

DCS



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

FEB 13 1980

WMUR:EAT
Docket No. 40-1341

MEMORANDUM FOR: Ross A. Scarano, Chief
Uranium Recovery Licensing Branch

THRU: Hubert J. Miller, Section Leader
Uranium Recovery Licensing Branch *HJ Miller*

FROM: Eugene A. Trager, Project Manager
Uranium Recovery Licensing Branch

SUBJECT: MEETING MINUTES

Purpose

To discuss DOE assistance to be provided in remedial action program for tailings-contaminated locations in Edgemont, South Dakota.

Place and Date

NRC Offices, Willste Building, Silver Spring, Maryland;
February 1, 1980

Attendees

DOE -

W. E. Mott (ASEV/ECT)
B. McCully (ASEV/Financial Services Div.)
S. R. Miller (OGC)

NRC -

R. L. Fonner (ELD)
E. A. Trager (NMSS/WMUR)

Discussion

The meeting was requested by DOE on January 23, 1980, for the express purpose of helping them prepare a response to the NRC letter of January 16, 1980, which solicited assistance in resolving problems with off-site tailings-contaminated locations in Edgemont. DOE assistance was requested in the January 16 NRC letter as follows:

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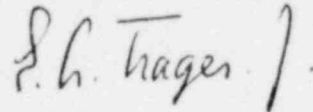
- Include off-site locations in Edgemont in the Formerly Utilized Sites Remedial Action Program.
- Assist in completion of the ongoing measurement program and...take action, such as conducting a research and development program, which will have the effect of reducing the immediate health hazard to the public which has been identified.

DOE asked that our request for assistance in the interim be made more specific. They were informed, as other DOE staff were told informally on a number of occasions since January 15, 1980, that we need support in radon and/or radon daughter grab sampling and PIC (pressurized ionization chamber) gamma radiation measurements on a quick response basis. The DOE contractor in Grand Junction could provide this assistance without disrupting that remedial action program as it should not be required for more than one or two weeks. Other measurement program assistance from DOE, if required, would be determined after evaluation of the grab sample results.

Next discussed was the legal liability/responsibility for the cleanup of off-site locations in Edgemont. DOE was informed that this responsibility was not clear as the tailings were probably removed from an AEC licensed facility at a time in which such action would not have been illegal. Similarly, this responsibility is not clear for tailings locations identified (EPA reports) in other western areas where the tailings were removed from millsites at a time when specific tailings control was not a license condition. DOE stated that legislation concerning remedial action at these types of sites might be submitted along with FUSRAP (Formerly Utilized Sites Remedial Action Program) legislation in March, 1980. For this reason DOE requested information on those sites (e.g., numbers, magnitude of required cleanup, time frame for cleanup, etc.)

It was tentatively agreed at the meeting that DOE would forward an interim response to the January 16, 1980, NRC letter to DOE (Ruth Clusen, Assistant Secretary for Environment), which would include a request for a legal opinion concerning responsibility for off-site locations like those at Edgemont. The NRC would in turn send to DOE a letter further documenting measurement program assistance requested, providing a legal opinion on NRC jurisdiction over tailings in off-site locations, and providing available information on western off-site tailings locations other than those at Edgemont.

Subsequently H. J. Miller telephoned S. R. Miller (DOE/OGC) on February 13, 1980, and requested that DOE respond to the January 16, 1980 NRC letter on the basis of information in that letter as supplemented by information provided in the February 1, 1980 meeting, because the NRC will not be providing another letter. Also, in a telephone conversation between H. J. Miller and W. E. Mott (DOE/ASEV/ECT) on February 6, 1980, Mott indicated that DOE would have no objection if NRC contracts directly with DOE's Grand Junction contractor for assistance in the Edgemont measurement program.

A handwritten signature in cursive script, reading "E. A. Trager".

E. A. Trager
Uranium Recovery Licensing Branch
Division of Waste Management