

# GUNNISON COUNTY, COLORADO

BOARD OF COUNTY COMMISSIONERS

PHONE: (970) 641-0248

FAX: (970) 641-3061

May 8, 1997

Joseph J. Holonich, Chief  
Uranium Recovery Branch  
Division of Waste Management  
Office of Nuclear Materials, Safety and Safeguards  
US Nuclear Regulatory Commission  
Mailstop T7 J9  
11545 Rockville Pike  
Rockville, MD 20852-2738

RE: Gunnison, Colorado Processing and Disposal Sites

Dear Mr. Holonich:

This letter is sent at the direction of the Board of County Commissioners of Gunnison County, Colorado. The Board of County Commissioners of Gunnison County, Colorado is the local general government entity with authority to protect and promote the health, welfare and safety of the people of Gunnison County, and to regulate land use, land planning and quality and protection of the environment in Gunnison County. As such, the Board of County Commissioners has been an active participant in the process of remediation of the Gunnison, Colorado uranium mill site. Currently the Board of County Commissioners is engaged in discussion with the State of Colorado whether the Board should accept long term ownership of that site.

The Board of County Commissioners is relying on the Nuclear Regulatory Commission to ensure the citizens of Gunnison County that clean up and remediation of the site meets the requirements of law and is protective of human health and the environment. The Board of County Commissioners is particularly concerned regarding thorium-230 deposits that remain on the site and what short and long term impacts those deposits may have on human health and the environment.

It is the understanding of the Board of County Commissioners of Gunnison County, Colorado, through review of the Gunnison, Colorado, Completion Report by the Colorado Department of Public Health and Environment (CDPHE) and presentation by CDPHE personnel, that MK-Ferguson did not fully follow excavation requirements at the

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Gunnison site. Specifically, the remediation requirements for thorium-230 were not fully implemented. Despite a history on this project of cooperation among federal, state and local government, the failure of MK-Ferguson to follow the remediation requirements has been exacerbated by the failure of the oversight entities to timely inform the Board of County Commissioners of such failure and its potential consequences.

It is the further understanding of the Board of County Commissioners that the US Nuclear Regulatory Commission (NRC) has not yet concurred with the US Department of Energy's completion of remedial action at the Gunnison, Colorado processing and disposal sites. The Board of County Commissioners formally requests that the following issues be fully analyzed and presented by the NRC, the US Department of Energy (DOE) and CDPHE to the Board of County Commissioners, and that the Board of County Commissioners be permitted to make informed response to those entities before the NRC concurrence proceeding is concluded. While this correspondence is being copied to the DOE and CDPHE, which have assured County staff that a response from each of them to the Board is forthcoming, there are the following issues on which the Board of County Commissioners also respectfully requests a response specifically from the NRC.

1. What is the full extent of M-K Ferguson's failure to follow the remediation requirements regarding thorium-230?
2. What, if any, other failures to follow the remediation requirements occurred?
3. Gunnison County staff has been informed that one rationale to have not fully removed the thorium-230 was that there was insufficient room in the disposal cell. Was this a rationale presented to the NRC and, if so, is it acceptable to the NRC?
4. Does the NRC believe that the required standards were met in leaving thorium-230 deposits on the site? Who is responsible for the failure of M-K Ferguson to follow the remediation requirements regarding thorium-230, and what is the appropriate response to that failure? Is there current opportunity to require compliance with the remediation requirements? If so, how, by whom, and when is that compliance initiated?
5. What course of action has been followed to ameliorate the consequences of M-K Ferguson's failure to follow the remediation requirements? What future course of action, if any, is anticipated? How, by whom and when, would that future course of action be initiated?



6. What is the full extent of thorium-230 remaining on the processing site? What is the location, concentration and depth?

7. What is the human health risk, short term and long term, (by contact, airborne or other pathways) presented by that thorium-230 if the site remains undisturbed or if the site is developed? In particular, what are the human health risks to construction workers, on site employees and the general public? What is the appropriate standards for evaluating those risks? What are the OSHA and EPA requirements regarding those risks?

8. What is the human health risk, short term and long term, presented by that thorium-230 to the aquifer beneath the processing site, to surface waters on the site, and to other water hydrologically connected to the site?

9. The Board of County Commissioners understands that thorium-230 decays to another radioactive isotope (i.e., radon) that also emits radiation. What are the human health risks, short term and long term, presented by radon at the site?

10. Are there remedial actions that are required because of the remaining thorium and/or radon?

11. Are there remedial actions that are advisable because of the remaining thorium and/or radon?

12. Are there required constraints on future use or development of the site because of the thorium and/or radon? Which entity imposes those constraints?

13. What are the advisable constraints on future use or development of the site because of the remaining thorium and/or radon? Which entity advises of those constraints?

14. What is the necessity or advisability of the placement of select fill on the grids where it has not been placed?

15. What is the necessity or advisability of current or future removal of the thorium-230?

16. What other future actions are necessary or advisable to safeguard human health, short term and long term, regarding the remaining thorium and/or radon?

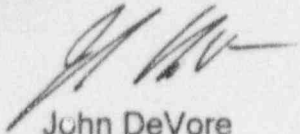
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17. What is the future liability of the United States and/or the State of Colorado regarding the remaining thorium and/or radon if title to the real property remains with the State of Colorado, if title is transferred to Gunnison County, or if title is transferred to a private party?

The Board of County Commissioners appreciates your attention to these matters.

Truly yours,

Board of County Commissioners  
of Gunnison County, Colorado



John DeVore  
Gunnison County Manager

cc: Sharon Arp fax #505-845-4023  
Wendy Naugle fax #303-759-5355  
Board of County Commissioners  
David Baumgarten

