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

AUG 5 1980

THIS DOCUMENT CONTAINS
POOR QUALITY PAGES

MEMORANDUM FOR: G. Wayne Kerr, Director
Office of State Programs

FROM: Ross A. Scarano, Chief
Uranium Recovery Licensing Branch

SUBJECT: TECHNICAL ASSISTANCE FOR STATE OF WASHINGTON

I am in receipt of two letters written by officials of the State of Washington that cause me concern. The letter from Mr. T. R. Strong to you dated June 26, 1980 (Attachment 1) which you forwarded to me on July 29, 1980 implies that we committed to provide Washington a draft evaluation of the Dawn tailings expansion project on July 1, 1980. In addition, the first sentence of the letter states, "As we discussed, Washington is disappointed in the NRC's performance to date on Dawn Mining Company's Tailings Expansion Project." The second letter, from Wilbur G. Hailauer, Director, Washington Department of Ecology, to Sam L. Reed, Chief, Washington Environmental Health Program dated July 11, 1980, was attached to a copy of the draft EIS related to the project issued by Washington on July 18, 1980 (Attachment 2). This letter contains the sentence, "As I understand the problem, you scheduled your Draft EIS for July publication after the Nuclear Regulatory Commission agreed to provide a detailed technical assessment by July 1, 1980."

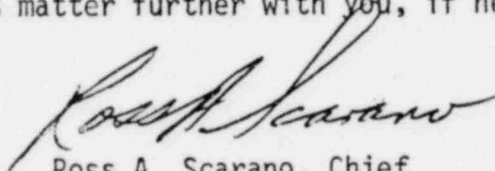
In handwritten meeting minutes (Attachment 3) of the February 28 and 29th site visit signed by John Linehan of my staff and Nancy Kirner of Washington it clearly states we would attempt to complete the evaluation of the new tailings disposal area by September 1, 1980, and the renewal by December 1, 1980. This understanding was reiterated by a signed agreement by Mr. T. R. Strong of Washington transmitted to me by cover letter on March 26, 1980 (Attachment 4). There was never a discussion about a draft evaluation to be supplied by July 1, 1980, let alone a commitment. I might add that Mr. John Kendig of your staff participated in the site visit and in the development of the agreements.

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Considering that we have become involved in this project by responding to an urgent plea by Mr. Bob Will of Washington to pull them out of a jam, and considering further that we responded by having staff and consultants review the Dawn environmental and engineering reports and conducting a site visit within 30 days of their request at great cost to our own casework, I am at a loss to understand why NRC's involvement is being misrepresented by state officials. I request that you take this matter up formally with the state and set the record straight.

I would be happy to discuss this matter further with you, if necessary.



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

Attachments:
As stated