



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

NOV 6 1979

Dr. William E. Mott, Director
Environmental Control Technology
Division
Department of Energy
Washington, D. C. 20545

Dear Dr. Mott:

This is in response to your letter of October 30, 1979 providing information on three additional sites for designation under Public Law 95-604, the Baggs site in Wyoming and the Belfield and Bowman sites in North Dakota. It is our understanding, through previous conversations between your staff and mine, that while not stated explicitly in your letter, it constitutes a request for consultation in the designation of these sites, in accordance with Section 102 (a)(1) of Public Law 95-604, the Uranium Mill Tailings Radiation Control Act (UMTRCA).

We have reviewed both the information provided with your letter and the information presented to us during your visit here on October 4, 1979. The three sites in Wyoming and North Dakota appear to be located in areas remote from populations and contain relatively small quantities of tailings, and therefore, present significantly fewer potential health effects than most of the other designated piles. Nonetheless, we consider that a conservative approach is warranted, and concur with the designation of these three additional sites. We note that the boundaries delineated at each site appear different from that shown for these sites in the draft DOE Annual Report to Congress. However, our emphasis in the review has not been on detailed descriptions of site boundaries, since further investigations appear necessary to identify the exact locations where remedial actions are needed, and since ancillary regions can be added later to the processing sites if further study indicated that this is necessary.

From material you presented at the meeting of October 4 and the draft report forwarded by your October 30, 1979 letter, it is apparent that issues have been raised concerning the eligibility of certain sites for Title I designation. These include the Uravan site in Colorado and the Gas Hills site in Wyoming, which are under active license for commercial operation, and the Falls City site in Texas, which contains piles licensed for commercial reprocessing. Your October 30, 1979 letter is not explicit on how you intend to resolve these issues, but we understand your position to be as follows: (a) Uravan and Gas Hills sites will not be designated, as you consider them to be excluded by Section 101 (6)(A)(ii) of the Act; and (b) the Falls City site, which is already specifically designated in UMTRCA, will continue to be so although remedial actions may not be necessary for certain portions of tailings at the site due to the commercial reprocessing plans.

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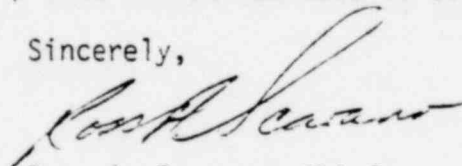
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In our review of the site designations we have focused on protection of the public health and safety and the environment. We have not performed an analysis of the legal questions and issues which have been raised. We are basically concerned that tailings at these sites will be properly disposed of, and any residual contamination removed, either through DOE remedial action under Title I of the Act or through licensing requirements of Title II of the Act. Thus, DOE should assure, in the event sites in question or portions thereof are not designated under Title I, that regulatory controls over byproduct materials at these sites are in effect.

In addition, during the October 4 meeting you indicated that designation of the Lakeview site in Oregon has also been disputed on the basis that the site contains only insignificant contamination over most of the designated areas, and, except for the tailings piles, has been released by the State of Oregon for commercial use. However, due to the uncertain nature of the radiological surveys available to date, we cannot definitely exclude the necessity of remedial actions for the off-pile areas. We understand your position to be that the Lakeview site will continue to be designated, and if subsequent studies confirm that contamination is negligible for the off-pile areas, such areas may then be deleted from the remedial action program. We have no objections to this position.

If you have any further questions please do not hesitate to contact me.

Sincerely,



Ross A. Scarano, Chief
Uranium Recovery Licensing Branch
Division of Waste Management

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