

DCS

DEC 27 1985

MEMORANDUM FOR: James G. Partlow, Director
Division of Inspection Programs, IE

FROM: Karl R. Goller, Director
Division of Radiation Programs
and Earth Sciences, RES

SUBJECT: REVIEW OF DRAFT REGULATORY GUIDE-ONSITE METEOROLOGICAL
MEASUREMENT PROGRAM FOR URANIUM RECOVERY FACILITIES (RES
TASK NO. 401-4)

We regret the oversight that did not give IE headquarters the opportunity to comment on the subject draft guide before it was published for public comment. We did provide URFO a copy for comments and approval prior to publication. We appreciate your recent review which provided comments on this draft guide and we will consider your comments with others we receive concerning this guide. In the interim, however, enclosed are our preliminary responses and proposed reactions to your comments. We would appreciate knowing whether these responses and reactions would be satisfactory to you. If you have any questions, please contact Robert Kornasiewicz of my staff (telephone number 427-4210).

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Karl R. Goller, Director
Division of Radiation Programs
and Earth Sciences, RES

Enclosure:
As stated

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RESPONSE TO IE COMMENTS ON DRAFT REGULATORY GUIDE--ONSITE METEOROLOGICAL
MEASUREMENT PROGRAM FOR URANIUM RECOVERY FACILITIES (RES TASK NO. 401-4)

Comment 1 (summarized)

This comment addressed several issues. The first concern raised was whether, in view of the low level of activity in the uranium recovery business, there was a need to issue the guide. A second issue was whether a meteorological measurements system is necessary at recovery facilities and the associated backfitting and financial burden on licensees that such a requirement would entail. The third issue concerned the applicability of 10 CFR Part 40 to the need to collect meteorological information and the associated reporting requirements. Finally, the applicability of the guide to in situ facilities was questioned.

Response to Comment 1

Due to the fluctuating nature of the uranium recovery business, it is difficult to anticipate the number of new license applications or modifications to operating facility licenses that may be received. Both the URFO office and the Low Level Waste and Uranium Recovery Projects Branch (WMLU) of NMSS were involved throughout the development of the draft regulatory guide, and both reviewed the draft guide prior to issuance for public comment and concurred on its issuance.

It is not the intent of the draft guide to impose a backfit requirement on all operating facility licensees. Rather, the guide provides licensees with information concerning an acceptable meteorological measurement program for those cases in which the licensing office decides, during new license application reviews or reviews concerning major facility modifications, that such a program would be necessary to demonstrate compliance with 10 CFR Part 40. The purpose is to provide the licensees with information to preclude their installing an unnecessarily elaborate or expensive meteorological measurement program based on misunderstandings of what is necessary (e.g., installing a more extensive system of the kind intended for nuclear power plants).

Although the mills may be located in remote, sparsely populated areas, 10 CFR Part 40 requires that the facilities be designed and operated so that releases do not occur from tailings impoundments due to impoundment instability and that both liquid and airborne releases be kept as low as reasonably achievable.

10 CFR Part 40 does not have explicit requirements concerning meteorological measurements, but meteorological information is needed implicitly to demonstrate that facilities are designed and operated so that releases do not occur from tailings impoundments due to impoundment instability and to limit both liquid and airborne releases to as low as reasonably achievable.

The wording in the second line of the second paragraph of the draft guide will be revised to delete the words "in situ".

Comment 2

Since a Regulatory Guide is not an NRC regulation, how do the authors intend to handle those facilities licensed by the agreement states?

Response to Comment 2:

In the past, Agreement States usually have adopted NRC guidance documents as part of their information package for licensees. Since Agreement State regulations are required by law to be comparable to NRC regulations, the corresponding guidance is also usually comparable to NRC guidance.

We acknowledge the IE position that the subject draft guide should not be issued as an active guide. We will include consideration of this comment in future actions related to the guide and encourage further comments. Should a preponderance of comments received during the public comment period indicate that the guide is unnecessary, we would, of course, reassess the need to issue it in an active form.