



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 24, 2018

Mr. John Sattler
U.S. Department of Energy
Environmental Management Consolidated Business Center
250 E. 5th. St.
Cincinnati, OH 45202

SUBJECT: MOAB, UTAH, URANIUM MILL TAILING REMEDIAL ACTION PROJECT
EASEMENT (DOCKET NUMBER: WM-110)

Dear Mr. Sattler:

This letter is to acknowledge your inquiry during a meeting on August 18, 2017, regarding whether the U.S. Nuclear Regulatory Commission (NRC) would need to concur with the radiological condition of the property within an unrecorded 75-foot (23-meter) easement along the easternmost boundary of the U.S. Department of Energy (DOE) Moab Uranium Mill Tailings Remedial Action (UMTRA) Project in Utah. DOE is currently in negotiations with private owners of property adjacent to the Moab UMTRA Project site to finalize and record the easement. The easement is for a roadway along the adjacent owners' property and other uses are being considered.

The NRC understands the following: DOE is remediating the mill site property and vicinity properties to the U.S. Environmental Protection Agency standards (40 CFR Part 192) of 5 picocuries per gram (pCi/g) [0.185 becquerel per gram (Bq/g)] above background in the top 15 centimeters of soil and 15 pCi/g (0.555 Bq/g) in the subsurface soils. Characterization of the property within the proposed easement indicates no soil contamination above U.S. EPA clean-up guidelines was identified. The characterization was done as part of an assessment of the entire DOE property conducted in 2005 and documented in a report titled, "Radiological Assessment for Non-Pile Areas of the Moab Project Site."¹ The 2005 assessment shows that other than a small strip of land along the fence line that defines the easement boundary, the area within the easement was not contaminated. DOE remediated the small strip of land along the fence line as part of the Interim Millsite Remedial Action Area conducted between 2005 and

¹ U.S. Department of Energy, Office of Environmental Management, "Radiological Assessment for Non-Pile Areas of the Moab Project Site," DOE-EM/GJ901-2005. Grand Junction, CO, June 2005, see https://www.gjem.energy.gov/moab/documents/rad_soils/RadAssmt_Nonpile.pdf.

2007. DOE documented the completion of the remediation in the report titled, "Moab UMTRA Project Completion Report Appendix Package Interim Millsite Remedial Action Area,"² in May 2007 and submitted to NRC.

The Uranium Mill Tailing Radiation Control Act of 1978, as amended, (UMTRCA) provides for NRC concurrence with DOE under some circumstances, including the following: the selection and performance of remedial actions, 42 U.S.C. § 7918(a); concurring on State cooperative agreements on remediation, 42 U.S.C. § 7913(e); and concurring with DOE that a State may sell such lands and interests that were acquired by the State under a State cooperative agreement, 42 U.S.C. § 7914(e). Because the proposed easement would be granted by DOE, rather than the State of Utah, UMTRCA does not require NRC concurrence to the grant. Further, the NRC staff has no reason to conclude that the easement would interfere with the remediation of the site. Finally, because the radiological characterization of the property within the proposed easement indicates that there is no soil contamination above U.S. EPA clean-up guidelines, the NRC staff does not foresee a risk to public health and safety. Therefore, the NRC has concluded that it does not need to concur on the condition of the easement and that the easement should be submitted for NRC's information only.

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) § 2.390, a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Managements System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions, please do not hesitate to contact Mr. Christopher Grossman of my staff via telephone at 301-415-0140 or by email at christopher.grossman@nrc.gov.

Sincerely,

/RA/

Stephen Koenick, Chief
Materials Decommissioning Branch
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Docket No. WM-110

² U.S. Department of Energy, Office of Environmental Management, "Moab UMTRA Project Completion Report Appendix Package Interim Millsite Remedial Action Area," DOE-EM/GJ1468-2007, Grand Junction, CO, May 2007. Available in ADAMS at Accession No. ML072290247.

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EASEMENT (DOCKET NUMBER: WM-110), DATED JANUARY 24, 2018

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***by email**

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