



U.S. Department of Energy

Grand Junction Office
2597 B³/₄ Road
Grand Junction, CO 81503

WM-42

DEC 18 2003

Mr. Gary Janosko, Chief
U.S. Nuclear Regulatory Commission
Fuel Cycle Facilities Branch, NMSS
Mail Stop T-8A33
Washington, D.C. 20555-0001

Subject: Approval for the Sale of Area C, Canonsburg, Pennsylvania, UMTRCA Title I Site

Dear Mr. Janosko:

This letter is to request the U.S. Nuclear Regulatory Commission's (NRC) concurrence to allow the Commonwealth of Pennsylvania (Pennsylvania) to sell the subject property to a private owner.

On February 19, 2002, Pennsylvania offered Area C for sale to the public. Subsequently, DOE informed Pennsylvania that certain conditions and restrictions were required for this action, in accordance with the Uranium Mill Tailings Radiation Control Act (UMTRCA) and Cooperative Agreement DE-FC04-82AL19487 between Pennsylvania and DOE. These requirements have been incorporated into the sales process, and, where applicable, into the enclosed copy of the sale agreement between the Commonwealth and the prospective buyer. The Agreement for Sale demonstrates that the legal and regulatory conditions are met that pertain to disclosure and institutional control.

Among the conditions for the sale of Area C is UMTRCA Section 104(e)(1), which allows the State to sell lands acquired under UMTRCA Section 104(a) if the Secretary (i.e., DOE) and the Commission concur in the sale.

Previously, DOE had requested NRC's concurrence in not requiring ground water use restrictions for Area C. On April 28, 2003, the NRC replied that ground water use restrictions would not be required, and the NRC recommended that DOE continue to monitor ground water quality at Area C (Docket No. WM-42).

Please respond to this request for concurrence to sell Area C, at NRC's earliest convenience. You may call me at (970) 248-6037 with any questions about this matter.

Sincerely,


Art Kleinrath
Program Manager

Enclosure

cc w/o enclosure:

J. Caverly, NRC

J. Herman, PDEQ

C. Ritiger, PDEQ

K. Walter, PDGS

D. Bergman-Tabbert, DOE-GJO

C. Carpenter, Stoller

Project File CAN 030.10 (A. Temple)

Awk\CAN Area C to NRC