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DEPARTMENT OF JUSTICE

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RETURN ORIGINAL TO PDR, HQ.

November 20, 1989

Mark Matthews
Acting UMTRA Project Manager
U.S. Department of Energy
UMTRA Project Office
5301 Central Avenue, N.E., Suite 1700
Albuquerque, NM 87108



Re: Lakeview Uranium Mill Waste Site
DOJ File No. 330-050-G0012-85

Dear Mr. Matthews:

I have been informed that you are considering the State's proposal to continue and expand the current ground water monitoring program at the former Lakeview mill processing site. (See enclosed letter from Felix Miera, August 11, 1989.) I have discussed this issue with Will Maez and we have agreed that we do not see any legal problem with such a monitoring program. In fact, the State of Oregon believes that a ground-water program is essential to meeting the requirements of UMTRCA.

As you are aware, ground water restoration is an integral element of any UMTRA cleanup. UMTRA directs USDOE to perform the remedial action in a manner which will insure compliance with EPA regulations. 42 USC § 7918. On September 24, 1987, EPA promulgated draft rules addressing ground water. These rules state:

"The Secretary shall carry out a monitoring program adequate to define the extent of ground water contamination by listed constituents from residual radioactive materials and to monitor compliance with this subpart." § 192.12

It is reasonable to assume that the final EPA standards will not differ substantially from the draft rules. USDOE is proceeding on this assumption with respect to the ground water monitoring program for the new Lakeview disposal site. It is not clear why USDOE would consider a different approach on the processing site.

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Certified By *Mary C. Ford*

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Regardless of the precise form which the EPA rules take, it is clear that accurate data on the existing ground water situation will be essential to any cleanup strategy. Such data will provide information on the appropriate remedial action and a baseline for evaluating the effectiveness of the plan.

The State is anxious to move forward to close out the program. The owners of the remedial site are also anxious to have the site certified and released for use. However, until a ground water monitoring plan is in place, the site cannot be closed out.

It is our understanding that USDOE is currently in the process of engaging contractors for the ground water monitoring program for the depository site. It would be appropriate for the project to address the necessary monitoring for the remedial site at the same time.

Thank you for your assistance in this matter.

Sincerely,

/s/ WALTER PERRY, III

Walter Perry III
Assistant Attorney General
Natural Resources Section

WP111:tmt/1017H

Enclosure

cc: Ed Hawkins, U.S. NRC ✓
Felix Miera, ODOE
Will Maez, U.S. DOE



Department of Energy

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August 11, 1989

Mark Matthews
Acting UMTRA Project Manager
U.S. Department of Energy
UMTRA Project Office
5301 Central Avenue, N.E., Suite 1700
Albuquerque, New Mexico 87108

Dear Mark:

Mr. Nat Stock, co-owner of the former Lakeview uranium mill waste site, has requested that this property be released for their use. I informed Frank Basiljovic of your staff, of this request during his recent visit to the Lakeview site on August 10.

To release the site, there are several items in Sec. 104 of Public Law 95-604 that need to be satisfied.

Under the Remedial Action Agreement between the Stocks, the State of Oregon and U.S. DOE, provision was made to transfer title to the residual radioactive materials removed from the site, to the Secretary. Sec. 104 (f). I will inform the Oregon Attorney General's Office to follow through on this item. However, we are still awaiting guidance on the rulemaking for annotation of the land title. Please inform us of the status of the rule making process. Sec. 104 (d).

Also, Sec. 104 (f), requires that the Secretary, with the concurrence of the Commission, make a determination that the remedial action is completed, prior to release of the former mill site.

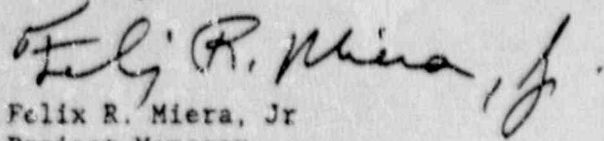
Oregon, in 1988, submitted to U.S. DOE, several proposals to evaluate the plume of ground water contamination at the former mill site. Our preferred alternative was to place additional monitor wells on this site, that would compliment ongoing monitoring on the outer perimeter of the site. Based on information gathered, we would then be able to determine compliance with the proposed EPA groundwater standards, which are yet to be issued in final form.

The UMTRA project office has not responded to our proposal. The groundwater issue must be addressed, prior to a determination that we have completed remedial action at the site.

Please advise us how the project office wishes to proceed, so that we can address the formal release of the site to the property owners.

Should you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Felix R. Miera, Jr." The signature is written in dark ink and is positioned above the typed name.

Felix R. Miera, Jr
Project Manager

cc: David Stewart-Smith, ODOE
Walter Perry, ODOJ
Ed Hawkins, U.S. NRC