



## Department of Energy

Washington, DC 20585

August 1, 2012

Mr. Keith McConnell, Deputy Director  
Division of Waste Management & Environmental Protection  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-8F5  
Washington, DC 20555-0001

Subject: Uravan, Colorado, Site

Dear Mr. McConnell:

This letter requests that the U.S. Nuclear Regulatory Commission concur on the U. S. Department of Energy (DOE's) proposal to take title to only that land that is required for disposal cell maintenance at the Uravan, Colorado, site. As you are aware, DOE has been engaged in discussions with the licensee, the regulators, and other interested parties regarding ownership of all of the property associated with the Uravan site. On our June 4, 2012 phone call, Jalena Dayvault, the previous DOE Site Manager, expressed DOE's concern about the assumption made by some of the group that DOE would take title to lands not required for maintaining the cell. DOE has been trying to avoid owning lands unless the land is needed to protect the cell. DOE works within its Strategic Plan and the June 10, 2010 Presidential Memorandum to eliminate excess Federal Properties (75 FR 33987). The Uravan Working Group's preference for DOE to take ownership of the land along the river (referred to here as the Club Ranch area) may have been based on a previous assumption of ownership, but now seems to be primarily focused on the concern of lengthening the time until license termination. However, DOE's ownership of the Club Ranch Area that is not related to long-term stewardship of the disposal cell would require an adjustment to the long-term surveillance charge as well.

DOE does agree that restrictions on land use and other controls may be needed, but the restrictions can be monitored without DOE owning the title to the property. DOE understands that the Alternate Standards for the Club Ranch Area are required and will remain the same regardless of ownership. DOE was asked to outline how maintaining protectiveness would be handled in the Long-Term Surveillance Plan (LTSP) for the site and submit this for your consideration and comment. This letter outlines the anticipated content of the LTSP with respect to long-term surveillance activities for the Alternate Soil Areas and the Club Ranch area. This letter also asks that you concur on DOE taking title to the cell area but not taking title to the river flood plain five hundred feet below.

While the specifics of any particular restriction may need to be refined, the Uravan Working Group has had some conceptual ideas about what restrictions and controls are required. The water (surface and groundwater) is protected as there are no available water rights to be used. The area, including consideration of its flooding potential and various scenarios, has been found protective in the approved Alternate Soil Standards application.



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Mr. Keith McConnell

-2-

Protectiveness of the Club Ranch area will be achieved by putting institutional controls in place through the use of one or more types of mechanisms. All areas requiring restrictions will be included in the long-term care boundary for the site and identified in the LTSP. It will be the licensee's responsibility to ensure that institutional controls are in place (by such mechanisms as covenant, deed inclusions, easements, etc.) prior to license termination. While there are various institutional control mechanisms that can be used, a State of Colorado environmental covenant is one of the most likely mechanisms. The licensee and regulatory agencies will have identified the necessary restrictions and these will be described in the institutional control instrument(s). The instrument(s) will also identify the agency/entity with enforcement authority (the State of Colorado in the case of an environmental covenant) and how the restrictions will be enforced. DOE agrees that monitoring of those restrictions will be necessary. Making the landholder cognizant of the restrictions will help ensure the continuity of the restrictions. To provide an additional layer of protection, DOE agrees to assist with monitoring as part of its annual inspection process.

The LTSP will provide descriptions and maps of the restricted areas and detail the restrictions required by the institutional control instrument(s). As part of the DOE's annual inspection and reporting requirements for the disposal cell and site features, DOE will check the status of the adjacent institutional controls with any appropriate agencies. Visual monitoring of land use within the long-term care boundary will also be conducted during the annual site inspections. DOE has adopted this approach for monitoring institutional controls for Title I processing sites in Colorado where DOE does not own the properties, but has a responsibility to ensure future protectiveness. Similar activities are also performed at the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) sites that DOE has remediated under its own CERCLA authority. Monitoring for institutional controls, on lands DOE does not own, occurs at such places as Mound in Ohio, Monticello in Utah and Rocky Flats in Colorado. Note that DOE expects that the U. S. Environmental Protection Agency (EPA) (or its delegate) will be responsible for performing the CERCLA 5-year reviews for these areas. While DOE has no responsibility or liability for any actions at this site covered under CERCLA; we will share, in coordination with the U. S. Nuclear Regulatory Commission, the results of the surveillance with the EPA.

DOE anticipates no groundwater or surface water quality monitoring activities, for the Club Ranch Area, being included in the LTSP. Based upon the past consistent sampling results in the Club Ranch Area and the protectiveness found in the approved licensee's analysis, DOE believes that additional monitoring need not be extended.

DOE asks that you concur on the ownership strategy in which restrictions are put in place, monitored, and DOE takes title to only the land that is required for cell maintenance.

August 1, 2012

Mr. Keith McConnell

-3-

Please call me at (970) 248-6034 or by email at [art.kleinrath@lm.doe.gov](mailto:art.kleinrath@lm.doe.gov) if you have any questions or need more information. Please address any correspondence to:

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Sincerely,



Arthur W. Kleinrath  
Site Manager

cc:

Uravan Working Group (e)  
S. Lipstein, EMCBC (e)  
File: URA 30.10 (DOE)

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