



Department of Energy
Office of Legacy Management

JUN 25 2010

ATTN: Document Control Desk
Deputy Director
U.S. Nuclear Regulatory Commission
Mail Stop T8 F5
Washington, DC 20555-0001

Subject: Determination of Long-Term Care Fee for Uranium Mill Tailings Radiation Control Act (UMTRCA) Title II Sites

To Whom It May Concern:

The U.S. Department of Energy (DOE) would like to thank the U.S. Nuclear Regulatory Commission (NRC) for clarification of their position regarding the long-term care fee for transfer of UMTRCA Title II sites (per letter dated June 17, 2010). We believe that NRC's position is consistent with DOE's interpretation of long-term monitoring requirements, particularly with respect to groundwater monitoring being one example of an appropriate circumstance warranting an increase in the long-term care fee.

While DOE appreciates that the fee is determined solely by NRC in consultation with the licensee and custodial agency (DOE) and costs must have an association with cell integrity and safety, there may remain some differences of opinion about what costs may be allowable. In the NRC NUREG 1620 guidance reference is made to control of the site which may include fencing, for example. Many of the UMTRCA sites need to have such control of site access to prevent human or animal intrusion that could result in physical hazards or compromise cell integrity and will as a result require DOE maintenance. There may also be differences of opinion about where erosion protection and its maintenance may be needed, but we expect discussions on a site specific basis during consultation regarding the setting of the long term care fees for currently licensed title II sites prior to termination can effectively mitigate this concern.

DOE appreciates being given the opportunity to provide input regarding the long-term care fee on a site-specific basis, and recognizes that NRC has sole authority in its determination. DOE believes a long-term care fee in excess of the minimum is justified to cover the long term surveillance and maintenance costs at some sites and plans to submit separate site-specific correspondence in that regard prior to site transfer. In this regard we request the opportunity to provide input on Bear Creek and Gas Hills North sites that are in the process of active transfer.

ADD

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Please contact Thomas Pauling at 970-248-6048 or Richard Bush at 970-248-6073 if you have any questions.

Sincerely,



Raymond M. Plieness, Director
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