

July 21, 2003

Joel D. Berwick
Grand Junction Office
U.S. Department of Energy
2597 B $\frac{3}{4}$ Road
Grand Junction, CO 81503

SUBJECT: MOAB PROJECT COOPERATING AGENCY INTERACTIONS - REVIEW OF
JUNE 20, 2003, DELIVERABLES

Dear Mr. Berwick:

As discussed in our Cooperating Agency agreement for the U.S. Department of Energy's preparation of the Moab Project Environmental Impact Statement (EIS), we have reviewed the information provided by your letter of June 23, 2003. The material provided discussed remediation of vicinity properties and the licensing strategy for the White Mesa disposal alternative. Our comments on the sections are provided in the enclosure.

We note that the conclusions discussed in the material, while suitable for its purpose in the EIS, will have to be technically supported before the U.S. Nuclear Regulatory Commission (NRC) can provide the concurrence required by Uranium Mill Tailings Radiation Control Act of 1978, as amended.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). If you have any questions concerning this letter, please contact me at (301) 415-6629 or mhf1@nrc.gov.

Sincerely,

/RA/

Myron Fliegel, Senior Project Manager
Fuel Cycle Facilities Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No. WM-110

Enclosure: Comments on the Sections

July 21, 2003

Joel D. Berwick
Grand Junction Office
U.S. Department of Energy
2597 B¾ Road
Grand Junction, CO 81503

SUBJECT: MOAB PROJECT COOPERATING AGENCY INTERACTIONS - REVIEW OF
JUNE 20, 2003, DELIVERABLES

Dear Mr. Berwick:

As discussed in our Cooperating Agency agreement for the U.S. Department of Energy's preparation of the Moab Project Environmental Impact Statement (EIS), we have reviewed the information provided by your letter of June 23, 2003. The material provided discussed remediation of vicinity properties and the licensing strategy for the White Mesa disposal alternative. Our comments on the sections are provided in the enclosure.

We note that the conclusions discussed in the material, while suitable for its purpose in the EIS, will have to be technically supported before the U.S. Nuclear Regulatory Commission (NRC) can provide the concurrence required by Uranium Mill Tailings Radiation Control Act of 1978, as amended.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). If you have any questions concerning this letter, please contact me at (301) 415-6629 or mhf1@nrc.gov.

Sincerely,

/RA/

Myron Fliegel, Senior Project Manager
Fuel Cycle Facilities Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No. WM-110

Enclosure: Comments on the Sections

DISTRIBUTION w/Encl 1:

ACNW CNWRA CCain/RIV EBrummett NMSS r/f

G:\FCLB\Uranium Recovery Section\Moab Mill\Moab-EIScoopag-review2.wpd

ML

OFC	FCFB		FCFB		FCFB	
NAME	MFliegel		BGarrett		RNelson	
DATE	07/21/03		07/21/03		07/21/03	

OFFICIAL RECORD COPY

NRC STAFF COMMENTS DOE MOAB DRAFT EIS

Remediation of Vicinity Properties

This EIS section indicates that most of the 131 gamma anomalies identified in EPA's 1971 mobile survey in Moab indicated ore was present and not tailings. These 131 properties will be "designated" by DOE and surveys will be performed there first. Surveys will also be done if requested by property owners. Nothing is stated as to how property owners will be informed of the opportunity to request a gamma survey.

Page 3 states that "DOE intends to work with NRC to update the procedures in the VPMIM to reflect lessons learned in Grand Junction and Monticello vicinity property programs." Page 5 states, "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." Therefore, it is important to insure that NRC's input on the Vicinity Properties Management and Implementation Manual, is given serious consideration. Will the State also be involved?

On page 6, DOE estimates that remedial action will be completed on 33 to 98 properties per year. The higher number seems unrealistic and would involve a large work force and much disruption for the town (traffic, dust, noise) that was not addressed in the document. Transportation is discussed at the end of the document but nothing is mentioned about mitigation of impacts (washed, tarped trucks, staff to direct traffic and monitor speed, etc).

The bottom of page 7 indicates that DOE will decide if elevated radon levels in structures are due to naturally occurring material. Will the State and NRC be given the opportunity to review the evaluations? This was an issue in Grand Junction with Colorado staff providing valuable input.

Page 8 states that DOE has not developed the required (UMTRCA) regulations for annotating local land records for Title I remediated properties. This has been an issue since 1990 or earlier. When and how will this be resolved?

Licensing Strategy for White Mesa Mill Alternative

This section should include a brief summary of the Riverton site remediation. RRM from the Riverton Title I site were disposed of at the Umetco Gas Hills Title II site.