

December 13, 2000

Ms. Pamela Allister  
Executive Director  
Snake River Alliance  
Box 1731  
Boise, ID 83701

Dear Ms. Allister:

I am providing you with the Director's Decision that responds to your 10 CFR 2.206 petition, filed on February 24, 2000. The petition requested that the NRC assert jurisdiction over disposal of mill tailings resulting from the Formerly Utilized Sites Remedial Action Program (FUSRAP). I have completed my review of the issues raised in your petition and the responses to your petition provided by the U.S. Army Corps of Engineers and the U.S. Department of Energy. For reasons explained in the enclosed Director's Decision, DD-00-06, dated December 13, 2000 (Enclosure 1), your request has been denied. The NRC will continue to refrain from imposing disposal requirements for the mill tailings generated at FUSRAP sites because this material is outside of the agency's jurisdiction.

As provided by 10 CFR 2.206(c), a copy of this Decision will be filed with the Secretary of the Commission, for the Commission's review. As provided by that regulation, the Decision will constitute the final action of the Commission 25 days after the date of issuance of the Decision, unless the Commission, on its own motion, institutes a review of the Decision within that time. In addition, a copy of the notice that is being filed for publication with the Office of the Federal Register is included as Enclosure 2, for your information.

Sincerely,

**/RA/**

William F. Kane, Director  
Office of Nuclear Material Safety  
and Safeguards

Enclosures:

1. Directors Decision
2. Federal Register Notice

cc: William J. Dennison, U.S. DOE  
Robert M. Andersen, U.S. Army Corps  
of Engineers  
Douglas E. Roberts, Envirosource Technologies

Ms. Pamela Allister  
Executive Director  
Snake River Alliance  
Box 1731  
Boise, ID 83701

Dear Ms. Allister:

I am providing you with the Director's Decision that responds to your 10 CFR 2.206 petition, filed on February 24, 2000. The petition requested that the NRC assert jurisdiction over disposal of mill tailings resulting from the Formerly Utilized Sites Remedial Action Program (FUSRAP). I have completed my review of the issues raised in your petition and the responses to your petition provided by the U.S. Army Corps of Engineers and the U.S. Department of Energy. For reasons explained in the enclosed Director's Decision, DD-00-06, dated December 13, 2000 (Enclosure 1), your request has been denied. The NRC will continue to refrain from imposing disposal requirements for the mill tailings generated at FUSRAP sites because this material is outside of the agency's jurisdiction.

As provided by 10 CFR 2.206(c), a copy of this Decision will be filed with the Secretary of the Commission, for the Commission's review. As provided by that regulation, the Decision will constitute the final action of the Commission 25 days after the date of issuance of the Decision, unless the Commission, on its own motion, institutes a review of the Decision within that time. In addition, a copy of the notice that is being filed for publication with the Office of the Federal Register is included as Enclosure 2, for your information.

Sincerely,

William F. Kane, Director  
Office of Nuclear Material Safety  
and Safeguards

Enclosures:

1. Directors Decision
2. Federal Register Notice

cc: William J. Dennison, U.S. DOE  
Robert M. Andersen, U.S. Army Corps  
of Engineers  
Douglas E. Roberts, Envirosource Technologies

**DISTRIBUTION:G20000108**      File Center      NMSS r/f      FCLB r/f      PUBLIC      CNWRA  
NMSS Dir.Off. r/f      CPoland      EDO r/f      MVirgillo      ACNW      JGoldberg  
w/o Encl.:      PTressler      WTravers      PLohaus

DOCUMENT NAME: C:\DDLTR Snake River Alliance.wpd      \*See Previous Concurrence      ML003777127

<b>OFC</b>	FCLB*		FCLB*	E	FCLB*		OGC*		FCSS*	
<b>NAME</b>	JLusher:		DGillen		PTing		STreby		MWeber	
<b>DATE</b>	12/1100		12/11/00		12/11/00		12/11/00		12/11/00	
<b>OFC</b>	NMSS									
<b>NAME</b>	WKane									
<b>DATE</b>	12/ /00									

OFFICIAL RECORD COPY