

December 14, 2000

Mr. John L. Erickson, Director  
Division of Radiation Protection  
Department of Health  
7171 Cleanwater Lane, Bldg. #5  
P.O. Box 47827  
Olympia, WA 98504-7827

Dear Mr. Erickson:

I am responding to your August 8, 2000 letter to Dennis Sollenberger, November 7, 2000 letter to me, and December 7 and 8, 2000 letters to Kevin Hsueh. In the letters, you requested the U.S. Nuclear Regulatory Commission (NRC) to review the Washington Department of Health's (WDOH) assessment of the Dawn Mining Company (DMC) license amendment application for direct disposal of source material into the DMC's tailings disposal area, for consistency with the NRC guidance. As stated in your letter, it is WDOH's understanding that the disposal of non-11e.(2) byproduct material directly into the uranium mill tailings impoundment is subject to ten criteria found in an NRC guidance document. The guidance document, entitled "Final Revised Guidance on Disposal of Non-Atomic Energy Act of 1954, Section 11e.(2) Byproduct Material In Tailings Impoundments," was published in a September 22, 1995 Federal Register.

We have completed our review of your submittals. Based on our review of WDOH's response to each criterion stated in the NRC's 1995 guidance document, we find that WDOH has appropriately followed the guidance in conducting its assessment. However, as identified in the enclosure of your December 8, 2000 letter, concurrence from the U.S. Department of Energy has not yet been received. Upon receipt of the concurrence, we would agree that all the criteria in NRC's 1995 guidance document will have been met. Since the licensing decision includes consideration of additional information and the Agreement State has the responsibility to make that decision, we make no comment on the overall licensing action.

If you have any questions concerning our response, please contact me at (301) 415-3340 or Kevin Hsueh at (301) 415-2598.

Sincerely,

Paul H. Lohaus, Director  
Office of State and Tribal Programs

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Response to Incoming Document: ML003768547 & ML003742591,  
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