

August 10, 2015

Ms. Jalena Devault, Site Manager
U.S. Department of Energy
Office of Legacy Management
2597 Legacy Way
Grand Junction, CO 81503

SUBJECT: NUCLEAR REGULATORY COMMISSION COMMENTS ON DEPARTMENT OF ENERGY PLAN TO DECOMMISSION THE TRANSIENT DRAINAGE SYSTEM AT THE DURANGO COLORADO URANIUM MILL TAILINGS RADIATION CONTROL ACT DISPOSAL SITE (Docket WM-48)

Dear Ms. Devault:

I am writing in response to your letter, dated April 30, 2015, informing the U.S. Nuclear Regulatory Commission (NRC) of the U.S. Department of Energy's (DOE's) intent to decommission the remaining components of the transient drainage system at the Durango, Colorado, Uranium Mill Tailings Radiation Control Act site (Agencywide Document Access and Management System (ADAMS) Accession Number ML15125A012). In your letter you state that the decommissioning will be conducted in accordance with the protocols in Attachment 3 of the 1996 Long-Term Surveillance Plan (LTSP) for the Bodo Canyon Disposal Site (ML063380465).

The LTSP for the Durango site has been revised twice since 1996, in 2011 (ML110400085) and again in 2015 (ML15114A344). The 2011 and 2015 revisions did not include Attachment 3 and, as such, the current, accepted, version of the LTSP does not contain the decommissioning plan for the transient drainage system. The NRC staff reviewed Attachment 3 to the 1996 LTSP and notes that:

- Attachment 3 does not include a discussion of the procedures to ensure protection of the public and workers from residual radioactive material in the transient drainage system (i.e., a radiological health and safety plan);
- Attachment 3, while referencing the remediation standards in 40 CFR 192, does not specifically state the cleanup criteria for the site and how they will be applied;
- Attachment 3 does not describe the final radiological survey that will be conducted to demonstrate that the site meets the specified cleanup criteria,
- Attachment 3 does not describe the radioactive waste management procedures that will be employed to ensure that waste being transported to the disposal site will not pose a threat to the public or workers, and;
- Attachment 3 states that the Department of Transportation has issued an exemption to the DOE for shipping low-level radioactive material. Since Attachment 3 was written almost 20 years ago, DOE should ensure that the exemption is still valid before shipping the residual radioactive material.

This is the minimum information that the NRC staff would expect to be provided for this type of decommissioning project at a specifically licensed, commercial site.

In addition, 10 CFR 40.27(e) states:

The general license in paragraph (a) of this section is exempt from parts 19, 20, and 21 of this chapter, unless significant construction, actions, or repairs are required. If these types of actions are to be undertaken, the licensee shall explain to the Commission which requirements from these parts apply for the actions and comply with the appropriate requirements.

The NRC staff has concluded 10 CFR 40.27(e) applies to the removal of the transient drainage system and that the DOE should evaluate the project in accordance with these requirements (i.e., explain to the Commission which requirements from 10 CFR 19, 20 and 21 apply for the action and comply with the appropriate requirements)

Finally, although Attachment 3 describes the management of the water seeping from the mill tailings pile it is unclear in Attachment 3 and your letter how this seep water will be managed in the future and what, if any, impact the removal of the transient drainage system will have on the stability of the mill tailings pile.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's ADAMS. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions concerning this letter, please contact me at 301-415-6749 or by email at Dominick.Orlando@nrc.gov.

Sincerely,

/RA/

Dominick A. Orlando, Senior Project Manager
Materials Decommissioning Branch
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

In addition, 10 CFR 40.27(e) states:

The general license in paragraph (a) of this section is exempt from parts 19, 20, and 21 of this chapter, unless significant construction, actions, or repairs are required. If these types of actions are to be undertaken, the licensee shall explain to the Commission which requirements from these parts apply for the actions and comply with the appropriate requirements.

The NRC staff has concluded 10 CFR 40.27(e) applies to the removal of the transient drainage system and that the DOE should evaluate the project in accordance with these requirements (i.e., explain to the Commission which requirements from 10 CFR 19, 20 and 21 apply for the action and comply with the appropriate requirements)

Finally, although Attachment 3 describes the management of the water seeping from the mill tailings pile it is unclear in Attachment 3 and your letter how this seep water will be managed in the future and what, if any, impact the removal of the transient drainage system will have on the stability of the mill tailings pile.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's ADAMS. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions concerning this letter, please contact me at 301-415-6749 or by email at Dominick.Orlando@nrc.gov.

Sincerely,

/RA/

Dominick A. Orlando, Senior Project Manager
Materials Decommissioning Branch
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Material Safety
and Safeguard

DISTRIBUTION: REvans, RI LGersey, RIV RKellar, RIV

ML15202A466

OFFICE	NMSS	NMSS	NMSS	OGC	NMSS
NAME	NOrlando	CHolston	MNorato		NOrlando
DATE	7/21/15	7/22 /15	7/23 /15	8/10 /15	8/10/15

OFFICIAL RECORD COPY