



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 4, 1996

Mr. Richard Sena, Acting Director
Environmental Restoration Division
Uranium Mill Tailings Remedial Action
Project
U.S. Department of Energy
2155 Louisiana NE, Suite 4000
Albuquerque, NM 87110

SUBJECT: ACCEPTANCE OF THE LONG-TERM SURVEILLANCE PLAN FOR THE TUBA CITY,
ARIZONA, DISPOSAL SITE

Dear Mr. Sena:

The U.S. Nuclear Regulatory Commission staff hereby accepts the U.S. Department of Energy (DOE) "Long-Term Surveillance Plan [LTSP] for the Tuba City, Arizona Disposal Site," dated October 1996. This action establishes the Tuba City site under the general license in 10 CFR Part 40.27.

In the final LTSP, DOE has proposed to postpone assessment of the need for groundwater monitoring under 40 CFR Part 192, Subpart A, until Subpart B groundwater cleanup activities are completed. DOE believes that the effectiveness of Subpart A point-of-compliance monitoring as a reliable indicator of disposal cell performance is limited at this time, due to (1) the presence of pre-existing groundwater contamination beneath and downgradient of the site, (2) the possibility of continuing transient drainage of contaminants associated with disposal cell construction, and (3) the potential remobilization of contaminants in the soil as the result of disposal cell runoff and percolation.

In lieu of Subpart A groundwater monitoring, DOE has proposed to conduct evaluative monitoring of groundwater in the uppermost aquifer during Subpart B activities. This monitoring will be used to (1) evaluate trends in groundwater quality, (2) monitor the downgradient extent of pre-existing groundwater contamination, (3) analyze the impacts of transient drainage and surface runoff, and (4) assess the effects of Subpart B groundwater restoration measures. DOE considers these activities to be protective of human health and the environment. DOE will revise the site LTSP following the completion of Subpart B restoration, to reflect appropriate long-term surveillance and maintenance activities under Subpart A.

The NRC staff concurs with DOE's proposal to defer potential Subpart A groundwater monitoring until Subpart B groundwater restoration has been completed. 10 CFR 40.27 allows for the licensing of a disposal site in two steps when the disposal site has continuing groundwater restoration requirements. The first step includes the completion of all items other than groundwater restoration (i.e., surface remedial actions), and placement of the site under the general license through NRC acceptance of an LTSP that leaves open groundwater issues. When the NRC concurs in the completion of

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November 4, 1996

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groundwater restoration, DOE is required to assess the need to modify the LTSP to address groundwater issues and to report the results to the NRC. The NRC will review and concur in the LTSP modifications.

In addition, by letter dated August 21, 1996, DOE provided the NRC staff with a copy of the Custody and Access Agreement for Uranium Mill Tailings Remedial Action Project disposal sites located on Indian lands. The Tuba City site is one such site. The NRC staff has reviewed the agreement and finds it acceptable, in that it provides DOE with right of access to the Tuba City disposal site for the purposes of long-term care.

NRC staff has determined that the final LTSP satisfies the requirements set forth in the Uranium Mill Tailings Radiation Control Act of 1978 for long-term surveillance of a disposal site, and all requirements in 10 CFR Part 40.27 for an LTSP. In accordance with DOE's guidance document for long-term surveillance, all further NRC/DOE interaction on the long-term care of the Tuba City site will be conducted with the DOE's Grand Junction Project Office.

If you have any questions concerning this subject, please contact the NRC Project Manager, James Park, at (301) 415-6699.

Sincerely,

Original Signed By:]

Joseph J. Holonich, Chief
Uranium Recovery Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

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