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GOVERNOR

State of New Mexico  
ENVIRONMENT DEPARTMENT  
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SEP 2 1994  
GRAND JCT. PROJ. OFFICE

JUDITH M. ESPINOSA  
SECRETARY

RON CURRY  
DEPUTY SECRETARY

40-8902

August 26, 1994

Joseph E. Virgona, Project Manager  
U.S. Department of Energy  
Grand Junction Project Office  
P.O. Box 2567  
Grand Junction, Colorado 81502-2567

Dear Mr. Virgona:

Thank you for your letter dated June 30, 1994 which requests that the State of New Mexico provide you with a statement regarding New Mexico's intent to elect or decline responsibility for long-term custody of Title II sites within New Mexico borders. The provisions as cited under the Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978 state that either individual States or the U.S. Department of Energy will be the long-term custodians of remediated Mill Tailings Sites for a period of up to 1000 years.

The party which assumes the long-term custodial responsibilities must do so under a licence by the U.S. Nuclear Regulatory Commission. One of the requirements for such an NRC licence is the approval of a Long-Term Surveillance Plan (LTSP). This plan must address the monitoring requirements for assuming that remedial actions and continued care under custodial requirements are adequate to protect the environment of releases from the remediated tailings file.

New Mexico at this time believes that the DOE through access to a broader range of technical resources is the appropriate agency for licensure to perform the long-term care activities of Title II Mill Tailings Sites remediated in New Mexico. However, New Mexico would request to be involved in the review of proposed long-term care plans for sites in New Mexico. These reviews would be useful to both the State and the DOE in assuring that proposed long-term monitoring and continued care activities are acceptable.

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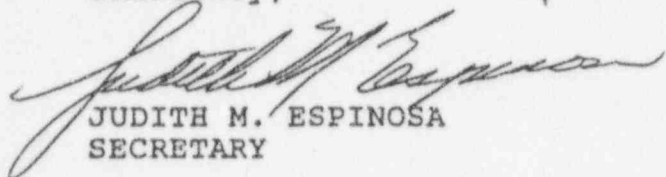
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Joseph E. Virgona  
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Please call me at (505) 827-2834 or Ms. Kathleen M. Sisneros of my staff at the same number should you have questions on this letter. Should you wish to discuss technical issues on these sites, please contact Mr. John Parker or Mr. Benito Garcia of my staff at (505) 827-4358.

Sincerely,



JUDITH M. ESPINOSA  
SECRETARY