



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION IV  
URANIUM RECOVERY FIELD OFFICE  
BOX 25325  
DENVER, COLORADO 80225

JAN 08 1993

Docket No. 40-WM039

Albert R. Chernoff, Project Manager  
Uranium Mill Tailings Project Office  
U.S. Department of Energy  
Albuquerque Operations Office  
Post Office Box 5400  
Albuquerque, New Mexico 87115

Dear Mr. Chernoff:

This letter is in response to your letter dated November 12, 1992, requesting NRC certification concurrence on the vicinity property completion report for the following property:

Location No.: LO-014S

Address: Lowman and South Fork Drive Pasture  
Lowman, Idaho 83637

The Radiological and Engineering Assessment did not include the application of supplemental standards. Supplemental Standards were applied in the field, allowing contaminated material to remain in place in the root systems of several large trees. The levels of contamination, the location of the contaminated material, and the fact that the land use is not likely to change, indicate a low public health hazard. The harm to the environment which would result if complete remediation were performed is clearly excessive when compared to the health benefits which would be achieved. The criteria of 40 CFR 192.21(b) are therefore met. Allowing the contaminated material to remain in place is reasonable under the circumstances, and the criteria of 40 CFR 192.22(a) are also satisfied.

Based upon our review of the vicinity property completion report and pursuant to EPA regulations in 40 CFR 192, as well as the Memorandum of Understanding (MOU) between the DOE and NRC (GM04-85AL26037), we concur with the certification of this property and have completed the attached review form.

Sincerely,

Ramon E. Hall  
Director

260143

Attachment:  
NRC Review Form

9301280137 930108  
PDR WASTE  
WM-39 PDR

DOZ

NRC Review Form  
for Supplemental Standards Certification  
of Vicinity Properties

The Department of Energy (DOE) has determined that the remedial action at the following vicinity property (VP) has been completed and thereby complies with supplemental standards invoked by DOE under 40 CFR, Subpart C, specifically Subsections 192.21 and 192.22.

☐ NRC concurrence for the Radiological Engineering Assessment (REA) given on: \_\_\_\_\_

☒ Supplemental standards were not in the REA, special circumstances required that supplemental standards be involved during remedial action.

*Gaeton Falance*

*09-14-92*

Gaeton Falance, DOE Certification Officer

Date

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Based on the information and certification provided by the DOE, the NRC:

☒ concurs that the remedial action at the subject VP has been completed under its authority provided by the Uranium Mill Tailings Radiation Control Act (UMTRCA), Section 104(f)(1) and as described in the Memorandum of Understanding (MOU), Appendix A, Section 3.4.

☐ concurs, as above, except for the following conditions:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

☐ See attached sheets for any additional provisions.

☐ needs additional information to make a concurrence decision. This information consists of:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

☐ See attached sheets for any additional informational needs.

*James E. Kelly*  
*Director, NRC*  
NRC Concurring Official and Title

*1/7/93*  
Date

JAN 08 1993

Case Closed: 040WM039770E

bcc:

Docket No. 40-WM039

PDR/DCS

URFO r/f

LJCallan, RIV

LLUR Branch, LLWM, 5E2

PWMichaud

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PM:URFO <i>[Signature]</i>	DD:URFO <i>[Signature]</i>	D:URFO:RIV		
PWMichaud/lv	EFHawkins	REHall		
01/7/93	01/7/93	01/7/93		