March 11, 2010

Mr. Raymond M. Plieness, Director
Office of Site Operations
Office of Legacy Management
U.S. Department of Energy
Grand Junction Office
2597 B3/4 Road
Grand Junction, CO 81503

SUBJECT: ACCEPTANCE OF THE LONG-TERM SURVEILLANCE PLAN FOR THE UMETCO MINERALS CORPORATION MAYBELL WEST URANIUM MILL TAILINGS DISPOSAL SITE (TAC J00549)

Dear Mr. Plieness:

On February 16, 2010, the U.S. Department of Energy (DOE) submitted the final Long-Term Surveillance Plan (LTSP) for the Maybell West site for review and acceptance by U.S. Nuclear Regulatory Commission (NRC) staff. The staff has completed its review of the final LTSP and determined that DOE has appropriately addressed the staff's comments provided by letter dated June 10, 2009. The staff concludes that the final LTSP satisfies the requirements in 10 CFR Part 40, Appendix A, Criterion 12, and § 40.28 for the long-term surveillance of the Maybell West tailings disposal site.

By letter dated June 14, 2007, NRC staff concurred with the State of Colorado's determination that all applicable standards and requirements for the protection of public health, safety, and the environment pertaining to the reclamation of Umetco Minerals Corporation's (Umetco's) Maybell West uranium mill tailings disposal site have been met.

After being verbally informed of the staff's acceptance of the LTSP and the establishment of the DOE as the long-term caretaker under the general license, the State terminated Umetco's Colorado Radioactive Materials License Number 660-01 in a letter dated March 11, 2010. To cover the costs of long-term care of the Maybell West site, Umetco paid the long-term surveillance fee in the amount of $800,173.56 to the U.S. Treasury through the NRC on March 9, 2010, as required by 10 CFR Part 40, Appendix A, Criterion 10.

The NRC staff concludes that all actions required for the termination of the Maybell license have been completed. The NRC hereby accepts the final LTSP for the Maybell West site and establishes the site in the custody and long-term care of DOE under the general license specified in § 40.28.

An environmental assessment is not required for the above actions as they are administrative in nature and categorically excluded under 10 CFR 51.22(c)(11). Accepting this LTSP and establishing this site in the custody and long term care of DOE, involves no significant (i) change in the types or increase in the amounts of any effluents that may be released offsite; (ii) increase in individual or cumulative occupational radiation exposure; (iii) construction impact; and (iv) increase in the potential for or consequences from radiological accidents.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html.

If you have any questions regarding this letter, please contact Richard Chang, the Project Manager for the Maybell West site, at (301) 415-7188 or by e-mail to Richard.Chang@nrc.gov.

Sincerely,

/RA/

Keith I. McConnell, Deputy Director
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

cc: Thomas Gieck, Umetco
Tracy Ribeiro, DOE
Richard Bush, DOE
Thomas Pauling, DOE

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If you have any questions regarding this letter, please contact Richard Chang, the Project Manager for the Maybell West site, at (301) 415-7188 or by e-mail to Richard.Chang@nrc.gov.

Sincerely,

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cc: Thomas Gieck, Umetco
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Richard Bush, DOE
Thomas Pauling, DOE

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