

August 21, 2011

MEMORANDUM TO: Chairman Jaczko
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff

FROM: R. W. Borchardt */RA by Michael F. Weber for/*
Executive Director for Operations

SUBJECT: PROPOSED COLORADO ALTERNATIVE STANDARDS FOR THE
URAVAN, COLORADO URANIUM MILL

The purpose of this memorandum is to advise the Commission of the staff's intent to publish in the *Federal Register*, for public comment and an opportunity for hearing, notice of the State of Colorado's proposed alternative closure standards for the Uravan Uranium Project Site located in Montrose County, Colorado (ML081150505). After public comments are received and reviewed, the final version of the alternative standards will be sent to the Commission for approval. Due to timing issues presented by the U.S. Environmental Protection Agency and the State of Colorado, it would be more efficient to publish the proposed alternative standards and evaluate public comments before forwarding a final draft of the alternative standards to the Commission for review. This approach will save resources and provide the Commission with the opportunity to review the final draft of the alternative standards, along with the public comments and the staff's proposed disposition of the comments.

Under Section 274o of the Atomic Energy Act of 1954, as amended, a State may adopt site-specific alternative standards with respect to sites at which ores are processed primarily for their source material content or which are used for the disposal of Section 11e.(2) byproduct material. Before the State can adopt an alternative standard, the Commission must make the determination that the alternative standards will achieve a level of stabilization and containment of the site concerned, and the alternative standards will provide an adequate level of protection for public health, safety, and the environment from radiological and non-radiological hazards associated with such sites. In addition, the NRC must provide notice and an opportunity for public hearing prior to approving the site-specific alternative standards. The staff will provide notice and opportunity for comment through a *Federal Register* notice. This approach of allowing interested persons to provide comments before the Commission reaches a determination on the proposed alternative standards was approved by the Commission in the SRM for SECY-03-0025, "Utah Alternative Groundwater Protection Standards; Process for Implementation of the Alternative Standards Provision in Section 274o of the Atomic Energy Act of 1954, As Amended," dated April 21, 2003.

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Except for staff's intent to publish the *Federal Register* notice prior to Commission review, the staff is using the process described in SECY-03-0025 for processing this alternative standards request and has evaluated the Colorado proposal and made a preliminary determination that the proposed alternative standards for the Uravan site in Colorado are acceptable.

cc: SECY
OGC
OCA
OPA
CFO

Except for staff's intent to publish the *Federal Register* notice prior to Commission review, the staff is using the process described in SECY-03-0025 for processing this alternative standards request and has evaluated the Colorado proposal and made a preliminary determination that the proposed alternative standards for the Uravan site in Colorado are acceptable.

cc: SECY
 OGC
 OCA
 OPA
 CFO

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