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UNITED STATES

NUCLEAR REGULATORY COMMISSION

REGION IV

URANIUM RECOVERY FIELD OFFICE
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DENVER, COLORADO 80225

WM Record File

WM Project 29

Docket No.

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MEMORANDUM TO: Leo Higginbotham, Chief
Low Level Waste and Uranium Recovery Projects Branch
Division of Waste Management

FROM: Edward F. Hawkins, Chief
Licensing Branch 1
Uranium Recovery Field Office, Region IV

SUBJECT: URFO COMMENTS ON DOE'S DRAFT CERTIFICATION PLAN
FOR UMTRAP PROCESSING SITES

The Uranium Recovery Field Office's main comment on the draft Certification Plan is that the document reflects DOE's perception that the NRC's role in the UMTRAP project is passive. This perception sets the tone of the entire document. The examples contained in the following paragraphs are used as illustrations. The NRC's only other comment on the draft document is a request for a copy of the specific radiological surveillance procedures referred to in Section 2.3.3.

First, in general, Public Law 95-604 requires NRC to concur in the Remedial Action Plan (RAP), which includes the final site design, changes made to the final site design after concurrence on the RAP, and in the certification that the remedial action has been completed in accordance with the RAP. Yet, in three different places in the draft document; the DOE states that the contractor must obtain "DOE", "DOE or NRC", and "NRC" approval for changes to the final approved site design, while in fact the NRC must concur with DOE on any change proposed by the contractor. The draft document does not clearly reflect the NRC's role as stated in Public Law 95-604.

On Page 6 of the draft document, the DOE states " In cases where the final design is significantly different than the SCD in the RAP, the DOE will submit the final design to the NRC for approval." Based on this statement, DOE will decide what is significant and therefore, what the

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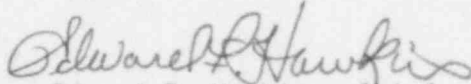
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NRC will approve. Again, this does not reflect the NRC's role as defined by Public Law 95-604, but illustrates DOE's perception of the NRC's role in the process.

As a final example, DOE makes the statement on page 6 that "Prior to or during construction, the NRC will identify any construction activities that they wish to witness. DOE will coordinate the construction such that the NRC or the State are notified of the approximate time that they should visit the site." In order to concur on the certification that the remedial action has been completed in accordance with the remedial action plan, the NRC will need a viable presence on site as well as conduct a detailed review of the documents as defined in the draft Certification Plan. In any other licensing activity by URFO, this is standard and considered a pre-licensing activity. URFO would expect no less on the UMTRAP sites and should not be restricted by DOE from participation except at DOE convenience. Again, this example illustrates DOE's perception of NRC's role as passive.

Based on the above comments, URFO would recommend that the document be re-written to reflect the NRC's true role in the UMTRAP process. Should you have any questions regarding the above comments, please call Sandra L. Wastler of my staff at FTS 776-2811.



Edward F. Hawkins, Chief
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