

70-3073



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

January 7, 1997

Mr. Jeff Lux  
Kerr-McGee Corporation  
Kerr-McGee Center  
P.O. Box 25861  
Oklahoma City, OK 73125

SUBJECT: ISSUANCE OF AMENDMENT NO. 5 TO MATERIALS LICENSE NO. SNM-1999,  
CUSHING REFINERY SITE (TAC NO. L51436)

Dear Mr. Lux:

The U. S. Nuclear Regulatory Commission has issued the enclosed Amendment No. 5 to Materials License No. SNM-1999 for the Cushing Refinery Site. This amendment is in response to Kerr-McGee Corporation's letter dated February 16, 1996, in which Kerr-McGee identified a need to construct an all weather haul road on its Cushing Refinery site. Kerr-McGee noted that under the terms of License Condition 11.G, Kerr McGee would be required to implement a radiation safety procedure to construct this road, an action required because License Condition 11.G does not include a radiation limit below which work can be performed without implementing a radiation safety procedure. Because some portions of the haul road corridor area may contain material with radiation levels just above background Kerr-McGee would be required to implement a radiation safety procedure. Implementation of a radiation safety procedure will increase the cost of construction without a commensurate safety benefit. Thus, Kerr-McGee proposed establishing a radiation limit below which a radiation safety procedure would not be required.

NRC staff has concluded that Kerr-McGee has demonstrated that the radiation levels in the haul road corridor area are sufficiently low and that activities can be performed in this area without implementation of a radiation safety procedure. This finding does not include the several fenced radioactive materials areas located within the haul road corridor area. Therefore, NRC staff has determined that License Condition 11.G should be amended to allow Kerr-McGee to conduct activities in the haul road corridor area without implementation of a radiation safety procedure. Accordingly, License No. SNM-1999 is amended as follows:

- 11.G. All work in radioactive materials areas or restricted areas, or work with licensed material not located in radioactive materials or restricted areas, shall be in accordance with an approved radiation safety procedure. Work may be performed in the haul road corridor area, except in fenced radioactive materials areas located within the haul road corridor area<sup>1</sup>, without implementing a radiation safety procedure.

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<sup>1</sup> The haul road corridor area is considered to be defined as the aggregate of the 33 survey units addressed in Kerr-McGee's letter to NRC dated May 30, 1996.

Delete: ACNW

All other conditions of the license shall remain the same. The revised License No. SNM-1999, which incorporates Amendment No. 5, and the related Safety Evaluation are enclosed. This license amendment does not release the haul road corridor area from License SNM-1999. If you have any questions, please contact me at (301) 415-6605.

Sincerely,

Stewart W. Brown, Project Manager  
Low-Level Waste and Decommissioning  
Projects Branch  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 70-3073  
License No. SNM-1999

Enclosures: 1. Amendment No. 5 to  
License No. SNM-1999  
2. Safety Evaluation

cc w/encls: Kerr-McGee, Cushing distribution list

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OFC	LLDP:pm	LLDP:la	LLDP:sc	OGC	LLDP:bc
NAME	SBrown	JCopeland	TJohnson	RFonner	JHickey
DATE	12/11/96	12/10/96	12/ /96	12/ /96	12/ /96

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ACNW: YES ☐ NO ☒  
IG : YES ☐ NO ☒  
LSS : YES ☐ NO ☒

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All other conditions of the license shall remain the same. The revised License No. SNM-1999, which incorporates Amendment No. 5 and the related Safety Evaluation are enclosed. Also, enclosed is a copy of the Oak Ridge Institute for Science and Education's (ORISE) report, which documents the results of an ORISE confirmatory survey of the haul road corridor performed during the period of August 26 through August 29, 1996.

Kerr-McGee in its letter to NRC, dated August 30, 1996, stated the following. "[D]uring previous conversations with Mr. David Fauver (NRC), our former project officer, we agreed that a third category, for which licensees cannot maintain there is no potential for contamination, but for which contamination is not expected, should be identified." I have discussed this matter with Mr. Fauver. Mr. Fauver indicated that his recollection of this conversation was that it may be reasonable to designate a third category and that the acceptability of such a category, if Kerr McGee chooses to propose it, would be evaluated based on the supporting information presented in the submittal. Therefore, Kerr-McGee needs to justify its basis for selecting the sampling protocol for its haul road survey before NRC will authorize removal of the haul road corridor area from the Cushing license.

This license amendment does not release the haul road corridor area from License SNM-1999. Prior to NRC completing action on this request NRC needs to resolve issues related to survey sampling protocol, groundwater, and buried rubble. If you have any questions, please contact me at (301) 415-6605.

Sincerely,

[Original signed by]

Stewart W. Brown, Project Manager  
Low-Level Waste and Decommissioning  
Projects Branch  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 70-3073

License No. SNM-1999

Enclosures: 1. Amendment No. 5 to  
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2. Safety Evaluation

3. ORISE Report

cc w/enc's: Kerr-McGee, Cushing distribution list

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OFC	LLDP:pm	LLDP:la	LLDP:sc	REG IV	OGC	LLDP:bc
NAME	SBrown*	JCopeland*	TCJohnson	LCarson	RFonner	JHickey
DATE	12/11/96	12/10/96	12/3/96	12/23/96	1/3/97	1/8/97

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Docket No. 70-3073  
License No. SNM-1999

Enclosures: 1. Amendment No. 5 to  
License No. SNM-1999  
2. Safety Evaluation  
3. ORISE Report

cc w/encls: Kerr-McGee, Cushing distribution list

Kerr-McGee Corporation, Cushing Plant  
Docket No. 70-3073, License No. SNM-1999

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**ENCLOSURE 1**