

September 14, 2001

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U.S. Nuclear Regulatory Commission,
Washington, DC 20555-0001

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**SUBJECT: COMMENTS ON DRAFT SA-900, "TERMINATION OF URANIUM MILLING
LICENSES IN AGREEMENT STATES," DATED AUGUST 23, 2001**

Presented below are my comments on the above-cited draft.

Section 83b.(7) of the Atomic Energy Act

Given the review and approval process for license terminations by Agreement States in SA-900, how will the Commission ensure that it also has complied with the requirements of Section 83b.(7)? Section 83b provides:

(7) Material and land transferred to the United States or a State in accordance with this subsection shall be transferred without cost to the United States or a State (other than administrative and legal costs incurred in carrying out such transfer.)

The purpose for the above provision is to ensure that the United States long-term care custodian (or State, if it so chooses) would not be required to expend significant amounts of taxpayers' dollars in correcting known (at the time of transfer) deficiencies in the design, construction and groundwater remediation at the uranium mill tailings licensed sites.

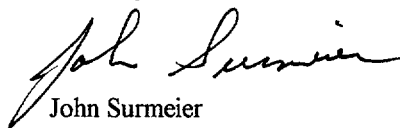
Based on the review process in SA-900, the highly technically-specialized NRC uranium recovery staff (e.g., geotechnical engineers, surface and groundwater hydrologists) may not have: (1) participated in any substantive Agreement States Program Reviews such as IMPEP; (2) seen any submittals by the licensees; or (3) ever visited the licensed sites. The SA-900 Agreement States license termination process is based strictly on a paper review of secondary documents. This type of review may fulfill the Commission's obligations under Section 274c.

I question, however, whether such a SA-900 review process can adequately address the Commission's responsibility under Section 83b. DOE and its contractors would be more than willing to do remediation work to correct serious site problems after DOE becomes the long-term care custodian of the sites. That's not the problem. The problem is who pays for this type of work after license termination. If due diligence is not followed by the Commission, any resulting significant costs would be borne, not by former Agreement States licensees, but by the taxpayers of the United States.

Section 83b is integrally related with Section 274c. SA-900 on termination of Agreement States uranium recovery licenses should address both.

Furthermore, has the Commission approved SA-900 and the procedures for terminating Agreement States uranium recovery licenses? If not, this should be done before implementing any revisions.

Sincerely,



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