

From: <Appaji.Sairam@epamail.epa.gov>
To: "Ron Linton" <RCL1@nrc.gov>
Date: 08/21/2007 4:10:02 PM
Subject: Re: HMC/Moab Tailings Question

Ron,
 Thanks for the detailed explanation. Do you mind if I send your response to Candace Head-Dylla without adding any more to it?

Can I go ahead and let the community know about the September 18th meeting? When will the public notice go out?

Thanks

Sai Appaji
 Remedial Project Manager
 USEPA Region 6, Superfund Division
 Dallas, TX 75202
 Tel: 214-665-3126

"Ron Linton"
 <RCL1@nrc.gov>

08/21/2007 02:45 PM To Sairam Appaji/R6/USEPA/US@EPA cc

"David Mayerson"
 <david.mayerson@state.nm.us>,
 "Jerry Schoeppner"
 <jerry.schoeppner@state.nm.us>
 Subject
 HMC/Moab Tailings Question

Sai:

The following is from DOE's Revised Remedial Action Plan, Introduction (ADAMS ML071940380). It discusses the background of the Moab decision to move the tailings and laws/regs governing the site:

"The Uranium Mill Tailings' Radiation Control Act (UMTRCA) (Title 42 United States Code Section 7901 et seq.) was passed in 1978 in response to public concern regarding potential health hazards of long-term exposure to radiation from uranium mill tailings. Title I of UMTRCA provides for remediation of abandoned uranium mill tailings sites and

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Created By: Appaji.Sairam@epamail.epa.gov

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associated vicinity properties by the U.S. Department of Energy (DOE). DOE is required to select and perform remedial actions in accordance with standards set by the U.S. Environmental Protection Agency (EPA) (Title 40 Code of Federal Regulations Part 192 [40 CFR 192], "Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings") and with the concurrence of the U.S. Nuclear Regulatory Commission (NRC). The selected remedial action is documented by DOE in the Remedial Action Plan and Site Design for Stabilization of Moab Title I Uranium Mill Tailings at the Crescent Junction, Utah, Disposal Site (RAP), which is submitted to NRC for concurrence with the remedial action. NRC subsequently licenses the completed disposal site.

In October 2000, the Floyd D. Spence National Defense Authorization Act (Act) for fiscal year (FY) 2001 (Public Law 106-398) amended UMTRCA Title I (which expired in 1998 for all other sites except for ground water remediation and long-term radon management), giving DOE responsibility for remediation of the Moab, Utah, Processing Site. That Act also mandated that the Moab Processing Site be remediated in accordance with UMTRCA Title I "subject to the availability of appropriations for this purpose" and required that DOE prepare a remediation plan to evaluate the costs, benefits, and risks associated with various remediation alternatives. The Act further stipulated that the draft plan be presented to the National Academy of Sciences (NAS) for review. NAS was directed to provide "technical advice, assistance, and recommendations" for remediation of the Moab Processing Site. Under the act, the Secretary of Energy was required to consider NAS comments before making a final recommendation on the selected remedy. The DOE Preliminary Plan for Remediation (DOE 200 1) for the Moab Site was completed in October 2001 and forwarded to NAS. After reviewing the draft plan, NAS provided a list of recommendations on June 11, 2002, for DOE to consider during its assessment of remediation alternatives for the Moab Site. On December 20, 2002, DOE published in the Federal Register (FR) a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Moab Site remediation (67 FR 77969). As stated in the NOI, the EIS takes the place of a final plan for remediation for the purpose of supporting decision-making for remediation of the Moab Site. DOE has addressed the NAS recommendations in its internal scoping, in the EIS (DOE 2005), and in

supporting documents.

The preferred alternative for the site was selected in the Record of Decision (ROD), which was published in the FR on September 21, 2005 (70 FR 55358). The selected alternative for surface remediation was removal of tailings and associated residual radioactive material (RRM) to a disposal cell to be constructed near Crescent Junction, Utah (see further discussion in Section .1.1.3). Rail was selected as the mode of transportation for tailings between the Moab Site and Crescent Junction."

The primary distinction here between HMC - Grants and Atlas/Moab is that the Floyd D. Spence Defense Authorization Act conferred UMTRCA Title I status on the Moab site and gave DOE authority to clean-up the site. At the time the Act was passed, the licensee had gone into bankruptcy and the trustee for the site had insufficient funds to complete reclamation. As a result of the Act, funding to remove the tailings from Moab to another site is being provided by the Federal government.

HMC - Grants is a Title II site under UMTRCA and an NRC licensed site. HMC is responsible for the clean-up and is operating under an NRC approved reclamation plan where partial surface reclamation has occurred and final surface stabilization will occur after groundwater remediation is complete. Groundwater remediation is occurring. The reclamation plan and remediation is designed to be protective of public health and safety. The environmental clean-up is on going. The licensee has not proposed moving the tailings and NRC has no basis to require it.

There is currently no consideration of moving the tailing impoundment.

Ron