



## Department of Energy

Washington, DC 20585

October 18, 1996

Dr. Jon R. Rice  
State Health Officer  
North Dakota State Department of Health  
and Consolidated Laboratories  
600 East Boulevard Avenue  
Bismarck, North Dakota 58505-0200

Dear Dr. Rice:

The Department of Energy (DOE) continues to pursue the revocation of the designation of the Belfield and Bowman sites under the Uranium Mill Tailings Radiation Control Act. The Department must provide assurance to Congress that protection of the public safety and health and the environment will be maintained after the revocation.

Mr. Dana Mount of your Division of Environmental Engineering received a letter dated April 15, 1996, from the Nuclear Regulatory Commission (NRC). In this letter, the NRC states it would consider the contamination at the Belfield and Bowman sites to be source material if the sites are not remediated before the Uranium Mill Tailings Remedial Action Project ends. The State of North Dakota would become the regulatory authority over these sites under the State's agreement with the NRC.

On May 29, 1996, the DOE wrote the Environmental Protection Agency (EPA), Region VIII Office advising them of our intent to notify Congress and issue a Federal Register Notice to revoke the designation of these sites. We referenced a discussion between the Region VIII Office and Mr. Dana Mount regarding this revocation issue. Subsequently, we received a letter from Mr. Jack W. McGraw advising us that the EPA would not oppose the revocation provided the State would assume the regulatory authority over these sites based on their agreement with the NRC. Enclosed is a copy of this letter for your information and files.

Both the NRC and EPA have now expressed the position that the State should assume the regulatory role over the Belfield and Bowman sites if their designation is revoked. I would appreciate your providing us with the State's position in writing. If the State is willing to assume this role, we will include this in our notification to Congress and in the Federal Register Notice to demonstrate that the public safety and health and the environment will continue to be protected after the revocation.

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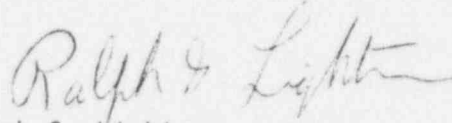


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I look forward to receiving your response. If you wish to discuss this further, please contact me at 301-903-3850 or Mr. David Mathes of my staff at 301-903-7222.

Sincerely,



Ralph G. Lightner  
Director  
Office of Southwestern Area Programs  
Environmental Restoration

Enclosure

cc: S. Miller, GC-51  
S. Hamp, AL  
J. Holonich, NRC  
M. Lammering, EPA  
D. Mount, ND  
K. Landolt, AL



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

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DENVER, COLORADO 80202-2466

JUL 22 1996

Ref: 8P2-TX

Dr. Ralph Lightner, Director  
Office of Southwestern Area Programs  
Environmental Restoration  
U.S. Department of Energy  
Germantown, Maryland 20874-1290


Dear Dr. Lightner:

This is in response to the recent discussion between Ms. Loretta Fahy of your staff and Dr. Milton Lammering, Region 8 Radiation Program Manager, concerning your Agency's proposed revocation of UMTRCA designation for the North Dakota Belfield and Bowman sites. I understand you are requesting this Agency's policy position on this proposed revocation action; an action based on a formal request from the State of North Dakota.

As indicated in your letter of May 29, 1996, Dr. Lammering has discussed this proposed action with Mr. Dana Mount, North Dakota State Department of Health. Dr. Lammering also has discussed the matter with Mr. Larry Weinstock, Director, Radiation Protection Division, EPA Office of Radiation and Indoor Air. These discussions as well as internal regional Superfund program consideration are the basis for EPA's decision of no objection to the proposed revocation of the UMTRCA designation. EPA's decision is contingent upon acceptance of the State of North Dakota to assume primary regulatory control for the Belfield/Bowman sites under their Agreement State status with the Nuclear Regulatory Commission. We assume the regulatory control will assign radiation protection, decommissioning, and associated financial responsibilities.

I would appreciate your staff keeping Dr. Lammering informed as milestones for the proposed revocation action are achieved. Dr. Lammering can be contacted at 303-312-6147.

Sincerely yours,

  
Jack W. McGraw  
Acting Regional Administrator



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