a large volume of low level contaminated soils (below our current DCGLs)

Please advise

Best

Elon