



U.S. Department of Energy

Grand Junction Office
2597 B³/₄ Road
Grand Junction, CO 81503

DEC 20 1999

Mr. Thomas H. Essig, Chief
Uranium Recovery Branch
Division of Waste Management
Office of Nuclear Material Safety and Safeguards
Mail Stop T7J8
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Essig:

Section 104(c)(1) of the Uranium Mill Tailings Radiation Control Act (UMTRCA) requires the Department of Energy (DOE) and the Nuclear Regulatory Commission to concur in the final disposition of processing sites acquired by the cooperating state. In accordance with Section 104(c)(1)(B) of UMTRCA, the Colorado Department of Public Health and Environment (CDPHE) has requested concurrence to transfer the Old Rifle Site to the city of Rifle for perpetual public use. The DOE concurs with this request. We have enclosed the following information to aid in your review:

- 1) A letter from CDPHE requesting concurrence;
- 2) A copy of the land annotation which will be attached to and filed with the deed;
- 3) The deed language which will be used to transfer the property. This language is nearly identical to the language approved for the recently transferred New Rifle, Gunnison, and Durango sites (November 1999);
- 4) A letter from the city of Rifle requesting the site for use as a recycling and composting area as well as other possible public uses (dog pound, golf driving range, etc.).

I hope we can move forward expeditiously with this process. Should you have any comments or questions, please contact me at 970/248-6001 or Russel Edge of my staff at 970/248-6037.

Sincerely,

Donna Bergman-Tabbert

Donna Bergman-Tabbert
Manager

cc:

J. Deckler, CDPHE/Denver
R. Edge, DOE-GJO
Project File LRFL1.7 (H. Salter)

re\12-14ltr.doc

UNISO Public

POR WASTE WA-62

Recorded at _____ o'clock _____ M., _____
Reception No. _____

Recorder

QUIT CLAIM DEED

The Colorado Department of Public Health and the Environment ("Grantor"), whose address is 4300 Cherry Creek Drive South, Denver, Colorado, 80222-1530, City and County of Denver, State of Colorado, pursuant to 42 U.S.C. § 7914 (e) (1) (B) and C.R.S. § 25-11-303, hereby donates and quit claim(s) to the City of Rifle ("Grantee"), whose address is 202 Railroad Avenue, Rifle, Colorado, 81650, City of Rifle, County of Garfield, State of Colorado, the following real property in the County of Garfield, State of Colorado, to wit: A parcel of land described as follows:

Beginning at a point on the South right-of-way line of the U.S. Highway 6 & 24, said point more particularly described as being South 0°18' West 1415 feet more or less, from the northeast corner of the NW-1/4 of the NW-1/4 of Section 15, Township 6 South, Range 93 West, 6th P.M. and running then South 0°18' West 36.5 feet to the North right-of-way line of the D&RGW Railroad, thence South 76°36' West 1891.8 feet along said right-of-way, thence continuing along said right-of-way line the following courses and distances. South 79°2' West, 194.9 feet; South 85°35' West 194.1 feet; North 87°20' West 193.9 feet; North 80°23' West 194.0 feet; North 79°32' West 26.7 feet; thence North 74.5 feet to the said South right-of-way line of the U.S. Highway 6 & 24, and a point on a 673 foot radius curve to the left, thence Northeasterly along said curve an arc distance of 453.5 feet (chord bears north 69°26'30" East 445 feet); thence North 50°07' East 655.7 feet to a point on a 472.98 foot radius curve to the right, thence Northeasterly along said curve an arc distance of 223.16 feet (chord bears North 63°38' East 221.1 feet); thence North 80°51'30" East 293.9 feet; thence South 79°33' East 157.7 feet to a point on a 2825 foot radius curve to the right, thence Southeasterly along said curve an arc distance of 460.21 feet (chord bears South 74°53' East 459.7 feet); thence South 70°13' East 306.5 feet to a point on a 1081.8 foot radius curve to the left, thence Easterly along said curve an arc distance of 348.81 feet (chord bears South 79°24' East 347.2 feet) to the point of beginning.

EXCEPTING therefrom those portions of the above described property conveyed to the Denver and Rio Grande Western Railroad Company in deed recorded May 8, 1978 in Book 509 at Page 551 and that part conveyed to the City of Rifle in deed recorded January 18, 1971 in Book 416 at Page 257.

Also, two tracts of meander land described as follows:

A tract of meander land containing 21.56 acres situated in the S1/2 NW1/4 of Section 15 and the SE1/4NE1/4 of Section 16, Township 6 South, Range 93 West 6th PrM, all lying South of the South right-of-way line of the Denver and Rio Grande Western Railroad Company right-of-way and North of the centerline of the Colorado River.

A tract of land containing 6.89 acres situated in Lot 3 of Section 15 and Lot 1 of Section 16, Township 6 South, Range 93 West, 6th PrM, all lying South of the South right-of-way line of the Denver & Rio Grande Western Railroad Company right-of-way and North of the centerline of the Colorado River.

Subject to: (i) any coal, oil, gas, or other mineral rights in any person; (ii) existing rights-of-way for roads, railroads, telephone lines, transmission lines, utilities, ditches, conduits, or pipelines on, over, or across said lands; (iii) court liens, judgments, or financial encumbrances such as deeds of trust for which a formal consent or order has been obtained from a court for the lien holder; (iv) other rights, interests, easements, reservation or exceptions of record; and the following terms, conditions, rights, reservations and covenants:

Grantor reserves to (i) itself, the U. S. Department of Energy, their employees, agents and contractors the right of access to the property as may be necessary to complete activities under the Uranium Mill Tailings Radiation Control Act of 1978, 42 U.S.C. § 7901 et seq. ("UMTRCA") and for other lawful purposes, until such time as Grantor and the U.S. Department of Energy determine that all remedial activities are complete; and (ii) to itself any non-tributary groundwater underlying this parcel, the right to develop tributary groundwater, and the right to surface access for groundwater development.

Grantee covenants to hold harmless the Grantor and the Department of Energy for any liability associated with disruption of any public purpose ventures on the property conveyed by this deed, the disruption of any improvement on said property made by the Grantee, its successors and assigns, and any temporary or permanent limitations to the use of the property, should the Grantor and the Department of Energy be required to perform additional surface remedial activities on the property conveyed by this deed.

Grantee covenants (i) to comply with the applicable provisions of UMTRCA, 42 U.S.C. #7901 et. seq., as amended; (ii) not to use ground water from the site for any purpose, and not to construct wells or any means of exposing ground water to the surface unless prior written approval for such use is given by the Grantor and the U.S. Department of Energy; (iii) not to sell or transfer the land to anyone other than a governmental entity within the state; (iv) that any sale or transfer of the property described in this deed shall have prior written approval from the Grantor and the U.S. Department of Energy; and that any deed or other document created for such sale or transfer and any subsequent sale or transfer will include information stating that the property was once used as a uranium milling site and all other information regarding the extent of residual radioactive materials removed from the property as required by Section 104(d) of the Uranium Mill Tailings, 42 U.S.C.

sec. 7014(d), and as set forth in the Annotation attached hereto; (v) not to perform construction and/or excavation or soil removal of any kind on the property without permission from the Grantor and the U.S. Department of Energy unless prior written approval of construction plans (e.g., facilities type and location), is given by the Grantor and the U.S. Department of Energy; (vi) that any habitable structures constructed on the property shall employ a radon ventilation system or other radon mitigation measures; and (vii) that its use of the property shall not

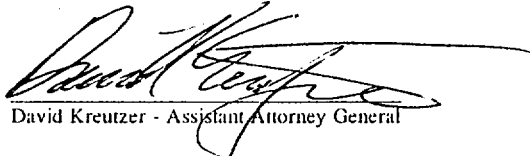
adversely impact groundwater quality, nor interfere in any way, with groundwater remediation under UMTRCA activities; and (viii) to use the property and any profits or benefits derived therefrom only for public purposes as required by UMTRCA sec. 104(e)(1)(C), 42 U.S.C. 7914 (e)(1)(C).

These covenants are made in favor and to the benefit of Grantor, shall run with the land and be binding upon Grantee and its successors and assigns, and shall be enforceable by Grantor;

Grantee acknowledges that the property was once used as a uranium milling site, and that the Grantor makes no representations or warranties that the property is suitable for Grantee's purposes;

IN WITNESS WHEREOF:

APPROVED AS TO FORM:


David Kreutzer - Assistant Attorney General

GRANTOR:

STATE OF COLORADO
Bill Owens, Governor
Acting by and through
The Department of Public Health and Environment

By: _____
Executive Director

By: _____
Program Approval

ACCEPTANCE OF DEED
AND COVENANTS

GRANTEE:

(Full Legal Name of Agency)

By: _____
Name

Title: _____

Signed this day of , 19

STATE OF COLORADO,
County of

} ss.

The foregoing instrument was acknowledged before me this
day of , 19 , by

My commission expires

Witness my hand and official seal

Notary Public.

No. _____

QUIT CLAIM DEED

TO

STATE OF COLORADO, }
County of } ss.

I hereby certify that this instrument was filed
for record in my office, at _____
o'clock _M., _____, 19_
and is duly recorded in book _____
page _____
Film No. _____ Reception No. _____

Recorder.

By _____
Deputy.

Fees, \$ _____

STATE OF COLORADO

Bill Owens, Governor
Jane E. Norton, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

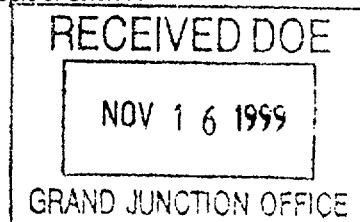
HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION
<http://www.cdphs.state.co.us/hm/>

4300 Cherry Creek Dr. S.
Denver, Colorado 80246-1530
Phone (303) 692-3300
Fax (303) 759-5355

222 S. 6th Street, Room 232
Grand Junction, Colorado 81501-2768
Phone (970) 248-7164
Fax (970) 248-7198



Colorado Department
of Public Health
and Environment



November 1, 1999

Mr. Ray Pliness
U.S. Department of energy
Grand Junction Project Office
2597 B 3/4 road
Grand Junction, CO 81503

Re: Transfer of the Old Rifle Mill Site

Dear Ray:

Section 104(c)(1) of the Uranium Mill Tailings Radiation Control Act (UMTRCA), requires the Department of Energy (DOE) and the Nuclear Regulatory Commission (NRC) to concur in the final disposition of processing sites acquired by the cooperating state. In accordance with Section 104(c)(1)(B) of UMTRCA, the Colorado Department of Public Health and Environment is requesting concurrence to transfer the Old Rifle site to the City of Rifle, for perpetual public use. I have enclosed the following to assist DOE and NRC in their review.

- 1) A letter from the City of Rifle, dated October 20, 1999, requesting the site for use as a recycling and composting area, and possible other public uses,
- 2) The (sample) deed which will be used to transfer the property. This deed contains all the language requested and by DOE and NRC, and was approved by these agencies for use on the New Rifle, Gunnison, and Durango sites just last month (October 1999).
- 3) The land annotation which will be attached to and filed with the deed.

I hope that since the deed language was recently reviewed and approved by DOE and NRC, concurrence with this land transfer will proceed expeditiously. As per the established procedure, once DOE concurs with the transfer, DOE forwards their concurrence to NRC for concurrence. If you have any questions about this request, please call me at (303) 692-3387.

Sincerely,

Jeffrey Deckler

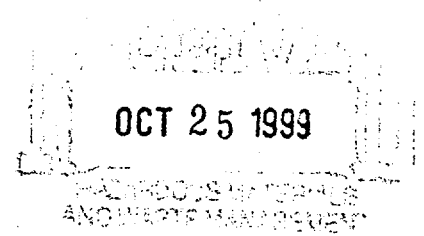
cc: David Kreutzer, AGO

CITY *of* RIFLE

202 RAILROAD AVENUE • P.O. BOX 1908 • RIFLE, COLORADO 81650 • (970) 625-2121 • FAX (970) 625-3210

October 20, 1999

Mr. Jeff Deckler, Remedial Programs Manager
Hazardous Materials Division, Col. Dept. of Health
4300 Cherry Creek Drive South
Denver CO 80246



In re: East Rifle UMTRA Site

Dear Mr. Deckler:

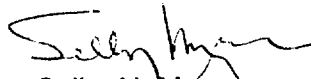
This is a formal request that the east Rifle Umtra Site, 21.76 acres more or less, be transferred to the City of Rifle.

Potential near term uses may include City storage of materials such as recycled asphalt, leaf and garden compost, and tree parts and limbs. It is also possible that limited structures may be placed there such as an dog pound, golf driving range, and other similar public uses owned or operated by the City.

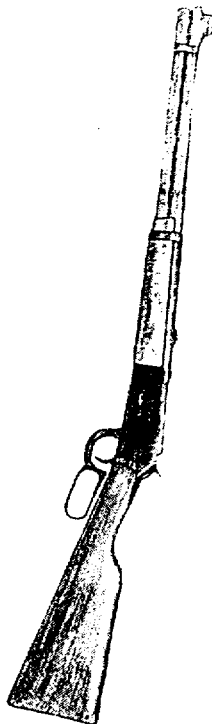
In connection with the site, we understand that there may be no interference of channelized water coming onto the site which will serve to flush the contaminants from the soil. Further we understand that there will be prior review of any buildings which may be constructed in the future.

Thank you for your assistance in this property transfer.

Very truly yours,


Selby N. Myers
City Manager

cc: Mayor and City Council
City Attorney, Public Works Director, City Clerk



ATTACHMENT A

LAND ANNOTATION

OLD RIFLE, COLORADO PROCESSING SITE

The Uranium Mill Tailings Radiation Control Act (Public Law 95-604), Section 104, requires that the State notify any person who acquires a designated processing site of the nature and extent of residual radioactive materials removed from the site, including notice of the date when such action took place, and the condition of the site after such action. The following information is provided to fulfill this requirement.

The Old Rifle Colorado processing site consists of one land parcel which contained a large tailings pile. The site was operated by Standard Chemical company and later the U.S. Vanadium Corporation, over the period from 1924 to 1946 as a uranium processing facility. Approximately 597,000 cubic yards of contaminated materials which included 1) tailings; 2) subpile soils; 3) surficial materials in the mill yard; and 4) windblown materials; were removed from the mill site from 1992-1996. The remediation was conducted in accordance with regulations promulgated by the U.S. Environmental Protection Agency, in 40 CFR 192. These regulations require that the concentration of radium-226 in land averaged over any area of 100 square meters shall not exceed the background level by more than: 5 pCi/g (picocuries per gram), averaged over the first 15 cm (centimeters) of soil below the surface, and 15 pCi/g averaged over 15 cm thick layers of soil more than 15 cm below the surface. Verification measurements were conducted at the site by dividing the site into approximately 30-foot by 30-foot grids. A soil sample was collected and analyzed for contaminants from each grid to verify that the standards had been met. All verification grids on the site met the EPA standards for radium and thorium.

After remediation was complete the site was backfilled with clean fill material, graded for drainage and revegetated. Backfill materials were routinely analyzed for radium-226 and were determined to have concentrations near background (1.5 pCi/g).

Excavation of residual radioactive material was also conducted for thorium-230 beneath the tailings pile in the subpile soils. For thorium-230, the cleanup standard was determined as a projected 1,000 year radium-226 concentration based on the eventual decay of the thorium to radium. The average thorium in-growth at depth was calculated to be 3.8 pCi/g.

The EPA standards also allow for contamination to be left in place where removal would present a risk of injury to workers, would result in environmental harm, or where the cost of removal clearly outweighs the benefit in terms of risk reduction. At the Old Rifle site, these areas where contamination was left (called "supplemental standards") are the following:

- 1) an area 1,600 feet long, along the steep slopes at the northern edge of the property. This deposit extends under U.S. Highway 6 & 24;

2) under the railroad right of way extending the length of the site off the southern boundary; and

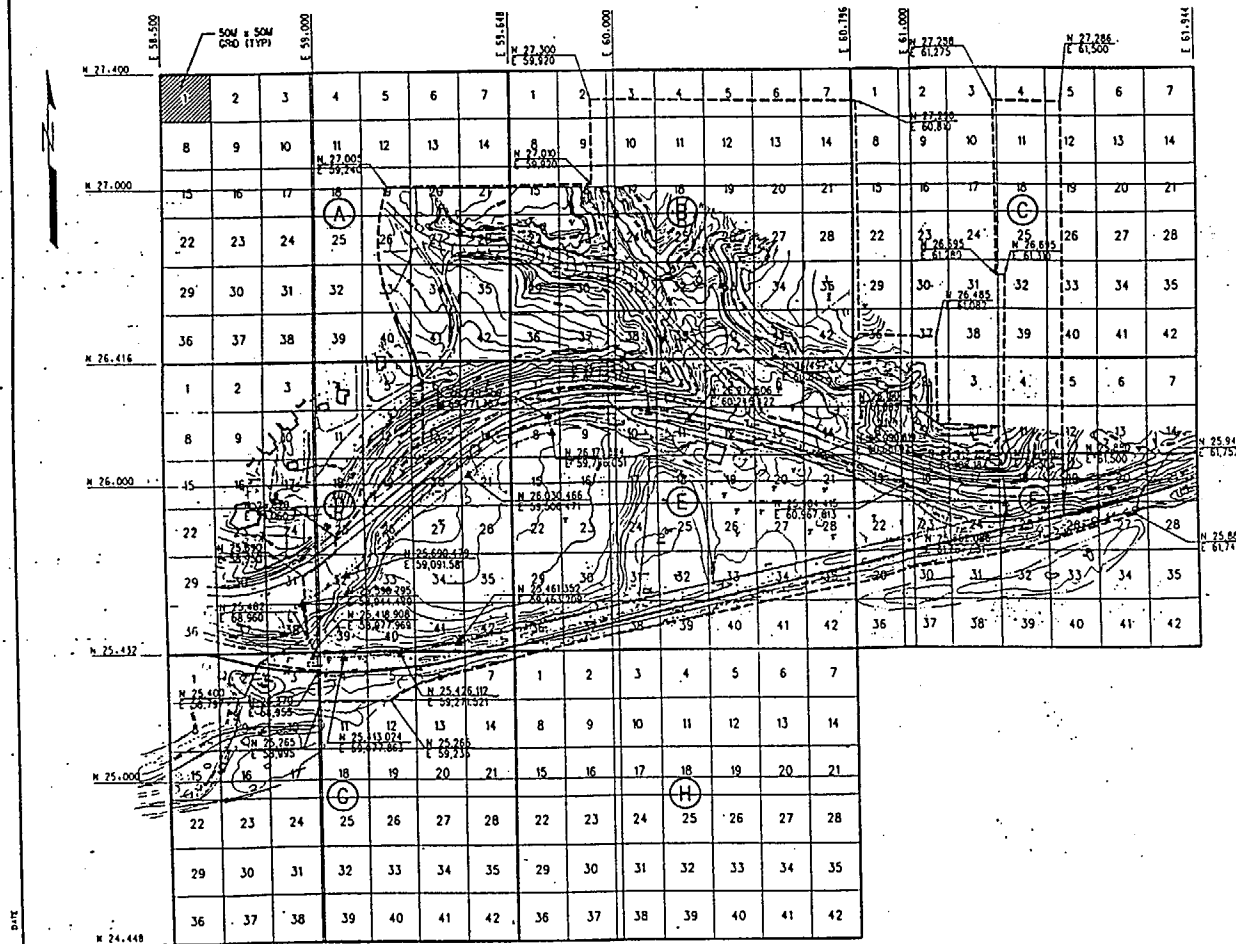
3) along the riverbank to the south of the site.

The supplemental standards areas are shown on the attached map. These deposits have been covered with clean fill and pose no risk unless disturbed. The average gamma exposure is 11 microrentgen per hour at waist height, which is equivalent to background.

The groundwater beneath the Old Rifle mill site remains contaminated and will be addressed during Phase II of the Uranium Mill Tailings Remedial Action Project. Several groundwater monitor wells are present on and downgradient of the site and will remain in place until the U.S. Department of Energy determines that they can be removed.

Any person who acquires a designated processing site shall apply for any permits, including U.S. Army Corps of Engineers Section 404 permits regarding construction in or near wetlands, as required by law.

Additional information concerning the remedial action, and groundwater conditions is available from the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division.



NOTES:

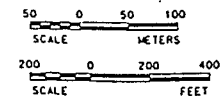
1. SOILS IN GRIDS A,B,C AND D HAVE ALREADY BEEN VERIFIED USING THE ENGLISH DISTANCE MEASUREMENT SYSTEM. SOILS IN GRIDS E,F,G AND H ARE TO BE VERIFIED USING THE METRIC DISTANCE MEASUREMENT SYSTEM, AS SHOWN.
2. CONTROL POINTS AND GRID SYSTEM COORDINATES AS SHOWN ARE IN FEET.

REFERENCE DRAWINGS:

RFL-SVOR-0002 THRU 0009 SOIL VERIFICATION GRID SYSTEM

LEGEND

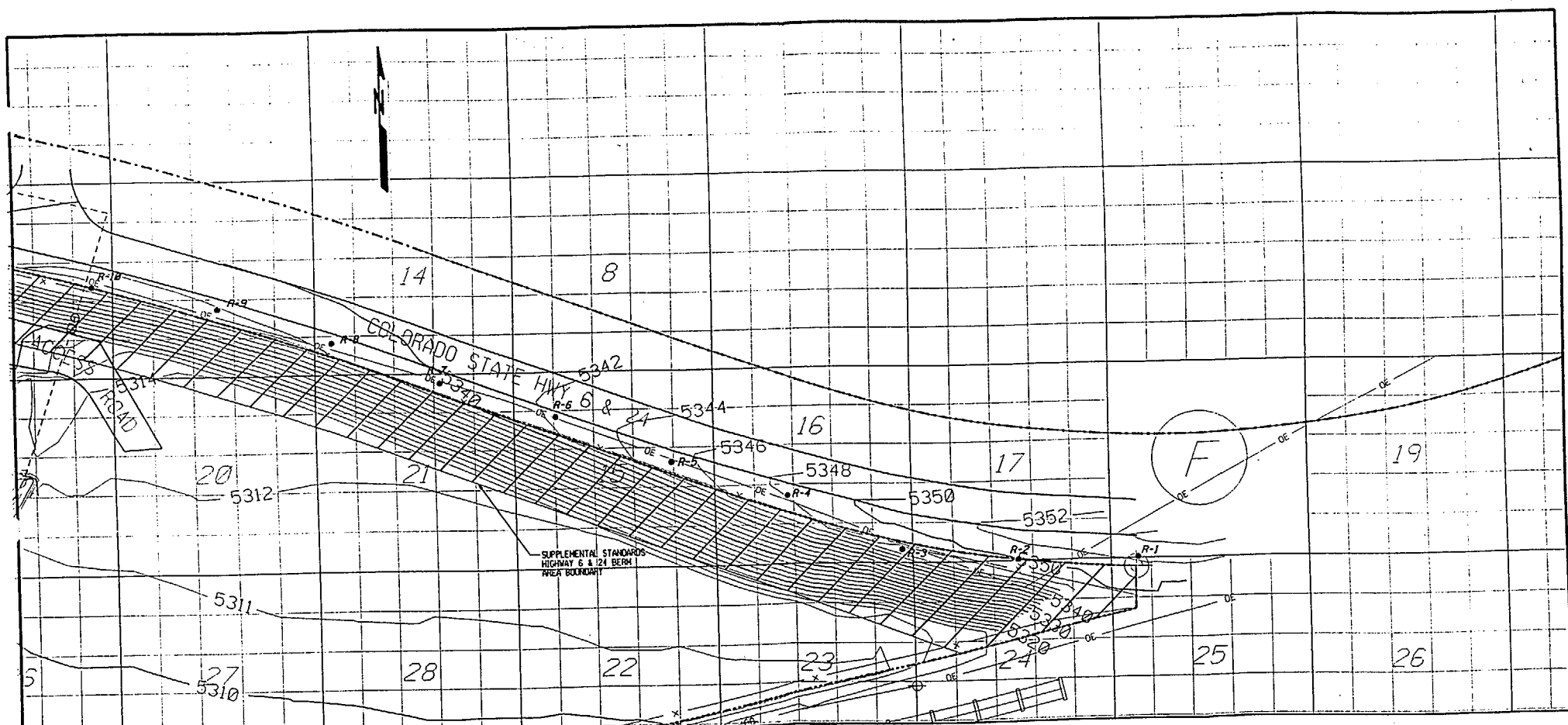
- APPROXIMATE LIMIT OF CONTAMINATED MATERIAL EXCAVATION
- == ROAD AND HIGHWAY
- == RAILROAD
- WATER LINE (POND/RIVER)
- ▲ SURVEY POINTS AND PROPERTY LINE BOUNDARY



U.S. DEPARTMENT OF ENERGY
ALBUQUERQUE, NEW MEXICO

OLD RIFLE PROCESSING SITE
RIFLE, COLORADO
**PLAN OF SOIL VERIFICATION
GRID SYSTEM**

DESIGNED	DATE	PROJECT ENGINEER	DATE
CHECKED			
INSPECTED			
RECOMMENDED			
APPROVED		DATE	
MORRISON KNOXSEN CORPORATION ENVIRONMENTAL SERVICES DIVISION UNTRA PROJECT NOT APPROVED BY STATE PROFESSIONAL SEAL		PROJECT NO. DE-AC04-83AL18796 DRAWING NO. RFL-SVOR-00001	



LEGEND

- PROPERTY BOUNDARY LINE
- 5310--- FINISHED GRADE CONTOURS
- FENCE LINE
- OVERHEAD ELECTRIC LINES
- POWER POLE
- D & RW RAILROAD
- R-11 RAD TEST STARTING LOCATION

		SBM				
		10M	10M	10M	10M	10M
SBM	10M	1	2	3	4	5
	10M	6	7	8	9	10
	10M	11	12	(42)	14	15
	10M	16	17	18	19	20
	10M	21	22	23	24	25

SAMPLE GRID NO.
E-42-19

E - SHEET NO. (SEE KEY MAP ABOVE)
42 - 50M x 50M GRID
19 - 10M x 10M SUBGRID

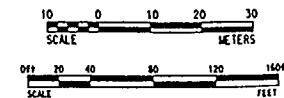
NOTES:

1. OLD RIFLE BOUNDARY LINES SHOWN ARE FROM HORIZONTAL AND VERTICAL CONTROL SHEET BY JACOBS ENGINEERING GROUP INC. DATED AUGUST 13, 1984.
2. HIGHWAY R.O.W. SHOWN WAS TAKEN FROM CONSTRUCTION SURVEYS DRAWING. NO RESEARCH WAS DONE TO DETERMINE LOCATION OF R.O.W.

REFERENCE DRAWINGS:

RFL-550R-0002 SITE PLAN

2/20/97	ISSUED FINAL - ADDED S.S. BOUNDARY
12/18/96	ISSUED FINAL



U.S. DEPARTMENT OF ENERGY			
ALBUQUERQUE, NEW MEXICO			
DESIGNED		DRAWN	
CHECKED		PROJECTED	
RECOMMENDED		APPROVED	
DATE		DATE	
PROJECT NO.		DATE	
MORRISON KNUDSEN CORPORATION		PROJECT LENGTH	
DE-AC04-83AL18796		DATE	

