

**U.S. Department of Energy**

Grand Junction Office
2597 B ¾ Road
Grand Junction, CO 81503

JUN 23 2003

Mr. Myron Fliegel
U.S. Nuclear Regulatory Commission
Fuel Cycle Facilities Branch, NMSS
Two White Flint North
11545 Rockville Pike, Mail Stop T7J8
Rockville, MD 20852-2747

Subject: Moab EIS Cooperating Agency Interactions—June 20, 2003

Dear Mr. Fliegel:

Per the schedule of actions attached to our Cooperating Agency Agreement, this letter transmits information relative to the U.S. Department of Energy's (DOE's) June 20, 2003 deliverables that are identified in the agreement as follows:

- Approach for characterization and remediation of Vicinity Properties
- Licensing strategy for the White Mesa Mill disposal alternative

According to our Cooperating Agency Agreement, your comments on these documents are due July 17, 2003. The Utah Department of Environmental Quality (UDEQ) has also been sent a copy of the White Mesa Mill licensing strategy. Prior to receipt of your written comments, I would like to arrange a conference between DOE, UDEQ, and you to collectively discuss the licensing strategy.

If you have any questions, please call me at (970) 248-6020.

Sincerely,

A handwritten signature in black ink that reads "Joel Berwick".

Joel Berwick
Project Manager

Enclosures

Ums508

cc w/o enclosures:

B. Sinclair, UDEQ

A. Berry, DOE-GJO

D. Metzler, DOE-GJO

R. Plienness, DOE-GJO

M. Tucker, DOE-GJO

T. Anderson, Battelle

J. Elmer, Stoller

M. Butherus, Stoller

T. Wright, Stoller

Project File MOA 2.12, 2.14 (DOE, DOE)

Moab Administrative Record MOA 15.1

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Remediation of Vicinity Properties

Background

In 1971, the U.S. Environmental Protection Agency (EPA) entered into an interagency agreement with the U.S. Atomic Energy Commission to conduct mobile gamma surveys in communities associated with uranium mill tailings sites. Moab was surveyed along with over thirty other towns in the Four Corners area. The surveys provided information to Congress and became the basis for the Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978. Little information is available since 1971 to determine if there are additional vicinity properties in Moab.

UMTRCA authorized EPA to establish standards for remedial actions at processing sites, which included vicinity properties. Included in the standards were limits for gamma exposure rates and radon levels in habitable structures. Also included was the option to implement supplemental standards if certain criteria are met. Typically, this represents leaving contamination in place. However, when there is potential for risk to human health as a result of surface disturbance, tailings would be left in place only at deeper levels, usually at least 2 feet below ground surface.

The Floyd D. Spence National Defense Authorization Act of FY2001 amended UMTRCA by designating the former Atlas mill (Moab site) as a processing site and requiring remediation of the site in a manner consistent with remediation of the other UMTRCA Title I sites.

Consequently, as provided for by the original legislation, DOE is also responsible for remediating vicinity properties at Moab. The previous Uranium Mill Tailings Remediation Action (UMTRA) surface remediation project had a legislated end date, so DOE's authority to remediate residual radioactive materials (RRM) on vicinity properties expired. The Floyd D. Spence Act amended UMTRCA with no end date. However, DOE assumes that after the disposal is completed, funding will no longer be available to continue remediation of vicinity properties.

In 2002, the State of Utah informed DOE that the Atlas Millsite Legacy record collection included a document in which AEC had given Atlas permission to distribute uranium mill tailings to the public. The document has never been confirmed. However, at other sites, such as Grand Junction, public use of tailings is very well documented. Interviews with former Atlas workers and local construction workers differ on whether tailings were ever removed from the millsite. Most of the gamma anomalies identified in EPA's 1971 survey indicated ore was present and not tailings.

One case of "sand" being removed from the site was documented. Atlas' records indicate the material had background radiation levels. However, in 1989 Atlas hired a private firm to remediate an off-site area where the tailings had been deposited, which would indicate that the material was radioactive.

Since EPA's survey in 1971, the character of many properties has changed. Limited research of the original addresses of properties included in the survey suggests that the following types of properties can be expected. These are compared to the actual mix from Grand Junction.

	Moab	Grand Junction
Simple Residential	47%	45%
Vacant Lot	6%	7%
Major Residential	7%	16%
Simple Commercial	40%	32%
All Types	100%	100%

The mix of property types will affect the cost and duration of the program as well as potential exposure and risk to the public. Examples of current uses of simple commercial properties include a school, trailer parks, grocery store, miscellaneous small businesses, and government buildings.

Radon data collected through the local health department indicate that levels in 9 percent of the houses tested exceed the EPA action limit of 0.02 working level (WL). However, the number of houses tested was few (46), and the levels could reflect naturally occurring radon.

Atlas Corporation, as required by its NRC license, hired Ford Bacon Davis (January 16, 1980, letter from Atlas Minerals to NRC) to survey possible off-site contamination due to windblown tailings. The survey found contamination north of the site along Highway 191. DOE confirmed the contamination in its 2002/2003 radiological assessment of the Moab site. DOE's survey also confirmed shallow contamination extending north into Arches National Park, northwest along Utah Department of Transportation right-of-way for Highway 191, and west onto Bureau of Land Management property and Union Pacific railroad tracks. All of this off site contamination could result in vicinity property designations.

EG&G performed an aerial radiometric survey in 1981 under contract to DOE. The survey identified elevated gamma activity in the wetland area across the Colorado River from the mill, in two areas in town, and on one site southeast of town. None of the anomalies were confirmed to be millsite-derived RRM.

The actual number of properties included under the UMTRA Project varied from the original EPA surveys. The following table represents the range for similar-sized communities (and Grand Junction):

Community	1971 EPA Anomalies	Actual Vicinity Properties Included	Percent Difference
Durango, CO	358	129	36
Gunnison, CO	49	12	25
Rifle, CO	465	113	24
Edgemont, SD	61	137	225
Green River, UT	25	17	68
Riverton, WY	87	42	48
Grand Junction, CO	5456	4416	81
Moab, UT	130	TBD	TBD

Available UMTRA Project records identified 4,923 properties that were included, although EPA in its 1971 surveys identified 6,544 gamma anomalies. This equates to 75 percent of the anomalies being included for remediation. On the basis of the 75-percent average, 98 properties could be included at Moab for remediation.

A detailed outline of the remedial action process is contained in the Vicinity Properties Management and Implementation Manual (VPMIM) (DOE 1988). DOE intends to work with NRC to update the procedures in the VPMIM to reflect lessons learned from the Grand Junction and Monticello vicinity property programs.

DOE anticipates that remediation of vicinity properties would start as soon as funding is allocated and a Record of Decision is issued for a final remedy. The duration of the program will depend on funding and when the disposal cell is completed. Historically, DOE completed remediation of all known vicinity properties in parallel with remediation of the local millsite. In the case of Moab, the Moab Vicinity Property Program could take 3 years, or if properties continue to be included and funding is available, up to 6 years.

For purposes of scoping the EIS, an area has been proposed for DOE to perform inclusion surveys. Past practice was to perform surveys on properties that DOE has designated as potentially contaminated or, at the request of the property owners, on properties located within a reasonable distance of the millsite. Because of the size of Grand County, limited data suggesting that vicinity properties exist outside of the immediate Moab area, other uranium mill sites (Title I and Title II) in the area, and naturally occurring deposits, DOE must limit how far away from the Moab site it will survey properties. DOE proposes to limit surveys to properties designated on the property list and to properties requested by property owners within the area shown in the accompanying figure. In addition, DOE would consider requests from individuals or entities if they can demonstrate why RRM might be on their property and how it would be tied to Moab millsite activities.

RRM is defined in UMTRCA and in title 40 *Code of Federal Regulations* Part 192 (40 CFR192). The definition was intended to include tailings, unprocessed ores, and other wastes that relate to the processing and that the Secretary (of Energy) deems radioactive. In an area such as Moab it may be difficult to differentiate ore that relates to the processing site, ore used for different purposes, or naturally occurring sources. DOE believes that ore-bearing rock that was used for purposes such as building blocks (e.g. sandstone), railroad ballast, borders and fences, and road foundations, should not qualify as RRM. However, ore associated with an ore buying station, mixed with soil on a property or not placed there for a specific purpose, such as those cited, should be remediated. Additional data such as laboratory analysis or owner's information may be collected to help make the determination.

The 1996 extension of UMTRCA authorized DOE to operate the Grand Junction Disposal Cell until 2023 or until it fills up, whichever comes first. The purpose of the extension was to have a facility to dispose of tailings if they are unearthed and need to be managed after 1998. DOE's role, however, is limited to operating the disposal cell; the cost to excavate and transport tailings is borne by others. If tailings are discovered in Moab after completion of DOE's remedial action program, they could be managed by others and disposed of in the Grand Junction Disposal Cell.

Characterization

Before remedial action begins, each designated property must be radiologically characterized to determine its eligibility for inclusion in the UMTRA Project. Vicinity property "designation" is the process by which information from aerial, mobile van, and on-site surveys is used to identify and list potential candidates for UMTRA Project remedial action. DOE designates those properties on which uranium mill tailings contamination is suspected. By definition, DOE lists the 130 properties identified in EPA's 1971 gamma survey as designated properties. The owners of these properties would be contacted first for surveys. This procedure meets the requirement of UMTRCA and a 1983 U.S. District of Columbia court order directing DOE to designate all vicinity properties as soon as practicable following enactment of the law.

Before any inclusion survey work begins, DOE must obtain the consent of the property owner for access. Once consent to survey a property is received, a survey is conducted to identify RRM present in concentrations that exceed EPA standards in 40 CFR 192. A standard survey procedure is employed consisting of indoor and outdoor surface gamma scans. If required, soil sampling, radium-226 analysis, and radon decay-product concentration (RDC) measurements are conducted.

The areas of indoor contamination are defined by a complete gamma survey of a room. If elevated gamma activity is noted at the floor of a structure, holes are drilled through the floor (if it is concrete), with permission from the property owner, and through the suspected deposit. A sodium iodide detector is lowered into the drill hole, and gamma measurements are taken at 6-inch intervals. The depth of the deposit is estimated from gamma measurements taken in the hole.

If possible, all holes are drilled to a depth below the tailings deposit. However, drill hole depths can vary according to soil type, depth of contamination, and presence of utilities.

In addition to drilling holes in areas of high gamma activity, holes may be drilled in suspected backfill areas. These suspected areas include building foundations, utility lines (with proper precautions such as lockout/tagout and hand digging), and general fill areas. This identifies buried tailings deposits, which may otherwise be shielded by concrete foundations or clean fill.

Before the Radiological Engineering Assessment (REA) is developed, an inclusion package summarizing the radiological information will be developed recommending remedial action. If DOE approves the recommendation, an REA will be prepared.

If no contamination exceeding EPA standards is found on the property, the gamma and soil results are also documented. DOE will review the data and confirm in writing that the property is excluded from the remedial action program. The "exclusion" report documents that the property meets EPA standards, and consequently no further action is taken.

Data obtained during the radiological survey are used to prepare the REA. The REA documents all assessed tailings deposits on a property and includes not only a radiological assessment, but

also the engineering assessment, conditions, and considerations. The engineering assessment generally includes a legal description of the property, identification of utilities and their locations, any potential safety hazards that should be considered during remedial action, design drawings, specifications, and a cost estimate for each option considered.

In the past, NRC did not require its approval of individual REAs as long as the VPMIM was followed, unless they involved Supplemental Standards. DOE intends to continue to follow this practice.

For management purposes, properties have been classified in the past according to primary use or zoning. This allows DOE to assess costs and volumes and to resolve issues common to the different classifications. Simple residential (RS) vicinity properties are homes and apartments that have tailings contamination only on the exterior of the structures. Major residential (MR) properties have interior contamination. Simple commercial (CS) vicinity properties are businesses, schools, public utilities, or other public structures that have tailings around or beneath the buildings. Vacant lots (VL) are either public or private vicinity properties that contain no habitable structures. Complex vicinity properties are any properties, including homes, businesses, or open lands, where the estimated costs of remedial action exceed \$350,000. DOE does not believe there are enough complex properties in Moab to manage them as a separate classification.

Remediation

Remedial action involves execution of a Remedial Action Agreement (RAA), contracting, health and safety planning, excavation, transportation, restoration, preparation of a completion report, certification, and document transfer/archiving. DOE must obtain an RAA from each property owner whose property requires remedial action. An RAA includes a description of the remedial action plan based on the selected option in the final REA. It also provides that the property will be restored to its pre-remedial action condition to the extent practicable, a release of liability, and if required, provisions for temporary relocation and reimbursement costs for the property owner or tenant. An RAA also provides that DOE will obtain title to the RRM remediated from the property.

Certain conditions established in the RAA must be complied with prior to the start of remediation. Occasionally, owners or tenants must be temporarily relocated to housing other than their home or business. This is typically required when extensive structural modifications are performed; however, it could occur under any condition that could jeopardize the health and safety of the occupants. Based upon the RAA, occupants are relocated at DOE expense. A conservative per diem is allowed and storage of household goods arranged.

A less common RAA condition involves reimbursement for business losses incurred during remedial action. This condition is allowed in limited circumstances when commercial enterprises are shut down as a result of the construction. DOE judges these cases on an individual basis. On rare occasions, an RAA may be negotiated to reimburse an owner in lieu of reconstruction. This sometimes occurs to accommodate an owner's plan to remodel or make improvements rather than have the property reconstructed to its pre-existing condition.

Because the UMTRA Project was considered voluntary, a property owner had the right to decline participation. DOE will notify the owner of the consequences of such a decision and formally document their decision. If known contamination is left on the property, it will be documented in the appropriate land records. Most "owner refusals" occur at the initial access permit stage when DOE seeks access to perform surveys. In Grand Junction, less than 2 percent of the property owners contacted declined DOE access to their property, and less than 2 percent of the properties included for remediation became an owner refusal at some stage after inclusion.

From experience with Monticello and Grand Junction vicinity properties, DOE estimates that the average remediation would involve 300 cubic yards (cy) and disturb 2,500 square feet of surface area. Using the average remediation volume and the estimate of 98 properties, 29,400 cy of RRM would be remediated. Survey data around the millsite indicate that some areas contaminated by windblown tailings will require remediation. However, the data also suggest that these properties should not be as large as those at some of the other UMTRA Project millsites.

Scoping the remedial action will depend on the number of properties where RRM concentrations exceed EPA standards, complexity of the properties, levels of congressional funding, and the duration that the disposal cell is kept open. It is estimated that remedial action will be completed on 33 to 98 properties per year.

Most of the remedial action work on vicinity properties is performed by private subcontractors. Award of the bid package is normally given to the qualified lowest bidder. Upon receiving the award, the subcontractor submits a schedule, training documents, and other submittals so that excavation control and health and safety monitoring can be planned. Construction crews undergo applicable safety training, and areas assessed in the REA for contamination are staked. Access control to the area being excavated is established in accordance with requirements outlined in a Health and Safety Plan. These requirements vary, depending primarily upon the concentration of contaminated material being removed.

Once access control has been established, the area of contamination is excavated to the assessed depth. Beyond the assessed depth, DOE controls excavation with gamma scintillometers until all material contaminated above EPA standards is removed. If interior (structural) decontamination is required, furnishings are removed, and dust curtains may be set up. Floors and foundations above the area to be decontaminated are removed, and the tailings are excavated.

A typical construction crew will involve a backhoe or skid steer front-end loader, dump truck, two laborers, one operator, and one truck driver. At 300 cy per property remediated, 30 trips averaging 5 miles to the millsite per property will be required. A typical route will be one-half mile along residential streets and an average 4½-mile trip through town on Highway 191. The equivalent number of trips for backfill material (sand, loam, silty loam) will also be required. Dust suppression is normally not an issue due to the smaller excavations; however, a water truck can be used as needed to control dust and supply compaction water.

A typical remediation takes 4 to 6 weeks to remove tailings, replace with backfill, and restore landscaping. A standard workweek of 10 hours per day, 4 to 5 days per week is typically used to minimize inconvenience to property owners. Longer days may be used occasionally to accommodate a special need, such as a concrete pour.

Potable water is brought in through portable dispensers. Dust and compaction water is supplied from water trucks. Water is typically purchased through the city at a bulk water station. Port-o-johns are brought on site to carry away sewage. Small amounts of solid waste are generated. Some landscaping, such as trees, will be removed and taken to a solid waste landfill. Most landscaping will not be segregated from the contamination and will be consequently hauled to the disposal cell. Electricity is normally needed in small quantities for power tools.

During remedial action, the workplace is monitored in accordance with specific monitoring guidelines stipulated in the Health and Safety Plan. Along with formal training of the construction crews and access control, health and safety provisions could include postings, personnel and equipment monitoring, protective clothing, dosimetry, and air monitoring. Generally, tailings found on vicinity properties have been mixed and diluted, resulting in concentrations of radium-226 less than 200 pCi/g. Experience at Grand Junction indicates that workers will receive an average annual dose of less than 100 mRem.

Typically, exterior remediation involves removal of sidewalks, landscaping, sheds, and other features. An equivalent volume of uncontaminated backfill is required to replace excavated contamination. Although DOE is responsible for rebuilding to a pre-existing condition, concrete and other features are often upgraded in the process. Negative consequences result when large trees and mature landscaping vegetation are replaced with younger and smaller varieties.

Once an excavation is complete, the excavated area is monitored, and soil samples are taken to verify compliance with EPA standards. After full reconstruction, the property owner is then asked to confirm that the property has been restored to his/her satisfaction.

RDC measurements are taken in habitable structures on every property remediated to demonstrate compliance with the EPA radon standard. The measurement is usually taken with an alpha track device for 3 to 4 months. The abbreviated method may be used to approximate an annual average working level. If radon measurements exceed 0.02 WL, DOE will revisit the property and take additional steps to mitigate the radon or ensure it is not due to RRM. These measures include additional characterization, activating subfloor vent systems, insulating and ventilating crawl spaces, and removing additional contamination. If these steps do not mitigate the elevated RDCs, DOE will conclude that the radon is naturally occurring and, therefore, not DOE's responsibility.

Once a property is remediated, verification that EPA standards have been met must be documented. DOE prepares a Property Completion Report on each vicinity property that has undergone remedial action. The completion report contains two sets of information: an operations summary and a verification summary.

The operations summary documents the administrative portions of remedial action. This includes expenditure data (actual cost versus estimated cost) and volume data (expected excavation volumes versus actual). The remedial action schedule is also presented.

The verification summary documents the effectiveness of remedial action in relation to the EPA standards. This section includes results of the post-remedial action measurements, including gamma exposure rates and radium-226 concentrations. If any soil contamination is left on the property, the location, concentration, and volume of contamination are documented in this section of the report.

DOE reviews the completion report and evaluates it for completeness, accuracy, and the property's compliance with EPA standards.

DOE then certifies the property and issues a letter of certification to the property owner, NRC, and the State. The letter notifies the owner that the property is in compliance with EPA standards. The State is also given a copy of all the key documents for each property so that they have the basis to inform the public of the status of each property.

DOE is required to issue rules and regulations that require notice, in local land records, of the RRM that was on the property, and notice of removal of these materials, including the dates remedial action took place. To date, DOE has not developed these required regulations.

Applicable Regulations

Most interior remedial action requires local building permits. Other local permits are obtained as necessary. Larger remediations may require storm water control permits, which typically result in some level of management of the storm water. Any disturbance of wetlands or floodplains will follow applicable state streambank alteration permits or Army Corps of Engineers 404 permits. Most vicinity properties do not involve discharges to surface water due to excavating below ground level.

Waste Streams

Different waste streams mixed with RRM may be discovered during remediation of vicinity properties. Because the vicinity properties are not related to the millsite's processing of ore, non-RRM wastes on vicinity properties are generally not considered "process related." Consequently, they may be subject to applicable state and federal regulations such as the Resource Conservation and Recovery Act (RCRA) and the Toxic Substances Control Act. These types of waste were collectively referred to as "commingled waste" under the UMTRA Project.

In older structures, abatement of floor tile containing asbestos may be required. When the asbestos floor tile can be abated without radioactive contamination, it will be disposed of according to state regulation. If the tile is radioactively contaminated, it will be abated and transported according to state regulations; however, it will be disposed of in the disposal cell using best management practices.

Petroleum-contaminated wastes may also be detected during remediation of gas stations and industrial facilities. Typically, RRM mixed with petroleum is windrowed and aerated on site to meet applicable flammability and RCRA (ignitability) criteria and then transported to the disposal cell.

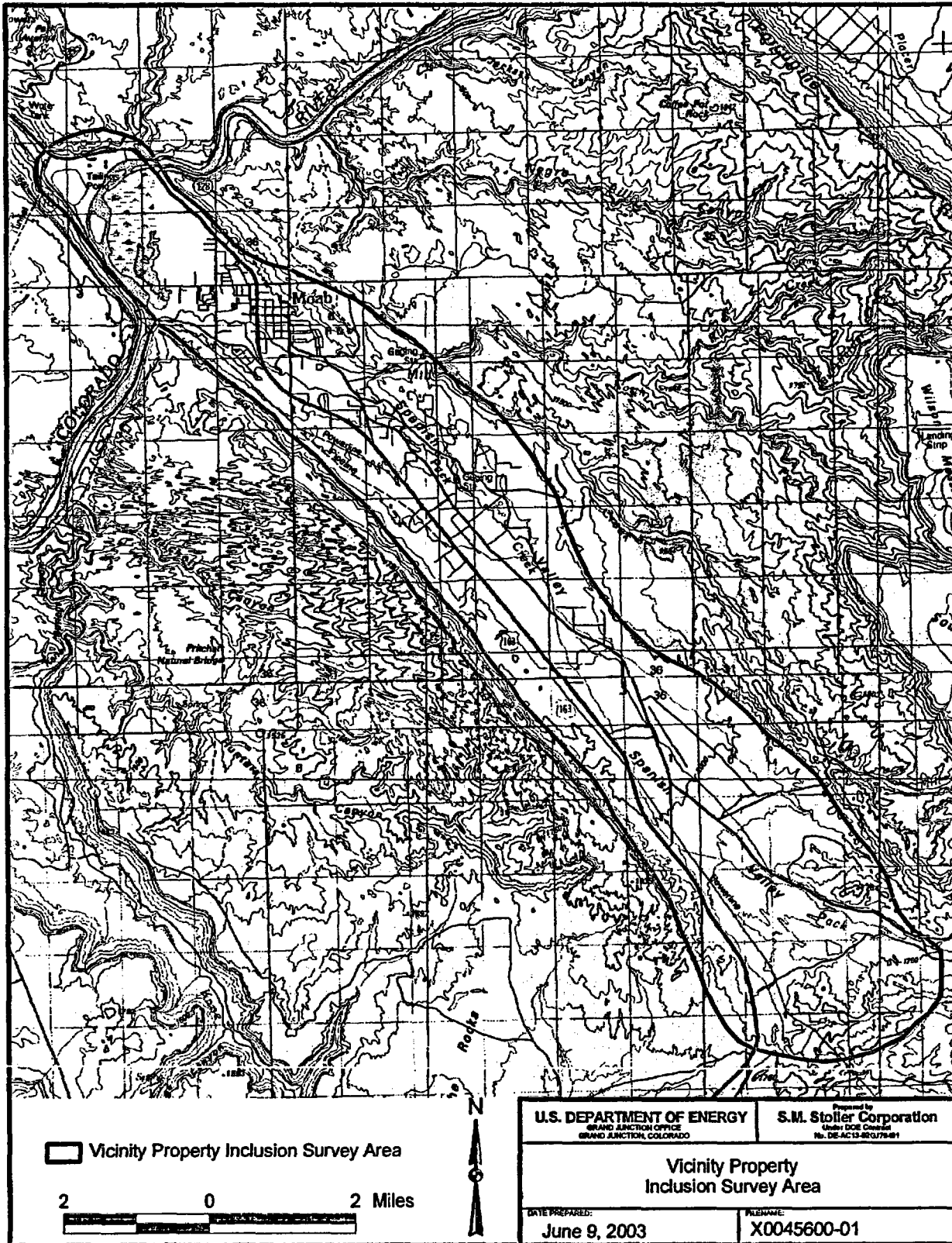
Polychlorinated biphenyls (PCBs) have been found in the past at other UMTRA Project vicinity properties, although only in small quantities on isolated industrial facilities. Through special requests approved by NRC and EPA, PCBs mixed with RRM in small quantities have been disposed of in UMTRA cells.

DOE does not propose to treat or place RCRA listed wastes in the disposal cell. Characteristic wastes, such as lead, that can be treated on site to a nonregulated state may be managed if agreement can be reached with the State of Utah. DOE does not anticipate discovering large quantities of RCRA wastes mixed with RRM in Moab. However, appropriate characterization and management of the waste would be completed prior to disposal of any suspected wastes. Suspected waste would include stained soil, odors, and battery fragments. A waste management plan would be prepared and implemented prior to remediation of vicinity properties. Any treatment of RCRA wastes would follow similar protocols established at other UMTRA Project sites.

Transportation

If 29,400 cy of RRM is removed from 98 vicinity properties, approximately 2940 trips with 10-cy dump trucks will be required. As stated, this will generally involve using local residential streets to access Highway 191. Subcontractors will have to follow established haul routes to the interim storage area located at the Moab Project Site. If necessary, trucks will be decontaminated at both the vicinity property and at the project site.

An equivalent volume of fill material from commercial pits located in Spanish Valley will be required. About 2,940 trips using 10-cy dump trucks would travel an average of 3.5 miles to the vicinity property.



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LICENSING STRATEGY FOR WHITE MESA MILL ALTERNATIVE

INTRODUCTION

As part of the EIS alternative analysis, DOE is considering relocation of the tailings from the Moab Project Site to the White Mesa Mill. International Uranium Corporation's (IUC's) existing NRC Materials License (Number SUA-1358) does not allow for the direct disposal of the Moab mill tailings at the White Mesa Mill due to the volume of material and restrictions on direct disposal. DOE's concern is whether it can dispose of residual radioactive material (RRM) from the Moab Project site to a disposal facility not specifically licensed for RRM and also whether it can transfer RRM from DOE custody to another entity. Additionally the State of Utah is currently seeking Agreement State status with the NRC that will allow it to regulate IUC's operation under its material license. Therefore, it would be up to the State to determine if the direct disposal of the Moab RRM at IUC is acceptable, and if so, to issue the required license amendment.

BACKGROUND

Uranium Mill Tailings Radiation Control Act (UMTRCA), Public Law 95-604, amended the Atomic Energy Act of 1954 so that the term "byproduct material" included "tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content". IUC was granted a Materials License pursuant to the Atomic Energy Act to possess byproduct material in the form of uranium waste tailings generated by the milling operations.

The Atlas Corporation also received an NRC Materials License for the former Atlas millsite in Moab to possess byproduct material in the form of uranium waste tailings. The Floyd D. Spence National Defense Authorization Act of FY 2001 amended UMTRCA and designated the former Atlas millsite as a Title I site (now known as the Moab Project Site). The Act also stated that the former NRC Materials License (SUA-917) would terminate upon transfer of the property to DOE in October 2001. This would be consistent with the provisions of Title I of UMTRCA in that all of the designated processing sites were inactive and no longer licensed by the NRC. As a designated processing site under Title I of UMTRCA, the tailings and other radioactive wastes located on the Moab Project Site are now by definition considered RRM. Although similar in characteristics and hazards as byproduct material, RRM has a separate regulatory definition.

ANALYSIS

To complete the original UMTRA Surface Project DOE was faced with the possibility of collocating Title I material (RRM) from the Naturita, Colorado millsite to a facility licensed by the State of Colorado (through the Agreement State process with the NRC) to possess byproduct material (Title II). DOE believed the original act did not give DOE authority to dispose of the material under the described scenario. Congress amended UMTRCA in 1996, Public Law 104-259 (attached), to allow RRM to be disposed of at a

facility licensed under Title II of the Act, as long as the administrative and technical requirements of the title were met.

DOE currently has title to the RRM located at the Moab Project Site. DOE believes under the amendments of UMTRCA that the RRM could be transferred to a licensed NRC facility if all other requirements of Title II of the Act are met. Once the license for the White Mesa Mill is terminated, the tailings and licensed disposal cell will be transferred to the Department of Energy under their General License as authorized under 10CFR40.28 for Long-Term Surveillance and Maintenance.

DOE POSITION

The 1996 changes in UMTRCA make it feasible for the White Mesa Mill to accept RRM from the Moab Project site for direct disposal. If disposal of the Moab RRM at the IUC White Mesa Mill is the Final Remedy identified by DOE's Record of Decision, and if the State of Utah is designated as an Agreement State, IUC will be required to apply for and receive from the State of Utah an amendment to their existing Materials License before any Moab RRM could be received for final disposal.

FILE h2967.eh

104th CONGRESS

2d Session

AN ACT

To extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978, and for other purposes.

HR 2967 EH

104th CONGRESS

2d Session

AN ACT

To extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978, and for other purposes.

[Italic->] Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [<-Italic]

SECTION 1. REFERENCE.

Whenever in this Act (other than in section 3) an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Uranium Mill Tailings Radiation Control Act of 1978.

SEC. 2. TERMINATION; AUTHORIZATION.

Section 112(a) (42 U.S.C. 7922(a)) is amended to read as follows:

`(a)(1) The authority of the Secretary to perform remedial action under this title shall terminate on September 30, 1998, except that--

`(A) the authority of the Secretary to perform groundwater restoration activities under this title is without limitation, and

`(B) the Secretary may continue operation of the disposal site in Mesa County, Colorado (known as the Cheney disposal cell) for receiving and disposing of residual radioactive material from processing sites and of byproduct material from property in the vicinity of the uranium milling site located in Monticello, Utah, until the Cheney disposal cell has been filled to the capacity for which it was designed, or September 30, 2023, whichever comes first.

`(2) For purposes of this subsection, the term 'byproduct material' has the meaning given that term in section 11e.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)).'

SEC. 3. REMEDIAL ACTION AT ACTIVE PROCESSING SITES.

(a) SECTION 1001- Section 1001 of the Energy Policy Act of 1992 (42 U.S.C. 2296a) is amended--

(1) in subsection (b)(2)(A), by striking '\$5.50' and

inserting '\$6.25';

(2) in subsection (b)(2)(B), by striking '\$270,000,000' and inserting '\$350,000,000';

(3) in subsection (b)(2)(C), by striking '\$40,000,000' and inserting '\$65,000,000';

(4) in subsection (b)(2)(E)(i), by striking '\$5.50' and inserting '\$6.25'; and

(5) in subsection (b)(2)(E)(ii), by striking '\$5.50' and inserting '\$6.25'.

(b) SECTION 1003- Section 1003 of such Act (42 U.S.C. 2296a-2) is amended by striking '\$310,000,000' and inserting '\$415,000,000'.

SEC. 4. REMEDIAL ACTION FOR THE DISPOSAL OF RADIOACTIVE MATERIALS.

(a) SECTION 104- Section 104(d) (42 U.S.C. 4914(d)) is amended by adding at the end the following: 'For purposes of this subsection, the term 'site' does not include any property described in section 101(6)(B) which is in a State which the Secretary has certified has a program which would achieve the purposes of this subsection.'

(b) SECTION 108- Section 108(a)(1) (42 U.S.C. 7918(a)(1)) is amended by adding at the end the following: 'Residual radioactive material from a processing site designated under this title may be disposed of at a facility licensed under title II under the administrative and technical requirements of such title. Disposal of such material at such a site in accordance with such requirements shall be considered to have been done in accordance with the administrative and technical requirements of this title.'

(c) SECTION 115- Section 115(a) (42 U.S.C. 7925(a)) is amended by adding at the end the following: 'This subsection does not prohibit the disposal of residual radioactive material from a processing site under this title at a site licensed under title II or the expenditure of funds under this title for such disposal.'

Passed the House of Representatives May 14, 1996.

Attest:

Clerk.