



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001
November 22, 1997

MEMORANDUM TO: James L. Blaha, Assistant for Operations
Office of the Executive Director for Operations

FROM: John T. Greeves, Director *J. Greeves*
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

SUBJECT: REQUEST TO CLOSE WITS ITEM #9700100 AND TO EXTEND THE
DUE DATE FOR WITS #9700272 TO 12/31/98

This memo addresses the status of two action items assigned to the Division of Waste Management (DWM) by your office and proposes changes to the way they are currently being tracked by the Work Items Tracking System (WITS). The first action item, a Strategic Assessment Open Issue on mitigation of rigorous requirements created by the Uranium Mill Tailings Radiation Control Act - WITS # 9700100, was identified as an open issue for DWM in a April 28, 1997, memorandum from Edward Jordan to the Executive Director for Operations (EDO) and others. The second action item, Uranium Recovery Program Review Action Item 6 - WITS # 9700272, was identified for response in a memorandum from you to Paperiello, Rabideau, and Rathbun dated October 30, 1997.

Strategic Assessment and Rebaselining Steering Committee Open Item 97-003 (SARSC 97-003), questions if the Commission should seek to mitigate some of the rigorous requirements created by the Uranium Mill Tailings Radiation Control Act of 1978 (Item 97-003). It is DWM's view that this issue is already being addressed by another ongoing effort. As the Office of Nuclear Material Safety and Safeguards (NMSS) indicated in its June 2, 1997, memorandum to the EDO, NMSS had included the resources to undertake a complete revision of the requirements that are applicable to the regulation of uranium and thorium recovery facilities, including those in Part 40, in its Fiscal Year (FY) 98 through FY00 budget submittals. The cumbersomeness and questionable rigor of the existing requirements were cited in that memorandum as one of the contributing reasons for staff deciding that revisions to the uranium recovery requirements are necessary. Thus, the approved NMSS budget already includes resources to begin a rulemaking that will consider the appropriateness of each of the requirements for uranium recovery facilities, including those issues raised by the Strategic Assessment Open Item 97-003. DWM staff has begun the preparation of a Rulemaking Plan for the proposed Part 41 to identify the issues that should be addressed in the rulemaking effort, and milestones for the rulemaking are already included in the Uranium Recovery Licensing and Inspection Program consolidated operating plan. Given that the activity is being tracked in the consolidated operating plan, I believe there is no need to also track it in WITS. Thus, with this memorandum, I am requesting that WITS Item # 9700100 be closed.

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CONTACT: Janet A. Lambert, DWM/NMSS
(301) 415-6710



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Uranium Recovery Program Review, Action Item 6 was established in the October 30, 1997, memorandum resulting from the October 17, 1997, Uranium Recovery Program Review. Action Item 6 addresses actions related to the potential for regulation of the U.S. Department of Energy's Formerly Utilized Site Remedial Action Plans (FUSRAP) sites that are to be transferred to the Corps of Engineers (COE). The Office of Congressional Affairs is to monitor Congressional action on FUSRAP; the Office of the General Counsel (OGC) is to do a legal analysis of proposed legislation; and NMSS is to propose program activities. According to the October 30, 1997 memorandum, the NMSS portion on program activities is due to the EDO by December 1, 1997. Because FY98 is identified as a year of transition to the COE, and final Congressional action is still unclear, it is premature for NMSS to propose program activities for this work at this time. NMSS recommends that the ticket (9700496, WITS #9700272) be extended to 12/31/98, to allow Congressional action that will better focus our role in the new FUSRAP program, and to allow OGC to perform its legal analysis.

DISTRIBUTION: TICKET: N-9700476 WITS#9700100
 TICKET: N-9700496 WITS#9700272

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OFC	URB*		URB*		DWM					
NAME	JLambert		JHolonich		JGreeves					
DATE	11/21/97		11/21/97		11/24/97					

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OFC	URB	URB	C	URB	N	DWM			
NAME	JLambert	DGi'len		JHolanrich		JGreeves			
DATE	11/2/97	11/ /97		11/2/97		11/ /97			

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