

JUL 15 1987

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(Return to WM, 623-SS)

MEMORANDUM FOR: Paul H. Lohaus, Acting Chief
Operations Branch
Division of Low-Level Waste Management
and Decommissioning

THRU: Myron Fliegel, Section Leader
Uranium Recovery Section
Operations Branch, LLWM

FROM: George C. Pangburn, Project Manager
Uranium Recovery Section
Operations Branch, LLWM

SUBJECT: MEETING BETWEEN NRC, DOE AND THE STATE OF WYOMING
REGARDING THE RIVERTON TITLE I SITE

On June 10, 1987, representatives of the NRC, DOE and the State of Wyoming met at NRC's offices in Bethesda, MD, to discuss institutional issues related to the remedial action planned for the Title I UMTRAP site in Riverton, WY. The meeting was a follow-up to a meeting held in Denver on June 3 (see Trip Report of G. Gnugnoli dated June 11, 1987) and focused on issues which DOE identified in an attached "white paper." The list of attendees is also attached.

R. Marquez of DOE Albuquerque opened the meeting by stating DOE's interest in moving forward to relocate the Riverton tailings to an NRC-licensed uranium mill tailings pile in the Gas Hills area of Wyoming and noting the State of Wyoming's high level of interest and support for this project. He then stated several operational DOE assumptions regarding this remedial action.

- 1) The action consists of excavation and transport of tailings from the processing site and stops at the gate of the licensed Title II operator.
- 2) The operator would stabilize and reclaim the tailings once inside the gate in accordance with the requirements of the NRC license.
- 3) Title I standards would be applied at the remediated processing site while Title II standards would apply at the Title II disposal site.

Mr. Marquez went on to note that they hoped this meeting would resolve whatever institutional barriers might exist in performance of the remedial action so that the limited window of time which they believed to exist would not be closed. N. Freudenthal of the State of Wyoming affirmed the State's support and emphasized the need to begin the remedial action as planned on July 15, while State funds to support were still available.

R. Fonner of NRC addressed the NRC's role in concurrence on completion of remedial actions and noted two dilemmas which DOE's proposed action would pose:

- 1) If the licensee at the Title II site is responsible for stabilization and reclamation of the tailings, NRC through its responsibilities to concur in remedial action as well as regulate to assure public health and safety, would be placed in the conflicting roles of regulating completion of the reclamation and then concurring on it as well.
- 2) What financial assurance exists that the licensee will complete the reclamation? Sureties at Title II sites cover the reclamation of the tailings present at those sites, but would those sureties be adequate to reclaim both the existing Title II material and that material coming from the Riverton site?

Mr. Fonner indicated that the NRC was not particularly concerned about the details of land acquisition at the Title II site, but rather with how the aforementioned issues might be resolved in a satisfactory manner. Mr. Fonner reiterated that NRC cannot concur in completion of the remedial action until the tailings are stabilized and reclaimed in accordance with applicable standards at the Title II site. He stated that Section 108(a)(1) of UMTRCA appeared to provide a mechanism toward resolution of the first issue; i.e., it allows DOE to designate someone else to carry out remedial actions. The attendees discussed this concept as well as the need for an adequate surety at some length. Although DOE requires a performance bond on behalf of their contractor, under the anticipated contract this bond would not cover stabilization and reclamation of tailings at the Gas Hills disposal site. The participants discussed possible mechanisms to provide the necessary financial assurance in a form that would be administered solely for the reclamation of the Title I material. Mr. Fonner also noted that if the approach of identifying a designee were taken and funds were obligated to said designee, the statutory completion date for DOE's remedial actions might not impact this site. DOE then requested a break to caucus among themselves.

At the conclusion of the break, DOE proffered several items which the participants discussed and agreed upon. The items in the agreement are listed below and a copy of the agreement as signed by R. Fonner, OGC; R. D. Smith, URFO; J. Anderson, DOE; and N. Freudenthal, State of Wyoming, is attached.

- 1) DOE would designate the selected contract bidder as designee under Section 108(a)(1) for completion of remedial action, i.e., stabilizing at the Gas Hills site.
- 2) A separate bid item may be identified for each bidder to identify incremental costs of stabilization and disposal.

- 3) DOE would require the successful bidder to have NRC-approved reclamation plan and adequate surety. DOE will assist URFO in cost evaluation.
- 4) Designee/contractor will be responsible for obtaining NRC concurrence on completion of RAP.
- 5) Remedial action plan submitted by DOE will address excavation, restoration of processing site, transportation to Gas Hills site and the undertaking of the designee to complete the stabilization of the removed tailings.
- 6) NRC requirements for licensees will be applied at the disposal site.
- 7) NRC assumes that site acquisition will be carried out by DOE and the State in accordance with applicable requirements.

NRC agreed to provide DOE with copies of the revised reclamation plans supplied by the potential bidders for DOE's use in preparation of independent cost estimates. DOE would identify to NRC the low bidder upon review of the proposals. DOE indicated that the agreements would probably result in a delay in the issuance of the final RAP for concurrence, but the length of that delay could not be estimated at this time. NRC agreed to prepare minutes of this meeting which would incorporate the agreements reached therein.

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George C. Pangburn, Project Manager
Uranium Recovery Section
Operations Branch, LLWM

Enclosures:

1. White Paper
2. List of Attendees
3. Signed Agreement

cc: w/encl.

J. Turi, DOE/HQ
S. Miller, DOE/HQ
J. Anderson, DOE/AL
R. Marquez, DOE/AL
D. Mann, DOE/AL
N. Freudenthal, State of Wyoming

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UMTRA PROJECT
RIVERTON RELOCATION

PROPOSITION:

Relocate Title I tailings at Riverton mill site to Title II site in Gas Hills area.

INSTITUTIONAL ISSUES:

1. NRC responsibility to concur with remedial action and any relocation decision.
2. NRC licensing of long-term maintenance and surveillance.
3. State acquisition of disposal sites.
4. Application of Title I or Title II standards.

ISSUES RESOLUTION:

1. If "remedial action" is characterized as decontamination of Riverton mill site and transport to a Title II site, NRC then concurs with a remedial action plan describing remedial action as such.
2. Title I of the Act requires that long-term maintenance and surveillance be conducted under an NRC license. At a Title II site,

- such a license is provided for by the Act. Ultimately, a federal agency (likely DOE) will assume custody of the disposal site.
3. The Act does not require acquisition of fee title by the State. That is, an "interest" in the land may be appropriate, such as an easement. Moreover, in this case, the Gas Hills disposal sites are on BLM-administered federal land. This issue may be academic because BLM has indicated it will deed the land to the Title II owner/operator.
 4. Title I standards would be applied to the clean-up of the Title I mill site. The Title I tailings would be commingled with the tailings extant at a Title II disposal site; final reclamation would be performed in accordance with a reclamation plan approved by NRC under Title II requirements of NRC and EPA. The environmental and health hazards at the Title I mill is addressed and the tailings are disposed of in a manner that addresses the long-term control requirement of the Act.

PRECEDENT

At the TVA Title II disposal site in Edgemont, SD, DOE is transporting vicinity property materials for commingled disposal with Title II tailings. The disposal is done pursuant to a license amendment issued by NRC and in accordance with an agreement between DOE and TVA which is concurred with by the State and NRC. The rationale was that the vicinity property materials were derived from the TVA mill. A secondary rationale was to minimize the number of disposal sites.

Mtg. June 10, 1987, Riverton RAP

Robert L. Fonner	NRC-OGC	(
Myron Fliegel	NRC-NMSS	(
Harry Pettengill	NRC-URFO	(
George Pangburn	NRC-NMSS	(
Giorgio Gnugnoli	NRC-NMSS	(
Rich Marquez	DOE-AL	(
Nancy Freudenthal	State of WY	(
Steve Miller	DOE-GC	(
John F. Kendig	NRC-SLITP	(
James Turi	NRC-URFO	(
Will Maez	DOE-AL	(
James R. Anderson	DOE-AL	(

Agreement Points - Mtg of June 10, 1987. Riverton site.

1. DOE would designate contractor as design winner SECTION 108 FOR COMPLETION OF REMEDIAL ACTION, I.E., STABILIZING AT GAS HILLS SITE.
2. A SEPARATE BIDDING ~~ITEM~~ ^{may} BE IDENTIFIED FOR EACH BIDDER TO IDENTIFY NECESSARY COSTS OF STABILIZATION & DISPOSAL.
3. DOE ^{DOE} WOULD REQUIRE SUCCESSFUL BIDDER TO HAVE NRC APPROVED RECLAMATION PLAN AND ADEQUATE SURETY. DOE WILL ASSIST NRC IN COST EVALUATION.
4. DESIGNER/CONTRACTOR WILL BE RESPONSIBLE FOR OBTAINING ALL ~~CONCURRENT CONCURRENCE~~ ^{NRC} ~~ON COMPLETION OF RAP~~ ^{ON COMPLETION OF RAP} ~~GROUND WATER STDS. AT DISPOSAL SITE UNDER TITLE II STDS.~~
5. REMEDIAL ACTION PLAN SUBMITTED BY DOE WILL ADDRESS ~~THE~~ EXCAVATION, RESTORATION OF PROGRESSING SITE ~~AND~~ TRANSPORTATION TO THE GAS HILLS SITE, ~~NRC'S CONCURRENCE IN THE RAP WILL BE LIMITED TO ONLY THESE ACTIVITIES AND THIS BE CONDITIONAL and~~ and the ~~undertaking of obligation~~ ^{undertaking of obligation} the designee to complete the stabilization of the removed tailings. ~~and~~
6. NRC requirements ^{for licensees} will be applied at the disposal site.
7. NRC assumes that its ~~regulation~~ ^{will} be covered by DOE and State.

Nancy
Brennan

James B. Anderson

Smith, respects

OK. Robert L. Fonger