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To: "Ron Linton" <RCL1@nrc.gov>
Date: 12/04/2003 3:48:14 PM
Subject: Institutional Control questions

Ron,

Thanks for taking the time to talk to me yesterday about ACL guidance documents, institutional controls and statistics. I've had to put the statistics questions aside for now to focus on the institutional control questions.

In the interest of keeping everyone informed and having a written record, I'm putting my institutional control questions in writing here.

Is the publication entitled Staff Technical Position Alternate Concentration Limits for Title II Uranium Mills, January 1996 still current? Or has it been superseded by NUREG 1620?

I'm asking because Conoco has asked us if they can use institutional controls to move their POE offsite. I've read both the documents listed above, and it appears that NUREG offers more flexibility. According to NUREG, it looks like a facility can use a distant POE without owning the land between the POC and POE if they can demonstrate that in spite of a good faith effort, they have been unable to buy the land, or if human and environmental exposure is impossible because the groundwater is inaccessible or unsuitable for use.

If the facility owned the POC-POE land, they would be required to coordinate its transfer to the long-term care custodian prior to ACL approval. In the event they don't own the land and plan to use institutional controls, do the institutional controls have to be approved/coordinated with NRC? NUREG 1620 states institutional controls must be enforceable, durable and legally defensible - can NRC offer any guidance on how to accomplish this standard?

In our conversation yesterday, you said that you thought you had read that a governmental agency such as a county government can establish a groundwater protection area to oversee the area between the POC and POE. Does this apply to land between the POC-POE that a facility owns, but that will not be transferred to the fed or state government, or can a "groundwater protection area" be set up to oversee land under institutional controls? Can you give me some more information on this concept?

I hope I'm not wearing out my welcome with all these questions. I hope that if we answer them now, we won't have any surprises as we go through the reclamation process, and things will progress smoothly.

Thanks,

Pat

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