



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 7, 1995

Mr. Charles Cormier, Acting Project Manager
U.S. Department of Energy
Albuquerque Operations Office
Uranium Mill Tailings Remedial Action
Project Office
P.O. Box 5400
Albuquerque, New Mexico 87185-5400

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION INVOLVEMENT IN THE DISPOSAL OF
RESIDUAL RADIOACTIVE MATERIAL FROM THE NATURITA PROCESSING SITE

Dear Mr. Cormier:

The purpose of this letter is to provide you with the U.S. Nuclear Regulatory Commission's position on what its involvement needs to be in the disposal of residual radioactive material (RRM) from the Naturita, Colorado, processing site. The U.S. Department of Energy (DOE) is currently considering disposing of the Naturita RRM in the Upper Burbank Pit at the Uravan, Colorado, mill site. The licensee for the Uravan site is Umetco Minerals Corporation. Umetco is licensed by the State of Colorado under its Agreement State status for Title II of the Uranium Mill Tailings Radiation Control Act (UMTRCA).

Under Title I, Section 108(a)(1) of UMTRCA, the NRC is required to concur with the actions selected and performed by DOE for the remediation of RRM at either a processing site or disposal site. As part of this concurrence, the NRC determines if the remedial actions will be or have been completed in accordance with the U.S. Environmental Protection Agency (EPA) standards applicable to the Title I program. Therefore, the NRC must concur with the remediation of the Naturita RRM, including disposal at the Uravan mill site.

As a basis for NRC's concurrence, DOE would need to provide a Remedial Action Plan (RAP) that discusses the disposal of the Naturita RRM and demonstrates that Umetco Minerals would dispose of the Naturita RRM at the Uravan site in accordance with the EPA standards applicable to DOE's Title I program. The details of the cleanup of the Naturita site were previously included in the January 1994 RAP for the Naturita site submitted by DOE; therefore, DOE may wish to rely on that submittal for its proposed cleanup activities. After remedial action is complete, DOE will be expected to provide a Completion Report (CR). The CR should provide sufficient information to allow the NRC staff to determine that the Upper Burbank Pit has been remediated consistent with the design presented in the RAP.

The approach described above was discussed with you and representatives of DOE Headquarters at a public meeting held at the NRC offices on February 22, 1995.

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C. Cormier

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In discussions held at that meeting, DOE indicated agreement with the approach described above. A summary of the February 22 meeting, including a list of attendees, is enclosed.

On January 25, 1995, NRC and DOE held a meeting for preliminary discussions of options for disposal of the Naturita RRM. The summary of that meeting is Enclosure 2 to this letter.

If you have any questions regarding this letter or its enclosures, please contact Ms. Charlotte Abrams, the NRC Project Manager for the Naturita site, at (301) 415-5808.

Sincerely,

Joseph J. Holonich, Chief
High-Level Waste and Uranium
Recovery Projects Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Enclosures: As stated

cc: C. Smythe, DOE Alb
D. Bierley, TAC Alb
W. Woodworth, DOE Alb
February 22, 1995, meeting attendees

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* See previous concurrence

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OFC	HLUR	E	HLUR*		OGC*		HLUR	JA	B
NAME	CABram: jlk		DGillen		RFonner		JHolonich		
DATE	03/06/95	H	03/1/95		03/2/95		03/1/95		

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D. Bierley, TAC A1b
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NAME	CAbrams.jlk		DGillen		RFonner		JHolonich		
DATE	03/06/95	H	03/1/95		03/2/95		03/1/95		

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MEETING SUMMARY

Date/Time of Meeting: February 22, 1995, 1:00 p.m.

Location of Meeting: Two White Flint North
Room T6A-1

Attendees: Attachment 1

The meeting was held at the request of the Department of Energy (DOE) to discuss disposal of tailings from the Naturita, Colorado Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA) Title I site. Representatives of Umetco, the State of Colorado, U.S. Congressman Scott McInnis, and the town of Naturita were also in attendance. DOE has proposed disposing of the tailings from the Naturita site in a new impoundment to be constructed in the Upper Burbank Quarry at the Umetco Minerals Corp. (Umetco) UMTRCA Title II site at Uravan, CO. The State of Colorado and the town of Naturita have informed U.S. Nuclear Regulatory Commission staff of their strong preference for that disposal option. NRC had informed DOE that any disposal option proposed by DOE for Naturita tailings must be reviewed and concurred in by NRC under the requirements of Title I of UMTRCA. The purpose of the meeting was to explore ways in which the NRC review and concurrence process could be expedited.

DOE questioned why NRC would not consider that the transfer of the Naturita tailings to Uravan constituted completion of the UMTRCA Title I requirements. DOE contended that tailings and their disposal would then be regulated by Colorado, as an Agreement State, under Title II of UMTRCA. DOE's primary concern was that to prepare and support the documents called for in the NRC-DOE Memorandum of Understanding (MOU) would require a considerable amount of time and thus delay the project.

NRC explained that its reading of Title I required it to concur in the selection and performance of DOE's remedial action and that there was no authority in either UMTRCA or the Atomic Energy Act of 1954, as amended, (AEA) to delegate that concurrence to an Agreement State. In carrying out its responsibilities under UMTRCA and the AEA and as agreed to in the MOU, NRC must concur in three DOE documents: a Remedial Action Plan (RAP), a Completion Report, and a Long-Term Surveillance Plan (LTSP).

DOE was concerned that the preparation of the RAP for disposal at Uravan has the potential for delaying the process. DOE stated that it would have to initiate the process, including characterization of the site and preparation of a RAP similar to those provided for other Title I disposals. The RAP addressing the clean up of the disposal site has already been prepared by DOE and received by NRC.

NRC suggested that the RAP for disposal does not necessarily need to be prepared by DOE or its primary Title I contractors. Umetco stated that it has prepared documentation for the State of Colorado that contains the same information that would be in a RAP. NRC stated that DOE can use the

Enclosure 1

documentation prepared by Umetco, as the RAP, if it contains information sufficient to show that the applicable Title I standards will be met by the proposed Upper Burbank Quarry design. DOE would have to send the material to NRC under a DOE cover letter, as the DOE RAP.

NRC agreed to expedite the review of the RAP, when received from DOE. NRC also agreed to discuss, and meet if necessary, with Colorado to help resolve technical issues about the site and the RAP.

At the conclusion of the meeting, NRC and DOE representatives documented and signed a summary of the agreements reached in the meeting (Attachment 2).

NRC/DOE MEETING ON NATURITA TAILINGS DISPOSAL OPTIONS

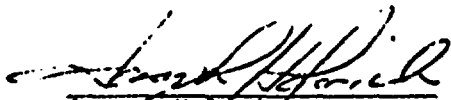
Meeting Attendance List

February 22, 1995

NAME	ORGANIZATION	PHONE NUMBER
Charlotte Abrams	NRC-NMSS/DWM	301-415-5808
Carolyn Bean	Town of Naturita	303-865-2877
Chuck Cormier	DOE/AL-UMTRA	505-845-4039
Tom Crandall	DOE/EM-451	301-427-1808
Jeffrey Deckler	CDPHE	303-692-3387
Myron Fliegel	NRC-NMSS/DWM/HLUR	301-415-6629
Robert L. Fonner	NRC-OGC	301-415-1643
John Greeves	NRC-NMSS/DWM	301-415-6708
Joe Holonich	NRC-NMSS/DWM/HLUR	301-415-6643
Windsor Laing	Rep. Scott McInnis	202-225-4761
Keith Landolt	DOE/Office of Chief Counsel	505-845-6940
Ralph G. Lightner	DOE/EM-45	301-427-1787
Dave Mathes	DOE/EM-45	301-427-1806
Patrick Morgan	UMETCO Minerals Corporation	203-794-6135
Curt Sealy	UMETCO Minerals Corporation	303-245-3700
Don Simpson (via Telephone)	Colorado Dept. of Health	303-692-3066
Dennis Sollenberger	NRC-OSP	301-415-2819

NRC-DOE Meeting
February 22, 1995
Agreements Reached

- concurrence*
1. Under Title I of UMTRCA, NRC must concur in a Remedial Action Plan (RAP), a Completion Report, and a Long-Term Surveillance Plan (LTSP) for a DOE Title I remedial action. NRC can not delegate its responsibilities to Colorado. The RAP, Completion Report, and LTSP must come to NRC from DOE.
 2. DOE can use material prepared by Umetco in providing the required documents to NRC. Specifically, if the report prepared by Umetco for Colorado is sufficient to show that the applicable Title I standards are met, DOE can send that to NRC, under a DOE cover letter, as the DOE RAP.
 3. NRC will expedite the review of the RAP and meet and discuss technical matters with Colorado to expedite the NRC RAP review.


Joseph Holonich
for NRC


for DOE

**MEETING ATTENDEES
JANUARY 25, 1995**

<u>NAME</u>	<u>ORGANIZATION</u>	<u>PHONE #</u>
Thomas M. Crandall	DOE, EM-451	(301) 427-1808
Ralph Lightner	DOE, EM-45	(301) 427-1787
Dennis Sollenberger	NRC, OSP	(301) 415-2819
Joe Holonich	NRC, DWM/HLUR	(301) 415-6643
Dave Mathes	DOE, EM-451	(301) 417-1806
Loretta Fahy	DOE, EM-451	(301) 427-1071
James Joyce	DOE, EM-451	(301) 427-1798
Chuck Cormier	DOE, UMTRA	(505) 845-4039
Dan Gillen	NRC, DWM/HLUR	(301) 415-7295
John Greeves	NRC, DWM/HLUR	(301) 415-6708
Charlotte Abrams	NRC, DWM/HLUR	(301) 415-5808
via phone:		
Jeff Deckler	CDH-UMTRA	(303) 692-3387
Don Simpson	CDH	

C. Cormier

-2-

Also in attendance at that meeting were the Mayor of Naturita, Colorado, and representatives of the State of Colorado and Umetco Minerals Corporation. The summary of that meeting is enclosed. In discussions held on February 22, DOE indicated agreement with the approach described above.

If you have any questions regarding this letter or its enclosure, please contact Ms. Charlotte Abrams, the NRC Project Manager for the Naturita site, at (301) 415-5808.

Sincerely,

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Recovery Projects Branch
Division of Waste Management
Office of Nuclear Material Safety
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Enclosure: As stated

cc: C. Smythe, DOE Alb
D. Bierley, TAC Alb
W. Woodworth, DOE Alb
D. Mathes, DOE-HQ
J. Deckler, CDH
D. Simpson, CDH

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NAME	CAbrams		DGillen		RFonner		JHolonich			
DATE	03/02/95	H	03/11/95	H	03/12/95		03/ /95			

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MEETING SUMMARY

Date/Time of Meeting: January 25, 1995/9:00 a.m.

Location of Meeting: U.S. Nuclear Regulatory Commission Headquarter
Two White Flint North

Attendees: See Attachment 1

The meeting was held at the request of the U.S. Department of Energy (DOE) to discuss options for the disposal of residual radioactive material (RRM) from the Naturita, Colorado, Title I uranium mill site. The meeting was attended by NRC staff from the Office of State Programs and the Division of Waste Management and representatives of DOE Headquarters and the DOE Uranium Mill Tailings Remedial Action (UMTRA) Project Office. Representatives of the State of Colorado participated via telephone.

DOE representatives began the meeting with a discussion of the Naturita project and the various alternatives for disposal. In order to avoid proliferation of sites, a decision was made to dispose of the Naturita RRM at the Umetco Title II Uravan site. They explained that the original plan was to place the RRM on or adjacent to the existing pile at Uravan. The existing pile at Uravan contains too much material to allow the additional Naturita RRM to be placed there and the alternative now is the upper Burbank pit. DOE stated that the Burbank pit is a more attractive alternative because disposal will be below grade.

The DOE UMTRA Project Office already has possession of the Naturita site and demolition there is complete. In addition, the State of Colorado, as the Agreement State responsible for regulating the Uravan site, has responded to all questions regarding the Uravan site and returned those responses to DOE.

The NRC explained that it was still determining what NRC's role would be if the RRM is placed at Uravan. The preliminary assessment is that NRC would have to maintain some kind of oversight due to its statutory responsibilities under the Uranium Mill Tailings Radiation Control Act.

The State of Colorado representatives expressed concern over the potential for NRC involvement in a site regulated by the State. They cited the Riverton, Wyoming, example and noted that the State of Colorado has the responsibility for the regulatory program in Colorado and acts as NRC's agent to implement the regulations. They also stated that NRC should review the State's responses to DOE's questions regarding the Uravan site.

It was agreed that all parties would meet again following a final decision by NRC. A follow-up meeting was planned in which NRC legal counsel would also be present.

Enclosure 2