



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION IV  
611 RYAN PLAZA DRIVE, SUITE 1000  
ARLINGTON, TEXAS 76011

JUN 9 1988

MEMORANDUM FOR: Hugh L. Thompson, Director  
Office of Nuclear Materials Safety and Safeguards

FROM: Robert D. Martin, Regional Administrator  
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SUBJECT: USE OF TITLE I SUPPLEMENTAL STANDARDS FOR TITLE II

As we have discussed with your staff in the past, we have a number of instances where cleanup of windblown tailings from active (Title II) sites is not practical. The standards established by EPA for inactive (Title I) sites recognized that there may be situations where cleanup may not be practical and established criteria for permitting the use of less stringent standards (40 CFR Part 192.21). Although EPA did not explicitly include such flexibility in their standards for Title II sites, they stated in the Federal Register Notice accompanying their rulemaking that the Title I standards would be suitable for application to off-site contamination for active mills (Title II sites) (FRN 48 No. 196, p. 45940). Further, section 84c of the Atomic Energy Act of 1954, as amended, permits the Commission to accept alternatives to specific requirements if the alternatives will achieve a level of protection which is equivalent to, to the extent practicable, the level which would be achieved by the Commission's standards and requirements and the standards promulgated by the EPA. We consider that Section 84c of the AEA provides the NRC with the flexibility to accept alternatives to the cleanup of windblown tailings from Title II sites, and that 40 CFR Part 192.21 provides appropriate guidance for determining which alternatives are acceptable. Such action would be consistent with EPA views as set forth in the above referenced FRN. These issues are discussed in more detail in Enclosure 1.

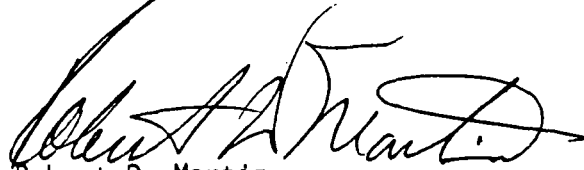
We have an application from the Tennessee Valley Authority for relief from the requirement that they clean up certain windblown tailings at Edgemont. Consistent with the above paragraph, we have evaluated this application using the Title I supplemental standards and conclude that the requested relief should be granted. Documentation of this evaluation constitutes Enclosure II.

Hugh L. Thompson

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Please let us know if you concur in this determination, and if you concur that this approach is appropriate for dealing with similar situations in the future.

We would appreciate a prompt response, since we are being pressed for an immediate decision on this application.

A handwritten signature in cursive script, appearing to read "Robert D. Martin".

Robert D. Martin  
Regional Administrator

Enclosures:  
As stated