

DEC 2 1980

Distribution: (related to EDO-9760)
 Subject file WMUR c/f
 BCS Mill file
 WMUR r/f HJMiller
 WM r/f RAScarano
 NMSS r/f JBMartin
 REBrowning
 JGDavis

MEMORANDUM FOR: William J. Dircks
 Executive Director for Operations

FROM: John G. Davis, Director
 Office of Nuclear Material Safety
 and Safeguards

SUBJECT: WASTE MANAGEMENT URANIUM RECOVERY LICENSING
 BRANCH (WMUR) ASSISTANCE TO NEW MEXICO ON
 CHURCH ROCK DAM FAILURE CONTAMINATION

With regard to the Chairman's note to you dated October 22, 1980, the attached summarizes the significant events in WMUR's technical assistance to the State of New Mexico in the Church Rock dam failure contamination case.

As shown in this summary, WMUR was heavily involved in the case during the three to four month period following the dam failure. WMUR provided the state with recommended clean-up criteria supported by technical analyses, arranged to have a sophisticated mobile laboratory on-site to process the thousands of soil samples being collected, and had staff health physicists visit the site numerous times to assist in guiding the soil sampling and clean-up program.

During the winter and spring, WMUR continued to provide from Washington what assistance was requested by New Mexico, primarily in reducing the extremely large volume of data gathered in the soil sampling program (thousands of soil samples were analyzed along a stretch of more than 50 miles). The State personnel continued to perform the task of on-site inspections and surveillance of the operator's clean-up efforts.

Since late spring, however, the WMUR has found it impossible to provide Agreement State technical assistance to any great extent on new requests because of the following:

- (a) A large commitment of staff resources was having to be made to complete the Final Generic Environmental Impact Statement (GEIS) on uranium milling and associated rulemaking. Continued effort in this area is required to respond to petitions and to implement the new regulations.
- (b) There was a serious backlog of casework, including Agreement State technical assistance cases which had come into WMUR in unexpectedly large numbers in 1979. This backlog continues, and it should be noted that six reviews of applications for

8012280220

OFFICE ▶					
SURNAME ▶					
DATE ▶					

new uranium recovery facilities have been indefinitely delayed and the Agreement States have been notified through OSP of our need to be very judicious in our acceptance of any more technical assistance requests.

- (c) So much attention had been paid to Agreement State licensing that our own licensing work had been neglected and was starting to reflect poorly on the agency. An example of this was Wyoming Governor Herschler's stated perception of NRC's regulatory presence in his State being deficient.

In the Church Rock matter, staff efforts had to be reduced to occasional conversations with the State and with NRC's contractor, Battelle Pacific Northwest Laboratories (BPNL).

Because of the special nature of the April request from New Mexico to assist in revision of the Church Rock clean-up criteria, the staff examined carefully what it could do to help. It was determined that, although NRC had been involved in the initial criteria development, revising the standard would require a whole new evaluation. It would take several man-months of total staff time and would require senior staff members to spend a great deal of time on-site to evaluate the local conditions. It was judged that we could not responsibly take a position on new criteria without careful evaluation of site-specific conditions and practical problems and costs that the operator was said to be having in meeting the clean-up criteria. This kind of thorough evaluation would have to be carefully considered to assure they outweighed the benefits of the existing criteria. We did not have the resources to do the job in consideration of our overall priorities.

In a recent conversation with New Mexico (J. B. Martin and T. Baca), the State recognized this kind of extensive evaluation would be necessary for us to take a definitive position on the criteria. What they asked for, and we were able to provide, was assurance that we would not second guess them on the revision of the criteria they have made and are implementing. As agreed between New Mexico and the staff, the State is in the best position, because of its proximity to the situation and close surveillance of the cleanup activities, to weigh the local conditions, public attitudes and so on in making the cost-benefit justification of revised standards.

OFFICE ▶	.....	.....	.....	.....	.....
SURNAME ▶	.....	.....	.....	.....	.....
DATE ▶	.....	.....	.....	.....	.....

William J. Dircks

-3-

We have sent the attached letter to the State (after clearing it with Baca) documenting this agreement. While we cannot provide significant staff resources to the Church Rock case, we will continue to make available the resources and technical expertise of BPNL as needed to assist the state in implementing the criteria.

(Signed) John G. Davis

John G. Davis, Director
Office of Nuclear Material Safety
and Safeguards

Attachments:

1. Summary of US NRC Technical Assistance to New Mexico EID on Church Rock Dam Failure Contamination
2. Letter to the State of New Mexico (T. Baca)

MAG II	OFFICE ▶ WMUR/1	WMUR/1	WM	NMSS
11/21/80	SURNAME ▶ **HJMiller:mb	**RAScarano	JB Artin	JGDavis
	DATE ▶ 11/24/80	11/24/80	11/26/80	12/2/80

SUMMARY OF US NRC TECHNICAL ASSISTANCE TO NEW MEXICO EID ON
CHURCH ROCK DAM FAILURE CONTAMINATION

The following is a summary of the significant events in NRC's assistance to New Mexico Environmental Improvement Division in the Church Rock dam failure contamination case.

July 16, 1979	Church Rock Dam Failure
August 5-9, 1979	Telephone discussion between WM and New Mexico to develop clean-up criteria.
August 23, 1979	Formal transmittal of WM recommendations for clean-up criteria with supporting technical evaluation.
September 5-7, 1979	WM staff health physicist sent to New Mexico to assist state staff.
September 21-24, 1979	WM arranged through a technical assistance contract to have PNL set up a mobile lab on the Church Rock site. Two WM staff health physicists met the lab at the site and developed a systematic sampling and analysis program.
October, 1979	Following a review with the EPA, a final detailed radiological assessment in support of the clean-up criteria was issued by WM.
November, 1979	Aerial gamma surveys, contracted for by IE, were reported.
December, 1979	Recognizing the divergence in activities of the many agencies involved in the dam failure evaluation, WM prepared a summary report giving a status of activities by: a) NRC b) New Mexico c) EPA (two regions, headquarters and Las Vegas Lab) d) Arizona e) Center for Disease Control f) Indian Health Service g) Navajo Environmental Protection Council

December, 1979 WM expanded the PNL contract to provide a statistical analysis of the thousands of soil samples and to develop a clean-up verification procedure.

Thru May, 1980 WM staff health physicists working informally with New Mexico and PNL on quick turn-around problems, i.e., evaluation of potential for livestock contamination.

April 23, 1980 New Mexico requested WM review of proposed relaxation of clean-up criteria.

May 16, 1980 WM responded that a lack of available resources makes it impossible to fulfill their request to review revised clean-up criteria.

May 28, 1980 New Mexico requested that OSP ask Standards to review the proposed revised clean-up criteria.

June 9, 1980 Standards replied negatively to the OSP request.

July 9, 1980 WM arranged for and forwarded PNL evaluation of the statistical aspects of the proposed revised criteria.

August 7, 1980 New Mexico contacted OSP by telephone again requesting NRC review.

August 7, 1980 In response to OSP request, WM agreed to schedule a review if a window in commitments occurs in the near future.

October 10, 1980 New Mexico issued revised clean-up criteria.