

July 5, 2001

MEMORANDUM TO: Martin J. Virgilio, Director
Office of Nuclear Material Safety and Safeguards

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

Kathy Allen, Chair
Organization of Agreement States

FROM: Kevin Hsueh, Co-Chair */RA/*
Office of State and Tribal Programs, NRC

Dorothy B. Stoffel, Co-Chair */RA Kevin Hsueh for/*
Washington State Department of Health

SUBJECT: CHARTER FOR NRC/AGREEMENT STATE WORKING
GROUP ON TERMINATION OF URANIUM MILL LICENSES
IN AGREEMENT STATES

The charter for the NRC/Agreement State Working Group on Termination of Uranium Mill Licenses in Agreement States is provided in Attachment 1 for your approval in accordance with Management Directive 5.3, *NRC and Agreement State Working Groups*. The working group held a conference call on April 24, 2001. The charter was reviewed and has been accepted by the working group. A conference call summary is provided in Attachment 2.

We would appreciate your earliest review and approval of this request.

Attachments:

1. Working Group Charter
2. April Conference Call Summary

Contacts: Kevin Hsueh, NRC/STP
(301) 415-2598

Dorothy B. Stoffel, WDOH
(509) 456-3166

Charter approved:

M. J. Virgilio	7/11/01	F. C. Combs for P. H. Lohaus	7/5/01	K. Allen	7/12/01
<hr/> Director, NMSS	Date	<hr/> Director, STP	Date	<hr/> Chair, OAS	Date

Multiple Addressees

July 5, 2001

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CHARTER FOR THE NRC/AGREEMENT STATE WORKING GROUP ON TERMINATION OF URANIUM MILL LICENSES IN AGREEMENT STATES

Purpose

Provide recommendations to the U.S. Nuclear Regulatory Commission (NRC) to address issues identified by the working group and stakeholders on the NRC concurrence process for uranium mill license termination in Agreement States.

Working Group Organization and Operations

NRC Personnel:

Kevin Hsueh, STP
Ted Johnson, NMSS
Dan Rom, NMSS

Agreement State Personnel:

Phil Egidi, State of Colorado
Gary McCandless, State of Illinois
Gary Smith, State of Texas
Rob Herbert, State of Utah
Dorothy Stoffel, State of Washington

Resource Representative:

Dennis Sollenberger, STP

Background

The Office of State and Tribal Programs (STP) Procedure SA-900, "Termination of Uranium Mill Licenses in Agreement States," has been used as guidance by NRC staff for review of uranium mill license termination proposals as well as by Agreement State staff on preparation of such proposals. The NRC has made its concurrence determinations on one conventional and seven in-situ uranium mill license termination proposals submitted by Agreement States since the STP Procedure SA-900 was issued in April 1999.

During NRC review of the license termination proposals, especially Washington State's proposal for termination of the Western Nuclear (Sherwood) mill license, NRC staff recognized that in some areas the guidance may need to be expanded to better characterize the level of detail in information which should be provided by an Agreement State in support of a license termination proposal. Specifically, the level of information needed in the completion review reports (CRR) requested from Agreement States should be similar or equivalent to that contained in the sample CRRs attached to the STP Procedure SA-900.

Currently, the sample CRR for terminating a conventional uranium mill license was originally prepared by NRC staff for license termination of the Atlantic Richfield Company's (ARCO's) Bluewater site, a formerly NRC licensed facility. Since NRC staff would not conduct a detailed technical review of a license termination for sites that are under Agreement State jurisdiction

and would not have all the historical knowledge on licensing activities of such sites, the level of detailed information equivalent to that contained in the ARCO's CRR may not be sufficient if Agreement States would use that as an example to submit their license termination proposals. For termination of a non-conventional uranium mill license (mainly in-situ uranium extraction license), there is no sample CRR attached to the STP Procedure SA-900 for use as guidance by NRC and Agreement State staff. In addition, the NRC also received comments from the National Mining Association (NMA) recommending clarifying changes to the guidance provided in the STP Procedure SA-900.

Tasks

In examining the concurrence process and the current STP Procedure SA-900, the working group should address two tasks:

1. Identify areas that need improvements in the NRC concurrence process based on the review experience to date, such as early involvement in the Agreement State's license termination activities, and use of formal and/or informal processes to resolve issues identified during the review.
2. Propose a draft revised STP Procedure SA-900 that addresses issues identified by the working group and stakeholders, such as comments provided in the NMA letter. The draft STP Procedure SA-900 should include two separate sample CRRs for termination of both conventional and non-conventional uranium mill licenses in Agreement States. The amount of detailed information and areas of technical aspects contained in the sample CRRs should be tailored to that needed by NRC staff for concurrence determinations of such proposed CRRs that are expected to be submitted by Agreement States in the next 3-5 years.

Desired Products

1. Documentation of working group recommendations to NRC for improvements on NRC concurrence process.
2. Draft revised STP Procedure SA-900 with two separate sample CRRs.

Schedule

The working group will complete the project by October 2001.

- First working group conference call (April 24, 2001)
- Second working group conference call (May 30, 2001)
- Working group meeting with stakeholders in Denver, Colorado (June 12, 2001)
- Prepare draft recommendations and draft revised STP Procedure SA-900 (early July 2001)

- Third working group conference call to discuss actions to complete final products (late July 2001)
- Fourth working group conference call to discuss actions to complete final products (September 2001)
- Make final changes and submit final products to NRC (October 2001)

NRC/Agreement States Working Group
on Termination of Uranium Mill Licenses in Agreement States

CONFERENCE CALL SUMMARY

April 24, 2001
2-4 pm EDT

Participants

Kevin Hsueh*	NRC/STP	301-415-2598	KPH@NRC.GOV	
Dennis Sollenberger	NRC/STP	301-415-2819	DMS4@NRC.GOV	
Lance Rakovan	NRC/STP	301-415-2589	LJR2@NRC.GOV	
Ted Johnson	NRC/NMSS	301-415-6658	TLJ@NRC.GOV	
Maria Schwartz	NRC/OGC		301-415-1888	MES@NRC.GOV
Phil Egidi	CO/CDPHE	303-692-3083	PVEGIDI@SMTPGATE.DPHE.STATE.CO.US	
Gary McCandless	IL/IDNS	217-782-1329	MCCANDLESS@IDNS.STATE.IL.US	
Gary Smith	TX/BRC	512-834-6688	GARY.SMITH@TDH.STATE.TX.US	
		EXT:2237		
Rob Herbert	UT/DEQ	801-536-0046	RHERBERT@DEQ.STATE.UT.US	
Dorothy Stoffel*	WA/WDOH	509-456-3166	DOROTHY.STOFFEL@DOH.WA.GOV	
Clifton Farrell	NEI	202-739-0098	CWF@NEI.ORG	
John Hamrick	UMETCO	970-256-8820	HAMRICJS@UCARB.COM	
	Minerals Corporation			
Tom Gieck	UMETCO			
	Minerals Corporation			
Donna Wichers	COGEMA		307-234-5019	CRI_DLW@TRIB.COM
	Mining, Inc.			
Mark Plessinger	IT Group	970-248-6571	MPLESSINGER@DOEGJPO.COM	

* Co-Chair

1. Welcome and Introductions

- Conference call participants are listed above.

2. Formation and Operation of Working Group

- Dorothy Stoffel will serve as Co-Chair for the WG.
- The second WG conference call is scheduled on May 30 from 2 to 4 pm EDT.
- The first face-to-face WG meeting is scheduled on June 12 in Denver.
- Since there is only one face-to-face WG meeting, e-mails and phone calls will be greatly used for communication among WG members.

3. Discussion of WG Charter

- The level of detailed information in completion review reports was discussed. No changes were made on the Charter.
- WG decided that the third conference call will be on July 24, 2001 and the fourth will be on August 29, 2001. The time for both is from 2:00 to 4:00 pm EDT.

4. Identification of Tasks and Assignments

Task 1: Draft revised STP Procedure SA-900: **Kevin Hsueh**

Task 2: Sample Completion Review Report for Conventional Uranium Mill

Task 2-1: A brief description of licensee's activities associated with decommissioning, tailings remediation and/or groundwater cleanup: **Kevin Hsueh**

Task 2-2 Documentation that the completed surface remedial actions were performed in accordance with the license requirements and regulations

Geotechnical Stability: **Dorothy Stoffel and Dan Rom**

Surface Water Hydrology and Erosion Protection:
Ted Johnson

Radon Emanation: **Phil Egidi, Gary Smith and Ted Johnson**

Task 2-3 Documentation that the completed site decommissioning actions were performed in accordance with license requirements and regulations: **Phil Egidi**

Task 2-4 Documentation that the completed groundwater corrective actions, if necessary, were performed in accordance with license requirements and regulations:
Gary Smith, Ted Johnson and Rob Herbert

Task 2-5 Discussion of results of State's site closure inspections:
Ted Johnson

Task 2-6 Documentation that release of this portion of the site will not negatively impact the remainder of the site to be closed at a later date, if it is a partial license termination case: **Kevin Hsueh**

Task 3: Sample Completion Review Report for Non-conventional Uranium Mill

Task 3-1 A brief description of licensee's activities associated with license termination: **Kevin Hsueh**

Task 3-2 Ground water information which demonstrates that the groundwater has been adequately restored to meet State restoration criteria: **Ted Johnson**

Task 3-3 Documentation that the production, injection, and monitoring wells have been closed and plugged in accordance with the State criteria: **Ted Johnson**

- Task 3-4 Decommissioning information which documents that all contaminated materials have been properly disposed of or transferred to another licensed site, or meet applicable standards and requirements for release:
Gary Smith, Phil Egidi, Gary McCandless
- Task 3-5 Discussion of results of radiation surveys and confirmatory soil samples which indicates that the subject site meets applicable standards and requirements for release:
Phil Egidi, Gary McCandless
- Task 3-6 Discussion of results of State's site closure inspections:
Ted Johnson, Gary McCandless
- Task 3-7 Documentation that release of this portion of the site will not negatively impact the remainder of the site to be closed at a later date, if it is a partial license termination case:
Kevin Hsueh

Task 4: Documentation of WG recommendations to NRC for improvements on NRC concurrence process: **Dorothy Stoffel, Kevin Hsueh**

5. Review of WG Schedule

- This item was discussed under item 3.

6. WG Meeting in Denver

- WG briefly discussed the format of the meeting. It was suggested that WG members assigned to specific tasks take lead on the presentation for those tasks. WG will have further discussions on this subject during the May 30 conference call.

7. Discussions/comments from participants

- Mr. Hamrick indicated that comments related to WG activities, if any, will be e-mailed to Kevin Hsueh.
- Mr. Hamrick suggested WG consider sharing its documentation, discussed or distributed via e-mail among WG members, with meeting participants. WG will discuss this issue and respond at a later time.
- Mr. Hamrick indicated that in addition to NRC regulations or equivalent Agreement State regulations, there are other Federal or State regulations that may be applicable to the site being terminated. WG believes that all applicable regulations should be identified and addressed in the completion review report.
- Mr. Hamrick commented that the use of alternative standards needs to be stated in STP Procedure SA-900. WG plans to add the language on the use of alternative standards to the revised STP Procedure SA-900.

- Ms. Wichers suggested the WG include a discussion in the Denver meeting on the timing of the NRC review process. She also suggested in the meeting the WG provide a brief explanation about the basic license termination process for conventional and non-conventional uranium mill licenses in Agreement States. WG will consider the suggestions.
- Mr. Plessinger commented that NRC should involve in State's reviews at the very early stage. He indicated that it's difficult for NRC to make determinations based on limited information submitted by Agreement States at the very end of the review process. WG will consider the comment.