



Department of Energy

Washington, DC 20545

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October 24, 1988

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Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Attn: Docketing and Service Branch

DOCKET NUMBER PR 40
PROPOSED RULE 53FR32394

Dear Sir:

The U.S. Department of Energy (DOE) Uranium Mill Tailings Remedial Action (UMTRA) Project Office and the Division of Uranium Mill Tailings Projects have reviewed the Advance Notice of Proposed Rulemaking (ANPR) regarding the "Custody and Long-Term Care of Uranium Mill Tailings Sites" and provide the following comments.

1. The concept of a general license appears sound and has no adverse impact on the UMTRA Project.
2. DOE's "Guidance for UMTRA Project Surveillance and Maintenance" document is consistent with this proposed rule and is applicable for long-term custodial care of Title II mill tailings sites.
3. DOE is concerned with the requirements of Paragraph 40.27(b)(2) which states, "If the site will have continuing aquifer restoration requirements, then the SMP must provide details on how restoration is to be completed and how contingencies will be resolved." DOE typically seeks NRC concurrence on remedial actions such as aquifer restoration through a Remedial Action Plan (RAP). The RAP includes information on how the restoration will be accomplished and how contingencies will be resolved in considerable detail. Requiring that this information be provided in a site SMP is redundant.

There are a number of UMTRA sites where tailings will be relocated from a processing site to an alternative disposal cell. Some of these mill sites will require aquifer restoration. Once the tailings and associated contaminated soils have been removed and the ground water is restored at the processing sites, the need for long-term custodial care and thus an SMP for the mill sites in question is no longer appropriate.

DOE recommends this provision be deleted from the proposed rule as the information specified will be submitted to the NRC for its concurrence prior to the initiation of any aquifer restoration activity.

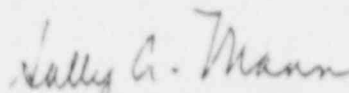
DOE appreciates the opportunity to comment on this proposed rule. Although DOE has found only one provision of the proposed rule to be questionable, we take the view that surveillance and maintenance

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activities should be limited to mill tailings disposal sites and not to remediated processing sites where tailings and other contaminated materials have been relocated and if applicable, ground water cleanup achieved.

Sincerely,

A handwritten signature in cursive script that reads "Sally A. Mann".

Sally A. Mann, Ph.D.
Director, Division of Uranium
Mill Tailings Projects
Office of Remedial Action
and Waste Technology
Office of Nuclear Energy