

September 25, 1998

MEMORANDUM TO: John T. Greeves, Director
Division of Waste Management
Office of Nuclear Material Safety and Safeguards

FROM: Douglas M. Collins, Director *original signed by C. Hooley for?*
Division of Nuclear Materials Safety

SUBJECT: STATUS REPORT OF REGION II REVIEW OF OAK RIDGE NATIONAL LABORATORY (ORNL) LIST OF POTENTIALLY CONTAMINATED SITES

The quarterly status reports for Region II sites contained on the ORNL list of formerly licensed sites which were identified as potentially contaminated are contained in Attachments 1 through 4. The status reports for sites with an ORNL final score greater than 300 which remain open are in Attachment 1 and those with a score from 5 to 300 which Region II has reviewed and remain open are listed in Attachment 2. Each assessment paragraph in Attachments 1 and 2 reflects the quarterly status at the time of the evaluation. The information required for the Monthly Information Status Report is in Attachment 3. A tabular summary of all files assigned to Region II is in Attachment 4. Please note that the most current information in the attachments is in bold.

If you have any questions regarding these reports or our evaluations, please contact Mr. Bryan A. Parker of my staff at (404) 562-4728.

- Attachments: (1) Reports for sites >300 (remain open)
(2) Reports for sites >5<300 (remain open)
(3) Monthly Information Status Report
(4) Tabular summary for all Region II sites

OFFICE	RII:DNMS	RII:DNMS	RII:DNMS						
SIGNATURE	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>						
NAME	BParker	TDecker	CHooley						
DATE	9/25/98	9/25/98	9/25/98	9/ /98	9/ /98	9/ /98	9/ /98	9/ /98	9/ /98
COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

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STATUS REPORTS FOR SITES REVIEWED WITH
 SCORES >5<300

(REMAIN IN OPEN
 STATUS)

- | | | |
|-----------------|--------------------------------------|-----------------|
| 1. SUB-00081 | Homer Laughlin China Co. | |
| 2. STB-00058 | Du Pont | |
| 3. C-04327 | Fostoria Glass Company | |
| | SUC-00628 | |
| 4. 01-00126-13 | Army-Redstone Arsenal* | |
| 5. 45-17819-01 | U.S. Army (535th Engr Det.)* | |
| 6. 52-13137-01 | Department of HEW* | |
| 7. C-03523 | National Advisory Committee
for | |
| | Aeronautics* | |
| 8. C-04576 | Hercules Powder Co.* | |
| 9. C-03569 | Kingston Pencil Corporation** | |
| 10. SNM-00430 | Radiochemistry. Inc.** | |
| 11. 04-07316-02 | Environmental Support
Activity*** | Naval Energy & |
| 12. 10-00512-01 | Health Service
(HHS)*** | U.S. Public |
| 13. 10-00512-04 | Health Service
(HHS)*** | U.S. Public |
| 14. 10-12233-02 | Inc.*** | Southern Space. |
| 15. 41-08165-09 | Valley
Authority*** | Tennessee |
| 16. 41-08165-17 | Valley
Authority*** | Tennessee |
| 17. 45-03499-05 | William &
Mary*** | College of |
| 18. 45-13733-01 | Inc.*** | Meloy Labs. |
| 19. 47-01163-20 | University*** | West Virginia |
| 20. 52-15968-01 | Inc.*** | TII Industries. |
| 21. SNM-01476 | Tennessee Valley
Authority*** | |

Initial review indicated low priority and did not warrant development of a site status report.

File has been transferred to the Agreement State where use took place and remains open awaiting response from the State.

Site status report for this site has not yet been developed. This is a file received under Phase 3 of the ORNL Terminated License Review Project. and has not yet been fully reviewed and assessed. A site status report will be included in future reports as warranted.

REGIONII TERMINATED SITES LIST
SITE STATUS REPORT

September 24, 1998

Docket No. 040-03366

License No. C-04327
TUC-00628

Licensee Name: Fostoria Glass Company

Site Name:

Site Address: Corner of First Street and Fostoria Avenue

City: Moundsville State: WV Zip: 26041

Regional Contact: Bryan A. Parker

Phone: (404) 562-4728

Status Summary:

ORNL Final Score: 15

Background

License No. C-04327 was issued on October 2, 1958, for the possession of 850 pounds of uranium (depleted) in uranium compounds for use as a coloring agent in glass products (tableware and artware). Amendment No. I to this license was issued on August 25, 1959 and authorized the possession of 1700 pounds of uranium in uranium compounds for use as a coloring agent in the manufacture of ornamental glassware containing not more than 10% uranium.

In a letter dated October 18, 1960, the licensee stated that it had discontinued the use of uranium compounds in July, 1960, and that it currently possessed 328 pounds of depleted uranium. The licensee further stated that it was not sure if it would use this material in the future, but wanted to retain the license in the event it may need it. The possession limit was reduced to 328 pounds in an amendment dated October 20, 1960.

License No. C-04327 expired on October 31, 1961, while the licensee still possessed source material. The licensee applied for another license, requesting authorization for possession only, and was issued License No. SUC-00628 on July 19, 1962. This license authorized the possession of 328 pounds of uranium for storage only. This storage only license was renewed in July, 1965 and its expiration was extended to July 31, 1969, in a license issued on July 22, 1968.

**REGIONII TERMINATED SITES LIST
SITE STATUS REPORT**

September 24, 1998

Fostoria Glass Company
Moundsville. WV

License No. SUC-00628
Docket No. 040-03366

Background (cont'd)

The licensee requested termination of its license in a letter dated June 19, 1969. In this letter, the licensee stated that it had disposed of all material (328 pounds) by burial as provided in 10 CFR 20.304.

In its original license application, the licensee described the manufacturing process as including weighing out the licensed material in appropriate batch sizes along with other glass components in a well ventilated, hooded area, placing this material in a mixer, then a batch wagon for transfer to the site where it would be placed in a glass pot and melted into glass. The glass was then drawn by hand and formed into glassware. The licensee stated that the glassware would contain from 0.25 to 2.0 percent depleted uranium oxide depending upon the type of color which was produced. All waste product would be remelted for further use or would be buried at the dump. The licensee also stated that it had experience with normal uranium products before 1942 and based upon this experience, it expected little uranium loss in any of its operations.

On August 27, 1959, and AEC inspector conducted an inspection of the licensee's operations. He noted that the weighing room was located in the west end of the plant building and that the Ransome Dry mixer was located in the basement almost directly below the weighing room. The inspector also noted that the licensee was performing radiation surveys with a CDV-700 survey meter borrowed from the Moundsville High School, and that the records of these surveys showed that no external radiation in excess of 1 mR/hr existed in any of the use and storage areas. The licensee had received 900 pounds of licensed material since October, 1958 and had 225 pounds of licensed material on hand during the inspection. A second inspection was performed in November, 1962, and the inspector noted that no item of noncompliance was found.

The retired docket file contains no information describing a close-out survey by either the licensee or AEC at the time of license termination.

Assessment

Fostoria Glass Company (FGQ) was purchased by the Lancaster Colony Corporation in 1983, and production at the facility ceased in 1986. The facility was closed shortly after production ceased and an environmental remediation survey of the facility was completed in 1995. Personnel involved in this survey were apparently unaware of the use of radioactive materials at this site and did not perform any radiological surveys. Personnel performing this survey reported that they did not find any evidence of a burial site on the premises.

REGIONII TERMINATED SITES LIST
SITE STATUS REPORT

September 24, 1998

Fostoria Glass Company
Moundsville. WV

License No. SUC-00628
Docket No. 040-03366

Assessment (cont'd)

On August 14, 1996, a RII inspector performed a scoping survey at the site. The inspector found that the entire facility, including the building designated as the Batch Plant, where depleted uranium was used and stored, was difficult to survey because of the current facility conditions. However, the inspector did identify areas of fixed contamination in and around the Weigh Room on the second floor, in the southwest corner of the Batch Plant, that exceeded the NRC criteria for release of the facility for unrestricted use. The inspector concluded that a more comprehensive survey of the facility would be required to properly characterize the site and determine if any other areas within the facility were contaminated above the release criteria.

The inspector attempted to determine the location of the "dump" referenced in documents contained in the retired docket file where the former licensee disposed of 328 pounds of depleted uranium. The inspector did not find any physical evidence of a dump at the facility site. The inspector obtained a sample from each of the three ground water monitoring wells at the facility. A preliminary analysis of the samples indicated that the types and amount of radioactive material present in the ground water are from naturally occurring materials typically present in ground water.

In discussions with employees of the West Virginia Division of Environmental Protection, the inspector determined that it was possible that the "dump" referenced in the retired docket file was the Moundsville municipal dump known as the Angel Flats Dump. The inspector visited the Angel Flats site and found evidence that FGC had disposed of waste glass at the site, but could not determine if the depleted uranium had been buried at the site.

The inspectors findings were forwarded to Lancaster Colony Corporation in Inspection Report No. SUC-00628/96-01 on October 10, 1996. The cover letter to this report included a request that Lancaster Colony notify RII of the actions it will take to decontaminate and decommission the former FGC site so that it meets the release criteria. In discussions with a Lancaster Colony representative, the inspector was informed that Lancaster Colony may not accept responsibility for the site and that its ownership of the site is questionable. Lancaster Colony will address this issue in their response to the report.

REGIONII TERMINATED SITES LIST
SITE STATUS REPORT

September 24, 1998

Fostoria Glass Company
Moundsville, WV

License No. SUC-00628
Docket No. 040-03366

Assessment (cont'd)

In a letter dated November 8, 1996, Lancaster Colony's legal representatives provided information that supported their position that Lancaster Colony transferred possession of the site to the State of West Virginia. A copy of a Consent Order issued in the Circuit Court of Marshall County, West Virginia on May 10, 1995, was included with the letter. Based on the contents of this order, it appears that West Virginia is solely responsible for the site. RII will meet with representatives of West Virginia to determine if the state representatives agree they are responsible for the site. RII will then proceed to determine what further actions are necessary to clarify the radiological status of the facility.

A TAR was sent to DWM on April 21, 1997, requesting a decision to either (1) hire a contractor to perform more remediation, or (2) accept a dose assessment that no further remediation is required. The TAR due date was June 23, 1997.

The TAR was misplaced/lost in DWM for some period due to technical problems with e-mail, etc. DWM relocated the request and responded to the burial portion of the TAR; however, they did not respond to the indoor portion (fixed contamination). DWM requested additional information from Region II regarding the indoor aspects of the issue. Region II is currently gathering the requested information and will forward it to DWM to enable them to complete their review. Region II is planning to conduct additional surveys to better characterize the nature of the contamination within the old Fostoria building.

In late 1997, Region II informed DWM that the necessary information was in the inspection report, but if necessary, any specific items would be provided as requested. In April 1998, DWM had provided no additional feedback. Region II contacted DWM and discussed the issue. DWM indicated that the TAR had been closed and indicated that another TAR should be prepared. Region II plans to submit another TAR requesting review of the indoor portion of the issue, and providing as much information as possible regarding the input parameters for RESRAD-BUILD specific to the Fostoria site.

In September 1998, Region II discussed the issue with DWM, which recommended that **Region II re-review the matter in light of the new decommissioning rule and the draft screening values for building surface contamination levels.** After this review, a TAR will be prepared, if required. Region II plans to complete the review by December 31, 1998, and a TAR prepared, if necessary, by January 31, 1999.

REGION II MONTHLY INFORMATION STATUS REPORT

STATUS OF SITES IDENTIFIED BY ORNL

	Total	Sites Closed or Eliminated	Total Sites Pending (including transfers)	Pending Sites Contaminated
> 300	9	6	3	3 -UCAR -ARCO ¹ -Naval Res. Lab. ¹
5-300	52	31	21 ³	2 ² -Homer Laughlin China -Fostoria Glass
Total	61	37	24 ⁴	5

- 1 - ARCO and the Naval Research Lab were added to listing as part of Phase III of ORNL Terminated License Review Project (Jan/Mar 1998). ARCO is under review by Region II. Naval Res. Lab is under review by Region II, with Navy input (includes burials that must be addressed).
- 2 - DuPont is pending because they must address buried drums. not due to known contamination.
- 3 - Twelve (12) sites were added as part of Phase III of ORNL Terminated License Review Project (Jan/Mar 1998).
- 4- One (1) site was transferred to an Agreement States and Region II is awaiting a response; the remainder, (23), will be reviewed by Region II.

STATUS OF LICENSES WITH SEALED SOURCES NOT ACCOUNTED FOR

	Total	Closed, Transferred, or Pending transfer	Pending Review by Region II
> 300	0	0	0
5-300	101	71	30
Total	101 ¹	71 ²	30

- 1 - Twenty-five (25) sites were added as part of Phase III of ORNL Terminated License Review Project (Jan/Mar 1998).
- 2- Thirty-seven (37) have been closed (includes two (2) that were transferred to other Regions); twenty (20) sites were transferred to Agreement States, and eight (8) of those have been closed by their respective States. Fourteen (14) are Navy sites, some of which, upon review by Region II, may be transferred to the Navy for review. The remainder, thirty (30), will be reviewed by Region II. $(37+20+14 = 71 +30 = 101)$