

**FAX TRANSMISSION****H. Hovnanian Industries**

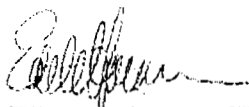
4000 Route 66

Tinton Falls, New Jersey 07753

Tel: (732) 922-6100 Fax (732) 922-9544

Date: September 6, 2005**Name:** Marjorie McLaughlin**Company:** NRC**cc:** Dan Gillen

Marie Miller

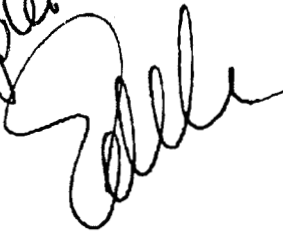
From: Edele Hovnanian - 

Pages including this page: 3

Fax: 610-337-5269**Fax:** 301-415-5398**Fax:** 610-337-5269**MESSAGE**

As we discussed, here are the two functions of the dose assessment we would like re-consideration of, before the dose assessment is finalized. I will call to find out what else we need to do to have a discussion directly with those who review such matters.

*Being Re-faxed
to all - attachments
from this morning's fax
incomplete.*



cc: Tony Thompson
202-496-0783

Gerry Williams
724-733-4630

Heritage Minerals, Inc.

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September 6, 2005

Ms. Marjorie McLaughlin
Health Physicist
United States Nuclear Regulatory Commission
Division of Nuclear Materials Safety
Region I
475 Allendale Road
King of Prussia, PA 194-6

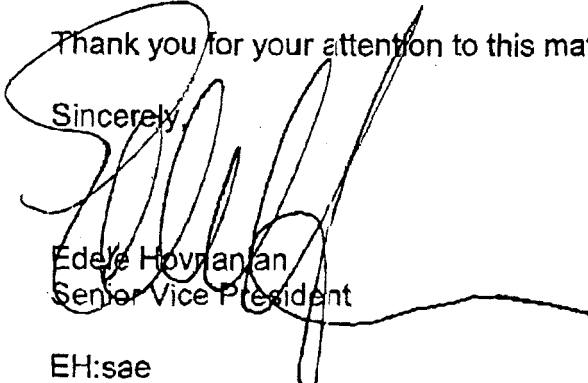
Dear Ms. McLaughlin:

Per our discussion on Thursday, September 1, 2005, enclosed is a letter from Enercon outlining two factors which we understand have been used in the dose assessment being drafted for the Heritage site, which we dispute and believe merit reconsideration.

I ask that you share the attached letter with the appropriate people within your organization. I understand the draft of the dose assessment is currently under review and, thus, appreciate anything you can do to move our request for reconsideration of the two factors raised in the attached with all reasonable promptness.

Thank you for your attention to this matter.

Sincerely,


Edele Hovnanian
Senior Vice President

EH:sae

Enclosure



ENERCON SERVICES, INC.
An Employee Owned Company

4489 Old William Penn Highway
Murrysville, PA 15068-1809
(724) 733-8711
Fax: (724) 733-4130

September 2, 2005

Ms. Edele Hovnanian
Heritage Minerals Incorporated
4000 Route 66
Tinton Falls, NJ 07753

Dear Edele:

Differences in dose modeling factors selected by the NRC may result in significantly altered outcomes. Two key factors that we believe merit further consideration by the NRC are discussed below.

Material Thickness

NRC is using a depth of approximately 1-meter of material in the vicinity of the mill that is above background. Their reference for this number is a February 2003 Report by Senes Consultants titled "Pathways Analysis and Site-Specific Options for ASARCO/HMI Site", page 4-11 Table 4.4. This table listed the average depth of material in the vicinity of the mill that is above background concentration as 2.8 feet. This estimate was developed using data collected by Camp Dresser McKee in 1998.

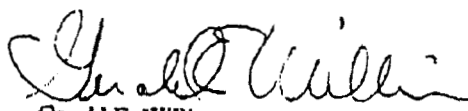
Enercon has already disagreed with the NRC both on-site and in follow-up discussions on material thickness. The material thickness referenced in these report were prior to work by Enercon and others during 2003 and 2004 in which impacted materials around the mill were removed and disposed. Also, we would note that the monazite pile was remediated by removing approximately 2 feet of additional sand below the existing grade. All other locations with fugitive source materials were remediated, and the final results were accepted by the NRC.

When dose modeling material thickness, the RESRAD Users Manual Section 3.1, page 3-8 states that to account for material vertical non-uniformity, a thickness of 15 centimeters (6 inches) should be used. The thickness selected by NRC is not representative of the current site conditions. We recommend using a material thickness of 6 inches for the dose assessment.

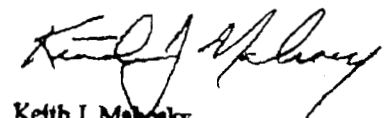
Outdoor Fraction

NRC's default assumption for the outdoor fraction (time spent outdoors on or near the material) is 25% of a year. This equates to 2,190 annual hours, or 6 hours per day. By comparison, the EPA Exposure Factor Handbook (referenced as footnote (4) in Table 2.3 of the RESRAD User's Manual) is 2 hours per day. In our opinion, hours spent outdoors at any given home or location will be overestimated using the standard NRC assumption. The outdoor fraction assumes that all outdoor time is spent on the material, but a reasonable percentage of any individual property will be covered with patios, driveways, etc. that will further limit direct exposure to any materials. We recommend using the standard EPA outdoor exposure factor of 2 hours per day for the dose assessment.

Sincerely


Gerald E. Williams
Project Manager

GEW/KJM:dmm


Keith J. Mahoney
Manager, Decommissioning Services