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Mr. Robert W. Ramsey, Jr.  
Program Manager  
Remedial Action Program  
Nuclear Waste Management Program  
Office of Nuclear Energy, NE-301  
U. S. Department of Energy  
Washington, D. C. 20545

Dear Mr. Ramsey:

In response to your November 25, 1980 letter regarding disposal site selection for the uranium mill tailings at Durango, CO, we would prefer that NRC participation in the disposal site selection process be first established in a more generic sense for all processing sites designated for remedial action by the DOE. In that context, we expect that the DOE has formulated a generic plan for identification, evaluation and selection of alternate disposal sites when alternative sites are necessary. The areas of NRC concern in this plan would not pertain to the administrative organization and process leading the DOE to selection of a disposal site, but rather the technical decision criteria to be applied to initially screen and identify a wide range of candidate sites, narrow that range to a few prime sites, and eventually select one.

As a general responsibility, Section 105(a)(1) of the UMTRCA requires NRC concurrence in the selection and performance of remedial actions at designated processing and disposal sites. The NRC views, as a logical part of its overall concurrence in a remedial action, its specific concurrence to DOE in any site which may be selected as part of that remedial action for the purpose of ultimate tailings disposal. This is of particular importance because of the subsequent NRC responsibility to license such sites following completion of the remedial action. In addition, while the new NRC final regulations specifying uranium mill licensing requirements, as published in the October 3, 1980 Federal Register, specifically state that they do not apply to licenses issued for material covered under Title I of UMTRCA (ref. FR, Vol. 45, No. 194, p. 65531, October 3, 1980), it is our intent to apply the Technical Criteria and Long Term Site Surveillance Criteria of the newly added Appendix A to 10 CFR 40, as stated therein, to the maximum extent practicable at both the original inactive processing sites and any alternate ultimate disposal sites selected and designated by DOE under its UMTRAP.

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Mr. Robert W. Ramsey, Jr.

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As a consequence of the above discussion, we anticipate our participation in the disposal site selection process to be as follows:

- 1) Formal NRC concurrence in a generic DOE disposal site selection plan.
- 2) NRC attendance at major decision oriented site selection meetings for the purpose of subsequently providing NRC input to DOE that may affect such decisions.
- 3) NRC attendance at site selection meetings where progress in meeting major technical milestones is being reviewed for the purpose of subsequently providing NRC technical comments to DOE.
- 4) Joint DOE/NRC site visits as appropriate.
- 5) Formal NRC concurrence in any site selected by the DOE for ultimate tailings disposal.

It is felt that this level of NRC participation is required to assure that any site finally selected by DOE for ultimate tailings disposal will also meet the intent of NRC regulations for new tailings disposal sites. This will thus result in the most expeditious NRC licensing of the selected site following completion of the remedial action.

Please advise as soon as feasible as to the availability of a DOE generic disposal site selection plan, and whether you agree with the approach outlined in steps 1) through 5) above for NRC participation in the site selection process. Once our overall agreement has been achieved, then we may jointly implement it for the Durango tailings as a specific case. The appropriate point of contact on my staff for this, and all matters pertaining to fulfillment of NRC's responsibilities under Title I of the UMTRCA, is William M. Shaffer, III (FTS 427-4205).

Sincerely,

Original Signed by:  
R. A. Scarano

Ross A. Scarano, Chief  
Uranium Recovery Licensing Branch  
Division of Waste Management

cc: Richard M. Campbell, DOE, Albuquerque  
William E. Mott, DOE

1-22-81 -- MAG II

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DATE	1/23/81	1/23/81					

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Mr. Robert W. Ramsey, Program Manager  
Remedial Actions Programs  
Nuclear Waste Management Programs  
Office of Nuclear Energy, NE-301  
U.S. Department of Energy  
Washington, D.C. 20545

Dear Mr. Ramsey: *revised*

We have ~~revised~~ the October 3, 1980 Draft DOE NEPA Implementation Plan for the Uranium Mill Tailings Remedial Action Program (UMTRAP) and are providing detailed NRC comments by Attachment I to this letter. The comments are keyed to Figures 1-5 in the Draft Plan and the corresponding explanatory text associated with each of the figures. A summary of these comments is provided as follows:

1. The NRC should be actively involved earlier in the various NEPA process pathways. This involvement would encompass joint DOE/NRC decisionmaking and NRC formal review, comment and concurrence in DOE actions and key documents.
2. The Plan itself does not provide adequate documentation of an overall approach that will assure that the NRC has sufficient information to grant a license at the completion of remedial action at a processing site (including "vicinity" processing sites).
3. To the extent that NRC involvement is described in ~~the~~ *the reference* draft, the Plan does not consistently and clearly note this involvement at the appropriate points in the figures and explanatory text.
4. The Plan incorporates no provision or notation indicating that it will itself have received NRC concurrence. We feel that NRC formal concurrence in the UMTRAP NEPA Implementation Plan is required because it documents the overall approach to be utilized assuring that the program is conducted in accordance with NEPA requirements as well as those of the UMTRCA of 1978.

We believe the comments provided are in accordance with agreements reached at the June 25, 1980, DOE/NRC UMTRAP meeting at Silver Spring, Maryland (meeting minutes attached). Any questions relating to this matter should be addressed to myself or William M. Shaffer III (FTS 427-4055) of my staff.

S.

RAS

Attachments: as stated

cc: Richard H. Campbell, DOE-Albuquerque

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