October 25, 2001

Mr. Donald R. Metzler,
Technical/Project Manager
U.S. Department of Energy
Grand Junction Office
2597 B3/4 Road
Grand Junction, CO 81503

SUBJECT: REVIEW OF PROPOSED INSTITUTIONAL CONTROLS FOR GROUNDWATER PROTECTION AT THE NEW RIFLE, COLORADO, URANIUM MILL TAILINGS REMEDIATION ACTION PROJECT SITE

Dear Mr. Metzler:

In a letter dated May 8, 2001, the U.S. Department of Energy (DOE) described proposed concepts for institutional controls at the New Rifle, Colorado, Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA) Title I site that would prevent inappropriate uses of the shallow groundwater contaminated from past uranium milling activities at the site. You requested the U.S. Nuclear Regulatory Commission (NRC) staff's review of the proposed concepts for these institutional controls. As noted in your letter, the institutional controls are being developed as a cooperative effort of the City of Rifle, County of Garfield, State of Colorado, and the DOE. The institutional controls would be applied in conjunction with DOE's commitment to fund an extension of the municipal water line from the City of Rifle limits to the West Rifle Interchange and to fund an individual reverse osmosis system for each 35 acre property (one house) that is developed west of the interchange. As proposed institutional controls, Garfield County would require evidence of a potable water supply for the issuance of a building permit for any development of properties either east or west of the West Rifle Interchange.

As described in your letter, there is insufficient information regarding the specifics of the types and language for the institutional controls for the staff to make a determination about the acceptability of the controls to protect the public from inappropriate uses of contaminated groundwater in New Rifle site environs. Further, the NRC is currently clarifying its policy regarding the acceptability of various types of institutional controls for protection of public health and safety from contaminated groundwater at UMTRCA Title I and Title II sites. As such, the staff can not provide a meaningful response to your request pending the submittal of additional information on the specific types and language for the New Rifle institutional controls and clarification of NRC policy on the use of various types of controls. Regarding the latter item, the staff anticipates that the NRC policy on the use of institutional controls will be clarified in the near term. Regarding the former item, please provide the proposed types (e.g., restrictive covenants, easements, state laws) and specific language (if known) for the institutional controls for New Rifle, including a map or drawing which depicts all of the affected properties both east and west of the West Rifle Interchange, the type of institutional control proposed for each property, and the type of engineered control (e.g., reverse osmosis system, municipal water supply) proposed for each property.

If you have any questions regarding this letter, please contact Rick Weller, the Project Manager for New Rifle, at (301) 415-7287 or by e-mail to RMW2@nrc.gov.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at http://www.nrc.gov/NRC/ADAMS/index.html (the Public Electronic Reading Room).

Sincerely,

/**RA**/

Melvyn Leach, Chief
Fuel Cycle Licensing Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No.: WM-62

cc: A. Kleinrath, DOE GJO
R. Plieness, DOE GJO
J. Jacobie, CDPHE Den

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Fuel Cycle Licensing Branch
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