



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
799 ROOSEVELT ROAD
GLEN ELLYN, ILLINOIS 60137

September 19, 1988

MEMORANDUM FOR: Bruce S. Mallett, Chief
Nuclear Materials Safety
and Safeguards Branch, RIII

FROM: Stephen H. Lewis, Senior Supervisory Trial
Attorney, OGC

SUBJECT: AMS--APPROVAL OF PROPOSAL TO ISOLATE AND
POSTPONE DECONTAMINATION OF WHUT ROOM

I have reviewed your draft letter approving the isolation of the WHUT room. Since the new decommissioning rule establishes the standards that AMS will have to meet regarding financial assurance of decommissioning, we may not condition this approval upon AMS having to do anything more than the rule requires regarding financial assurance that they will be able to decommission their facility. The new rule presumably considered the possibility that a facility might have to be decommissioned earlier than anticipated and this is not a basis for requiring AMS to provide any financial assurances beyond what is required under the rule. Accordingly, I propose the following modifications:

(1) para. 2, 2nd sentence: In granting your request, however, we are concerned that the amount of contamination and hazards associated with the maintenance of the WHUT room in an isolated condition do not increase beyond those described in your letters dated February 8 and July 6, 1988. Consequently, we are only authorizing isolation and postponement of decontamination of the WHUT room for a five-year period....

(2) para. 3: With regard to financial assurances for eventual decommissioning of your London Road facility, including the WHUT room, you will need to comply with the Commission's recently issued rule on General Requirements for Decommissioning Nuclear Facilities (53 FR 24018, June 27, 1988, copy enclosed).

(3) para. 4: Section IV.A.1.g...until five years from the date of this letter or from the renewal of NRC License No. 34-19089-01, whichever is the later....

If you disagree with any of the proposed modifications, please call me. Please also inform me if you are making any substantive changes to the proposed letter based upon other comments.

Stephen H. Lewis
Senior Supervisory
Trial Attorney

cc: Vandy Miller, NMSS
Jim Lieberman, OE
Larry Chandler, OGC
Bruce Berson, RIII
Jack Grobe, RIII

CHRONOLOGY OF EVENTS LEADING TO
JULY 23, 1987 ORDER

| <u>Date</u> | <u>Event</u> |
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| October 1985 | ORAU performs evaluation of the operational radiation safety and fire protection programs of AMS, Inc., London Road facility. |
| February 20, 1986 | NRC meets with AMS to discuss ORAU findings/recommendations and significant Region III concerns regarding the AMS licensed program. |
| March 7, 1986 | NRC requests licensee's plans to clean up rad waste, decontaminate hot cell area, and decontaminate solid and liquid waste storage areas in basement. |
| April 16, 1986 | AMS submits letter addressing status of rad waste cleanup and general plans to obtain contract for decontamination. |
| May 6, 1986 | NRC letter to AMS stating the April 16, 1986 response is inadequate. |
| May 29, 1986 | AMS submits letter to NRC indicating status of radwaste cleanup and again provides general statements about plans to contract for decontamination. AMS also submits generic decontamination plan with no specific schedules for cleanup. |
| June 25, 1986 | NRC issues amendment to license requiring AMS to submit a decontamination plan specific for the London Road facility within 60 days. Amendment also requires submission of contracts for decontamination by qualified health physics organization. |
| July 24, 1986 | AMS submits a contract with Rad Services to perform decontamination of London Road facility. The contract consists of a general decontamination schedule (no detailed decon plan submitted). |
| August 15, 1986 | AMS requests 30-day extension for submittal of specific decon plan and schedule. |
| September 5, 1986 | NRC extends time for submission of specific decontamination plan until September 15, 1986. |
| September 10, 1986 | AMS submits decontamination plan including schedules. Implementation of decon plan to commence in December 1986. |
| October 10, 1986 | NRC ORDERS a partial suspension of AMS' service |

operations, after an inspection and allegation followup revealed that unlicensed service personnel performed licensed service work. (Service suspension ORDER unrelated to London Road facility decontamination.)

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| October 23, 1986 | NRC issues license amendment requiring AMS to implement the September 10, 1986 decontamination plan <u>within 60 days</u> . |
| December 23, 1986 | AMS requests stay of entire decontamination plan until service suspension ORDER resolved. |
| February 2, 1987 | NRC relaxes service activities suspension. |
| February 11, 1987 | NRC responds to December 23, 1986 letter declining request for complete stay of decontamination plan and requests AMS to amend license for any necessary scheduling adjustments. |
| March 20, 1987 | AMS requests NRC to suspend requirement to initiate decontamination plan until March 1, 1988. |
| April 2, 1987 | NRC NMSS/RIII representatives conduct site visit to London Road facility. |
| April 10, 1987 | AMS submits letter outlining a new decon schedule and states "AMS will, during November 1987, assess its financial recovery for the Fiscal Year of 1987. Should funds to capitalize the decontamination . . . be available at that time, we will schedule an immediate initiation of the decontamination project. AMS requests . . . to extend the initiation of the final phase of the decontamination project to March 1, 1988." |
| July 23, 1987 | Decontamination ORDER issued. Requires decon commencement by 8/31/87. |

CHRONOLOGY OF EVENTS SUBSEQUENT TO
JULY 23, 1987 DECONTAMINATION ORDER

| <u>Date</u> | <u>Event</u> |
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| August 11 and 18, 1987 | AMS request for Hearing on immediate effectiveness of ORDER. |
| September 21, 1987 | Designation of Presiding Officer in Hearing Request. |
| October 8, 1987 | AMS submits supplemental information re: hearing request, including Allen Brodsky radiological assessment of London Road facility. |
| October 14, 1987 | AMS 1st 30-day decon status report. |
| October 16, 1987 | NRC response to AMS Motion for Preliminary Hearing. |
| October 20, 1987 | AMS request to Modify ORDER to employ decon services of NSS rather than Rad Services. |
| October 28, 1987 | AMS request to Modify ORDER for a new decon schedule. |
| October 30, 1987 | NRC modifies July 23, 1987 ORDER and issues CONFIRMATORY ORDER to incorporate the licensee's October 20 and October 28, 1987 letters. Includes deletion of NSS plan regarding decon of WHUT room. |
| November 3, 1987 | Prehearing conference. |
| November 4, 1987 | Region III memo responding to Allen Brodsky's assessment. |
| November 13, 1987 | AMS 2nd decon status report. AMS also files Statement of Issues for Hearing. |
| November 19, 1987 | AMS answer to October 30, 1987 CONFIRMATORY ORDER, including request for Hearing. |
| November 24, 1987 | NRC staff response to Statement of Issues by AMS. |
| December 11, 1987 | Modification of October 30, 1987 CONFIRMATORY ORDER to add new authorized decon staff. |
| December 11 and 14, 1987 | NRC inspection of decon progress. |
| December 11, 1987 | AMS 3rd decon status report. |
| December 23, 1987 | AMS letter proposing to resolve matter by performing its own decon of facility. |
| January 15, 1988 | AMS 4th decon status report. |

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| January 22, 1988 | NRC response to AMS December 23, 1987 letter. |
| January 27, 1988 | NRC inspection of decon progress. |
| February 8, 1988 | AMS request to isolate WHUT room. |
| February 12, 1988 | AMS 5th decon status report and NRC inspection of decon progress. |
| February 16, 1988 | NRC meeting with AMS to discuss proposal for decon without assistance from contractor. |
| February 17, 1988 | AMS response to NRC January 22, 1988 letter. |
| March 16, 1988 | NRC modification of Confirmatory ORDER to allow new licensee RSO to oversee decon. Denied complete AMS control of decon. |
| April 14, 1988 | AMS 7th decon status report (6th report not located in Region III files.) |
| May 5, 1988 | NRC inspection report issued as followup to report of contaminated sewer outside AMS building. |
| May 12, 1988 | AMS 8th decon status report. |
| June 3, 1988 | NRC letter in response to AMS February 8, 1988 request to isolate WHUT room. |
| June 12, 1988 | AMS 9th decon status report. |
| July 6, 1988 | AMS letter in response to NRC June 3, 1988 letter re: WHUT room isolation. |
| July 12, 1988 | AMS 10th status report on decon. |
| August 12, 1988 | AMS 11th status report on decon. |
| September 12, 1988 | AMS 12th decon status report. |
| October 12, 1988 | AMS 13th decon status report. |
| October 20, 1988 | NRC letter in response to AMS July 6, 1988 letter re: WHUT room isolation. WHUT room isolation approved. |
| November 7, 1988 | NRC inspection of decon progress. |
| December 12, 1988 | AMS 15th decon status report. (14th report not located in Region III files.) |
| January 13, 1989 | AMS 16th decon status report. |

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| February 10, 1989 | Region III meeting with AMS at London Road facility to discuss status of decon and facility modification. |
| February 13, 1989 | AMS 17th (and final) decon status report. |
| March 10, 1989 | AMS letter submits post decon survey results. |
| March 29, 1989 | AMS letter submits proposed hot cell ventilation system redesign and revised facility survey program. |
| April 7, 1989 | AMS letter requests amendment for modifications to organization, management controls, and personnel. |
| May 2, 1989 | Region III inspector visits AMS facility to evaluate licensee's past decon survey results and for site familiarization purposes. |
| June 15, 1989 | AMS requests (and receives permission) that licensing board hold decon proceeding in abeyance, pending completion of facility decon and settlement of proceeding. |
| June 23, 1989 | NRC letter in response to 3/10/89, 3/29/89, and 4/7/89 AMS letters. (NRC 5/2/89 site visit notes that isolated hot spots exist in the facility and should be decontaminated further.) |
| June 29, 1989 | AMS letter requesting 37-day extension to respond to NRC's 6/23/89 letter. |
| July 21, 1989 | NRC letter grants extension requested in AMS 6/29/89 letter. |
| August 25, 1989 | AMS letter in response to NRC's 6/23/89 letter. |
| October 10, 1989 & December 1, 1989 | AMS letter requesting status on response to 8/25/89 letter. |
| December 13, 1989 | NRC issues renewal of AMS license. Renewal incorporates schedule for completion of new hot cell ventilation system. NRC actions on fire protection modifications are withheld until after NRC review during 1/90 inspection. |
| April 12, 1991 | SECY 91-096 issued "Site Decommissioning Management Plan." (Addresses decon status of several facilities including AMS.) |
| June 6, 1991 | AMS inquires to staff about reactivating "the decon issues so that pending discovery can be completed and all issues . . . be combined." |
| July 1, 1991 | NRC response to 6/6/91 letter "No issues have been |

proposed or admitted to the proceeding nor is there any pending discovery . . . may be possible to seek resolution and terminate proceeding."

July 18, 1991

AMS response to 7/1/91 letter. Argues that facility decon is complete and discovery is permitted in this matter.

August 22, 1991

AMS letter suggests consolidation of several AMS/NRC proceedings.

September 9, 1991

HRC response to 7/18/91 and 8/22/91 AMS letters. Staff satisfied with facility decon; other provisions of the decon ORDER (i.e., facility modifications and emergency plan development) have been subsumed by the terms of the license itself. Consolidation of unrelated proceedings, however, is inappropriate.

September 18, 1991

NRC staff response in opposition to AMS motion to direct staff actions and to consolidate three proceedings.