

November 2, 1995

Mr. Richard F. Sena, Acting Director  
Environmental Restoration Division  
Uranium Mill Tailings Remedial Action Project  
U.S. Department of Energy  
2155 Louisiana NE, Suite 4000  
Albuquerque, New Mexico 87110

SUBJECT: REVIEW OF PROPOSED LANGUAGE FOR LAND WITHDRAWAL, RIGHT OF ACCESS,  
AND TRANSFER OF CUSTODY AGREEMENT

Dear Mr. Sena:

By a letter of February 15, 1995, the U.S. Department of Energy (DOE) requested that the U.S. Nuclear Regulatory Commission staff review a draft agreement for access to Uranium Mill Tailings Remedial Action Project sites located on tribal lands. This letter provides the results of the NRC staff's review.

The draft agreement between DOE and the Navajo and Hopi tribes, in its present form, appears to be an informal document. The staff has no comments or concerns related to the specific wording of the document, but, because of its informal nature, the staff is uncertain of its legal enforceability.

The staff would expect some wording to appear in the document indicating that the respective tribal councils voted on and approved the signing of the agreement by their respective presidents, with a copy of the approving resolution attached. If this particular procedural point already has been covered by the Cooperative Agreement (DE-FC04-85AL26731) between the DOE, the Navajo Tribe, and the Hopi Tribe, the above may not be necessary.

If you have any questions regarding this letter, please contact Ms. Charlotte Abrams of my staff at (301) 415-5808.

Sincerely,

(Original signed by)

Joseph J. Holonich, Chief  
High Level Waste and Uranium  
Recovery Projects Branch  
Division of Waste Management  
Office of Nuclear Material Safety  
and Safeguards

cc: S. Hamp, DOE Alb  
E. Artiglia, TAC Alb

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