

SHAFER

DEC 10 1980

DISTRIBUTION: EDO-9849

Subject File

DCS	NGill
NMSS r/f	JDavis
WM r/f	JBMartin
WMUR r/f	REBrowning
WMUR c/f	RAScarano
Mill File	HJMiller
EDO	GGEadie
EDO-9849	GWKerr
EDO r/f	MHaisfield
ABentley	RFonner

Ms. Ruth C. Clusen
Assistant Secretary for Environment
U.S. Department of Energy
Washington, D.C. 20585

Dear Ms. Clusen:

This is in response to your letter of November 10, 1980, requesting that the U.S. Nuclear Regulatory Commission (NRC) initiate action by property owners for the installation or upgrading of fences at eight of the inactive uranium mill tailings sites designated for remedial action under Title I of the Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978.

We do not believe that it is the intent of the Congress in enacting the UMTRCA that NRC should require current owners to provide interim control measures which may be needed at the inactive sites. Rather, we consider it the clear intent of Congress for the DOE to be taking such action. The purpose of Title I was for the federal government to take remedial action at inactive sites where the obligation or responsibility of current owners did not exist or was uncertain. DOE was clearly identified in the Act as the responsible agency. For Title I sites, the NRC role is one of concurrence with DOE remedial actions, not one of initiating remedial action.

The NRC staff has no specific information about conditions at the inactive sites. With information that DOE was to develop under Section 102(b) of Title I which states that within one year of passage of the Act DOE "shall assess the potential health hazard to the public from the residual radioactivity at designated processing sites," DOE should have a basis upon which to decide where interim access control or other remedial measures such as interim stabilization are needed and to take action. The NRC staff previously has discussed with DOE the need for DOE to evaluate and take, if necessary, interim actions. (Please see Item 3 of the enclosed minutes, dated March 7, 1980, of an NRC/DOE meeting on the inactive sites program.) The costs associated with taking any interim remedial action should be small in comparison to those associated with the final tailings disposal and site cleanup operations.

In order that NRC may appropriately perform its role of concurrence in DOE remedial actions, I would appreciate hearing from you concerning the action DOE will take to provide needed interim remedial and control measures, based on specific conditions at inactive sites, to protect public health and safety.

cc: W. Cunningham, DOE

Sincerely,

(Signed) John G. Davis

ELD
RFonner
12/15/80

Rev. 2
12/10/80

*See previous yellow for concurrences.

OFFICE	WMUR*	WM*	NMSS
SURNAME	HJMiller	JMartin	JGDavis
DATE	12/4/80	12/4/80	12/ /80
Enclosure: Minutes of March 7, 1980 Meeting			